By Mr. RYAN:

H.R. 13734. A bill to amend the Social Security Act to establish for aged, blind, and disabled persons a new program of assistance which will assure to such persons a basic minimum level of income, with such assistance being paid and administered in combination with benefits under the old-age, survivors, and disability insurance program; to the Committee on Ways and Means.

By Mr. ST GERMAIN:

H.R. 13735. A bill to amend the Internal Revenue Code of 1954 to provide that blood donations shall be considered as charitable contributions deductible from gross income; to the Committee on Ways and Means.

By Mr. THONE (for himself, Mr. HARVEY, and Mr. MIZELL):

H.R. 13736. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light presidential construction industry; to the Committee on Education and Labor.

By Mr. WALDIE:

H.R. 13737. A bill to restore to Federal civilian employees their rights to participate, as private citizens, in the political life of the Nation, to protect Federal civilian employees from improper political solicitations, and for other purposes; to the Committee on House Administration.

By Mr. MAHON:

H.J. Res. 1097. Joint resolution making certain urgent supplemental appropriations for the fiscal year 1972, and for other purposes.

By Mr. HAWKINS:

H.J. Res. 1098. Joint resolution to authorize the President to issue annually a proclamation designating the calendar week during which the 3d Wednesday of March occurs as "Community Total Health Week"; to the Committee on the Judiciary.

By Mr. McKEVITT:

H.J. Res. 1099. Joint resolution to authorize the President to issue annually a proclamation designating the month of May in each year as "National Arthritis Month"; to the Committee on the Judiciary.

By Mr. MINSHALL:

H.J. Res. 1100. Joint resolution to authorize the President to issue annually a proclamation designating the month of May in each year as "National Arthritis Month"; to the Committee on the Judiciary.

By Mr. SHRIVER:

H.J. Res. 1101. Joint resolution to create a select joint committee to conduct an investigation and study into methods of significantly simplifying Federal income tax return forms; to the Committee on Rules.

By Mr. FLOOD (for himself, Mr. COLLIER, Mr. CRANE, Mr. VIGORITO, Mr. RARICK, Mr. BYRNE of Pennsylvania, Mr. THONE, Mr. STRATTON, Mr. KEMP, Mr. BIAGGI, Mr. TERRY, Mr. MINSHALL, Mr. DERWINSKI, Mr. EILBERG, Mr. WYDLER, Mr. DELANEY, Mr. CLARK, Mr. GARMATZ, Mr. GALLAGHER, Mr. HELSTOSKI, Mr. WAGGONNER, Mr. BRASCO, Mr. MELCHER, Mrs. HICKS of Massachusetts, and Mr. McCLORY):

H. Con. Res. 555. Concurrent resolution to seek the resurrection of the Ukrainian Orthodox and Catholic Churches in Ukraine; to the Committee on Foreign Affairs.

By Mr. FLOOD (for himself, Mr. BUCHANAN, Mr. McDADE, Mr. DANIELSON, Mr. ANNUNZIO, Mr. MOORHEAD, Mr. ST GERMAIN, Mr. COLLINS of Illinois, and Mr. BELL):

H. Con. Res. 556. Concurrent resolution to seek the resurrection of the Ukrainian Orthodox and Catholic Churches in Ukraine; to the Committee on Foreign Affairs.

By Mr. BLATNIK:

H. Res. 888. Resolution authorizing the printing of additional copies of a House report; to the Committee on House Administration.

By Mr. BOLLING:

H. Res. 889. Resolution providing for the consideration of the bill (H.R. 7130) to amend the Fair Labor Standards Act of 1938 to increase the minimum wage under that act, to extend its coverage, to establish procedures to relieve domestic industries and workers injured by increased imports from low-wage areas, and for other purposes; to the Committee on Rules.

By Mr. UDALL:

H. Res. 890. Resolution authorizing payment of compensation for certain officers of the House of Representatives; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ABBITT:

H.R. 13738. A bill for the relief of Mrs. Wilson Springston; to the Committee on the Judiciary.

By Mr. FREY:

H.R. 13739. A bill for the relief of Janet Lillian Emond; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

198. The SPEAKER presented a petition of the Congress of Micronesia, Saipan, Mariana Islands, Trust Territory of the Pacific Islands, relative to the appropriation of funds for the payment of Micronesian war and post secure damage claims; to the Committee on Appropriations.

SENATE—*Thursday, March 9, 1972*

The Senate met at 12 o'clock meridian and was called to order by Hon. LLOYD BENTSEN, a Senator from the State of Texas.

PRAYER

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

Almighty God, as we undertake the duties of this new day, may we who labor in this Chamber meet its demands with a majesty which bears unmistakable testimony to Thy supreme rulership and our devotion to Thy law. When tasks become tedious and duties irksome, inspire us with a fresh vision of what it means to serve rather than be served, to minister and not be ministered unto, to find life by losing it for others. Keep us as faithful and true in the private unobserved times as we are in the publicly observed periods. Inspire those whose labor supports the Members of this body, with the inner knowledge that they, too, serve the Nation and honor Thy name. Fill us all with such passion for justice and righteousness as shall advance the welfare of our beloved country in its quest for a higher way of life.

We pray in the Redeemer's name. 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., March 9, 1972.

To the Senate:

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

ALLEN J. ELLENDER,
President pro tempore.

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

MESSAGE FROM THE PRESIDENT

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

REPORT OF THE UNITED STATES-JAPAN COOPERATIVE MEDICAL SCIENCE PROGRAM—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 92-189)

The ACTING PRESIDENT pro tempore (Mr. BENTSEN) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

I am pleased to send to the Congress the Fifth Annual Report of the United States-Japan Cooperative Medical Science Program.

This joint research effort in the medical sciences, undertaken in 1965 following a meeting between the Prime Minister of Japan and the President of the United States, continues its sharp focus upon widespread diseases of great importance in Asian nations: cholera, leprosy, malnutrition, the parasitic diseases filariasis and schistosomiasis, tuberculosis and certain viral diseases.

During 1971 several reports were published marking this program's first 5 years of research progress. Following careful planning and a review of objec-

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

tives, it has been decided to expand the program scope to include research concerned with pollutant induced cancer, birth defects and related abnormalities.

This effort remains directed primarily toward diseases in Asia, however, the research results are clearly relevant to a much broader human spectrum. I am particularly heartened by the mutuality of this joint activity which has been undertaken so successfully by biomedical scientists in Japan and the United States. We can find few satisfactions greater than working effectively together with other nations for the ultimate benefit of all mankind.

RICHARD NIXON.

THE WHITE HOUSE, *March 9, 1972.*

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 3244) to amend the Military Construction Authorization Act, 1970, to authorize additional funds for the conduct of an international aeronautical exposition.

The message also announced that the House had disagreed to the amendment of the Senate to the amendment of the House to the bill (S. 659) to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, the General Education Provisions Act—creating a National Foundation for Postsecondary Education and a National Institute of Education—the Elementary and Secondary Education Act of 1965, Public Law 874, 81st Congress, and related acts, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PERKINS, Mrs. GREEN of Oregon, Mr. THOMPSON of New Jersey, Mr. DENT, Mr. PUCINSKI, Mr. DANIELS of New Jersey, Mr. BRADEMAS, Mr. HAWKINS, Mr. SCHEUER, Mr. MEEDS, Mr. BURTON, Mr. MAZZOLI, Mr. QUIE, Mr. BELL, Mr. REID, Mr. ERLENBORN, Mr. DELLENBACK, Mr. ESCH, Mr. STEIGER of Wisconsin, and Mr. HANSEN of Idaho were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 12910) to provide for a temporary increase in the public debt limit; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MILLS of Arkansas, Mr. ULLMAN, Mr. BURKE of Massachusetts, Mrs. GRIFFITHS, Mr. BYRNES of Wisconsin, Mr. BETTS, and Mr. SCHNEEBELI were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1746) to further promote equal employment opportunities for American workers.

The message further announced that the House had agreed to a concurrent resolution (H. Con. Res. 554) to provide for a correction in the enrollment of the bill H.R. 1746, in which it requested the concurrence of the Senate.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled joint resolution (S.J. Res. 190) to provide for an extension of the term of the Commission on the Bankruptcy Laws of the United States, and for other purposes.

The enrolled joint resolution was subsequently signed by the Acting President pro tempore (Mr. BENTSEN).

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, March 8, 1972, be dispensed with.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations placed on the Secretary's desk.

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

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar, under nominations placed on the Secretary's desk, will be stated.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION AND IN THE COAST GUARD

The second assistant legislative clerk proceeded to read sundry nominations in the National Oceanic and Atmospheric Administration and in the Coast Guard, 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.

CHANGE IN POLICY BY U.S. COMMAND IN VIETNAM

Mr. MANSFIELD. Mr. President, in yestreday's UPI story, dateline Saigon, a change in the policy by the U.S. command was reported—the refusal to disclose to the public the number of planes participating in "protective reaction" strikes over North Vietnam. I believe that this is an unfortunate change in policy, because this specific information is vital to the public.

In this regard, I think a related matter was reported and commented on in the Boston Globe in January of this year with respect to requests to obtain information on bomb tonnage being dropped by our planes in Southeast Asia. This Nation is still involved in the tragic conflict in Southeast Asia; killing is still occurring and those facts are not changed and will not change by limiting the information that the public receives.

I ask unanimous consent that the UPI story and the articles and comment by the Boston Globe be printed in the RECORD.

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

THE POLITICS OF BOMBING—GIVE THE PUBLIC THE FACTS, MR. PRESIDENT

The hapless Indochinese cannot know precisely how many tons of American bombs are raining down on them these days, but they must have a much better idea than the American people who are paying, willy-nilly, for the bombs and their delivery.

It seems that countless billions of defense appropriations have not given the Pentagon the capability of producing bombing tonnage figures for the enlightenment of the public on a week by week basis.

Or so, at any rate, the Pentagon would have the public believe.

When The Globe's Washington reporter Thomas Oliphant asked for such figures the other day, a Pentagon information officer responded, "Oh, my God, why in hell should we be taxed to do such a thing?"

A short, nasty response is why in hell should the American people be denied the truth about what may be the bloodiest bombing attacks in Indochina since President Johnson ordered a bombing halt there three years ago?

The bombing tonnage figures are desperately important, unless one happens to believe that those who are dying and suffering under our bombs in North Vietnam, South Vietnam, Laos and Cambodia are not real people but only "gooks."

Is the Nixon Administration actually following the Strangelovian policies finally abandoned by its predecessor—escalating the bombing so as to achieve "peace?"

If so, God help us all. If not, the tonnage statistics will help to dispel suspicion.

The position in all this of Air Force Secretary Robert C. Seamans Jr. is curious. At a press conference last Dec. 16, 12 days before the military unleashed a massive bombing assault against North Vietnam, Seamans displayed a series of charts to show that the trend of the air war "is definitely downward." At that point he seemed an expert on the subject of bombing.

But now, it appears, he isn't even told when or where the bombs are going to be delivered.

"I'm not in the operational chain of command," he told the Washington Post's

George C. Wilson the other day. "I'm not authorizing any bombing. My job is one of men and materials." The first he knew of the post-Christmas air assault was "when I heard it on the Today Show," Seamans said.

"My overall objective is to phase our Air Force down," he continued. "I want to minimize our involvement out there, but we need the flexibility of air power."

Seamans and Gen. Creighton Abrams, US field commander in Vietnam, holds this view. Abrams believes that "the one military force he has over there is air power. He wants and should use air power in a very flexible way."

Flexible and flexibility are words which can cover a multitude of sins, including, one must suppose, the sin of escalation. If escalation is in fact going on, we have the interesting phenomenon of an Air Force role which is growing at the same time the Air Force secretary pursues an "overall objective . . . to phase our Air Force down." President Nixon, Defense Secretary Laird, National Security Adviser Kissinger, and all others who share responsibility for the bombing ought not to be permitted to take refuge behind Pentagon public relations men. Theirs is the responsibility to stop the bombing double-talk and double-think, and tell the American public what is going on—now.

There is a solemn responsibility, too, on Congressional leaders who purport to be for immediate and total withdrawal of American forces from Vietnam. They should demand that there be full disclosure of the bombing tonnage figures on at least a weekly basis henceforth.

Few Americans are dying in the Indochina ground war at this time—although the death of a single one is a tragedy that could have been prevented by the Nixon Administration long before this. But even if our ground troops were withdrawn and all our airborne troops could by some magic be protected against enemy fire, the moral dilemma of the war would not be at an end.

The dilemma is to paraphrase Donne, that no man is an island, entire of itself and any man's death diminishes us because we are involved in mankind. Those who are dying under our bombs are flesh and blood. It will not do to designate them as Communists or puppets or some other non-human species. They are dying, and it is America that is doing the killing.

It should stop.

MEANWHILE . . . BOMBS AWAY

(By Thomas Oliphant)

WASHINGTON.—There he stood on the South Lawn of the White House, and as all the little kiddies waved on cue, he quoted from the plaque left on the Moon by the first group of American litterbugs:

"We came in peace for all mankind."

And then he got into his military chopper and flew off to his military jet, which in turn flew to a military base in Hawaii, and is scheduled to arrive at a military base on Guam today.

Tomorrow, he begins the task of trying to interest the Chinese, as he has tried to interest the Russians, in abandoning all this silly ideological baloney and getting down to the serious business of carving up the world, not so much to bring peace as to insure stability and order.

Meanwhile, other military jets keep taking off from other military bases to drop bombs on Indochina. In case you've forgotten, there's a war going on over there, and these days bombing is America's chief contribution to the continuing slaughter.

You kind of get the impression, though, that the Nixon Administration would rather not focus very much public attention on the air war, presumably so that keeping it going will be easier.

Obviously, when the level of air activity increases sharply, as it has since Christmas, that general fact gets reported fairly prominently, but how many people really have any firm measure of the scope of what this country is doing?

Sooner or later, you have to have some kind of number to get that firm measure, and the best number involves tonnage—the amount of tons of bombs US planes have dropped.

Clearly, if you can get regular tonnage totals for each of the four nations America is currently bombing you can have a pretty good idea of what's happening and what the latest trends are.

It should therefore come as no surprise that there are no regular figures made available to press or public by the government. All there is, is one number that makes it into the Pentagon's "information" bureaucracy once a month.

In the first place, that number comes very late, usually about 45 days after the month which it covers has ended. Thus, the tonnage total for December, stale as can be, is only just available.

And what a meaningless figure it is. It covers all the four nations in the region and, believe it or not, no one will break it down, country by country. Imagine that! The American people may not know what we did to Cambodia, etc. from the air in a given month!

Moreover, there is this matter of the monthly figure. In essence, it tells you nothing, except over a very long period of time. The only way sharp changes in the bombing level or early shifts in the overall trend can be clearly spotted is with weekly figures for each of the four countries.

At this point, the Pentagon complains that even its own and the White House's information needs don't require such up-to-date numbers, and that it would take a great deal of work to perform such a task.

Clearly the latter excuse flows from the former, so let's deal with it. There are two points to be made.

First, there is something wrong with a government that cares more to learn how many US and allied troops were killed and wounded each week than it cares to know both in physical and in human terms, as well as just as frequently, what is being done to Indochina and its people from the air.

Secondly, it must be remembered that we are talking about the government that gave the world that grotesque, if not rather fictitious, statistic called the body count. Again, there is something wrong with a government that cares more about measuring success with dead bodies than it does about reporting regularly on what is now, on our side, the major cause of these deaths.

Anyway, here is the freshest news available on the bomb tonnage in Indochina. All that can be reported at the moment is that in December, the United States dropped 61,838 tons of what the Pentagon calls "air-delivered munitions" on the region, up more than 20 percent from the 50,644 tons dropped in November.

Adding insult to this intentionally lean product, the Pentagon doesn't even bother to put it out monthly as a formal statement. If you don't remember to call to get it, you'll have no information at all, and the impression grows that the Nixon folks wouldn't mind that at all.

ON VIET BOMB TONNAGE—A RUNAROUND

(By Thomas Oliphant)

WASHINGTON.—According to the Pentagon, there is no one in the executive structure of the defense establishment who knows, week to week, how many tons of bombs American planes are dropping on Indochina.

Moreover, there is apparently no desire on the part of the leadership in the Defense Department to obtain such information.

Asked the other day why the government can't give the public weekly information on bomb tonnage, one harried information officer snapped:

"Oh, my God, why in hell should we be taxed to do such a thing?"

The question, and the somewhat irritated initial response, says quite a bit about the changing nature of the Indochina war.

Three and four years ago, when American soldiers were getting killed on the ground at the rate of 100 and 200 a week, not very many people paid much attention to the bomb tonnage figures, even though they were quite a bit higher in those days.

Now, however, with the US ground combat role in the war inching toward "residual force" status, the bombing tonnage is acquiring a much greater degree of significance, and this was made dramatically evident after North Vietnam was hit by heavy air strikes for five straight days last month.

In answer to the question—why can't the public know on a week-to-week basis how many tons of bombs have been dropped by the United States on Indochina the same way it knows roughly how many soldiers are on the casualty lists—the Pentagon's response is not publicly based on security or on policy grounds, as it is when someone asks how much the war costs American taxpayers each year.

Instead, the official reason has to do mostly with convenience and cost.

It is claimed, for instance, that there is no requirement for weekly tonnage totals anywhere in what is called "the system."

"If we were to do it, it would be a press requirement only," said one Pentagon man, implying that this isn't enough.

(The biggest bomb used in Southeast Asia is the 15,000-pound "Daisy Cutter," of which perhaps 150 have been dropped since the weapon went into service in mid-1970. Dropped by parachute from the back door of a C–130 turboprop aircraft, from an altitude of 7000 feet or so, the Daisy Cutter reportedly destroys everything in a two-acre circle and kills most animals in an area of some 760 acres.

(Daisy Cutters are used to create helicopter landing pads in remote areas, cause landslides to block Ho Chi Minh trail routes and also to attack Vietnamese Communist bunkers that are armored against the 500 and 750-pound bombs dropped from B52s. Daisy Cutter's existence was not revealed until late 1971, when a Cornell University study referred to it, in and in addition two scientists showed Defense Department films in Philadelphia.)

One Pentagon man conceded that the individual services may get tonnage figures more frequently than once a month in order to know what their resupply needs are going to be. However, he stressed that a considerably beefed up staff here would be required to get out some kind of Indochina-wide total each week, even if the figure was somewhat dated.

As things stand now, tonnage figures for South Vietnam, Laos, Cambodia and North Vietnam, as well as for Indochina as a whole, are only given out on a monthly basis, and the totals generally are released 30 to 45 days after the fact.

Thus, as of the moment the latest available tonnage figures cover the month of November. The total for December will be available sometime before Feb. 15, the one for this month sometime before March 15, and so on.

Furthermore, the information is released by the Pentagon. Reporters on the scene, even in Saigon, get nothing, though Saigon is the source of the weekly casualty figures.

Instead, reporters in the field are restricted to reporting occasionally (but by no means regularly) that on a certain day, a given number of planes flew so many sorties (or missions by a single plane against one target) somewhere and dropped approximately so many tons of bombs.

One of the problems is that the bombing takes place from so many different bases, located not just in South Vietnam but also in Thailand and on Seventh Fleet carriers in the South China Sea. Tonnage information, in other words, pours into the Pentagon, often squadron-by-squadron, from so many different locations that putting it all together is said to be no easy task.

Moreover, as Vietnamization occurs, the US tonnage totals, primarily in South Vietnam, don't tell anywhere near the whole story, now that more and more South Vietnamese are in the skies.

Obviously, some form of weekly figure on bomb tonnage is within the capability of the sprawling defense information apparatus. However, there is not apt to be one unless charges start filling the air that the Pentagon is trying to deflect attention from one aspect of the war in which the United States continues to be most intimately involved.

One man, who used to be right in the middle of the Indochina information flow and is now on the outside trying to help end the war, is not surprised about the current state of affairs.

He is Morton Halperin, a veteran both of the highest echelons of the International Security Agency in the Pentagon and the National Security Council staff under Henry Kissinger. He played an important role in the former job in the preparation of the Pentagon papers.

"In the bureaucracy," he says, "you don't collect a number unless you're prepared to see it leak out, and if there were a number in this area there's no question it would leak."

Halperin also says it is "very likely" that the subject of whether to collect and report a weekly tonnage figure has come up within the Nixon Administration, given the increasing general interest in the subject of bombing.

"The fact that no number is available certainly tells you something," he added, implying that information is consciously not being collected as a means of preventing anti-bombing opinion from forming around something as stark as a weekly tonnage total.

INDOCHINA

SAIGON.—American fighter-bombers attacked a North Vietnamese antiaircraft site 20 miles north of the DMZ Tuesday and eight-engine B52s resumed bombing in South Vietnam, ending a three-day layoff.

The U.S. Command said Tuesday's "protective reaction" strike marked the seventh straight day such raids have been conducted. It was the 87th such strike so far this year—more than were flown in 1969 and 1970.

Following a policy announced Monday, the Command refused to say how many planes participated in the strike on grounds the information could help the Communists prepare a counter-attack.

The spokesman said no American aircraft were damaged and the results of the strike were not known.

The B52s flew 10 missions against suspected Communist base camps below the DMZ. The raids marked a renewal of the American air offensive, which has been steadily increasing despite the pullout of American ground troops.

U.S. ground troops found and destroyed a company-sized North Vietnamese base camp 11 miles southwest of Da Nang and South Vietnamese soldiers discovered a Communist weapons cache near Saigon.

PEACE TALKS

PARIS.—The Vietnam peace talks, which have seen only 17 minutes of negotiation in the past month, were postponed for the second consecutive week Tuesday by the U.S. and South Vietnamese delegations.

A joint statement said Thursday's session will be postponed until March 16 because of the walkout staged by the Communist delegations at the last session Feb. 24 and "recent official announcements from Hanoi."

PRESIDENT NIXON'S RECENT TRIP TO CHINA

Mr. SCOTT. Mr. President, a careful objective appraisal of the President's recent trip to Peking appeared in the Sunday Philadelphia Bulletin, February 27. I would like to share it with my colleagues in the Senate, and ask, therefore, that the editorial entitled, "The Peking Summit," be printed in the RECORD.

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

THE PEKING "SUMMIT"

Any meaningful assessment of President Nixon's visit to China will have to be based on more than a formal communique by the two sides. The world will not fully know for some time all that has been accomplished.

So far there has been a great deal of natural speculation about the content of the "summit" talks, centering mainly on cultural and tourist exchanges, the beginning of real trade and agreement on reciprocal and unrestricted news coverage by the press of each nation.

What may be more important than the talks themselves, as far as substantive developments are concerned, is the apparent spirit of cordiality that has surrounded them. This, plus the lavish hospitality shown the American visitors seems to indicate a sincere desire on Peking's part for improved relations with the United States. For years, after all, Mainland China looked upon the United States as its chief international enemy.

At the very least this historic visit has breached the wall of ignorance and suspicion that has separated the two nations for more than twenty years. The reasons for that wall are clear. The impediments to its eventual removal, as President Nixon noted in his banquet toast to Premier Chou En-lai, remain and will not fall easily.

As the epochal visit nears its end, the excitement and sense of drama that have characterized it will give way to a more realistic appraisal of the results and of the massive problems that still remain. Among them the most critical is Taiwan. The United States, in effect, created the island nation and has been its generous patron and strong protector.

It is apparent, even at this early point, that this extraordinary exchange of views will have some beneficial effects on relations between the world's most powerful nation and its most populous.

It is a tribute to the leaders of both nations that they should seek some common ground despite the existence of the vast differences between them. That these leaders of nations which do not recognize one another officially met and talked at length shows that both sides feel strongly that each has something to gain from bettered communications.

Criticism has been voiced, especially by some of the newsmen who accompanied Mr. Nixon, over the secrecy surrounding the top-level talks. It is difficult to see, however, how it could have been in any other fashion. Realism must be the real keynote in any discussions between these two nations and this requires caution. After all, the best that can be expected for some time is a new atmosphere of understanding.

What the two nations want now, in the current balance of power maneuvering, is some kind of a stable working relationship. Nothing more should be expected. A dialogue has been started and there will have to be many more hours and days of lower-level talks before anyone dares speak of a "spirit of Peking."

"We began our talks recognizing that we have great differences. But we are determined that those differences not prevent us from living together in peace," President Nixon told Premier Chou.

That expresses well the dominant theme and hopes of the Peking "summit." It also serves as a caution against unwarranted expectations.

ORDER FOR RECOGNITION OF SENATORS KENNEDY AND CRANSTON TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, on tomorrow, immediately following the remarks of the distinguished Senator from Connecticut (Mr. WEICKER), the distinguished Senator from Massachusetts (Mr. KENNEDY) be recognized for not to exceed 15 minutes, and that he be followed by the distinguished Senator from California (Mr. CRANSTON) for not to exceed 15 minutes.

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

CORRECTION IN THE ENROLLMENT OF H.R. 1746

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Concurrent Resolution 554.

The ACTING PRESIDENT pro tempore laid before the Senate House Concurrent Resolution 554, which was read as follows:

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H.R. 1746) to further promote equal employment opportunities for American workers, is authorized and directed to make the following change: In paragraph (a) of section 4, strike out "SEC. 705." and insert in lieu thereof "SEC. 706.".

Mr. MANSFIELD. Mr. President, I ask unanimous consent for the immediate consideration of the concurrent resolution.

The ACTING PRESIDENT pro tempore. Is there objection?

There being no objection, the concurrent resolution (H. Con. Res. 554) was considered and agreed to.

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. 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.

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 for a period of

time not to exceed 30 minutes with each Senator being limited to 3 minutes.

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. SPONG. 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.

COMMUNITY CONCERN OVER CONTINUED EXPANSION OF NATIONAL AIRPORT

Mr. SPONG. Mr. President, National and Dulles Airports are the only two federally owned and operated civil airports in this country, and as such, are the only airports in which the affected local communities have absolutely no voice in what goes on.

Nevertheless, being Federal facilities, one might hope to find management a model for dealing with community concerns over problems of airport noise, pollution, safety, and congestion. Unfortunately, this is not the case. These airports are operated first and foremost with the convenience and desires of the air carriers and their customers in mind.

Now, this is not an unimportant consideration, but, it seems to me the convenience and well-being of those who live and work in the National Capital area, inescapably within the long shadow of National Airport's flight paths, are owed consideration as well.

Mr. President, as an example of the kind of community concern that exists over the continued expansion of National Airport and also as an example of the regard paid those concerns by the FAA, I ask unanimous consent that there be printed in the RECORD, at this point, a letter addressed to FAA Administrator John Shaffer by the chairman of the Arlington County Board of Supervisors and the FAA's reply to that letter.

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

ARLINGTON COUNTY, VA.,
OFFICE OF THE COUNTY BOARD,
Arlington, Va., February 11, 1972.

Mr. JOHN H. SHAFFER,
Administrator, Federal Aviation Administration, U.S. Department of Transportation, Washington, D.C.

DEAR MR. SHAFFER: The Arlington County Board is tremendously concerned about the present operations and the future of the Washington National Airport. This concern is widely shared among residents of Arlington.

Many Arlingtonians believe that a commercial airport located in the midst of a metropolitan area, as is National Airport, is an anachronism. Many of those who express this belief are frequent airline passengers who personally benefit from the convenience of National Airport.

It is important that you realize the depth of the concern in Arlington, since we fear this is not appreciated in the places where decisions are made about airports and air traffic. We have had too many placating statements that are belied by what we can all see—and, more especially, hear.

An indication of the depth of the concern is the lawsuit brought against you and Secretary Volpe, among others, for Dulles and others. The ultimate relief sought in that case is the phasing out of jet operations at National Airport.

Present levels of operation, to say nothing of expansion, are generating air pollution and an excessive noise level over significant sections of Arlington. The frequency of flights over a densely populated area clearly presents a danger to public safety, in our judgment.

We in Arlington are suffering these ill effects without ever having had the opportunity to be heard on the question of what should be done at National Airport. Those administering the airport have made the decisions—to permit the use of jet aircraft at National, not to restrict their use to flights to and from relatively nearby cities, to permit the use of so-called stretch 727's—without consulting the residents immediately affected. And they have done these things that have aggravated our noise problem while assuring us that our interests would be fully safeguarded.

A couple of years ago Mr. Saunders, then Director of the National Capital Airports, made a presentation to a Senate committee. He said then that, "Washington National Airport is the only airport in the Washington, D.C. area that can satisfactorily meet the public demand for short-haul, commuter air travel," that "we plan to preserve National's role" (presumably as a short-haul commuter airport) but that "we have no intention of expanding that role to handle more aircraft, and we fully intend to continue the restrictions on its use."

But this policy has not been honored.

We believe that the time for remedial action to afford relief to Arlington is long overdue. Therefore, we respectfully request your prompt consideration of the following proposals:

1. That you make a clear statement now that the introduction of bigger; noisier planes will not be permitted at National Airport. Arlingtonians cannot help remembering the insinuation of the stretch version of the Boeing 727 into National.

2. That existing curfew restrictions be tightened and strictly enforced so as to insure that at least after 10 p.m. those under the flight path may have some peace and quiet.

3. That the number of flights during noncurfew periods be reduced by the imposition of limitations on the distance of flights that would make of National Airport something like the commuter airport it is meant to be.

4. That the carriers be made to use the least noisy and least polluting equipment available in serving National Airport and to adhere rigidly to flight patterns that, we assume, are intended to minimize noise and safety problems.

May we have your response at your earliest convenience. We would be pleased to discuss this matter with you.

Yours,

JOSEPH S. WHOLEY,
Chairman, Arlington County Board.

DEPARTMENT OF TRANSPORTATION,
FEDERAL AVIATION ADMINISTRATION,
Washington, D.C.

Mr. JOSEPH S. WHOLEY,
Chairman, Arlington County Board, Court House, Arlington, Va.

DEAR MR. WHOLEY: Administrator John H. Shaffer has asked me to respond to your letter of 11 February 1972, regarding the concern of the Arlington County Board relative to operations from and the future of Washington National Airport.

At the outset we feel compelled to say that the matter of aviation safety is the primary responsibility of the Federal Aviation Administration. In every action we take, in everything we do or plan to do, safety is our first consideration. This includes the safety of people on the ground as related to the flight of aircraft. Our air traffic controllers are highly and constantly trained. They work with the best electronic aids available. Our procedures and aircraft separation standards have been refined to the fullest extent possible under existing technology. Every aircraft that arrives and departs the airport is under positive radar control. Further, all pilots and especially those of the scheduled airlines meet rigid physical and proficiency standards on a continuing basis. The aircraft are maintained by FAA certificated personnel on strict schedules.

In short, everything possible is being done to advance safety in aviation. We believe the safety record of the airlines attests to the combined efforts of the Government and the various segments of the aviation industry. We do not believe that the mere fact of aircraft flying over populated areas here, or any part of the country or the world, in itself constitutes a danger to public safety.

We in FAA, at all levels, share your concern regarding air pollution and aircraft noise. Significant advances already have been made in reducing pollution caused by aircraft. This has been accompanied by the airlines, which have retrofitted 70 percent of the approximately 3,300 engines in the total airline inventory to make them smokeless. Work is proceeding on the remaining 30 percent of the jet engines in the airline fleet.

With regard to noise, the FAA has two contracts with the Boeing Company for the feasibility, design, testing and airworthiness of retrofitting the JT8D jet engines to make them more quiet. This engine is used on virtually all air carrier turbojet aircraft now flying into and out of Washington National.

As you know, most operations to and from Washington National are from Runway 18–36, our main instrument North-South runway. Operations to and from 18–36 follow the Potomac North and South depending on wind conditions. Under certain weather and traffic conditions, however, it is necessary for traffic to pass over some parts of Arlington on both arrivals and departures. While this is unfortunate in our opinion, it is necessary.

With respect to that portion of your letter regarding Washington National as a short-haul facility and statements attributed to Mr. Saunders, we would like to point out that the role of the airport has not changed. It was then and still is a short-haul airport. The introduction of the 727–200 did not change that role. The aircraft is only 20 feet longer than its sister 727–100, it uses virtually the same engines and is just as quiet and equally compatible for use on our runways.

During the period from 1966, when air carrier jet aircraft were first introduced at National, the same restrictions have been in effect as to frequency of flights. The 40 flights per hour then on a voluntary basis, are exactly the same today by regulation. Extra sections were permitted then as they are at the present.

The so-called curfew is being rigidly adhered to by the airlines. As you know, it was altered in the spring of 1970 to permit airlines to complete flights actually scheduled in or out prior to 10 p.m. This, we believe, was in the public interest and as well was based on a survey of the on-time record by the airlines. We had many complaints of people on aircraft diverted to either Dulles or Friendship after 11 p.m. while their transportation was waiting at Washington National.

In closing, please be assured that we are doing all within our power, without abrogating safety, to lessen the noise, reduce pollution and to make National as good a neighbor as is humanly possible while still pro-

viding a convenient place from which to travel.

My staff and I would be most happy to meet with you personally or with members of the County Board should you wish to discuss this matter further. However, we cannot be a party to any discussion bearing on the litigation now in progress.

Sincerely,

C. R. MELUGIN, Jr.,
Acting Manager, National Capital Airports.

Mr. SPONG. Mr. President, I can second the Board's concern over the impact of 727–200, the so-called stretch jets, at National.

In 1971—the first full year of operation for the larger jets—National Airport enjoyed an increase of 550,000 domestic air carrier passengers, its biggest gain since 1968.

Over the same year, Dulles Airport lost 20,000 domestic airline passengers and Friendship more than 200,000.

There is not a question in the world that use of the bigger jets at National is reversing the pattern of aeronautical activity in this area.

The FAA has resorted to every evasion and outright misrepresentation of fact to pretend this would not be the case, but it cannot escape the clear meaning of these figures.

Mr. President, the FAA also suggested, last year, that in exchange for bringing larger jets into National, the number of operations could be cut back.

Again, the facts catch up with the propaganda for, rather than decline, air carrier operations at National increased last year by 5 percent. In the same period, operations at Dulles declined by 2 percent and at Friendship by 10 percent.

Mr. President, two and a half years ago I introduced legislation to remove these airports from FAA control and to turn them over to some local, regional or state organization which would operate them more efficiently and with greater regard for the complaints of affected local communities. The President has announced his intent to sell these airports, but thus far the Department of Transportation has not sent legislation to the Hill. I think it is essential that this transfer of ownership take place at the earliest possible time, for it's clear that under continued FAA management, National Airport will continue to expand without effective limit and without heed to community objections.

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. 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.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT OF NATIONAL ADVISORY COUNCIL ON CHILD NUTRITION

A letter from the Assistant Secretary of Agriculture, transmitting, pursuant to law, a report of the National Advisory Council on Child Nutrition, for the year 1971 (with an accompanying report); to the Committee on Agriculture and Forestry.

REPORT OF BONNEVILLE POWER ADMINISTRATION

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a report of the Bonneville Power Administration, for the fiscal year 1971 (with an accompanying report); to the Committee on Interior and Insular Affairs.

REPORT OF IMMIGRATION AND NATURALIZATION SERVICE

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a report of that Service, for the fiscal year 1971 (with an accompanying report); to the Committee on the Judiciary.

REPORT OF BOY SCOUTS OF AMERICA

A letter from the Chief Scout Executive Boy Scouts of America, North Brunswick, N.J., transmitting, pursuant to law, a report of that organization, for the year 1971 (with an accompanying report); to the Committee on Labor and Public Welfare.

PROPOSED PREVAILING RATE EQUALIZATION ADJUSTMENT ACT OF 1972

A letter from the Chairman, U.S. Civil Service Commission, transmitting a draft of proposed legislation to provide equitable wage adjustments for certain prevailing rate employees of the Government (with accompanying papers); to the Committee on Post Office and Civil Service.

PROPOSED AMENDMENT OF ATOMIC ENERGY ACT OF 1954

A letter from the Chairman, U.S. Atomic Energy Commission, transmitting a draft of proposed legislation to amend the Atomic Energy Act of 1954, as amended, to require applicants for licenses to construct and operate utilization or production facilities to obtain a construction permit from the Atomic Energy Commission prior to commencement of construction, and for other purposes (with accompanying papers); to the Joint Committee on Atomic Energy.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. BENTSEN):

A joint resolution of the Congress of Micronesia; to the Committee on Appropriations:

"HOUSE JOINT RESOLUTION No. 59

"A House joint resolution respectfully requesting the U.S. Congress to appropriate funds for the payment of Micronesian war and post secure damage claims and respectfully requesting the Secretary of the Interior to expedite funding for the payment of Micronesian war and post secure damage claims

"Whereas, the President of the United States of America recently signed into law an act which contained an authorization for appropriation by the United States Congress in settlement of Micronesian war and post secure damage claims; and

"Whereas, the authorization contained in the said act has still not been funded by the United States Congress; and

"Whereas, the Congress of Micronesia has, on numerous occasions in the past, expressed its great desire for a speedy settlement of all war and post secure damage claims, so that the people of the Trust Territory could receive some compensation for the loss and destruction suffered by them during and after World War II; and

"Whereas, the people of the Trust Territory remain anxious to see their claims settled; and

"Whereas, it has been some twenty-five years since most of the islands of Micronesia were under military occupation, and as yet no war and post secure damage claims have been settled; and

"Whereas, it is the sense of the Congress of Micronesia that it would be in the best interests of both the United States of America and of the people of the Trust Territory to have these claims settled as quickly as possible; now, therefore, be it

Resolved by the House of Representatives of the Fourth Congress of Micronesia, Second Regular Session, 1972, the Senate concurring, That the United States Congress is hereby respectfully requested to appropriate funds for the payment of Micronesian war and post secure damage claims; and be it further

"*Resolved,* That the Secretary of the Interior be and he hereby is respectfully urged and requested to use his good offices to urge and expedite the appropriation authorized for the payment of Micronesian war and post secure damage claims, so that money will be available for the settlement of such claims as soon as possible; and be it further

"*Resolved,* That certified copies of this Joint Resolution be transmitted to the President of the United States; the President of the Senate and the Speaker of the House of Representatives of the United States Congress; the Chairmen of the House of Representatives and Senate Committees on Appropriations of the United States Congress; the Secretary of the Interior; and the High Commissioner.

"Adopted: February 10, 1972."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LONG, from the Committee on Finance, without amendment:

H.R. 8293. An act to continue until the close of September 30, 1973, the International Coffee Agreement Act of 1968 (Rept. No. 92–685).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. SPONG:

S. 3317. A bill to exempt from taxation certain property in the District of Columbia owned by the Salvation Army, Inc. Referred to the Committee on the District of Columbia.

By Mr. BENTSEN:

S. 3318. A bill to subject the Federal, State, and local governments to the provisions of the Age Discrimination in Employment Act of 1967. Referred to the Committee on Labor and Public Welfare.

By Mr. FONG (for himself and Mr. MCGEE):

S. 3319. A bill to provide equitable wage adjustments for certain prevailing rate employees of the Government. Referred to the Committee on Post Office and Civil Service.

By Mr. PEARSON:

S. 3320. A bill to establish a congressional commission to determine the best means of providing all American children with a

quality education. Referred to the Committee on Labor and Public Welfare.

By Mr. FULBRIGHT (by request):

S. 3321. A bill to strengthen and improve the organization of the Department of State, and for other purposes. Referred to the Committee on Foreign Relations.

By Mr. HARTKE:

S. 3322. A bill to amend the Internal Revenue Code of 1954 to encourage State and local governments to decrease their reliance on real property taxes as the principal means of funding expenditures for education by allowing a credit against Federal income tax for State and local income taxes imposed to fund such expenditures. Referred to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. WILLIAMS, Mr. MAGNUSON, Mr. JAVITS, Mr. SCHWEIKER, Mr. BEALL, Mr. CRANSTON, Mr. EAGLETON, Mr. HUGHES, Mr. MONDALE, Mr. NELSON, Mr. PELL, Mr. PERCY, Mr. RANDOLPH, Mr. STAFFORD, and Mr. TAFT):

S. 3323. A bill to amend the Public Health Service Act to enlarge the authority of the National Heart and Lung Institute in order to advance the national attack against diseases of the heart and blood vessels, the lungs, and blood, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. DOMINICK:

S. 3324. A bill to authorize appropriations for activities of the National Science Foundation, and other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. INOUYE:

S. 3325. A bill for the relief of Mrs. Amefil Agbayani Cahill. Referred to the Committee on the Judiciary.

By Mr. COOPER (for himself, Mr. RANDOLPH, Mr. SPONG, and Mr. COOK):

S. 3326. A bill for the relief of the Appalachian Regional Hospitals, Inc. Referred to the Committee on the Judiciary.

By Mrs. SMITH:

S.J. Res. 214. A joint resolution proposing an amendment to the Constitution of the United States providing for nomination of candidates for President and Vice President, and for election of such candidates by popular vote. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPONG:

S. 3317. A bill to exempt from taxation certain property in the District of Columbia owned by the Salvation Army, Inc. Referred to the Committee on the District of Columbia.

Mr. SPONG. Mr. President, I am today introducing a bill to exempt from taxation certain properties in the District of Columbia owned by the Salvation Army, Inc.

The property in question is the Army's Evangeline Residence at 1330 L Street NW., Washington, D.C.

For 50 years, the Salvation Army has operated this service facility on a self-supporting, nonprofit basis, providing accommodations for young women who come to the Nation's Capital to work for Government or embassies.

The Evangeline Residence in the District is one of 15 such Salvation Army facilities in the country and the only one which does not enjoy exemption from real estate taxes. All the others are tax exempt, the Cleveland, Ohio, residence being the latest granted this relief in 1952.

Mr. President, I am advised by officials of the Salvation Army that this residence can no longer be operated unless some financial relief is found. I can understand the reluctance of the District government to have any property removed from its tax rolls, but the fact is the Evangeline Residence will be lost to the District as a tax source in any event unless this relief is granted. I might say, too, that numerous other organizations within the District of Columbia do enjoy such tax exemption.

Mr. President, I believe the Salvation Army provides a valuable service throughout this country and there is a particular need for the facilities in the District of Columbia. I would hope that the Congress will act promptly on this proposed legislation.

By Mr. BENTSEN:

S. 3318. A bill to subject the Federal, State, and local governments to the provisions of the Age Discrimination in Employment Act of 1967. Referred to the Committee on Labor and Public Welfare.

Mr. BENTSEN. Mr. President, I introduce for appropriate reference a bill to extend coverage of the Age Discrimination in Employment Act to Federal, State, and local employees.

The recent report of the White House Conference on Aging contains the following statement:

> Our long established goal in employment and retirement policy is to create a climate of free choice between continuing in employment as long as one wishes and is able, or retiring on adequate income with opportunities for meaningful activities.

The Conference report then recommends:

> The Age Discrimination Act of 1967 should be expanded to cover all employees in both private and public sectors.

Mr. President, there is mounting evidence that employees of Federal, State, and local governments are being denied that free choice between productive work or adequate retirement income. In fact, there are strong indications that the hiring and firing practices of governmental units discriminate against the elderly, frequently pressuring them into retiring before their productive days are over.

Pressure, Mr. President, can take many forms. It may be subtle, as it frequently is in the case of Federal employees who are ignored or harassed by their superiors or who are subject to special memos directed to "aging employees." It can be overt, as it is in those jurisdictions which have specific laws and regulations prohibiting the hiring of anyone over an arbitrary age, such as 45.

But, whatever the form, the pressures directed against older Government employees constitute flagrant examples of age discrimination in employment, and as such, they should be outlawed.

Mr. President, the Congress in 1967 passed legislation which would empower the Secretary of Labor to move against age discrimination practices in the private sector, but it specifically exempted employees of Federal, State, and local governments. In my view, that exemption is unsupportable.

Government is the Nation's largest employer with over 10 million employees in State and local government and millions more at the Federal level. Moreover, Government has the greatest growth rate of any other sector of our society and is the source for much of the growth of private industry. I believe that Federal, State, and local governments should be model employers. And I do not believe that these units of Government are justified in asking private employers to do what Government would not do for itself.

The legislation I introduce today is intended to close the loophole in present law and to bring Government employees within the jurisdiction of the age discrimination law.

Mr. President, recent articles in the Wall Street Journal, the Washington Post, and the Washington Star, as well as case studies collected by the National Federation of Federal Employees, reveal that age discrimination practices are occurring at the Federal level. Letters from my own State have revealed that State and local governments have also been guilty of discrimination toward older employees.

The discrimination practiced can relate either to forced retirement, promotions, or the age beyond which employees cannot be hired to fill specific positions. In any case, these practices constitute a waste of valuable manpower and an arbitrary blow falling on capable men and women who frequently do not have the legal or financial means to defend themselves.

Of course, Mr. President, I recognize that there are instances in which age is a legitimate factor in determining whether an individual should be hired or encouraged to retire. The act of 1967 says very plainly that it is not unlawful for an employer to take any actions otherwise prohibited "where age is a bona fide occupational qualification reasonably necessary to the normal operation of the particular business," or "to observe the terms of a bona fide seniority system or any bona fide employee benefit plan—which is not a subterfuge to evade the purposes of this act."

I am not concerned with situations that fall within these categories, but I am concerned about documented instances in which Government employees have been flatly told or indirectly pressured to retire solely because of their age.

Elliot Carlson, writing in the Wall Street Journal on January 20, quotes a number of elderly Federal employees who have been subject to pressures as the result of recent "reduction in force" orders issued by Federal agencies. The employees may be transferred repeatedly, be denied their right to "bump" employees with less experience, or be subject to veiled hints that their usefulness is at an end.

President Nixon has ordered a 5-percent cut in Federal manpower by July of this year, and indications are that older workers are being asked to bear the brunt of the burden. Mike Causey, writing in the Washington Post on February 11, notes that the Pentagon is alerting older and long-service workers to volunteer for "involuntary separation"

that would qualify them for immediate pensions. Joseph Young, in a recent article in the Washington Star, notes that—

In seeking initial appointments, transfers and promotions, older applicants and employees find that regardless of their ability, experience and qualifications, their age is an insurmountable barrier.

And the Carlson article, which appeared in the Wall Street Journal on January 20, notes that HUD and the Interior Department are subjecting some older employees to extensive grilling about their jobs and engaging in a series of subtle or direct pressures encouraging them to retire.

Mr. President, age discrimination practices, whether they relate to the age of hiring, restrictions on promotion, or direct and indirect "encouragements" to retire, are not to be condoned. Many of our citizens are productive at 60 as they were at 25, and measures taken to remove them from the work force are both callous and unrealistic.

A recent report of the Senate Special Committee on Aging declares:

If we are really concerned about some of the long-term and institutionalized forces of inflation, why aren't we making every effort to maintain a high level of labor force participation of "older workers"?

The report goes on to say:

The price the Nation pays for failure to maximize employment opportunities for older workers is increased dependency. We do not see an increase in dependency as a good tool with which to fight inflation. We all have much more to gain through a national effort to raise our productive capacity and simultaneously provide meaningful job opportunities for older people.

Mr. President, enforced retirement or the setting of arbitrary age limits on promotion or hiring can lead to what one commentator has called a "human tragedy." Quite apart from any economic arguments, the central issue is whether we want to give older workers a feeling that they can still contribute, that their age is no bar to a productive life. If we fail to give our older citizens an equal chance in employment opportunities, we may add to the feeling of uselessness which is so prevalent among older Americans today. That, I submit, would be an unconscionable retreat from responsibilty.

Mr. President, with longevity steadily increasing and medical science on the verge of unlocking the secrets of aging, it makes little sense to concentrate on lowering the retirement age or to ease older workers out of the labor force. Our efforts, rather, should be directed at improving employment opportunities beyond the age of 60 so that our older citizens can have maximum opportunities to remain productive as long as they have the ability and the desire to work.

The measure I introduce today is an attempt to make the present law more comprehensive in its coverage. I should note, however, that efforts will also have to be made to encourage the Labor Department to enforce that portion of the law which already exists. Despite the passage of the law in 1967, only a very few cases have been prosecuted. Moreover, the Labor Department has a professional staff of only four persons in Washington to oversee the activities under the act, and a field staff which has been less than diligent in pursuing the problem of age discrimination.

I will join the Senator from West Virginia (Mr. RANDOLPH) in seeking to earmark more funds for enforcement of the law to insure that this problem receives the attention it deserves.

At this point, Mr. President, I ask unanimous consent to have the text of my bill printed in the RECORD.

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

S. 3318

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the second sentence of section 11(b) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 630) is amended to read as follows: "The term also means (1) an agent of a person who is an employer within the meaning of the preceding sentence, and (2) the United States (or a corporation wholly owned by the Government of the United States), a State or political subdivision thereof, and any agency or instrumentality of the foregoing."

(b) Section 11(c) of such Act is amended by striking out "but shall not include an agency of the United States, or an agency of a State or political subdivision of a State, except that such term shall include" and inserting in lieu thereof "and such term shall include an agency of the United States, a State, or a political subdivision of a State which regularly undertakes to procure employees for an employer, including".

(c) The amendments made by subsections (a) and (b) shall become effective on the 60th day after the date of the enactment of this Act.

By Mr. FONG (for himself and Mr. MCGEE):

S. 3319. A bill to provide equitable wage adjustments for certain prevailing rate employees of the Government. Referred to the Committee on Post Office and Civil Service.

Mr. FONG. Mr. President, the purpose of this bill is to provide by law for the equalization of wage adjustments for certain prevailing rate employees of the Government.

Wage adjustments for Federal prevailing rate employees are made from time to time as nearly as is consistent with the public interest in accordance with prevailing rates under the authority of sections 5341 and 5342 of title 5, United States Code. Prevailing rates are determined on the basis of locality wage surveys ordered by appropriate wage-fixing authorities and effective dates of increases in basic pay granted pursuant to a wage survey are established as required by section 5343 of title 5, United States Code.

Executive Order 11615, issued on August 15, 1971, suspended all wage increases which were due to be placed in effect from August 16, 1971, through November 13, 1971. As another action to stabilize wages and prices, wage surveys for Federal prevailing rate employees were to be deferred for a period of 6 months beginning with surveys scheduled to be ordered on or after September 1, 1971. As a result of these actions wage increases were frozen in 35 local wage areas under the Coordinated Federal Wage System—CFWS—until November 14, 1971. Many other surveys under agency jurisdiction were similarly delayed. Wage surveys were not ordered in 43 other CFWS wage areas until January 13, 1972.

On December 22, 1971, the Economic Stabilization Act Amendments of 1971 was signed into law. Section 3 of this act had the effect of rescinding the 6-month deferment of salary increases for General Schedule employees of the Government. Similarly, on January 11, 1972, the President authorized the cancellation of the 6-month deferment of wage adjustments for Federal prevailing rate employees. Wage surveys were ordered on or after January 13, 1972, in wage areas in which wage surveys were previously deferred. Although these wage surveys were conducted on an expedited basis, any increases resulting from the surveys were required by law to be fixed prospectively. The provisions of section 5343 of title 5, United States Code, become operative after wage surveys are ordered to be made. The net effect of these actions is that wage increases are delayed in some wage areas for up to 12 weeks. The increases cannot be made effective retroactively to the normal effective date unless specifically provided for by law.

On February 23, 1972, the Comptroller General of the United States ruled in decision B–173976 that wage increases resulting from wage surveys ordered prior to August 15, 1971, were required by law to be retroactive to the normal effective date determined under the provisions of section 5343, title 5, United States Code. Since wage surveys were ordered for all but eight of the 35 wage areas prior to August 15, 1971, most of these wage increases will be made retroactive to the normal effective date. Specific legislation is required to make the wage increases for the remaining eight wage areas retroactively effective to the normal effective date.

The draft bill specifies that wage schedule adjustments for wage areas in which the survey order was given after August 15, 1971, and for wage areas where the survey order was deferred between September 1, 1971, and January 13, 1972, shall be made effective on the date which would have resulted from the operation of section 5343 of title 5, United States Code, under the normal schedule for wage surveys during fiscal year 1972. Enactment of this bill into law would equalize wage adjustments among prevailing rate employees of the Government. It is estimated that implementation of the law would require the additional expenditure of approximately $12 million on a one-time basis.

By Mr. PEARSON:

S. 3320. A bill to establish a congressional commission to determine the best means of providing all American children with a quality education. Referred to the Committee on Labor and Public Welfare.

Mr. PEARSON. Mr. President, few issues under consideration in the Congress so immediately and directly affect the

lives of the people of the United States as those relating to the education of our children. It is not difficult to understand why debates involving education and school desegregation are prolonged and passionate.

Unfortunately, the debate over busing has directed our energies and attention to the wrong issue. We have been discussing busing when we should be searching for ways to provide each child in our Nation with a quality education. Quality education rather than an artificial racial balance in the classroom must be our goal.

The legislation I propose today would provide a means for the Congress to consider ways and means to provide each child with such an education. It would suggest broad goals for our educational systems and recommend ways to provide the human and financial resources to reach those goals.

This task is not an easy one. But it is incumbent upon the Congress to develop its own information, evaluations and recommendations so that it may give the education of our youth the knowledgeable and careful attention it deserves. The Congress cannot rely solely on information and plans developed by the executive branch. It can and it must undertake independent evaluations of this most important issue.

To provide a rational criteria upon which to base its inquiry, the first task of the commission would be to determine what constitutes a quality education for children who will live during the end of this century and the beginning of the next.

Having established a direction for its inquiry, the commission must immediately consider a very basic proposition: That each child in this Nation—of all races, whether he is rich or poor, whether he lives in a city or in rural America—every child must have access to a quality education. Nothing less than the social unity and economic stability of our Nation is dependent upon the provision of quality education for all children. Unless our society is built upon a firm foundation of good education for all, we cannot hope to heal our divisions of race and economic status. If we fail, our children shall inherit a future flawed by deep divisions and injustices.

The commission, throughout its deliberations, should keep that fundamental goal in mind.

Inequality of educational opportunity is not the only injustice plaguing our educational systems. The tyranny of inadequate finance compounded with inequitable distribution of the tax burden will thwart the best-laid educational plans. Our archaic system of financing the cost of schools in this Nation has created much of the inequality of educational opportunity present today. Because the majority of funds for public school budgets come from property taxes, it is difficult for schools in areas with low property values to meet the educational needs of children as well as those in wealthier areas. In addition to contributing to unequal educational opportunity, reliance on the property tax has placed unfair tax burdens on middle-income and elderly homeowners. These Americans have been so burdened with property taxes that they are now forced to vote against bond issues to pay for education.

It is clear, therefore, that the commission must consider ways to finance public education in this Nation. While State and local officials will have primary responsibility for administering and funding public schools, the time has come to increase Federal aid to education. The objective of this increased Federal aid should be to provide the educational opportunity defined by the commission, and to reduce property taxes. The property tax has been successfully challenged in the courts; the Congress and the States must act to replace it as the primary means of educational finance before we are burdened with a maze of court orders to do so.

This commission would, then, provide the Congress with information and recommendations for educational goals, and a means to provide the resources to achieve those goals. Without such information, the Congress cannot meet this great challenge responsibly and imaginatively.

The members of this commission should be broadly representative and should include the members and staff knowledgeable in the educational administration, finance, and, of course, instruction. The Congress can have nothing less than the best available information. The commission can draw upon the data developed by its less broadly defined counterparts in the executive branch such as the President's Commission on School Finance which recently issued its report.

The information and recommendations developed by this commission will not resolve all of the differences we have in this country about our educational system and how to finance it. But it will move the debate to a higher plane of discussion. The Congress will be able to more clearly evaluate the choices open to it.

By Mr. FULBRIGHT (by request):

S. 3321. A bill to strengthen and improve the organization of the Department of State, and for other purposes. Referred to the Committee on Foreign Relations.

Mr. FULBRIGHT. Mr. President, by request, I introduce for appropriate reference a bill to strengthen and improve the organization of the Department of State, and for other purposes.

The bill has been requested by the Acting Secretary of State and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the Acting Secretary of State dated February 25, 1972, and the section analysis, to the Vice President.

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

S. 3321

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act of May 26, 1949, as amended, (22 USC 2652) is, hereby amended to read as follows: "There shall be in the Department of State in addition to the Secretary of State a Deputy Secretary of State, an Under Secretary of State for Political Affairs, an Under Secretary of State for Economic Affairs, an Under Secretary of State for Management, eleven Assistant Secretaries of State and an Administrator for Consular Affairs with rank equivalent to an Assistant Secretary of State."

SEC. 2. (a) Upon the date of enactment of this Act the incumbent Under Secretary of State may assume the duties of the Deputy Secretary of State; an incumbent Deputy Under Secretary of State may assume the duties of the Under Secretary of State for Economic Affairs; and the incumbent Administrator, Bureau of Security and Consular Affairs may assume the duties of the Administrator for Consular Affairs and such officers shall not be required to be reappointed by reason of the enactment of this Act.

(b) The Office of the Deputy Under Secretary of State for Management shall continue during the tenure in office of the present incumbent, notwithstanding the provisions of section 1 of this Act which establish the Office of the Under Secretary of State for Management and the provisions of section 3 relating to the compensation of that office.

(c) Upon the date of enactment of this Act, any reference in any law to powers, duties or functions of the Bureau of Security and Consular Affairs or of any office or official therein shall be deemed to be a reference to powers, duties or functions of the Secretary of State.

SEC. 3. Chapter 53 of title 5, United States Code, is amended as follows:

(a) Section 5313(2) is amended to read "Deputy Secretary of State."

(b) Section 5314(9) is amended to read "Under Secretary of State for Political Affairs."

(c) Section 5314 is further amended by adding the following at the end thereof:

"(58) Under Secretary of State for Economic Affairs.

"(59) Under Secretary of State for Management."

(d) Section 5315(1) is amended to read "Administrator for Consular Affairs, Department of State."

(e) Section 5315 is further amended by adding the following at the end thereof:

"(95) Director General of the Foreign Service, Department of State.

"(96) Director, Bureau of International Scientific and Technological Affairs, Department of State.

"(97) Director, Bureau of Politico-Military Affairs, Department of State."

(f) Section 5316(109) is amended to read "Director of Foreign Service Institute, Department of State."

SEC. 4. The following statutes are hereby repealed:

(a) Section 104(b), (c), (d), (e), and (f) of the Immigration and Nationality Act, as amended (8 U.S.C. 1104(b), (c), (d), (e), (f);

(b) Section 2(b) of the Act of May 26, 1949, as amended (22 U.S.C. 2653(b);

(c) Section 5315(10) of title 5 of the United States Code, except that the annual rate of basic pay for one Deputy Under Secretary of State shall continue during the tenure in office of the present incumbent.

SEC. 5. (a) Section 8331 of Title 5, United States Code, is amended by adding a new subparagraph (J) to paragraph (1), as follows:

"(J) an alien (1) who was previously employed by the Government, (2) who is employed full time by a foreign government for the purpose of protecting or furthering the interests of the United States during an interruption of diplomatic or consular relations, and (3) for whose services reimbursement is made to the foreign government by the United States."

(b) Subsection (a) above shall become effective on the first day of the second month which begins after its enactment.

(c) The amendment made by subsection (a) above shall not apply in the cases of persons retired or otherwise separated prior to the effective date established under subsection (b), and the rights of such persons and their survivors shall continue in the same manner and to the same extent as if this amendment had not been enacted.

SEC. 6. (a) Section 3(b)(1) of the Military Personnel and Civilian Employees' Claims Act of 1964, as amended (78 Stat. 767 as amended by 79 Stat. 789), is amended by striking out "$6,500" and inserting in lieu thereof "$10,000."

(b) Subsection (a) above is effective August 31, 1964, for the purpose of reconsideration of settled claims as provided in this subsection. Notwithstanding section 4 of the Military Personnel and Civilian Employees Claims Act of 1964, or any other provision of law, a claim heretofore settled in the amount of $6,500 solely by reason of the maximum limitation established by section 3(b) of the Military Personnel and Civilian Employees' Claims Act of 1964, as amended, may, upon written request of the claimant made within one year from the date of enactment of this Act, be reconsidered and settled under the amendment contained in subsection (a) of this section.

SEC. 7. (a) Sections 631 and 632 and the headings thereto of the Foreign Service Act of 1946, as amended (22 USC 1001 and 1002) are amended to read as follows:

"FOREIGN SERVICE OFFICERS WHO ARE CAREER AMBASSADORS

"SEC. 631. Any Foreign Service officer who is a career ambassador, other than one occupying a position as chief of mission or any other position to which he had been appointed by the President, by and with the advice and consent of the Senate, shall be retired from the Service at the end of the month in which he reaches age sixty-five and receive retirement benefits in accordance with the provisions of section 821, but whenever the Secretary shall determine it to be in the public interest, he may extend such an officer's service for a period not to exceed five years. Any such officer who hereafter completes a period of authorized service after he reaches age sixty-five shall be retired at the end of the month in which he completes such service.

"PARTICIPANTS IN THE FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM WHO ARE CAREER AMBASSADORS

"SEC. 632. Any participant in the Foreign Service Retirement and Disability System, other than one occupying a position as chief of mission or any other position to which he has been appointed by the President, by and with the advice and consent of the Senate, who is not a career ambassador shall be retired from the Service at the end of the month in which he reaches age sixty and receive retirement benefits in accordance with the provisions of section 821, but whenever the Secretary shall determine it to be in the public interest, he may extend such participant's service for a period not to exceed five years. Any such officer who hereafter completes a period of authorized service after he reaches age sixty shall be retired at the end of the month in which he completes such service."

(b) The amendments made by subsection (a) shall be effective upon enactment, except that any Foreign Service officer who is or becomes a career minister and who is not occupying a position to which he has been appointed by the President, by and with the advice and consent of the Senate, shall be mandatorily retired for age in accordance with the schedule below and receive benefits under section 821 of the Foreign Service Act of 1946, as amended, unless the Secretary determines it to be in the public interest to extend his service for a period not to exceed five years.

Retirement Schedule

(1) Any career minister who reaches age sixty-five during the month of enactment of this Act shall be retired at the end of such month;

(2) Other career ministers who are age 60 or over as of the date of enactment of this Act shall be retired at the end of the month which contains the mid-point between the last day of the month of enactment of this Act and the last day of the month during which the officer would reach age sixty-five, counting thirty days to the month; and

(3) On the last day of the thirtieth month which ends after the date of enactment of this Act, all other career ministers who are age 60 or over shall be retired, and thereafter the amendment made by subsection (a) shall be applicable in all cases.

(4) Any career minister who completes a period of authorized service after he reaches mandatory retirement age as provided in the above schedule shall be retired at the end of the month in which he completes such service.

DEPARTMENT OF STATE,
Washington, D.C., February 25, 1972.

HON. SPIRO T. AGNEW,
President of the Senate.

DEAR MR. PRESIDENT: Enclosed is a draft bill for the consideration of the Congress "to strengthen and improve the organization of the Department of State, and for other purposes."

The first four sections of the bill would achieve internal changes in the organization of the Department and change the titles and salary levels of certain offices. This is a part of the comprehensive program of reform to strengthen the Department's capability to assist the President in developing and executing foreign policy and in coordinating the foreign affairs activities of the United States Government.

Section 5 would provide retirement credit for certain alien employees of the Foreign Service abroad during breaks in diplomatic and consular relations. Section 6 would amend the Military Personnel and Civilian Employees' Claims Act of 1964, as amended, to raise the maximum limitation on the payment of employee claims for civilian agencies to the level authorized for military and civilian personnel of defense agencies. Section 7 would amend the Foreign Service Act of 1946, as amended, to lower the mandatory retirement age of certain career ministers.

There is enclosed with the draft bill a section by section analysis and a detailed justification for these proposals.

The Department has been informed by the Office of Management and Budget that there is no objection to the presentation of this proposed legislation to the Congress for its consideration.

Sincerely yours,

JOHN N. IRWIN II,
Acting Secretary.

SECTION ANALYSIS

Section 1 amends section 1 of the Act of May 26, 1949, as amended, (22 U.S.C. 2652) by changing the title of "Under Secretary of State" to "Deputy Secretary of State", and the titles of "two Deputy Under Secretaries of State" to "an Under Secretary of State for Economic Affairs and an Under Secretary of State for Management". It also provides for an "Administrator for Consular Affairs" with rank equivalent to an Assistant Secretary of State. This position will be in lieu of the position authorized by section 104(b) of the Immigration and Nationality Act which is being repealed.

Section 2(a) authorizes the incumbents of the offices of Under Secretary of State, Deputy Under Secretary of State for Economic Affairs, and Administrator, Bureau of Security and Consular Affairs, to assume the duties of their offices under the new titles upon enactment without reappointment.

Section 2(b) provides that the title and level of the Office of Under Secretary of State for Management will become effective after departure of the present incumbent. The present incumbent of the Office of Deputy Under Secretary for Management personally requested this provision be included, inasmuch as the reorganization of the Department's leadership structure contemplated under this bill was developed under the management reform program inaugurated by him in January 1970. Upon relinquishment of the Office of Deputy Under Secretary for Management by the present incumbent, this subsection will become obsolete and the successor appointee will be appointed in accordance with section 1.

Section 2(c) provides that any reference in any law to powers, duties or functions of the Bureau of Security and Consular Affairs or of any office or official therein shall be a reference to powers, duties or functions of the Secretary. This change is necessary because of the repeal by section 4(a) of this bill of sections 104(b) through (f) of the Immigration and Nationality Act, as amended, which authorized the establishment of the Bureau of Security and Consular Affairs and subordinate units.

Section 3 amends chapter 53 of title 5, United States Code, to include (1) the changes in titles authorized in section 1 of the draft bill, and (2) the changes and additions proposed in the Department's Executive Level positions.

Section 4(a) repeals certain sections of the Immigration and Nationality Act that are being superseded by provisions of this bill.

Section 4(b) deletes section 2(b) of the Act of May 26, 1949, as amended. This is the existing authority for an Under Secretary of State who may be designated as Under Secretary of State for Political Affairs or as Under Secretary of State for Economic Affairs. Said section 2(b) will be made unnecessary by the changes in section 1 of this bill.

Section 4(c) repeals section 5315(10) of title 5 of the United States Code, which provided for two Deputy Under Secretaries of State, but provides for the continuance of salary at the current Executive Salary Level rate during the tenure in office of one present incumbent as provided for in section 2(b).

Section 5 would add a new subparagraph (J) to paragraph (1) of section 8331 of title 5, United States Code, to authorize Civil Service retirement credit for certain alien employees of the United States abroad who work for a protecting power (foreign government) on United States interests during an interruption of diplomatic or consular relations. Such credit would be authorized only when the United States reimburses the protecting power for the services performed by the aliens.

Section 6 would amend the Military Personnel and Civilian Employees' Claims Act of 1964, as amended, to (1) increase the present authority for the settlement of claims for personnel of agencies, other than the Department of Defense, the military departments and Coast Guard, for personal

property losses incident to their service, from $6,500 to $10,000, and (2) permit reconsideration, retroactive to August 31, 1964, of any claim heretofore settled and paid in the amount of $6,500 solely because that was the maximum amount authorized under existing law.

Section 7 would amend sections 631 and 632 of the Foreign Service Act of 1946, as amended, to lower the mandatory retirement age for career ministers from age 65 to 60. Such officers would continue to be exempt from mandatory retirement for age while serving in positions to which they have been appointed by the President, by and with the advice and consent of the Senate. The amendment would continue the Secretary's authority to extend the service of any officer for up to five years beyond mandatory retirement. This would insure that the lowered retirement age would not work to the detriment of the public interest. The amendment would also provide for a gradual implementation of the change in order that affected officers would have time to make necessary adjustments. For officers age 60 or over at the time of enactment, the effective date would be set mid-way between the date of enactment and the date the officers would reach age 65.

For example, the retirement date under the proposed legislation for an officer 64 years old at the time of enactment whose 65th birthday is ten months hence would be five months after the date of enactment. A 62 year old officer whose 65th birthday was to be 30 months hence would be subject to retirement 15 months after the date of enactment. An officer whose 60th birthday coincided with the date of enactment would be subject 30 months hence. This 30-month date would be the outerlimit, and the end of that month would be the effective date of the legislation for all career ministers reaching 60 after the date of enactment. Thus after two and a half years following the date of enactment, all career ministers would be mandatorily retired on reaching the age of 60, unless they were serving at that time in positions to which they were appointed by the President with Senate confirmation, or unless they were extended by the Secretary.

JUSTIFICATION

It is the general purpose of sections 1 through 4 of the bill to clarify the relative responsibilities and relationships of the principal officers of the Department. In addition, it also provides for changes and additions in the Department's Executive Schedule offices and positions. A justification for each of the changes follows:

1. Deputy Secretary—Executive level II

First, it is proposed that the title of the second ranking office in the Department be changed from "Under Secretary of State" to "Deputy Secretary of State." The office will remain in Level II of the Executive Salary Schedule. The recent reorganization of the executive level of the Department reemphasizes the Under Secretary's role not only as the Secretary's alter ego but also as his principal deputy in all matters. The Secretary relies on the Deputy Secretary for insuring coordination of foreign affairs activities, including guidance to the Department and to other agencies on allocation of resources. The Deputy Secretary will be responsible for the management of the Department's planning, evaluation and resources allocation processes.

The Secretary's responsibilities have greatly expanded since the establishment of the position of Under Secretary. In addition to directing the activities of the Department proper, which are headed by the various Assistant Secretaries, he is also responsible for directing two semiautonomous agencies—A.I.D. and ACDA. The involvement of the Department in the activities of numerous international organizations and the coordination of U.S. policy through the U.S. Representatives to these organizations have further complicated the responsibilities of the Secretary and Under Secretary.

2. Under Secretary for Economic Affairs—Executive Level III proposed

It is proposed to change the title of the "Deputy Under Secretary for Economic Affairs" to "Under Secretary for Economic Affairs." This proposal recognizes the increased importance and complexity of economic policies and programs in foreign affairs. The position will have responsibility for (a) coordination within the Department of foreign economic policies and programs; (b) representing the Department (in the Secretary's absence) on the Board of the International Development Institute and the International Development Corporation (if established), and (c) chairing the Operations Group of the Council on International Economic Policy. In addition, he will exercise the present responsibilities of the Deputy Under Secretary for Economic Affairs.

This office should rank with that of the Under Secretary for Political Affairs. For many years the third office in the Department was that of Under Secretary for Economic Affairs, held by C. Douglas Dillon before he was made Under Secretary. Recognizing his competence in economic affairs, and that he would continue to give attention to this area, the legal authority governing the number three office in the Department was changed in 1958 to permit the President to designate it as either Under Secretary for Political Affairs or Under Secretary for Economic Affairs. The intention was that if the second ranking officer specialized in economic affairs, the third ranking officer would concentrate on political affairs and vice versa. Since the second ranking officer in the Department serves as a full deputy to the Secretary, the responsibilities of the ranking officers in the Department who are concerned with economic affairs and political affairs, respectively, should be recognized as being of equal rank and importance, and both should be compensated at level III of the Executive Salary Schedule. The Under Secretary for Political Affairs is now compensated at level III.

3. Under Secretary for Management—Level III proposed

It is proposed to change the title of Deputy Under Secretary for Management to Under Secretary for Management. The responsibilities of this office are of comparable importance to those at the Under Secretary level or proposed for elevation to that level. It carries world-wide responsibilities for the day-to-day management of the Department of State at home and abroad, including personnel, budget and fiscal, organization and management, and the Foreign Service Institute. In addition, the Under Secretary for Management will provide day-to-day guidance to the Inspector General relating to the latter's responsibility for conducting inspections and audits of all Department of State programs and activities.

The Under Secretary for Management will be responsible for the operation of the new Policy Analysis and Resource Allocation (PARA) System. This system which is to be applied Department-wide is intended to link policy analysis and resource requirements and to provide a more systematic process for raising policy issues, with particular emphasis to the longer-range problems.

It is appropriate that action be taken at this time to elevate this Under Secretary to Level III of the Executive Salary Schedule. However, the legislation specifies that the change in level and title would not become effective until after the departure of the present Deputy Under Secretary for Management.

4. Administrator for Consular Affairs—Executive Level IV proposed

This position is being established in lieu of that of Administrator, Bureau of Security and Consular Affairs, which ranks equally with that of an Assistant Secretary and is presently in Executive Level IV. The latter position was established pursuant to section 104(b) of Public Law 414 (82nd Cong.), as amended.

This proposed change is (1) to further increase the effectiveness of the Administrator's responsibility for passport, visa, and other consular functions by reporting directly to the Under Secretary (Deputy Secretary proposed) and the Secretary rather than to the Deputy Under Secretary for Management and (2) to recognize the transfer of the Office of Security as a separate organizational entity which was effected several years ago. More fundamentally, this change will place statutory authority for the subject functions in the Secretary, subject to his delegation. This action is needed to provide the Secretary with authority commensurate with his responsibility, and further to apply the principle, strongly recommended by the Commission on Organization of the Executive Branch of the Government, of clarifying the lines of responsibility and authority within the executive branch.

The basic and primary functions of this position involving passport, visa and other consular affairs remain unchanged. These are:

a. Administers and enforces the provisions of the Immigration and Nationality Act and all other immigration and nationality laws relating to the powers, duties, and functions of diplomatic and consular officers of the United States, except those powers, duties, and functions conferred by law directly upon consular officers.

b. Develops, establishes, revises, promulgates, and directs policies, rules, procedures, and regulations relating to the issuance of passport and related services, issuance of visas and related services, immigration, protection and welfare of American citizens and interests abroad, third-country representations of interests of foreign government, and the determinations of nationality of persons not in the United States.

c. Maintains direct and continuous liaison with the appropriate committees of Congress, the Commissioner of Immigration and Naturalization, the Directors of the Federal Bureau of Investigation and the Central Intelligence Agency, and with other internal security officers of the Government, as required.

d. Maintains liaison with and coordinates United States activities relating to the American Red Cross, the International Committee of the Red Cross, and the League of Red Cross Societies.

The position of Administrator for Consular Affairs retains its equivalent rank of an Assistant Secretary and is further strengthened by its direct reporting relationship to the Under Secretary and the Secretary. Its retention in Executive Level IV is fully justified.

5. Director General of the Foreign Service—Executive Level IV Proposed

The Director General of the Foreign Service is responsible for advising and assisting the Deputy Under Secretary for Management in the general administration of the Foreign Service, including the classification of chief of mission positions; the opening, closing or changing of status of Foreign Service posts and ambassadorial nominations, in addition to the development of policy recommendations and the direction of all personnel programs of the Department of State.

In recent years the Director General's position has been enlarged in scope and im-

portance both in respect to the Department's personnel programs and in the field of State, A.I.D. and USIA personnel relationships. With regard to the latter, he must ensure compatible interagency personnel policies, standards, and criteria to the maximum extent feasible. Also, in addition to his responsibility for directing the Foreign Service personnel system, he is responsible for administering all other personnel systems governing employees of the Department.

In this capacity, he directs the execution of personnel policies and programs and provides continuing instruction and guidance to operating officials, supervisors, and employees in the Department and abroad with respect to personnel policies, programs, and operations. More specifically, his duties and responsibilities are:

a. Advising and assisting in formulation of policies and directing the implementation of these policies which govern the administration of the Foreign Service and other personnel systems of the Department.

b. Serving as Executive Director of the Board of the Foreign Service, whose principal role is the development of Foreign Service personnel policy recommendations to the Secretary of State and the Director of USIA and ensuring the compatibility of personnel policies among the foreign affairs agencies.

c. Serving as Chairman of the Board of Examiners for the Foreign Service, which is responsible for the development and approval of examinations for appointment to the Foreign Service and for the approval of all candidates nominated for appointment as Foreign Service officers and Foreign Service Information officers.

d. Developing and maintaining world-wide programs for recruitment, selection (including lateral entry), career planning (including training), performance evaluation, promotion, position classification, tours of duty, health, conduct, discipline, suitability, retirement and selection-out.

e. Administering a joint recruitment and examination program for junior career officers for the Department and USIA.

f. Supervising the assignment of a centrally managed body of qualified personnel, assuring the effective use of such employees.

g. Assuring an adequate number of competent officers and other employees with skills responsive to the needs of the Department.

h. Monitoring the assignment programming of Foreign Service officers, Foreign Service Reserve officers and Foreign Service Staff officers for the development of a balance between organizational needs for skills and the rational development and utilization of manpower.

i. Administering the system of selection boards which are responsible for evaluating and recommending for promotion or selection-out, where applicable, of all Foreign Service personnel of the Department of State.

j. Recommending candidates for Chiefs of Mission positions. Developing a comprehensive briefing and guidance program for Chiefs of Mission with respect to their responsibilities and authority.

k. Administering the Foreign Service retirement system, which includes employees of State and USIA.

The Director General with rank equal to that of an Assistant Secretary reports to the Deputy Under Secretary for Management. There is strong justification to place this position at Executive Level IV.

6. Director, Bureau of International Scientific and Technological Affairs—Executive Level IV proposed

Scientific and technological advances are having a marked and increasing impact on national and international affairs. In a recent statement the Secretary of State said: "We have made but a bare beginning in developing the institutions, standards of behavior and rules of the road which will be required for the international management and use of the revolutionary technologies in energy, resource development, communications, transportation, electronics and space—all of which are with us now." He pointed out that many of the scientific and technological problems are inherently global in character and solutions can be sought only on the basis of international cooperation. He emphasized that these tasks have already assumed major importance in world affairs and that we are constantly expanding our agreements for scientific cooperation with other countries.

In other words, science and technology have become a distinct part of foreign relations and are increasingly interwoven in important international problems and their solution.

The Director, Bureau of International Scientific and Technological Affairs, formulates and implements policies and proposals for U.S. international science and technology programs; advises the Secretary of State in the consideration of scientific and technological factors in the formulation of foreign policy; represents the Department in international negotiations in the area of science and technology; provides policy guidance to the U.S. scientific community on activities affecting international relations; and directs the Scientific Attache program.

The Director develops and directs the carrying out of policy recommendations relative to peaceful uses of atomic energy, including participation in the International Atomic Energy Agency; international cooperation and relationships in space, atmospheric and environmental sciences; and U.S. international science policy and cooperative programs in science and technology.

The program area has already been given a very high priority in the Department and must be given an even higher priority in the future. To keep pace with its growing importance the program has been given Bureau status with its Director receiving administrative rank equivalent to that of an Assistant Secretary. Full recognition as a Bureau requires that the Director's position be raised from Executive Level V to the Executive Level IV.

7. Director, Bureau of Politico-Military Affairs—Executive Level IV Proposed

It is generally acknowledged that the broader foreign policy questions and military considerations must be closely intertwined. To assure that this is accomplished in the most efficient and effective manner, the Bureau of Politico-Military Affairs has been established to keep pace with the increasing need to continually strengthen and expand working relations between Defense and State. The former Office of Deputy Assistant Secretary for Politico-Military Affairs was abolished and its functions and staff transferred to the new Bureau. The Director of the new Bureau has been given administrative rank equivalent to that of an Assistant Secretary.

The significant role of this Bureau in reaching conclusions on major foreign policy and international security questions, involving consideration of both the geographic and functional approaches at once, justifies the placing of its top position at the same level of Assistant Secretaries, Executive Level IV.

8. Director, Foreign Service Institute—Executive Level V Proposed

On behalf of the Secretary of State the Director of the Foreign Service Institute, reporting to the Deputy Under Secretary for Management, is responsible for carrying out the purpose of Congress, as expressed in the Foreign Service Act of 1946, as amended—to create and maintain an educational program for the Foreign Service equivalent in quality and status to that of the war colleges.

In carrying out this mandate he is responsible for developing and administering an extensive in-service graduate level training program for officers and employees of the Department and other agencies of the Government, and members of their families, for whom training and instruction in the field of foreign relations is necessary.

Current programs range from orientation courses to the Senior Seminar in Foreign Policy and include: short intensive courses on the problems of modernizing societies beset by active insurgencies; area and country studies; short-term management and executive development courses; an intensive 5½ month course in economics; as well as courses in commercial and labor activities.

The Institute's Language School—a pioneer in the development of new teaching methods, techniques and materials—provides intensive language training in some 60 languages both here and at three overseas language training centers.

The Institute also provides a variety of specialized instruction through extension and correspondence courses. Institute sponsored courses are provided at colleges and universities, at armed forces colleges and at other Federal agencies.

During FY 1971, course enrollments totaled over 14,000 for approximately 12,500 individual students. Approximately 60% of the enrollments were for officers and employees of the Department and members of their families, while the remaining 40% were from officers and employees and family members from thirty-one other departments and agencies.

The Department strongly recommends that this position be placed in Executive Level V.

COST ESTIMATE

The total annual cost for full implementation of the Executive level changes proposed in this bill would be $10,000.

Section 5—Retirement Credit for Certain Alien Employees Abroad

Alien (local) employees of the Foreign Service working in a United States embassy or consular post are separated from Federal Service when diplomatic or consular relations with the country exercising jurisdiction in the area involved are broken and American employees of the embassy or consular post are evacuated. Arrangements normally are made at such times to have a third nation protect United States interests on a reimbursable basis. In such cases the third country usually hires key Foreign Service local employees who have been technically separated to carry on the work involved in handling United States interests, such as travel of American citizens, and shipping and commercial matters; the local employees are thereafter usually rehired by the Foreign Service upon resumption of relations.

Service under such circumstances has not been creditable for Civil Service Retirement purposes. This has been a problem since World War II during which several hundred Foreign Service local employees transferred to "American Interests Sections" of Swiss embassies and consulates in order to continue to serve United States interests in enemy and occupied countries. After the war, most returned to Foreign Service rolls and about 100 are still so employed. In addition, about 50 others are now performing such service in Cuba and the Near East helping to protect United States interests.

Employees with such service, and those around them, recognize that although they have served the United States for many years, they are denied retirement credit for those years when, perhaps at some personal risk, they continued to serve the United States despite the absence of their American employers. This unfortunate situation casts the United States in the role of an unfair

and ungrateful employer. This appearance is detrimental to the United States in its foreign relations.

This bill would authorize Civil Service retirement credit for such service for employees whose direct employment with the United States is interrupted in this unique way.

The situation of Foreign Service local employees temporarily employed by a protecting power is comparable to the situation of other Federal employees who resign from their Federal positions to accept appointments on the staffs of international organizations. In this latter situation, employees are permitted to continue their Civil Service retirement coverage under certain conditions by specific provisions of the Federal Employees International Organization Service Act (5 U.S.C. 3582). This privilege is provided to encourage qualified Federal employees to accept positions in international organizations since this is in the national interest. It is also clearly in the national interest that Foreign Service local employees transfer to a protecting power in order to continue to serve United States interests during wartime and other periods while diplomatic or consular relations are interrupted.

The amendment in section 5(a) defines qualifying service as full-time service performed by an alien (1) previously employed by the United States Government, (2) for a foreign government for the purpose of protecting or furthering United States interests during an interruption of diplomatic or consular relations and (3) for which reimbursement is made by the United States to the foreign government. The section amends 5 U.S.C. 8331 to include an alien performing such service as an "employee" for purposes of Civil Service retirement coverage.

If such an employee was a participant in the Civil Service retirement system on his most recent separation as a Foreign Service local employee, normally he would continue under the Civil Service retirement system during his employment by the protecting power. If such employee was not a participant in the Civil Service retirement system on his most recent separation as a Foreign Service local employee, he normally would not become a participant in Civil Service retirement system during employment by the protecting power. In the latter case, if upon subsequent employment by the United States Government he received a type of appointment entitling him to Civil Service retirement coverage, the prior service for the protecting power would count, under this amendment, as creditable service in the same manner as other prior nondeposit Federal service. In the case of an alien who continued under the Civil Service retirement system while employed by a protecting power, the amendment would require that both employee and employer retirement contributions continue to be deposited in the Civil Service retirement fund.

Section 5(b) makes the amendment effective on the first day of the second month which begins after its enactment. Section 5(c) provides that the amendment not apply to persons retired or separated on the effective date. The amendment would apply to all those employed by a protecting power who meet the criteria stated in this bill on the effective date and to all so employed thereafter. All service creditable by this amendment performed by eligible persons prior to the effective date will be creditable.

Cost Estimate

It is estimated that the current annual payroll for eligible employees now working for protecting powers is $200,000. Under this bill, this payroll would be added to the payroll on which the Department makes a 7 percent retirement contribution to the Civil Service retirement fund. This would cost $14,000 annually. Also, enactment of this bill would result in an increase of approximately $300,000 in the unfunded liability of the Civil Service retirement system because of past service performed by employees for protecting powers.

Section 6—Increase in claims settlement authority to $10,000

History

Although the legislative history of payment of employee claims dates back to April 9, 1816, with enactment of the Military Personnel Claims Act, the Department of Defense, the military departments and the Coast Guard were the only agencies with authority to pay personnel claims prior to 1964. The Military Personnel and Civilian Employees' Claims Act of 1964 extended the coverage of claims statutes to civilian officers and employees of all Government agencies, subject to the same $6,500 limitation previously in existence for the military agencies.

The 1965 amendment to the Military Personnel and Civilian Employees' Claims Act of 1964 (79 Stat. 789) increased the claims settlement authority of the Department of Defense, the military departments and the Coast Guard to $10,000 but retained the $6,500 limitation for the civilian agencies. The increase in authority for the military departments and not the civilian agencies was due to the short history of the exercise of the claims authority by the civilian agencies and it was felt that any question of increase of existing authority should be deferred until the various agencies had developed procedures and had a longer period of experience in administration of this claims settling authority (H. Rept. 382, S. Rept. 655, 89th Congress, 1st Session).

In the 91st Congress, the House of Representatives passed H.R. 13696 which increased the limitation applicable to the civilian agencies to $10,000 (without the retroactive section). This action was based on the fact that the civilian agencies had developed procedures and gained experience in administering the claims settlement authority. The Senate failed to act on the House passed bill prior to adjournment of the 91st Congress.

Justification

The justification submitted in support of the 1965 amendment is equally applicable to Government agencies other than the military departments and the Coast Guard. The monetary limitation of $6,500 is unrealistic and unduly restrictive in terms of the present cost of household goods and personal effects reasonably in an employee's possession. It imposes a great hardship on certain claimants who are victims of catastrophic losses, and leads to an increase of private relief legislation.

The civilian agencies have now had claims settlement authority for seven years. The Department of State administers the program jointly with the Agency for International Development (AID) and the United States Information Agency (USIA). The joint regulations promulgated by State, AID and USIA are in accordance with the statements made in House Report No. 460 of the 88th Congress that the experience of the military departments would serve to establish guidelines and standards. The provisions of these regulations are similar to those of the military departments; the uniform depreciation allowance list developed by the military departments as a guide to adjudicating claims is used by the Department; and the policy set by the military departments as to maximum amounts allowable on categories of items such as photographic equipment, paintings, silverware and major appliances has also been adopted by the Department.

Although most claims are settled for less than $1,000, often for only a few hundred dollars, a small percentage of claimants have not received full reimbursement for their losses since they exceeded the $6,500 limitation. Thirty-five claims have been determined to be payable in excess of $6,500 but for the statutory monetary limitation.

Personnel of civilian agencies with claims prior to 1964 could obtain recovery by requesting the Congress to enact private relief legislation. The same has been true for claims after 1964 for amounts in excess of $6,500. The authority granted by Congress through enactment of the Military Personnel and Civilian Employees' Claims Act of 1964 relieved the Congress of much of the burden associated with processing private relief legislation. The proposed limitation of $10,000 with the retroactive provision, would provide further relief from processing private relief bills. It would also permit more expeditious settlement in those cases where a total loss occurs and the employee is faced with circumstances of extreme hardship. The increase in the ceiling to $10,000 was made retroactively effective to August 31, 1964 for the military agencies by the 1965 amendment. The proposed legislation would permit application of the $10,000 ceiling retroactively to this same date for the civilian agencies. The retroactive feature of the predecessor bill, H.R. 13696, was struck out by the House because "it would relate to a relatively small number of cases" (H. Rept. 91-534). Additional cases have now arisen. The Department believes as a matter of equity to the individuals involved that they should be reimbursed for losses of personal property up to $10,000 in the same manner as if they had been employed in a military department. Accordingly, the Department is again recommending that the Congress give favorable consideration to this retroactive provision.

Losses in excess of $6,500 have resulted primarily from catastrophes involving total loss or damage to employees' personal effects. Most have resulted from hostile activities or abandonment resulting from emergency evacuations. A few of these total losses occurred as a result of vessel wreckage or other severe transportation hazard. Most claims stem from losses incurred in overseas areas or in conjunction with the movement or storage of personal effects authorized at Government expense for service-directed assignments to, from or between overseas posts of duty.

The purpose of the Military Personnel and Civilian Employees' Claims Act of 1964 was to extend to other agencies of the Government the authority possessed by the military departments to settle employee claims for loss or damage of personal property when the loss or damage is incident to their Government service. The need for such legislation was clearly justified and recognized. The proposed legislation seeks to restore uniformity of claims settlement authority among Government agencies.

Cost Estimate

Our experience has been similar to that of the military services in that only a small percentage of claims have exceeded the $6,500 limitation. Of the 35 claims settled or pending since 1964 for the Department of State, Agency for International Development and United States Information Agency payable in excess of $6,500 but for the existing limitation, the proposed legislation would involve a maximum expenditure of $60,000 if enacted; a cost which the Government would also incur if Congress were to consider favorably a request to enact private relief legislation for these same claimants.

The additional cost to the Government for the next five years cannot be accurately determined because of the unpredictability of incidents that cause substantial losses. Based on past experience, the cost is estimated to be $7,000 per year.

Section 7—Career minister retirement

The majority of Foreign Service officers who attain the rank of career minister serve, during their remaining careers, in chief of mission positions or in other positions to which they are appointed by the President. When it has been determined that an officer past age 60 who has been promoted to the rank of career minister will no longer serve

as a chief of mission or fill a position requiring appointment by the President, he should be mandatorily retired as in the case of all other Foreign Service officers of classes 1 and below. This change will serve to accelerate retirement of career ministers who are not assigned or appointed to positions of the type for which career ministers are needed.

A number of officers are promoted to career minister in their middle forties and early fifties. Under present law they have from 15 to 20 years before mandatory retirement. As long as we are able to utilize career ministers in appropriate positions there are no problems. But when we are no longer able to do so, we have problems both for the officers concerned and for the Department. The proposed amendment will provide a better means of coordinating plans for the utilization of senior officers of the career Service with decisions of the Secretary and the President in filling the types of positions in which career ministers are normally expected to serve.

The amendment contains a provision for the gradual implementation of the change that takes into account both the career expectations of present officers and the needs of the Service for an early effective date. The implementation formula is explained in the sectional analysis of this section.

The proposed legislation also includes a technical change to permit all participants in the Foreign Service retirement system to work and earn retirement credit until the end of the month in which they reach mandatory retirement age or complete a period of authorized service past such age. Present wording in the law prevents most officers from earning retirement credit past the birthday on which they reach mandatory retirement age. Since Foreign Service annuities do not begin before the first of the month following retirement, the change would be both equitable to participants and simplify administration for the Department.

This amendment is similar to one contained in S. 3691, which was considered and passed by the Senate in June 1970.

Cost Estimate

This amendment would have only negligible impact on the cost of the Foreign Service retirement system.

By Mr. HARTKE:

S. 3322. A bill to amend the Internal Revenue Code of 1954 to encourage State and local governments to decrease their reliance on real property taxes as the principal means of funding expenditures for education by allowing a credit against Federal income tax for State and local income taxes imposed to fund such expenditures. Referred to the Committee on Finance.

A SUBSTITUTE FOR THE REAL PROPERTY TAX

Mr. HARTKE. Mr. President, there was a time in the history of this Nation that the real property tax served a useful purpose. Local government services had to be financed, and the property tax was the best means to accomplish this goal. That time has long since passed.

Once, property holdings were a good indication of wealth; but, today, wealth consists only incidentally of property holdings. Substantial income is derived from investments and businesses. Nevertheless, many people with modern incomes buy expensive homes because the housing and mortgage markets are so tight. It is these people together with the aged who live on fixed incomes who have suffered so much when property taxes have been raised.

A family with an income of $5,000, for example, pays an average of 2.5 percent of its income for property taxes, while a family with an income of more than $15,000 spends less than 1.5 percent of its income for the same purpose. In States such as New York, the contrast is even more drastic. There, a family with an income of $10,000 pays 4 percent of its income in property taxes, while the comparable figure for a family with an income of $70,000 is only 1.4 percent.

Between 1960 and 1968, the median local residential property tax for a nonfarm homeowner rose from 2.7 percent to an estimated 4.0 percent, and the number of homeowners paying more than 10 percent of income for property taxes rose from 1.6 million to an estimated 3.1 million.

According to a study conducted last year by the Congressional Research Service, the regressive nature of the property tax is probably as damaging to rural areas as it is to urban areas.

Mr. President, the property tax is destroying our communities. Because most property-tax structures place low taxes on agricultural and unimproved land, this tax discourages the orderly transference of land use from farm to suburb while it encourages speculation in land on the fringes of metropolitan areas. It is a tax administered by local subdivisions of government without much thought to regional concerns and needs.

Of paramount importance, however, is the fact the spiraling costs for public education have caused local governments to raise property taxes to ever-higher levels and to seek high revenue-producing land uses while resisting those uses which would not produce significant property-tax revenue. In such an environment, both education and the community suffer. Communities throughout the Nation are rejecting proposed school budgets as part of a taxpayers' revolt against increasing property taxes. In many areas, high property taxes discourage the building of new homes and apartments, thus denying the housing needed to supply manpower for the local economy.

In the face of inequities and inefficiencies of the property tax, many school districts have been forced to adopt austerity budgets. Still others have found it necessary to close their doors during part of the school year because they did not have the money to pay salaries. The existence of a democratic society depends upon a sound educational system; yet, education in the United States is endangered by a chronic shortage of funds.

To meet this need, I am introducing legislation today which will encourage State and local governments to abandon the property tax as a major source of revenue for public education. In essence, it provides a 50-percent Federal tax credit for those State and local government taxes imposed specifically to finance public education. In jurisdictions where such educational-opportunity taxes are imposed, the Federal Government will provide a 50-percent rebate to every individual taxpayer in the form of absolute reduction in Federal tax liability.

Before discussing the details of my proposal, it is important to understand the advantages which the tax-credit approach has over the other alternatives. In an effort to solve the financial crisis in education, one possible solution would be to provide drastic increases in Federal aid. Although I remain committed to existing programs of Federal aid and to the need to increase the funding of those programs, I do not believe that massive Federal grants provide an answer to the educational crisis facing our Nation.

The history of Federal grant-in-aid programs is a history of a burgeoning bureaucracy. Taxpayers have a right to a detailed accounting of the expenditure of public funds. In providing that accounting, mounds of rules, regulations, procedures, and paperwork have been created. While this bureaucratic redtape is useful in some areas, it is harmful to the education process because it forces local communities to adapt their programs to Federal requirements, rather than encouraging the Federal Government to adapt their programs to local needs. In making these comments, I do not pass judgment on existing Federal programs to aid education; rather, I am suggesting that the expansion of those programs to replace a substantial portion of the funds now contributed through local-government taxation would be a tragic mistake.

In rejecting the Federal grant-in-aid approach, I am also concerned about the continuing trend of looking to Washington to solve the problems of our communities. That trend is fostered by the inescapable fact that the Federal Government has the best means to raise large amounts of revenue, but—as I demonstrated when I introduced S. 1162 early during the last session—State and local governments are not making efficient use of their present taxing powers.

The continuing reliance on Washington has eroded the feeling of responsibility which each community has for its own needs. I regard the existing web of Federal grant programs to be dangerous to the extent that they encourage people to believe that not only the money but also the concern and the solution will come from Washington and that local concern can be reduced in proportion to the amount of Federal aid. In the field of public education, this trend could have a disastrous impact. The cry of students and parents these past few years has been to make education relevant to community needs. No Federal grant-in-aid program can be as effective in accomplishing this goal as a local program. At the same time, local governments do not have the money needed to be innovative. The tax credit proposal I am introducing today enables the Federal Government to assist financially, while keeping the primary responsibility for innovation, administration and public accountability at the State and local levels.

In recent months, there has been a blossoming discussion about the value-added tax, or VAT. In its simplest terms, this amounts to a new method of levying a retail sales tax. The tax is computed on the value added at each stage of the economic chain. For example, a manufacturer applies the VAT tax to its sales and then subtracts the VAT tax it has paid on

its purchases. The net is payable to the government. The manufacturer bills its wholesalers for the VAT tax, just as it was earlier billed for that tax by its suppliers. The wholesaler in turn pays the Government the VAT tax on its sales, less the taxes the company has previously paid on its purchases, and then bills the VAT tax to its customers. The process is repeated again at the retail stage, with the retailer charging its customers for the VAT tax.

Clearly this is a retail sales tax because all businesses involved in the economic chain can pass the tax along to the next link in that chain. The consumer, however, can do no such thing. He pays the VAT tax when he buys the product from the retailer. And with equal clarity, it can be seen that the VAT tax is a regressive tax. Those with income less than $10,000 account for more than 80 percent of all consumer expenditures. It is the low- and middle-income consumer who will bear the major burden of any VAT tax, and it is our economy which would be forced to bear the burden of renewed inflation which the VAT tax would almost certainly instigate.

Because of the weaknesses of these two approaches, my proposal is based on a third alternative—that of tax credits. Any taxpayer in a jurisdiction which has adopted an educational tax would be eligible for a 50 percent credit against his Federal income tax. If, for example, his State government imposed an educational tax which required him to pay $100 more in State taxes, he would get a tax credit of $50 on his Federal tax return. Carrying this example one step further, if the same taxpayer's Federal tax liability was $150, the deduction of the $50 credit would give him a Federal tax liability of only $100.

The tax credit I have proposed applies both to State and local educational income taxes. Only those income taxes imposed by a State or a political subdivision of a State whose proceeds are used only for educational purposes, or that specified portion of a State or local income tax which may be used only for education purposes would be eligible for the 50 percent Federal tax credit. There is a further requirement that qualified State and local educational taxes would have to be certified by the Secretary of Health, Education, and Welfare to meet the following standards:

First, the per-pupil expenditures for educational purposes made by the State or political subdivision imposing the tax during the most recent fiscal year for which statistics are available must not be less than the per-pupil expenditures for educational purposes made by that State or political subdivision during its fiscal year ending in 1971; and

Second, the portion of the total expenditures for educational purposes made by the State or political subdivision imposing the tax during such most recent fiscal year which was attributable to revenue from taxes on real property must be less than the portion of the total expenditures for educational purposes made by that State or political subdivision during its fiscal year ending in 1971 which was attributable to revenue from taxes on real property.

By placing these certification requirements on qualified educational taxes, my proposal seeks to assure that Government units which adopt such a plan will not reduce per-pupil expenditures and that those governmental units which seek to take advantage of the Federal tax credit provided in my bill adopt a plan of income taxation which results in a proportionate lowering of the proportion of real estate tax revenues used to finance public education.

The maximum total credit allowed for State and local educational taxes would be 24 percent of the taxpayer's Federal income tax liability. The bill does not determine the proportion of total tax credit that will be available to the State or to localities within a State. In other words, any combination of credits that added to 24 percent of the taxpayer's Federal tax liability would be acceptable under this bill.

The pressure from recent court decisions seems to be in the direction of greater State financing of education. The bill remains flexible on this still unsettled issue. It also would permit local initiative in the absence of State action. A municipality could move immediately to an educational income tax and claim the full 24-percent credit although other taxing districts and the State delayed any action.

A table appearing at the conclusion of my remarks, indicates that the tax credit concept has great potential for relief if the States and localities are only willing to place increased reliance upon the individual income tax as a revenue-raising device. Because current data on local income tax collections are not available, the table focuses on the possible State gain exclusively. Column 4 of the table shows that the potential benefit to the States is in excess of $31 billion. These new funds could be used to improve schools and lower property taxes concurrently.

Mr. President, I am proposing legislation that encourages local responsibility and control, that promises greater tax equity and that can pave the way for more equal education for all our citizens. I ask unanimous consent that the text of the bill and the table to which I have referred to be printed in the RECORD immediately following my remarks.

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

S. 3322

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by renumbering section 42 as 43, and by inserting after section 41 the following new section:

"SEC. 42. STATE AND LOCAL EDUCATIONAL INCOME TAXES

"(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed, as a credit against the tax imposed by this chapter, an amount equal to 50 percent of the qualified State and local educational income taxes imposed on such individual and paid by him during the taxable year.

"(b) LIMITATIONS.—

"(1) STATE AND LOCAL INCOME TAXES.—The total credit under subsection (a) for any taxable year attributable to qualified State and local educational income taxes paid during the taxable year shall not exceed an amount equal to 24 percent of the tax imposed on the taxpayer by this chapter for the taxable year.

"(2) APPLICATION WITH SECTION 164.—The credit under subsection (a) for any taxable year, when added to the taxpayer's State and local educational income tax deduction benefit for the taxable year, shall not exceed the amount of qualified State and local educational income taxes imposed on the taxpayer and paid by him during the taxable year. For purposes of this subsection, a taxpayer's State and local educational income tax deduction benefit for the taxable year is the amount by which (A) the tax imposed by this chapter on the taxpayer for the taxable year is less than (B) the tax which would be so imposed if the qualified State and local educational income taxes were not allowable as a deduction under section 164.

"(c) DEFINITIONS.—For purposes of this section—

"(1) STATE AND LOCAL EDUCATIONAL INCOME TAXES.—The terms 'State educational income tax' and 'local educational income tax' mean (A) an income tax imposed by a State or a political subdivision of a State, as the case may be, the proceeds of which may be used only for educational purposes or (B) a specified portion or percentage of an income tax imposed by a State or a political subdivision of a State, as the case may be, which portion or percentage may be used only for educational purposes.

"(2) QUALIFIED STATE AND LOCAL EDUCATIONAL INCOME TAXES.—The terms 'qualified State educational income tax' and 'qualified local educational income tax' mean, with respect to taxes imposed during a fiscal year of a State or political subdivision, a State educational income tax or local educational income tax, as the case may be, with respect to which the Secretry of Health, Education, and Welfare has certified to the Secretary or his delegate that—

"(A) the per-pupil expenditures for educational purposes made by the State or political subdivision imposing the tax during the most recent fiscal year for which statistics are available were not less than the per-pupil expenditures for educational purposes made by that State or political subdivision during its fiscal year ending in 1971, and

"(B) the portion of the total expenditures for educational purposes made by the State or political subdivision imposing the tax during such most recent fiscal year which was attributable to revenues from taxes on real property is less than the portion of the total expenditures for educational purposes made by that State or political subdivision during its fiscal year ending in 1971 which was attributable to revenues from taxes on real property.

"(3) EDUCATIONAL PURPOSES.—The term 'educational purposes' includes the acquisition of land and the construction and acquisition of facilities to be used for educational purposes and the payment of interest on, and retirement of principal of, indebtedness incurred for such purposes.

"(d) SPECIAL RULES.—For purposes of this section—

"(1) TAXES ON PARTNERSHIPS.—Qualified State or local educational income taxes imposed on and paid by a partnership shall be treated as imposed on and paid by each partner in an amount equal to his distributive share of such taxes.

"(2) TAXES ON SUBCHAPTER'S CORPORATION.—Qualified State or local educational income taxes imposed on and paid by an electing small business corporation (as defined in section 1371) shall be treated as imposed on and paid by, pro rata, the persons who are shareholders of such corporation on the last day of its taxable year.

"(3) TAX IMPOSED BY THIS CHAPTER.—The tax imposed by this chapter for any taxable year does not include the tax imposed by section 56 (relating to minimum tax for tax preferences).

"(e) ADJUSTMENT FOR REFUNDS.—

"(1) IN GENERAL.—The amount of qualified State and local educational income taxes imposed on and paid by an individual during any taxable year shall be reduced by the amount of any refund of such taxes, whether or not received during the taxable year.

"(2) INTEREST.—In the case of underpayment of the tax imposed by this chapter for a taxable year resulting from the application of paragraph (1), no interest shall be assessed or collected on such underpayment if the amount thereof is paid within 60 days after the taxpayer receives the refund of qualified State or local educational income taxes which caused such underpayment.

"(f) REGULATIONS.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section."

SEC. 2. (a) The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 is amended by striking out the item relating to section 42 and inserting in lieu thereof the following:

"Sec. 42. State and local educational income taxes.

"Sec. 43. Overpayments of tax."

(b) Section 37(a) of such Code (relating to retirement income) is amended by striking out "and section 35 (relating to partially tax-exempt interest)" and inserting in lieu thereof "section 35 (relating to partially tax-exempt interest), and section 42 (relating to State and local educational income taxes)".

(c) Section 41(b) of such Code (relating to contributions to candidates for public office) is amended by striking out "and section 38 (relating to investment in certain depreciable property)" and inserting in lieu thereof "section 38 (relating to investment in certain depreciable property), and section 42 (relating to State and local educational income taxes".

(b) Section 46(3) of such Code (relating to liability for tax) is amended—

(1) by striking out "and" at the end of subparagraph (B);

(2) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof ", and"; and

(3) by inserting after subparagraph (C) the following new subparagraph:

"(D) section 42 (relating to State and local educational income taxes)."

(e) Section 50A(a)(3) (relating to liability for tax) is amended—

(1) by striking out "and" at the end of subparagraph (D);

(2) by striking out the period at the end of subparagraph (E) and inserting in lieu thereof ", and"; and

(3) by inserting after subparagraph (E) the following new subparagraph:

"(F) section 42 (relating to State and local educational income taxes)".

SEC. 3. The amendments made by this Act shall apply to taxable years beginning after December 31, 1971.

THE IMPACT ON STATE AND LOCAL GOVERNMENTS OF INCOME TAX CREDITS[1]

States	Estimated Federal individual income tax liability; calendar year 1971[2]	State collected individual income tax 1971[3]	State and local income tax under 50 percent credit proposal[4]	Gain to States under 50 percent tax credit proposal[5]
Alabama	$853,549	$92,094	$424,816.32	$332,722
Alaska	122,667	41,833	75,861.12	34,028
Arizona	633,499	73,710	300,983.04	227,273
Arkansas	438,210	44,243	211,219.68	116,976
California	9,434,493	1,266,556	4,606,410.24	3,339,844
Colorado	851,441	143,461	400,704.96	257,243
Connecticut	2,130,568	10,331	1,101,597.40	1,091,266
Delaware	272,448	79,444	145,390.08	65,946
District of Columbia	351,549	10,755	186,854.40	76,099
Florida	2,906,022	(X)	1,282,505.76	1,282,505
Georgia	1,405,578	184,954	736,042.56	551,088
Hawaii	348,517	116,233	171,227.04	54,994
Idaho	201,127	56,278	91,587.84	35,309
Illinois	6,270,292	773,610	2,994,714.72	2,221,104
Indiana	2,120,799	218,467	1,309,691.04	821,224
Iowa	995,037	115,344	467,754.24	352,410
Kansas	834,170	82,156	350,088.48	267,932
Kentucky	840,236	132,669	435,545.28	302,876
Louisiana	1,023,247	81,867	499,996.32	418,129
Maine	331,556	23,878	145,733.76	121,855
Maryland	2,099,087	413,976	1,002,252.00	588,276
Massachusetts	2,921,553	568,574	1,364,593.92	796,019
Michigan	3,946,210	475,938	2,132,628.48	1,656,690
Minnesota	1,349,636	370,702	681,292.80	310,590
Mississippi	416,949	46,003	189,913.92	143,910
Missouri	1,795,417	140,540	886,609.44	740,069
Montana	$176,183	$42,381	$111,088.64	$68,707
Nebraska	487,410	53,888	250,296.00	196,408
Nevada	306,176	(X)	148,913.28	148,913
New Hampshire	295,206	5,238	132,889.44	276,564
New Jersey	3,992,783	19,570	1,918,484.16	1,898,914
New Mexico	279,486	35,815	137,017.92	101,202
New York	10,704,081	2,530,207	4,820,790.24	2,290,583
North Carolina	1,498,247	301,756	698,964.00	397,208
North Dakota	130,604	16,877	71,382.24	54,505
Ohio	4,948,710	(X)	2,394,776.64	2,394,776
Oklahoma	781,367	63,648	383,439.36	319,791
Oregon	791,099	226,245	391,488.96	165,243
Pennsylvania	5,094,214	135,067	2,463,684.00	2,328,617
Rhode Island	406,366	37,625	182,994.24	145,369
South Carolina	653,023	108,429	304,778.88	196,349
South Dakota	156,360	(X)	75,230.40	75,230
Tennessee	1,235,344	12,383	577,283.04	564,900
Texas	4,361,088	(X)	2,002,801.44	2,002,801
Utah	318,884	61,884	142,039.68	80,155
Vermont	176,419	42,848	69,648.00	26,800
Virginia	1,738,262	312,984	869,818.56	556,834
Washington	1,537,580	(X)	750,075.84	750,075
West Virginia	508,138	59,102	245,528.64	186,426
Wisconsin	1,707,296	507,146	805,993.44	298,847
Wyoming	113,117	(X)	56,123.04	56,123

[1] Under the proposal there would be a credit against the Federal individual income tax equal to 50 percent of State and local income taxes paid but not to exceed a combined total of 24 percent of individual Federal income tax liability. The credit, when added to the taxpayer's State and local individual income tax deduction benefit would not exceed the amount of State and local individual income taxes paid.

[2] Estimated by the staff of the Joint Committee on Internal Revenue Taxation. The State by State data on which these estimates are based on data compiled from Federal individual income tax returns by the Internal Revenue Service (Statistics of Income) and reflect taxpayer State of residence except for those cases in which the taxpayer filed his return in the wrong place. The reasons why returns are filed in districts or regions other than those in which the taxpayer resides are as follows: (1) filing with former district office or regional service center after moving to a new area; (2) filing from place of business rather than place of residence; (3) filing from tax lawyer's or accountant's place of business in another State; (4) filing with a place other than residence because of misunderstandings of instructions on where to file.

[3] State tax collections in 1971. GF-71 No. 1 Bureau of the Census.

[4] 48 percent of the estimated Federal individual income tax in column (1). This is the minimum State (or combined State and local) tax that would bring into play the maximum allowable credit under the proposal of 24 percent of the Federal individual income tax. Under this proposal, which combines the deduction for income tax paid with a 50 percent credit, there would be a strong incentive for States (and localities) to shift from a property tax to an income tax basis for school financing. It would also provide considerable stimulus for States and localities to impose an income tax in excess of the proposed credit if more funds are needed.

[5] Column (3) minus column (2). These figures represent the minimum additional State income tax over the fiscal year 1971 tax which would take full advantage of the 14 percent of Federal income tax limitation. Under the proposal, the incentive would be strong for States, in need of additional revenues, to exceed these additions.

By Mr. KENNEDY (for himself, Mr. WILLIAMS, Mr. MAGNUSON, Mr. JAVITS, Mr. SCHWEIKER, Mr. BEALL, Mr. CRANSTON, Mr. EAGLETON, Mr. HUGHES, Mr. MONDALE, Mr. NELSON, Mr. PELL, Mr. PERCY, Mr. RANDOLPH, Mr. STAFFORD, and Mr. TAFT):

S. 3323. A bill to amend the Public Health Service Act to enlarge the authority of the National Heart and Lung Institute in order to advance the national attack against diseases of the heart and blood vessels, the lungs, and blood, and for other purposes. Referred to the Committee on Labor and Public Welfare.

NATIONAL HEART, BLOOD VESSEL, LUNG AND BLOOD ACT OF 1972

Mr. KENNEDY. Mr. President, I, along with the distinguished ranking minority member of the Senate Labor Committee, Senator JAVITS, and the chairman of the HEW Appropriations Subcommittee; the distinguished Senator from Washington, Mr. MAGNUSON, are introducing the National Heart, Blood Vessel, Lung and Blood Act of 1972, which responds to the need for immediate action against diseases of the heart and blood vessels, the lungs and blood. Cosponsoring this important bill with us are Senators BEALL, CRANSTON, EAGLETON, HUGHES, MONDALE, NELSON, PELL, PERCY, RANDOLPH, SCHWEIKER, STAFFORD, TAFT, and WILLIAMS. This bill enlarges the authorities of the National Heart and Lung Institute in the National Institutes of Health in order to advance the national attack upon these major killer diseases. Their toll on human life has reached epidemic proportions.

Diseases of the heart and blood vessels collectively cause half of all deaths each year in the United States. Cardiovascular diseases do not discriminate. They strike young and old alike. These diseases cause half of the deaths among Americans in their productive years of

35–64 and two-thirds of all deaths among Americans over 65. Even when not fatal, these diseases are extremely disabling, and the combined impact of the mortality and morbidity is having a major social and economic impact on our country.

Chronic lung diseases are also killing and disabling more Americans than ever before. Emphysema alone is the fastest rising cause of death in the country. Together, chronic respiratory diseases, chronic bronchitis, asthma, and emphysema are debilitating and disabling approximately 20 million Americans. In addition to adding to the tragedy of human suffering, these diseases also have a hard economic impact. They are responsible for annual social security payments of $90 million to persons disabled by these diseases.

Mr. President, the list of anguishing and now preventable killer diseases goes on.

Thrombosis, the formation of blood clots in the vessels, causes 80 percent of the 200,000 annual strokes in the United States. This malady of the blood, by itself and in combination with other probblems, causes an enormous amount of presently avoidable death and disability.

The legislation introduced today responds to the need for a concerted national attack upon this preventable pain, suffering, and dealth.

The bill also recognizes the importance of blood in saving human lives. Blood is an essential, precious human resource. Its value in saving lives and guaranteeing good health has no price tag. Yet, as a nation, we have not made full use of this invaluable resource; we have not realized the full benefits of the blood available to us.

Mr. President, the National Heart, Blood Vessel, Lung, and Blood Act of 1972 declares that human suffering from diseases of the heart and blood vessels, the lungs and blood cannot go on. Action must be taken—and taken now—to act responsibly, to reduce the death and disability resulting from these diseases. At the same time, it must be emphasized that instant cures are not produced merely through some new legislation or some new Federal program. Progress against human disease and suffering is a painfully slow and uncertain process. That is a fact we must constantly remember.

The National Heart and Lung Institute of the National Institutes of Health is the Federal agency most concerned with preventing and treating heart disease. Due to its research since its establishment in 1948, we now know more than ever before about the causes, treatment, and prevention of heart disease.

For example, we now know that approximately 80 percent of the death and disability from cardiovascular disease occurs in those persons having one or more of three specific risk factors—high blood pressure, cigarette smoking, and elevated levels of blood lipids.

We also know more than ever before about the treatment of cardiovascular diseases because of the work of the National Heart and Lung Institute. It has been largely responsible for the development of the heart-lung machine, permitting widespread use of open-heart surgery. It has also been developing, evaluating, and testing drugs to treat cardiovascular diseases.

Again, the National Heart and Lung Institute has been largely responsible for the prevention of death and the reduction of disability due to these diseases. The Institute has been developing the means of preventing and treating the underlying causes of arteriosclerosis especially as it is manifested in heart attacks.

Important clinical trials have been started to test the effects of lowering elevated blood lipids on the rate of heart attack and stroke, and of intervening to treat high blood pressure to lower the rate of acute disease.

Clearly, the National Heart and Lung Institute stands as a leader in the research, treatment, and prevention of cardiovascular disease. The expanded knowledge we now have, and the broad treatment and prevention programs we now possess, stem largely from the efforts of the National Heart and Lung Institute. However, we have just begun. The mortality figures compel us to go much further, to continue the investigation and research needed to control and prevent cardiovascular disease.

Chronic lung diseases also demand our expanded efforts. Recent developments in research fields such as genetics, lung biochemistry, and immunology, have set the stage for an all-out attack to reduce the mortality and morbidity of lung diseases through better therapeutic intervention and new disease prevention efforts.

The National Heart and Lung Institute is deeply involved with the problems of chronic lung disease. Its lung program is the largest and most extensive in the country in terms of research approaches. The lung program supports a variety of important training and research programs in the pulmonary field through its pulmonary specialized centers of research grants and respiratory disease contracts.

The National Heart and Lung Institute is also working on the problems of blood and management of this country's blood resources. It recently evaluated promising clot-dissolving drugs to treat pulmonary embolism. It is presently prepared to test the usefulness of these drugs in treating other problems involving thrombosis. It is supporting major research efforts against sickle cell disease, which will build upon the comprehensive sickle cell amenia bill which passed the Senate last year. The Institute has also aided the development of improved technology concerning blood acquisition, processing, storage, and distribution.

Mr. President, the National Heart and Lung Institute clearly possesses the organizational capacity, the staff and the past experience necessary to carry out the mandate of this legislation. This bill adapts the recommendations of the Institute's Task Force on Arteriosclerosis for a major national attack against heart disease and adds further authority for a broader attack against lung and blood diseases as well.

The bill authorizes appropriations of $1.29 billion over the next 3 years, through June 30, 1975. In this coming fiscal year beginning July 1, the bill authorizes $370 million. That is $137,832,000 more than was appropriated in fiscal 1972, and—most importantly—that is $115,584,000 above what the President is requesting in this coming fiscal year.

The additional funds would be used for an expanded, intensified, and better coordinated program of activities by the National Heart and Lung Institute. The bill provides money to establish necessary heart, blood vessel, lung and blood disease control programs. It provides money to improve our support of existing clinical research and demonstration centers for heart and lung disease and to develop 30 new centers. There are some 34 of these centers now, including 13 for arteriosclerosis, 11 for lung diseases, 5 for high blood pressure, and 5 for thrombosis.

The key provision of the bill is the requirement that the Director of the National Heart and Lung Institute, with the advice of the National Heart and Lung Advisory Council, develop a plan for an eight-point national heart, blood vessel, lung and blood disease program. The plan is to include recommendations for necessary appropriations and staffing requirements and is to be transmitted to Congress so that we can monitor the progress of the program and spot troublesome areas.

These are the things the plan is to provide for:

First, investigation into the epidemiology, etiology and prevention of all forms and aspects of cardiovascular and lung disease, including the social, environmental, behavioral, nutritional, biological, and genetic determinants and influences involved.

Second, studies and research into the basic biological processes and mechanisms involved in the underlying cardiovascular and pulmonary and blood phenomena—both normal and abnormal.

Third, research into the development, trial, and evaluation of techniques, drugs, devices and other approaches to diagnosis, treatment and prevention of cardiovascular and pulmonary diseases and rehabilitation of patients suffering from such diseases.

Fourth, establishment of programs and centers of the conduct and direction of field studies, large-scale testing and evaluation and the demonstration of preventive diagnostic, therapeutic and rehabilitative approaches to cardiovascular and pulmonary disease.

Fifth, studies and research into blood, blood diseases—such as sickle-cell anemia and hemophilia—the use of blood for clinical purposes and the management of the national blood resources, including the collection, preservation, fractionation, and distribution of blood and blood products.

Sixth, the education and training of scientists and clinicians in fields and specialties requisite to the conduct of programs in the cardiovascular, pulmonary, and blood areas.

Seventh, public and professional education relating to all aspects of cardio-

vascular and lung disease, diagnosis, treatment, prevention and the use of blood and the management of blood resources.

Eighth, establishment of programs and centers for the study and research into the cardiovascular, pulmonary, and blood diseases of children, including cystic fibrosis, hyaline membrane disease, hemolytic and hemophilic diseases, and the development and demonstration of diagnostic treatment and preventive approaches to these problems.

In addition to the development of the national heart, blood vessel, lung, and blood disease program, the bill contains a number of other provisions designed to improve the coordination of our national effort against these diseases and to simplify some of the bureaucratic processes involved.

The bill requires the Health, Education, and Welfare Secretary to establish an interagency technical committee on heart, blood vessel, lung and blood diseases and blood resources. This committee will coordinate those aspects of all Federal health programs and activities relating to heart, blood vessel, lung and blood diseases and to blood resources. The Director of the National Heart and Lung Institute is to serve as chairman of the committee. Its members will be drawn from each Federal department or agency whose programs involve health functions or responsibilities.

The bill also simplified the review procedure for routine training and research grants of less than $35,000 by authorizing their approval by the Director of the National Heart and Lung Institute after scientific review, without also requiring review by the National Heart and Lung Advisory Council.

Finally, Mr. President, the bill broadens some of the administrative authority available to the Director of the National Heart and Lung Institute in carrying out the national heart, blood vessel, lung and blood disease program, and replaces the present National Advisory Heart Council with a new National Heart and Lung Advisory Council. The new Council includes 18 members to be appointed by the HEW Secretary, with equal representation from the scientific and medical community and the general public. In addition, two of the public members are to be selected from among full-time students enrolled in health professions schools.

So that members of the general public and other members of this body can more easily familiarize themselves with the provisions of the National Heart, Blood Vessel, Lung and Blood Act of 1972, I ask unanimous consent that the complete text of the bill and a section-by-section analysis of it be printed in the RECORD at this point, together with a statement prepared by Senator MAGNUSON.

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

S. 3323

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

SHORT TITLE

SECTION 1. This Act may be cited as the "National Heart, Blood Vessel, Lung, and Blood Act of 1972".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) Congress finds and declares that—

(1) diseases of the heart and blood vessels collectively cause more than half of all the deaths each year in the United States and the combined effect of the disabilities and deaths from such diseases is having a major social and economic impact on the Nation;

(2) elimination of such cardiovascular diseases as significant causes of disability and death could increase the average American's life expectancy by about eleven years and could provide for annual savings to the economy in lost wages, productivity, and costs of medical care of more than $30,000,000,000 per year;

(3) chronic lung diseases have been gaining steadily in recent years as important causes of disability and death, with emphysema alone being the fastest rising cause of death in the United States;

(4) chronic respiratory diseases affect an estimated ten million Americans, emphysema an estimated one million, chronic bronchitis an estimated four million, and asthma an estimated five million.

(5) thrombosis (the formation of blood clots in the vessels) may cause, directly or in combination with other problems, many deaths and disabilities from heart disease and stroke which can now be prevented;

(6) blood and blood products are essential human resources whose value in saving life and promoting health cannot be assessed in terms of dollars; and

(7) the greatest potential for advancement against diseases of the heart and blood vessels, the lungs, and blood lies in the National Heart and Lung Institute of the National Institutes of Health whose research institutes have brought into being the most productive scientific community centered upon health and disease that the world has ever known.

(b) It is the purpose of this Act to enlarge the authority of the National Heart and Lung Institute in order to advance the national attack upon the diseases of the heart and blood vessels, the lungs, and blood.

HEART, BLOOD VESSEL, LUNG, AND BLOOD DISEASES PROGRAMS

SEC. 3. Part B of title IV of the Public Health Service Act is amended (1) by redesignating section 413 as section 419A, (2) by redesignating section 414 as section 418, and (3) by adding after section 412 the following new sections:

"NATIONAL HEART, BLOOD VESSEL, LUNG, AND BLOOD DISEASE PROGRAM

"SEC. 413. (a) The Director of the Institute, with the advice of the Council, shall within one hundred and eighty days after the effective date of this section, develop a plan for a heart, blood vessel, lung, and blood disease program (hereafter in this part referred to as the 'program') to expand, intensify, and coordinate the activities of the Institute respecting such diseases (including its activities under section 412). The program shall provide for—

"(1) investigation into the epidemiology, etiology, and prevention of all forms and aspects of cardiovascular, lung, and blood diseases, including investigations into the social, environmental, behavioral, nutritional, biological, and genetic determinants and influences involved in the epidemiology, etiology, and prevention of such diseases;

"(2) studies and research into the basic biological processes and mechanisms involved in the underlying normal and abnormal, cardiovascular, pulmonary, and blood phenomena;

"(3) research into the development, trial, and evaluation of techniques, drugs, and devices used in, and approaches to, the diagnosis, treatment, and prevention of cardiovascular and pulmonary diseases and the rehabilitation of patients suffering from such diseases;

"(4) establishment of programs and centers for the conduct and direction of field studies, large-scale testing and evaluation, and demonstration of preventive, diagnostic, therapeutic, and rehabilitative approaches to cardiovascular and pulmonary diseases;

"(5) studies and research into blood diseases (such as sickle cell anemia and hemophilia) and blood, its uses for clinical purposes and all aspects of the management of its resources in this country, including the collection, preservation, fractionalization, and distribution of it and its products;

"(6) the education and training of scientists and clinicians in fields and specialties requisite to the conduct of programs respecting cardiovascular, pulmonary, and blood diseases;

"(7) public and professional education relating to all aspects of cardiovascular, pulmonary, and blood diseases and the use of blood and blood products and the management of blood resources; and

"(8) establishment of programs and centers for study and research into cardiovascular, pulmonary, and blood diseases of children (including cystic fibrosis, hyaline membrane, and hemolytic and hemophilic diseases) and for the development and demonstration of diagnostic, treatment, and preventive approaches to these diseases.

"(b)(1) The plan required by subsection (a) of this section shall be transmitted to the Congress and shall set out the Institute's staff requirements to carry out the program and recommendations for appropriations for the program.

"(2) The Director of the Institute shall, as soon as practicable after the end of each calendar year, prepare in consultation with the Council and submit to the President for transmittal to the Congress a report on the activities, progress, and accomplishments under the program during the preceding calendar year and a plan for the program during the next five years.

"(c) In carrying out the program, the Director of the Institute, after consultation with the Council and without regard to any other provisions of this Act, may—

"(1) if authorized by the Council, obtain (in accordance with section 3109 of title 5, United States Code, but without regard to the limitation in such section on the number of days or the period of such service) the services of not more than fifty experts or consultants who have scientific or professional qualifications;

"(2) acquire, construct, improve, repair, operate, and maintain cardiovascular and pulmonary disease centers, laboratories, research, and other necessary facilities and equipment, and related accommodations as may be necessary, and such other real or personal property (including patents) as the Director deems necessary; and acquire, without regard to the Act of March 3, 1877 (40 U.S.C. 34), by lease or otherwise through the Administrator of General Services, buildings or parts of buildings in the District of Columbia or communities located adjacent to the District of Columbia for the use of the Institute for a period not to exceed ten years; and

"(3) enter into such contracts, leases, cooperative agreements, or other transactions, without regard to sections 3648 and 3709 of the Revised Statutes of the United States (31 U.S.C. 529, 41 U.S.C. 5), as may be necessary in the conduct of his functions, with any

public agency, or with any person, firm, association, corporation, or educational institution.

"HEART, BLOOD VESSEL, LUNG, AND BLOOD DISEASE CONTROL PROGRAMS

"SEC. 414. (a) The Director of the Institute, under policies established by the Director of the National Institutes of Health and after consultation with the Council, shall establish programs as necessary for cooperation with other Federal health agencies, State, local, and regional public health agencies, and nonprofit private health agencies in the diagnosis, prevention, and treatment of heart, blood vessel, lung, and blood diseases.

"(b) There are authorized to be appropriated to carry out this section $20,000,000 for the fiscal year ending June 30, 1973, $30,000,000 for the fiscal year ending June 30, 1974, and $40,000,000 for the fiscal year ending June 30, 1975.

"NATIONAL CLINICAL RESEARCH AND DEMONSTRATION CENTERS FOR CARDIOVASCULAR AND PULMONARY DISEASES

"SEC. 415. (a) The Director of the Institute may provide for the development of—

"(1) fifteen new centers for clinical research into, training in, and demonstration of, advanced diagnostic and treatment methods for cardiovascular diseases; and

"(2) fifteen new centers for clinical research into, training in, and demonstration of advanced diagnostic and treatment methods for chronic pulmonary diseases (including bronchitis, emphysema, asthma, and cystic fibrosis and other pulmonary diseases of children).

Centers developed under this subsection may be supported under subsection (b) or under any other applicable provision of law.

"(b) The Director of the Institute, under policies established by the Director of the National Institutes of Health and after consultation with the Council, may enter into cooperative agreements with public or nonprofit private agencies or institutions to pay all or part of the cost of planning, establishing, or strengthening, and providing basic operating support for, existing new centers (including centers established under subsection (a)) for clinical research into, training in, and demonstration of advanced diagnostic and treatment methods for cardiovascular and chronic pulmonary diseases. Funds paid to centers under cooperative agreements under this subsection may be used for—

"(1) construction, notwithstanding section 405,

"(2) staffing and other basic operating costs, including such patient care costs as are required for research,

"(3) training, including training for allied health professions personnel, and

"(4) demonstration purposes.

The aggregate of payments (other than payments for construction) made to any center under such an agreement may not exceed $5,000,000 in any year. Support of a center under this subsection may be for a period of not to exceed five years and may be extended by the Director of the Institute for additional periods of not more than five years each, after review of the operations of such center by an appropriate scientific review group established by the Director.

"INTERAGENCY TECHNICAL COMMITTEE

"SEC. 416. (a) The Secretary shall establish an Interagency Technical Committee on Heart, Blood Vessel, Lung, and Blood Diseases and Blood Resources which shall be responsible for coordinating those aspects of all Federal health programs and activities relating to diseases of the heart, blood vessels, the lung, and blood and to blood resources to assure the adequacy and technical soundness of such programs and activities and to provide for the full communication and exchange of information necessary to maintain adequate coordination of such programs and activities.

"(b) The Director of the Institute shall serve as Chairman of the Committee and the Committee shall include representation from all Federal departments and agencies whose programs involve health functions or responsibilities as determined by the Secretary.

"NATIONAL HEART AND LUNG ADVISORY COUNCIL

"SEC. 417. (a) There is established in the Institute a National Heart and Lung Advisory Council to be composed of twenty-two members as follows:

"(1) The Secretary, the Director of the National Institutes of Health, the chief medical officer of the Veterans' Administration (or his designee), and a medical officer designated by the Secretary of Defense shall be ex officio members of the Council.

"(2) Eighteen members appointed by the Secretary.

Each of the required members of the Council shall be leaders in the fields of fundamental sciences, medical sciences, or public affairs. Nine of the appointed members shall be selected from among the leading medical or scientific authorities who are skilled in the sciences relating to diseases of the heart, blood vessels, lungs, and blood; two of the appointed members shall be selected from full-time students enrolled in health professions schools; and seven of the appointed members shall be selected from the general public.

"(b)(1) Each appointed member of the Council shall be appointed for a term of four years, except that—

"(A) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and

"(B) of the members first appointed after the effective date of this section, five shall be appointed for a term of four years, five shall be appointed for a term of three years, five shall be appointed for a term of two years, and three shall be appointed for a term of one year, as designated by the Secretary at the time of appointment.

Appointed members may serve after the expiration of their terms until their successors have taken office.

"(2) A vacancy in the Council shall not affect its activities, and twelve members of the Council shall constitute a quorum.

"(3) The Council shall supersede the existing National Advisory Heart Council appointed under section 217, and the appointed members of the National Advisory Heart Council serving on the effective date of this section shall serve as additional members of the National Heart and Lung Advisory Council for the duration of their terms then existing, or for such shorter time as the Secretary may prescribe.

"(4) Members of the Council who are not officers or employees of the United States shall receive for each day they are engaged in the performance of the functions of the Council compensation at rates not to exceed the daily equivalent of the annual rate in effect for grade GS–18 of the General Schedule, including traveltime; and all members, while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as such expenses are authorized by section 5703, title 5, United States Code, for persons in the Government service employed intermittently.

"(c) The Chairman of the Council shall be appointed by the Secretary from among the members of the Council and shall serve as Chairman for a term of two years.

"(d) The Director of the Institute shall (1) designate a member of the staff of the Institute to act as executive secretary of the Council, and (2) make available to the Council such staff, information, and other assistance as it may require to carry out its functions.

"(e) The Council shall meet at the call of the Director of the Institute or of the Chairman, but not less often than four times a year."

AUTHORIZATION OF APPROPRIATIONS FOR PART B OF TITLE IV OF THE PUBLIC HEALTH SERVICE ACT

SEC. 4. Part B of title IV of the Public Health Service Act is amended by adding at the end thereof the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 419B. For the purpose of carrying out this part (other than section 414), there are authorized to be appropriated $350,000,000 for the fiscal year ending June 30, 1973, $400,000,000 for the fiscal year ending June 30, 1974, and $450,000,000 for the fiscal year ending June 30, 1975."

DIRECTOR'S AUTHORITY TO APPROVE GRANTS

SEC. 5. Section 419A of the Public Health Service Act (as so redesignated by section 3 of this Act) is amended—

(1) by striking out "grants-in-aid" in subsection (a) and inserting in lieu thereof "except as provided in subsection (c), grants-in-aid"; and

(2) by adding after subsection (b) the following new subsection:

"(c) Under procedures approved by the Director of the National Institutes of Health, the Director of the National Heart and Lung Institute may approve grants under this Act for research and training in heart, blood vessel, lung, and blood diseases—

"(1) in amounts not to exceed $35,000 after appropriate review for scientific merit but without review and recommendation by the Council, and

"(2) in amounts exceeding $35,000 after appropriate review for scientific merit and recommendation for approval by the Council."

CONFORMING AMENDMENTS TO PART B OF TITLE IV OF THE PUBLIC HEALTH SERVICE ACT

SEC. 6. (a) Section 411 of the Public Health Service Act is amended by striking out National Heart Institute" and inserting in lieu thereof "National Heart and Lung Institute".

(b) Section 412 of such Act is amended—

(1) by striking out "heart" each place it occurs (except in the headings) and inserting in lieu thereof "heart, blood vessel, lung, and blood";

(2) by striking out "Surgeon General" and inserting in lieu thereof "Secretary";

(3) by striking out "National Advisory Heart Council" and inserting in lieu thereof "National Heart and Lung Advisory Council";

(4) by redesignating paragraphs (a), (b), (c), (d), (e), (f), and (g) as paragraphs (1), (2), (3), (4), (5), (6), and (7), respectively; and

(5) by amending the section heading to read as follows:

"RESEARCH AND TRAINING IN DISEASES OF THE HEART, BLOOD VESSELS, LUNG, AND BLOOD"

(c) Section 418 of such Act (as so redesignated by section 3 of this Act) is amended—

(1) by inserting "(a)" immediately after "SEC. 418." and by adding at the end thereof the following new subsection:

"(b)(1) The Council shall advise and assist the Director of the Institute with respect to the program established under section 413. The Council may hold such hearings, take such testimony, and sit and act at such times and places, as the Council deems advisable to investigate programs and activities of the program.

"(2) The Council shall submit a report to the President for transmittal to the

Congress not later than January 31 of each year on the progress of the program toward the accomplishment of its objectives."

(2) by striking out "Surgeon General" each place it occurs (except paragraph (f) and inserting in lieu thereof "Secretary";

(3) by striking out "heart" each place it occurs and inserting in lieu thereof "heart, blood vessel, lung, and blood";

(4) by striking out "Surgeon General" in paragraph (f) and inserting in lieu thereof "Secretary, the Director of the National Institutes of Health, and the Director of the National Heart and Lung Institute"; and

(5) by redesignating paragraphs (a), (b), (c), (d), (e), and (f) as paragraphs (1), (2), (3), (4), (5), and (6), respectively.

(d) Section 419A of such Act (as so redesignated by section 3 of this Act) is amended—

(1) in subsection (a), by (A) striking out "Surgeon General" and inserting in lieu thereof "Secretary", and (B) striking out "heart" and inserting in lieu thereof "heart, blood vessel, lung, and blood"; and

(2) in subsection (b), by (A) striking out "The Surgeon General shall recommend to the Secretary acceptance of conditional gifts, pursuant to section 501," and inserting in lieu thereof "The Secretary may, in accordance with section 501, accept conditional gifts", and (B) striking out "heart" and inserting in lieu thereof "heart, blood vessel, lung, and blood".

(e) The heading for part B of such Act is amended to read as follows:

"PART B—NATIONAL HEART AND LUNG INSTITUTE"

CONFORMING AMENDMENTS TO OTHER PROVISIONS OF THE PUBLIC HEALTH SERVICE ACT

SEC. 7. (a) Section 217 of such Act is amended—

(1) by striking out "the National Advisory Heart Council," each place it occurs in subsection (a);

(2) by striking out "heart diseases," in subsection (a) and by striking out "heart," in subsection (b).

(b) Sections 301(d) and 301(i) of such Act are each amended by striking out "National Advisory Heart Council" and inserting in lieu thereof "National Heart and Lung Advisory Council".

REPORT TO CONGRESS

SEC. 8. The Secretary of Health, Education, and Welfare shall carry out a review of all administrative processes under which the national heart, blood vessel, lung, and blood disease program, established under Part B of title IV of the Public Health Service Act, will operate, including the processes of advisory council and peer group reviews, in order to assure the most expeditious accomplishment of the objectives of the program. Within one year of the date of enactment of this Act, the Secretary shall submit a report to the Congress of the findings of such review and the actions taken to facilitate the conduct of the program, together with recommendations for any needed legislative changes.

EFFECTIVE DATE

SEC. 9. This Act and the amendments made by this Act shall take effect sixty days after the date of enactment of this Act or on such prior date after the date of enactment of this Act as the President shall prescribe and publish in the Federal Register.

SECTION-BY-SECTION ANALYSIS OF THE NATIONAL HEART, BLOOD VESSEL, LUNG AND BLOOD ACT OF 1972

SHORT TITLE

Section 1. Provides that the Act may be cited as the National Heart, Blood Vessel, Lung and Blood Act of 1972.

FINDINGS AND DECLARATION OF PURPOSE

Section 2. Describes seven major findings that justify the need for legislation and declares that it is the purpose of the Act to enlarge the authorities of the National Heart and Lung Institute of the National Institutes of Health in order to advance the national attack upon diseases of the heart and blood vessels, the lungs and blood.

NATIONAL HEART, BLOOD VESSEL, LUNG, AND BLOOD DISEASE PROGRAMS

Section 3. Amends part B of title IV of the Public Health Service Act (relating to the National Heart and Lung Institute) by redesignating sections 413 and 414 as sections 419A and 418 respectively and by inserting a number of new sections:

Section 413. (a) Requires the Director of the National Heart and Lung Institute, with the advice of the National Heart and Lung Advisory Council, to develop a plan for an eight-point National Heart, Blood Vessel, Lung, and Blood Disease Program to expand, intensify and coordinate the activities of the National Heart and Lung Institute with respect to such diseases.

Section 413. (b) Requires the plan, including recommendations for necessary appropriations and staffing requirements, to be transmitted to Congress; and further requires that the Director of the National Heart and Lung Institute annually report to Congress on the progress of the Program and its projected activities for the next five years.

Section 413. (c) Provides certain broader administrative authority for the Director of the National Heart and Lung Institute in carrying out the National Heart, Blood Vessel, Lung, and Blood Disease Program.

Section 414. (a) Requires the Director of the National Heart and Lung Institute, under policies established by the Director of the National Institutes of Health and after consultation with the National Heart and Lung Advisory Council, to establish necessary heart, blood vessel, lung, and bood disease control programs.

Section 414. (b) To carry out control programs authorizes appropriations of $20,000,000 in fiscal 1973; $30,000,000 in fiscal 1974; and $40,000,000 in fiscal 1975.

Section 415. (a) Authorizes the Director of the National Heart and Lung Institute to provide for the development of 15 new clinical research and demonstration centers for cardiovascular diseases and 15 new clinical research and demonstration centers for chronic pulmonary diseases.

Section 415. (b) Specifies purposes for which federal support of new or existing centers may be provided and limits the level of federal support to $5,000,000 per center per year.

Section 416. (a) Requires the HEW Secretary to establish an Interagency Technical Committee on Heart, Blood Vessel, Lung and Blood Diseases and Blood Resources to coordinate those aspects of all federal health programs and activities relating to heart, blood vessel, lung and blood diseases and to blood resources.

Section 416. (b) Specifies that the Committee is to be comprised of representatives from all federal departments and agencies whose programs involve health functions or responsibilities, with the Director of the National Heart and Lung Institute serving as chairman.

Section 417. Replaces the National Advisory Heart Council with the National Heart and Lung Advisory Council, comprised of the HEW Secretary, the Director of the National Institutes of Health, a representative each from the Veterans Administration and the Defense Department, and 18 members appointed by the HEW Secretary, including nine scientific and medical experts and nine representatives of the general public of which two shall be full-time students enrolled in health professions schools. Provides for the Chairman of the Council to be appointed from among the members by the HEW Secretary and specifies other administrative provisions relating to the Council.

AUTHORIZATION OF APPROPRIATIONS

Section 4. Adds a new section 419B to part B of title IV of the Public Health Service Act that authorizes appropriation of the following amounts to carry out the programs and activities (other than those authorized in section 414) of the National Heart and Lung Institute: $350,000,000 for fiscal 1973; $400,000,000 for fiscal 1974; and $450,000,000 for fiscal 1975.

DIRECTOR'S AUTHORITY TO APPROVE CERTAIN GRANTS

Section 5. Simplifies the review procedure for routine training and research grants of less than $35,000 by authorizing their approval by the Director of the National Heart and Lung Institute after scientific review and without review by the National Heart and Lung Advisory Council.

CONFORMING AMENDMENTS TO PART B OF TITLE IV OF THE PUBLIC HEALTH SERVICE ACT

Section 6. Provides for a number of conforming amendments to various provisions of part B of title IV of the Public Health Service Act to bring the wording of those provisions in line with the National Heart, Blood Vessel, Lung and Blood Act of 1972.

CONFORMING AMENDMENTS TO OTHER PROVISIONS OF THE PUBLIC HEALTH SERVICE ACT

Section 7. Provides for a number of conforming amendments to various provisions of the Public Health Service Act to bring the wording of those provisions in line with part B of title IV of the Act as amended by the National Heart, Blood Vessel, Lung and Blood Act of 1972.

REPORT TO CONGRESS

Section 8. Requires the HEW Secretary to review the administrative processes under which the National Heart, Blood Vessel, Lung, and Blood Disease Program will operate in order to assure the most expeditious accomplishment of the objectives of the Program and to report to Congress within a year his findings and recommendations for any needed legislative changes.

EFFECTIVE DATE

Section 9. Provides that the National Heart, Blood Vessel, Lung and Blood Act of 1972 is to take effect 60 days after enactment, or sooner if the President prescribes.

STATEMENT BY SENATOR MAGNUSON

Mr. President, I am pleased to join in cosponsoring the National Heart, Blood Vessel, Lung and Blood Act of 1972 which the distinguished Chairman of the Health Subcommittee (Mr. KENNEDY) is introducing today. As Chairman of the Health Appropriations Subcommittee, I fully share Senator Kennedy's deep commitment to improving the health of all Americans and I want to heartily commend him for his continued efforts toward that end.

Mr. President, this legislation presents the broad outlines of an expanded and intensified attack by the National Heart and Lung Institute on cardiovascular and pulmonary diseases. While the details of that attack can be worked out only after thorough Committee hearings and with careful attention to the fiscal requirements of all of the nation's health objectives, there can be no doubt that the time for this concerted effort has arrived.

Since assuming the Chairmanship of the Labor-HEW Appropriations Subcommittee, I have grown increasingly concerned over the terrible toll which heart and lung diseases take in this country every year. This is a concern which other members of the Subcommittee share as well and, consequently, we have consistently recommended increased appropriations for the National Heart and Lung Institute.

In fiscal years 1970–1972, our Subcommittee recommended—and the Senate approved—a total of $637.9 million for the National Heart and Lung Institute. That is

$110.3 million more than the Administration requested; $87.4 million more than the House recommended and $41.2 million more than was ultimately appropriated by the Congress.

Mr. President, I can assure the Senate that our Subcommittee will continue to recommend increased appropriations for the activities of the National Heart and Lung Institute. I make this statement for, as we wrote in our Report on the FY 1972 Labor-HEW Appropriations Bill:

". . . it is just as much in the public interest to conquer cardiovascular disease as to conquer cancer. Heart disease is the leading cause of death in the United States claiming over one million victims each year. Disability due to cardiovascular ailments result in an economic loss to the country of $30 billion a year due to lost earning power and the cost of medical care.

"Heart disease is clearly a major national health problem to which the country must make a major response. The opportunities for an effective response, in terms of the success of research in developing more successful treatment and preventive measures, are at least as promising as for cancer—probably more so. It seems to the Committee, on the basis of expert testimony, that the major factors leading to heart disease are much better understood than the causes of cancer and that significant improvements in mortality and morbidity rates can be expected much sooner. In fact, deaths directly attributable to high blood pressure have been reduced by 50 percent during the past decade and there have been many dramatic developments in surgical and other therapeutic techniques for a wide range of heart conditions and other cardiovascular diseases. Heart-transplant operations are still in the experimental stage and the risk is high but 13 of 170 patients have survived for more than two years and several have been well enough to return to work. This achievement is as impressive scientifically, as a landing on the moon and potentially of much greater direct benefit to man. The development of an artificial heart—both as an exterior assistance device and as an implantable unit—is also still in its early stages but holds out equal promise of ultimate success.

"There is ample justification from a medical point of view and ample reason as a matter of public policy to expand research on all aspects of cardiovascular diseases. . . ."

Mr. JAVITS. Mr. President, having introduced on June 9, 1947, H.R. 3762, which first focused attention on the need for the establishment of a heart institute within NIH—I am sometimes considered the father of the National Heart Institute—and joined by then Senator now Representative PEPPER of Florida—and I am, therefore, particularly pleased to join with Senator KENNEDY in the introduction of the "National Heart, Blood Vessel, Lung and Blood Act of 1972."

When I testified in support of this legislation before the Committee on Labor and Public Welfare on April 8, 1948, I cited a statistic which regrettably is as true now as it was then about heart disease: "It was the No. 1 killer." Since then I have actively been concerned with the role of the National Heart Institute and I believe that with the expanded authorization that this bill provides, the Institute could become an even more effective means of combating the No. 1 killer—heart disease. The elimination of many of these cardiovascular diseases could increase the American life expectancy by about 11 years. Also, it would provide the economy with significant annual savings: In lost wages, productivity and costs of medical care, all adding up to more than $30 billion per year. The number of those disabled by chronic lung disease has also been growing in this country. Emphysema is now the fastest rising cause of death.

Mr. President, when heart attacks alone are responsible for the death of more than 600,000 Americans and an estimated 27 million Americans are inflicted with some form of cardiovascular disease, and 54.1 percent of all deaths in the United States are due to cardiovascular disease, I am convinced there is a pressing need for increased research, funding, and demonstration programs in this area. In other words, there is a desperate need for substantially increased funding for heart, lung, blood vessels, and blood diseases.

The bill requires the Director of the Heart Institute, with an expanded advisory council—similar to the panel of consultants contemplated by the President—to develop within 6 months an action plan for expanded heart, blood vessel, lungs, and blood disease programs, all of which follows closely upon the concept developed by the President in his state of the Union message.

These programs would include research, treatment, and training, and the Director and the Advisory Committee would then submit a plan to the Congress with their recommendations for appropriations.

The time has come when we must recognize the serious proportion of cardiovasuclar and pulmonary diseases, and their threatening effects on the health and well-being of the American people. It has, therefore, become imperative that we broaden the scope of the present National Heart Institute created by this legislation to include the related diseases of the heart, blood vessels, lungs, and blood, envisioned within the National Heart and Lung Institute.

In closing, I would like to quote from my 1948 testimony that is sadly so applicable today:

At a time when we are considering the national security of the nation, we certainly should consider this one great disease which saps so much in the way of human resources from us and should feel that, if on no other grounds, it can be justified as a national security investment.

The great accomplishments of the National Heart Institute—and what it may portend for the future—were in great measure seen in the press reports about the first atomic-powered heart engine. I ask unanimous consent that the full text of the HEW press summary describing the atomic-powered engines that can be utilized with heart-assist systems be printed in the RECORD.

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

The first atomic powered engines that can be utilized with heart-assist systems were announced today by Dr. Theodore Cooper, Director of the National Heart and Lung Institute of DHEW's National Institutes of Health. Dr. Lowell T. Harmison, Acting Chief, Medical Devices Applications Branch, NHLI, and project manager, reviewed the impact of this advance on the progress toward development of an artificial heart.

The first atomic powered heart engine has been developed. A heart-assist system with the nuclear engine was implanted in a calf on February 14, 1972 to confirm procedures and acquire short-term data, thus initiating the evaluation in the living animal of a nuclear engine for powering the artificial heart or heart-assist.

The first total replacement artificial heart to be totally implanted has been developed and has undergone short-term animal tests. This implant is powered electrically, but may also be powered by a small implantable nuclear engine. The complete system is now ready for long-term animal trials.

Both the artificial heart and the heart-assist system are performing up to design specifications and yielding vital information for analysis by the scientists and engineers of the development team.

These developments have been achieved by the National Heart and Lung Institute of the NIH and its contractors. The research and development team, headed by Dr. Lowell T. Harmison of the National Heart and Lung Institute, included the following principal scientists and institutions; Drs. Fred Huffman and Walter Bornhorst, Thermo Electron Corporation (TECO), Waltham, Massachusetts; Dr. William Martini, Donald W. Douglas Laboratories (DWDL), Richland Washington; Mr. Mark Rudnicki, Aerojet General Corp., Sacramento, California; Dr. David Purdy, Atlantic Richfield Co. (ARCO), Leechburg, Pennsylvania; Dr. John C. Norman, Harvard Medical School, Boston, Massachusetts; Mr. Peter Newgard, Stanford Research Institute (SRI), Menlo Park, California; Mr. Jack Chambers, Statham Instruments, Inc., Oxnard, California; and Dr. Fred Galysh, Travenol Laboratories, Morton Grove, Illinois.

The two events follow 4 years of research and development on the nuclear engine for powering both kinds of artificial heart devices and 2 years of research and development on the total replacement artificial heart. With the development of the major components (pump, control and engine), the totally implantable total heart replacement can now be further studied for adaptation to human heart patients. These achievements, and the opportunities they afford for studying the biological and engineering problems involved in replacing the heart, may lead to a decision for developing the clinical systems for humans within a period of three and one half to four years.

HEART ASSIST AND TOTAL ARTIFICIAL HEART SYSTEMS DESCRIBED

The nuclear-powered heart-assist system implanted in a calf last week consists of two major units; one in the chest, and the other in the abdomen.

In the abdomen is a six-pound, 3 by 8 inch cylinder containing a miniature thermal engine with a nuclear heat source. Hydraulic pressure generated by this enngine is conveyed via tube to the blood pump and its control unit located within the chest.

The 50-watt heat-energy source is about 100 grams of plutonium-238 (Pu-238) in a 3-layer metal capsule (developed by DWDL) designed and proven to withstand corrosion, high impact and crush pressures, and cremation, as well as the maximum credible accident temperature of 2400° F. Pu-238 is primarily an emitter of alpha particles, which have high energy but very low penetrating power (they can be stopped by a thin piece of paper). The source also emits more penetrating gamma and neutron radiation, which capsule and engine design reduce to acceptable levels.

The heat from the isotope capsule is stored and released as required to power the thermal engine. Storage is achieved through the melting of a lithium salt material that has a high heat capacity and melts between 930 and 1200°F. The hot capsule and heat storage material are surrounded by an insulation jacket that directs the heat through the engine to produce useful power for operating the implanted blood pump.

Two nuclear thermal engines have been

tested. One is a vapor cycle steam engine, the other a modified Stirling cycle engine. These engines have undergone bench testing with the isotope and have entered animal testing phases.

The vapor cycle steam engine develops hydraulic pressure to operate the blood pump in synchrony with the irregular beating of the sick natural heart on a beat by beat basis. In this engine, in a closed system wherein the water alternates many times each second between the vapor and liquid phases, the steam generated from a single drop of water is enough to run the system. The engine operates at a peak temperature of approximately 900°F and develops fluid pressures of over 150 pounds per square inch (psi) to activate the blood pump. The system also generates electric power through a miniature thermoelectric unit, for control of the engine and the blood pump.

The modified Stirling engine converts the heat from the isotope to pressurized gas by heating and cooling the working media in a closed cycle. The gas (helium) is expanded when hot and compressed when cold and work is extracted since the expansion work exceeds the compression work. The high pressure pneumatic energy is converted to hydraulic fluid energy to drive the blood pump. The engine embodies a large surface area regenerative heat exchanger that maintains a uniform temperature gradient of approximately 1000°F, which maintains the thermodynamic cycle within the engine system.

The nuclear engines provide adequate power in a controlled form for operating either the assist or the total replacement heart implanted wholly within the chest. The hydraulically operated heart-assist pump is directly integrated with the system for more efficient responsiveness. It is the most recent version of a direct acting heart-assist pump in a series of pumps that extends back to externally actuated pneumatic units. It is based upon the total heart designed by Dr. Harmison. The double valved pump connects the apex of the heart's main pumping chamber (left ventricle) to the descending portion of the body's main artery (the aorta); as originally defined and performed by Dr. William Bernhard of Children's Hospital, Boston. The alternate withdrawal and reentry of hydraulic fluid into the pump's outer actuating chambers activates the controller unit to compress the pumping chamber, causing the blood to flow into the aorta at normal physiologic pressures. It spares the left ventricle most of the effort required to pump the blood throughout the body. Further control logic mechanisms built into the unit enable the system to adjust and modify blood flow output, on a beat by beat basis, to conform to changing circulatory demands of the body.

The new pump also features a blood cooled heat exchanger that dissipates 70% or more of the excess heat from the engine, and a lining of flocked Dacron fibers to promote the growth of a blood compatible layer of living tissue on all blood contacting surfaces.

TOTALLY IMPLANTABLE ARTIFICIAL HEART

A totally implantable artificial heart, complete with power and controls, has been developed. This is the first complete unit to totally replace the heart and be self-contained within the body.

The artificial heart is similar to the natural heart; i.e., it contains four pumping chambers—two atria and two ventricles. The energy unit is nested between the blood pumping chambers of the heart. The system consists of the pumping chambers, the energy converter, the heart controlled computer and implanted energy storage and receiving units.

The complete heart has been designed to adapt to different types of internal power control systems, i.e., electrical, nuclear or pneumatic. The current totally implanted system is electrically powered with a tiny electromagnetic brushless motor within the blood pump. It is designed to be run by the nuclear powered thermal system; in fact, the previously described thermal engines are being integrated with the total heart.

The heart is attached to the stumps of the major blood vessels that remain after the natural heart has been removed. The total heart responds immediately to the changes and physiological needs by altering heart rate and stroke volume. The efficiency of the total heart is in the range of 30 to 40%, at least as high as the natural heart. The system has no internal heat dissipation problems.

The first totally implanted system brings together all of the components of the total system where they can be carefully assessed to determine the potential clinical role of the totally implanted artificial heart in conjunction with other forms of treatment. The feasibility of the complete system has been demonstrated in the engineering and acute animal phases of study; it is now entering the phase of long-term evaluation in animals.

BACKGROUND: NATIONAL HEART AND LUNG INSTITUTE'S MEDICAL DEVICES APPLICATIONS PROGRAM

The Artificial Heart Program of the National Heart and Lung Institute was changed July 29, 1970 to the Medical Devices Applications Program (MDAP) and its mission was broadened. The mission is now to reduce death and disability from both circulatory and respiratory diseases through the development of materials, instrumentation and devices for prevention, diagnosis, monitoring and treatment of these diseases.

To achieve this, the MDAP is active in the following research and development areas:

Biomaterials that are compatible with body tissues and fluids, especially for use in implanted artificial organs.

Artificial heart devices to assist the diseased heart or to replace the irreparably damaged heart.

Artificial lung devices for emergency, temporary and permanent pulmonary assistance.

Bio-Instrumentation for improved monitoring of patients and for earlier and more effective diagnosis of their disease and its complications.

Medical Devices Application: testing and evaluation to ensure safe and expedient transition of new medical devices from laboratory and experimental stages to patients and the health care community.

Special programs, such as analytical and experimental studies of auxiliary devices, and including meetings and communications events to encourage full partnership of the community in the development and use of artificial cardiovascular and pulmonary organs.

The MDAP does not employ the usual step-by-step time-sequence approach to the development of a system. Instead, a modified systems development approach is used, in which all subsystems for a system such as a prosthetic organ are considered concurrently; and their design, development and assembly into the finished, working prosthesis are achieved by the coordinated efforts of diverse industries, individuals and institutions each concentrating on problems within a specific area of expertise. The MDAP outlines an overall plan for attaining the desired goals, identified major problems in the way of these goals, and supports work to solve the problems in a timely way.

Thus, by bringing together the talents, skills and resources of biological, medical, engineering and physical scientists in universities and hospitals with those in chemical, engineering and actuarial firms and other group from private industry—and by coordinating the efforts of all of these—the MDAP may produce the best possible types of circulatory and respiratory assist and replacement devices at the least possible cost in time and money. A basic MDAP philosophy is that such devices may proceed directly into preliminary clinical study by the MDAP-sponsored developers adhering to DHEW Guidelines for research involving human subjects.

Mr. CRANSTON. Mr. President. I am pleased to join in cosponsoring S. 3323, the proposed National Heart, Blood Vessel, Lung, and Blood Act of 1972, introduced by the chairman of the Health Subcommittee (Mr. KENNEDY).

The introduction of this bill to expand, improve, and provide greater focus to the programs of the National Heart and Lung Institute is a logical sequence to the passage of the National Cancer Act of 1971. Indeed, at the time we were considering that legislation, I introduced along with the distinguished Senator from Wisconsin (Mr. NELSON), Senate Resolution 126 to authorize a study of the Nation's efforts to fight heart disease and other cardiovascular diseases.

It was my feeling that while a massive attack on cancer was fully justified, we could not conscientiously ignore the No. 1 cause of death in this country, heart and cardiovascular diseases. So it is particularly gratifying to me today to note that so many others now share my concern that a major program be mounted to concentrate an all-out effort against these diseases.

This bill will provide the Nation's medical community with the means to mount a comprehensive attack on three areas of physical disability which constitute the greatest threats to life and create the greatest number of disabilities of any group of related diseases.

These are heart disease, lung disease, and diseases of the blood. Many may react to this listing as a grouping of diseases affecting basically the aged. Although these diseases are the No. 1 killer of older persons, they also afflict many younger persons.

The estimated mortality in 1972 from cardiovascular diseases in the United States is almost 1.1 million—1,098,000—out of a total U.S. projected mortality figure of 2,041,000. Of this projected figure, approximately 160,000 will be under the age of 65. Cardiovascular diseases cause 14 percent of the deaths between the ages of 25 and 34, 30 percent between the ages of 35 and 44, 42 percent between the ages of 45 and 54, and 51 per cent between the ages of 55 and 64.

The estimated prevalence of cardiovascular disease among our population is 27 million cases.

A look at the statistics on chronic respiratory conditions reveals both a staggering total of deaths of older persons as well as an even greater proportion of incidence among the younger age groups.

There are approximately 10 million individuals affected by chronic respiratory conditions. These 10 million break down by disease and age group as follows:

	Total	Under 65 years	Over 65
Emphysema	923,000	548,000	375,000
Bronchitis	4,177,000	3,534,000	643,000
Asthma	5,830,000	5,185,000	645,000

Some 36,000 people die each year from chronic respiratory conditions apart from cancer of the lung or respiratory infections such as pneumonia or tuberculosis. More than 13,000 of these are

under 65 years of age. These 36,000 deaths are in addition to the 20,000 infants who die each year with respiratory distress syndrome or hyaline membrane disease.

Diseases of the blood take their toll also. Thrombosis is a substantial factor in heart attacks and, of course, in stroke. Recently the Senate unanimously passed the National Sickle Cell Anemia Act, giving recognition to the statistic that 50,000 Americans may suffer from this horrible selective disease, with 2.5 million having the trait. And this bill places further emphasis on research into this disease. Hemophilia while affecting only approximately 15,000 individuals makes substantial demands upon the supply of blood available for the Nation's hospital patients.

To provide a systematic approach to wiping out these dire statistics, S. —— would require the development of a 5-year program to combat diseases of the heart, blood vessels, lungs, and blood. This program would include basic biomedical research, studies in epidemiology, etiology, and prevention, research into new drugs, devices, treatment and diagnosis, and rehabilitation as well as large-scale testing and evaluation and demonstration projects in prevention, diagnosis, treatment, and rehabilitation. The program would also include emphasis on the education and training of scientists and professionals in these fields, and on the establishment of programs and centers for study and research in these diseases. A public information and education program would be a strong part of this plan.

The bill also authorizes the establishment of 15 new centers for clinical research into cardiovascular diseases and 15 new centers for clinical research into chronic pulmonary diseases. Each of these centers would provide the scientific and academic environment necessary to train new health personnel, and to demonstrate advanced diagnostic and treatment methods for cardiovascular and pulmonary diseases, respectively.

These centers would be jointly funded by public or nonprofit private agencies or institutions, including the voluntary organizations.

Under the bill, the existing advisory council for the Heart and Lung Institute would be expanded to 18 members and would include nine members who are leading medical or scientific authorities skilled in the diseases which are the special concern of the institute, two students enrolled in health professions schools, and seven members from the general public.

The National Heart and Lung Institute would, for the first time, have its own separate authorization of appropriations.

I believe all of these provisions will enable the National Heart and Lung Institute to wage the strong fight that is needed against heart and lung disease and diseases of the blood. The ravaging statistics I cited earlier are telling evidence of the need to mobilize the full weight of our biomedical community's resources in a direct assault on these diseases.

I have also joined this week in cosponsoring S. 3046, the proposed National Heart, Lung, and Blood Act of 1972, introduced by my good friend and colleague from Minnesota (Mr. MONDALE). This bill also approaches the prevention and treatment of these diseases in a manner similar to S. ——, and I understand that both bills will be considered in hearings on this subject. S. 3046 contains provisions which I feel complement S. ——, and I look forward to hearing them discussed fully in committee hearings.

One concept incorporated in S. 3046 is that of separate appropriations authorizations each for heart disease, lung disease, blood disease, and information and public education programs as well as professional training programs. I feel this individual budgetary item mechanism should be thoroughly explored. It seems to me to have the advantage of assuring that each of these important components of the institute's programs would receive the priority consideration it deserved without being diminished by considerations given another component.

Mr. President, I believe the greatest tragedy which surrounds these diseases is that much of their incidence could be avoided through appropriate preventive measures. And many of these measures can be taken by the individual in making changes in his everyday patterns of living. I admit it is not easy to change one's way of living, but all evidence points to the fact that, with special information and efforts, the individual can dramatically prolong his chances of a healthy life free from disabilities. This can be accomplished through developing the habits of adequate rest and exercise, and a good diet, and losing or avoiding the habit of cigarette smoking. Each of these preventive measures can be enhanced and encouraged through strong educational and information campaigns. This, I believe, justifies and, indeed, requires the mounting of a comprehensive informational campaign by the National Heart and Lung Institute.

A third factor in the preventive treatment of heart disease is the control of high blood pressure—hypertension—through medication and diet. Many victims of hypertension develop the disease during their thirties. Regular medical supervision is a practice every family should follow. The family doctor can detect early signs of hypertension and treat it through drugs or through diet, thereby avoiding the risk of heart failure, kidney failure, heart attacks, and strokes developing from hypertension.

Another preventive mechanism which can prevent serious disability or death resulting from heart attack is adequate treatment and care at the time of the attack.

An extremely important benefit to be realized from a concerted effort against these diseases is emphasis on emergency treatment of victims of heart attacks. The statistics on sudden cardiac death are high and needlessly so—some 80,000 deaths each year, among heart attack victims under the age of 65. Half of the victims of heart attacks die before reaching the hospital. To reduce the incidence of death from heart attacks, research is necessary to develop means of getting emergency care to the victim quickly, to devise treatment methods which can alleviate immediately the potential damage to the heart and its pumping mechanism, and, of course, to educate the public in proper precautions and procedures to follow in the event of a sudden attack.

One area of great potential, I have long been convinced, is the utilization of helicopters for such emergency treatment, especially in rural areas where distance alone can prevent a patient from receiving needed treatment within an acceptable period of time. Helicopters are widely used in Sweden today to save many who would otherwise not survive. Some steps have already been taken in parts of our country to convert helicopters into ambulances with trained personnel, equipment, and supplies readily available to provide immediate treatment to victims. But this is far too little and too uncoordinated an effort. The history of helicopter utilization in Vietnam has shown the great adaptability and applicability of these vehicles for such treatment procedures.

I am hopeful that additional demonstrations and then large-scale funding of the utilization of helicopters, as well as mobile coronary care units, will be undertaken. I will introduce amendments to this legislation to stress this program.

Another area where preventive treatment can reap great benefits lies in promising research currently underway to provide a means of dissolving blood clots and to prevent their formation through maintenance drugs. If successful, thrombosis can be prevented, and the tragic disabilities resulting from strokes and heart attacks caused by thrombosis can be avoided.

Of course, prevention in chronic respiratory diseases to a great extent will depend on our ability to clean up the environment. Again cigarette smoking is heavily implicated as causative agent.

The other side of the coin of prevention is treatment and rehabilitation. The disclosure just the other day of the development of an artificial heart by NIH-supported research promises great hope for the future, particularly if the costs can be reduced.

Recent years have shown impressive gains in open-heart surgery and in therapeutic techniques for the treatment of heart disease.

At the same time, we need to place greater emphasis on diseases of the lungs. Because of the discovery of the successful treatment for tuberculosis 20 years ago, a career in lung research has seemed less challenging to many young physicians than other research fields. As a result, there has been a serious shortage of scientists and researchers in recent years in the diseases of the lung and respiratory tract. A major effort must be made to recruit more young professionals into this area.

In the field of blood itself, promising advances have been made in developing methods of lengthening the shelf life of blood used for transfusions. Currently blood can be maintained for only 21 days. There are periodic shortages of blood, and systems need to be devised to fractionalize it so that factors necessary for certain diseases, such as hemophila can be removed, and the remainder of the blood utilized for other purposes. This

would provide a higher curative output from every pint of blood.

Mr. President, the future holds great hope for the reduction of the mortalities and disabilities from diseases of the heart and lung. I believe S. —— will give us the tools to accomplish this life saving and sustaining sooner. Every year gained represents a potential of well over a million lives prolonged and countless disabilities lessened. This legislation and appropriate high funding offers assurance that these diseases will no longer present the tragic threat to our Nation that they have in the past.

By Mr. DOMINICK:

S. 3324. A bill to authorize appropriations for activities of the National Science Foundation, and other purposes. Referred to the Committee on Labor and Public Welfare.

NATIONAL SCIENCE FOUNDATION AUTHORIZATIONS ACT OF 1973

Mr. DOMINICK. Mr. President, the authorization bill which I am introducing for the National Science Foundation is a reflection of the President's commitment to marshal science and technology as contained in his state of the Union message to Congress on January 20, 1972:

As we work to build a more productive, more competitive, more prosperous America, we will do well to remember the keys to our progress in the past. There have been many, including the competitive nature of our free enterprise system; the energy of our working men and women; and the abundant gifts of nature. One other quality which has always been a key to progress is our special bent for technology, our singular ability to harness the discoveries of science in the service of man. . . . I have felt for some time, however, that we should also be doing more to apply our scientific and technological genius directly to domestic opportunity. Toward this end, I have already increased our civilian research and development budget by more than 40 percent since 1969 and have directed the National Science Foundation to give more attention to this area. . . . Science and technology represent an enormous power in our life—and a unique opportunity. It is now for us to decide whether we will waste these magnificent energies—or whether we will use them to create a better world for ourselves and for our children.

This bill authorizes $646 million for the National Science Foundation's activities and an additional $7 million for expenses incurred outside of the United States.

Mr. President, the activities of the NSF touch virtually all of the sciences in the areas of research and development and technology application in addition to its activities in the academic community.

I am confident that the Congress will recognize the wisdom of the President's commitment to science and technology and give expeditious consideration to this bill, for there are few investments which pay any greater dividends.

Almost a year ago to the day, the late Senator Prouty spoke with his usual wisdom and insight in introducing last year's authorization:

Basic research increases the score of knowledge we have about the world we live in. Such knowledge does not become obsolete; on the contrary, its value improves with use and with our expanding horizons of comprehension. But scientific knowledge is useful only in the hands of men and women who are familiar with its dimensions, who are experienced in working with it, interpreting it, and relating it to the major needs and interests of our society. This capability is required in order not only to produce new knowledge, but also to be ready for its exploitation. Maintaining this capability can only be guaranteed through actively supporting research in essentially all areas of science.

Mr. President, this bill presents that guarantee to America. I ask unanimous consent that the bill and a sectional analysis of this legislation be printed in the RECORD.

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

S. 3324

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated to the National Science Foundation for the fiscal year ending June 30, 1973 to enable it to carry out its powers and duties under the National Science Foundation Act of 1950, as amended, and under title IX of the National Defense Education Act of 1958, out of any money in the treasury not otherwise appropriated, $646,000,000.

SEC. 2. Appropriations made pursuant to authority provided in sections 1 and 4 shall remain available for obligation, for expenditure, or for obligation and expenditure, for such period or periods as may be specified in Acts making such appropriations.

SEC. 3. Appropriations made pursuant to this Act may be used, but not to exceed $5,000, for official consultation, representation, or other extraordinary expenses upon the approval or authority of the Director of the National Science Foundation, and his determination shall be final and conclusive upon the accounting officers of the Government.

SEC. 4. In addition to such sums as are authorized by section 1, not to exceed $7,000,000 is authorized to be appropriated for fiscal year ending June 30, 1973, for expenses of the National Science Foundation incurred outside the United States to be paid for in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States.

SEC. 5. (a) If any institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has willfully refused to obey a lawful regulation or order of such institution after the date of enactment of this Act, and that such refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution, then such institution shall deny, for a period of two years, any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (b).

(b) The programs referred to in subsection (a) are as follows:

(1) The programs authorized by the National Science Foundation Act of 1950; and

(2) The programs authorized under title IX of the National Defense Education Act of 1958 relating to establishing the Science Information Service.

(c)(1) Nothing in this section shall be construed as limiting or prejudicing the rights and prerogatives of any institution of higher education to institute and carry out an independent, disciplinary proceeding pursuant to existing authority, practice, and law.

(c)(2) Nothing in this section shall be construed to limit the freedom of any student to verbal expression of individual views or opinions.

SEC. 6. This Act may be cited as the "National Science Foundation Authorization Act of 1973."

SECTIONAL ANALYSIS

SEC. 1. This section authorizes appropriations to the National Science Foundation for fiscal year 1973 in the amount of $646,000,000.

SEC. 2. This section provides that appropriations made pursuant to sections 1 and 4 shall remain available for obligation and expenditure for such period, or periods, of time as may be specified in appropriation acts.

SEC. 3. This section authorizes an allowance of up to $5,000 for official consultation, representation, and other extraordinary expenses to be expended at the discretion of the Director.

SEC. 4. This section authorizes, in addition to the funds appropriated by section 1, an appropriation for fiscal year 1973 not to exceed $7,000,000 for expenses of the National Science Foundation incurred outside of the United States to be financed from foreign currencies which are determined by the Treasury Department to be in excess of the normal requirements of the United States.

SEC. 5. This section outlines certain conditions under which institutions of higher education are to deny or withdraw assistance, for a period of two years under specified programs, from individuals involved in acts which constitute substantial disruptions to such institutions.

SEC. 6. This section permits the citation of the Act as the "National Science Foundation Authorization Act of 1973."

By Mrs. SMITH:

S.J. Res. 214. A joint resolution proposing an amendment to the Constitution of the United States providing for nomination of candidates for President and Vice President, and for election of such candidates by popular vote. Referred to the Committee on the Judiciary.

Mrs. SMITH. Mr. President, for more than a decade I have been introducing a constitutional amendment not only to abolish the electoral college and replace it with direct election of the President and Vice President, but as well to abolish nomination by conventions and replacement with nomination by direct primary. For years my proposal was known as Senate Joint Resolution 1.

But I have had no success whatsoever on this proposal although I have appeared before the Senate Judiciary Committee to urge approval of it. At that time—March 2, 1966—my proposal had lost the No. 1 designation to Senator BAYH's proposal to abolish only the electoral college and not touch the system of nomination by convention—and dropped in number to Senate Joint Resolution 4. I ask unanimous consent that my statement to the Committee on the Judiciary be placed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mrs. SMITH. Mr. President, with the recent pronouncement of the majority leader. I have taken new hope and so today I have reintroduced my constitutional amendment to not only elect but as well nominate the Presidency and Vice-Presidency by direct election.

My more-than-a-decade-old proposal would, among other things:

First. Abolish the electoral college system of electing the President and Vice President;

Second. Provide for election of the President and Vice President by direct popular vote;

Third. Abolish the national convention system of nominating the presidential and vice-presidential candidates of political parties;

Fourth. Provide for the nomination of presidential and vice-presidential candidates of political parties by direct primaries—first Tuesday after first Monday in August;

Fifth. Provide for runoff elections in both the general election and the primary in the event that no candidate received a majority of the total number of votes cast—to be held 28 days later;

Sixth. Require that in order to qualify as a candidate in the direct primary, a person must file a petition signed by at least 1 percent of the total vote cast in the last presidential general election—this would require 700,000 signers for the 1968 primary—to be filed not before January 1 and not later later than 2 months prior to the primary election; and

Seventh. Require that a political party have a registered membership of more than 5 percent of the total registered voters in the United States in order to qualify to get on the ballot.

It is my sincere belief that this proposal is responsive to what the overwhelming majority of the citizens of the United States desire. National public opinion polls have clearly demonstrated that an overwhelming majority not only wants the electoral college system abolished but wants it replaced by a direct popular vote system.

It is my belief that the selection of the party candidates should be made by the people themselves in a direct primary rather than by national convention—and that in order to obtain a clear-cut majority preference, if necessary, runoff elections both in the primary and the general election should be held.

I believe that candidates should openly declare their candidacies and make themselves available to recorded expression of the voters directly rather than refraining from a presidential primary and instead relying on power plays in the back smoke-filled rooms at national conventions where a handful of people can make the choice of the nominees.

I believe that the position of Vice President has become so important that it should not be relegated to the status of consolation prize nor should it be decided by the vote of one person—the presidential nominee—to the exclusion of the votes of tens of millions of Americans.

My proposal would incidentally attain an objective now desired by candidates and the public alike—to shorten the general election campaign at least 1 month with the primary being set for early August.

EXHIBIT 1

DETAILED STATEMENT OF SENATOR MARGARET CHASE SMITH IN SUPPORT OF SENATE JOINT RESOLUTION 4

From the long term aspect, the Electoral College is doomed to be replaced by the direct popular election system. It is only a matter of time. Its years are numbered. For the American people will ultimately assert themselves and demand that the will of the majority prevail—and the American people will prevail over the powers-that-be who cling to perpetuation of the status quo.

It may take another razor-thin Kennedy-Nixon type election or an Adams-Jackson, Hayes-Tilden or Harrison-Cleveland type election—where the popular vote winner loses—to arouse the people to successful revolt against the Electoral College. Whatever sets off the time fuse, the Electoral College is ultimately doomed.

The foremost objection to the popular election vote proposal is that under it the small population states like my own State of Maine would lose proportional power to the large population states.

My answer to that argument is that it is the will of the people—the will of a majority of the voters—rather than the proportional power of any state that is important and that should prevail—the people should not be secondary and subservient to the states.

A good starting point for the elaboration of these fundamental points is to ask why the current intense interest in changing the Electoral College system of electing Presidents? Hasn't this ever occurred to anyone before? Why the sudden interest?

Obviously, much of the current interest stems from the closeness of such elections as the 1960 Presidential Election in which Mr. Kennedy edged Mr. Nixon by only sixteen one-hundredths of one per cent of the total vote—by only 112,881 votes out of the sixty-eight and a half million votes cast.

Mr. Kennedy received 49.48 per cent of the vote to 49.32 per cent for Mr. Nixon—thereby making Mr. Kennedy a minority President since he received less than fifty per cent of the total votes cast.

Yet, in the Electoral College he received 303 to Mr. Nixon's 219 and 15 for Senator Byrd—or Mr. Kennedy received 56.6 per cent of the Electoral College vote but only 49.48 of the popular vote.

In short, we had a President elected by the Electoral College even though he was close to trailing in the popular vote. In addition to that we had some Members of the Electoral College who defied the voters of their states and voted for someone other than whom the voters of their own states had voted for.

This has disturbed and aroused many people as the dangers and weaknesses of the Electoral College, which can be used to thwart the will of the majority in our country. Many aroused people want to remove such a danger.

But this is nothing new. There have been many times in the history of our country when we have had a minority President. There have been times when the candidate getting the greatest number of votes in the direct popular vote was defeated in the Electoral College.

Our minority Presidents have been Adams in 1824, Polk in 1844, Taylor in 1848, Buchanan in 1856, Lincoln in 1860, Hayes in 1878, Garfield in 1880, Cleveland in 1884 and in 1892, Harrison in 1888, Wilson in 1912 and 1916, Truman in 1948 and Kennedy in 1960. In most of these instances, they were minority Presidents because there were more than two nominees for President.

Even more striking were the elections of 1824, 1876, and 1888 in which the direct popular vote winner lost in the Electoral College. In 1824 Andrew Jackson beat John Quincy Adams 4 to 3 in the direct popular vote as Jackson received 43.13 per cent of the vote while Adams received only 30.54 per cent of the vote—with Clay and Crawfor each getting 13 per cent of the vote.

In 1876 Samuel J. Tilden beat Rutherford B. Hayes 51 per cent to 48 per cent in direct popular votes but lost the election under the Electoral College system. In 1888 Grover Cleveland beat Benjamin Harrison 49 per cent to 48 per cent in direct popular votes but under the Electoral College system lost to Harrison.

These results—and the repeated possibilities—have worried Americans often in the past and they have tried to do something about changing the Electoral College system which would permit such unfair results. In fact, more than 200 amendments have been introduced in the past 71 years.

It seems as though the Smiths have gotten into the act very conspicuously. The attempts to make changes, first, started back in 1797 when Congressman William L. Smith of South Carolina introduced the first amendment.

Because times does not permit a complete historical review of the attempts to change or abolish the Electoral College. For the most part, I will confine my mention of the attempts to the time during which I have served in the United States Senate—that is since 1949.

In 1950 the late Senator Langer proposed an amendment to abolish the Electoral College and replace it with nomination and election by direct popular vote. The Langer Amendment was defeated by a 60 to 31 vote. I voted for it. Republicans voted nearly evenly with a 21 to 20 vote against it. Democrats voted nearly four to one against it by 39 to 11.

Three other amendments offered that day were defeated by even more lop-sided votes than the Langer Amendment. But the Lodge Proportional Amendment did pass by a 64 to 27 vote and I voted for it. It also had a provision to require at least forty per cent of the electoral vote for anyone to get elected President.

But the Lodge Amendment passed by the Senate died in the House because the House Rules Committee bottled it up in Committee and refused to let it get out for a vote by the House.

The next attempt was in 1956. This time Senator Langer again offered his direct popular vote nomination and election proposal. But this time it was defeated 69 to 13—twice as great a defeat as six years before. This was because of a great shift on the Republican side.

While the Republicans voted 20 to 21 on the Langer Amendment in 1950, they voted 41 to 2 against it in 1956. Senator Langer and I were pretty lonely that day as we were the only two Republicans to vote for it.

Whereas Senator Lehman had voted against the Langer Amendment in 1950, six years later in 1956 he offered half of the original Langer proposal by the Lehman Amendment which would continue nomination by convention but would have abolished the Electoral College and provided election by direct popular vote. But his amendment was defeated 66 to 17.

Senator Case of New Jersey offered an amendment to provide for the proportional system with a bonus for states with high voting participation and penalty for states with low voting participation. The Case Amendment was defeated 66 to 20.

A majority of the Senate by a 48 to 37 vote did vote for the Daniel Compromise Amendment which would give each state a choice between the proportional plan or the district plan—but the Daniel Amendment failed because it fell short of the required two-thirds majority.

Nothing has happened since that vote—except the several proposals that have been introduced. Before turning to these proposals for discussion, I want to touch upon what appears to be the sentiment of the American people for a change in the Electoral College system of electing Presidents.

In 1948 the Gallup Poll showed that the American people favored a change by a better than 2 to 1 margin—57 percent for to 22 percent against. On November 17, 1960, the Gallup Poll showed the sentiment to be down a bit but still about 2 to 1 for a change with the percentages being 50 percent for and

28 percent against. Later such polls have had similar results.

And before getting into a discussion of the current proposed changes, let us take a look at the arguments pro and con on the present Electoral College system of electing Presidents.

Those who defend the Electoral College point to the fact that it is still with us after 174 years and that, on the whole, it has produced able Presidents.

They say that only rarely has a popular vote loser won in the Electoral College. They point out that even the minority Presidents would probably have won had there been run-off elections such as I propose.

They say that the system gives protection to the smaller states—that it provides some protection against tyranny by a majority.

They contend that the unit rule system of the Electoral College whereby the winner in a state takes all the electoral votes—that such "Winner Take All" Unit Rule helps prevent the growth of splinter parties such as plague France with its political instability prior to DeGaulle.

They contend that it gives desirable balance between urban and rural areas and their respective powers on influencing the final outcome of a Presidential election.

And they finally conclude that in the event of a very close and bitter election, the Electoral College tends to give the impression that the country is behind the winner because he has won a greater percentage in the Electoral College than in the direct popular vote.

Of all the arguments made by the defenders of the Electoral College system I find this to be the most fatuous and guilty of sheer sophistry.

I think the arguments against the Electoral College system as it is now constituted are far more logical and impressive. One of the greatest arguments against it is the result of past elections. As I have pointed out, it has produced three Presidents—Adams, Hayes, and Harrison—who lost the popular vote to their opponents.

And it simply is not right for the wishes of the majority to be thwarted. That is certainly not the democracy that we give so much lip service to. To paraphrase a national columnist-commentator, it does not "Make Democracy Live."

Those who oppose the Electoral College contend that our founding fathers never intended that there be en bloc "Winner Take All" voting by each of the states. Its unfairness is obvious.

A very incisive argument against the system is that it makes it practically impossible for anyone from a small Electoral Bloc State to be nominated but instead tends to limit the possibilities to persons from large states like New York, California, Pennsylvania or Ohio.

And in such large states, if the division between parties tends to be razor thin, then certain pressure groups gain a disproportionate and unfair bargaining power under the unit system of the Electoral College. It gives tremendous power to small highly-disciplined, well-organized pressure groups in large pivotal states.

Critics of the Electoral College contend that its Unit System not only invites vote frauds by juggling a few votes in the large pivotal states where the vote may be close—but that it also discourages maximum voting participation.

Critics further point out that if one candidate fails to get 269 electoral votes, under the present Electoral College system the voting is then thrown into the House where each state, voting under the unit system, has only a single vote regardless of the size of its population.

The one point of criticism on which there is the greatest agreement is that there is nothing binding legally upon an elector to vote for a candidate to whom he pledged himself prior to election or on whose ticket he ran. For example, in 1960 a Nixon elector voted for Senator Byrd.

One thing is sure on this subject—that most people are dissatisfied with the Electoral College and want to change the system of electing Presidents. The trouble is that they can't get together and agree on the changes to make—and their division among themselves is why no change has been made and why it will be difficult to get any change.

The stand-patters—the perpetuators of the status quo—the defenders of the Electoral College system without change—have the great advantage of being united and having one, simple goal—merely to resist any and all proposals for change.

As to how many proposals for change there are, I am reminded of what the President of France said to me in 1954 when I asked him why France didn't drop its multi-party political system and adopt a two-party system like the United States to obtain greater stability in the French Government.

Very patiently he smiled at me and said softly, "Because, my dear Senator, in France there are fifty million Frenchmen and that means that there are fifty million political parties."

Yet, we can group the major proposed changes into three basic proposals—the district plan—the proportional method—and the direct vote for President. Let us examine each of these and the arguments for and against them.

The district plan is just like its name sounds. Under it, electors would be elected just like Congressmen and Senators. They would be elected by Congressional Districts—with the Presidential candidate, who received the plurality vote, getting the vote of the one elector of that particular Congressional District—and with the Presidential candidate with a plurality statewide getting the two electoral votes equal to its two Senators.

In the early days of our Federal Government the district plan was easily the most popular reform proposal. It has come the nearest of any of the proposed changes to being adopted.

The proposed changes have less difficulty in getting by the Senate than in the House. While the Senate has several times passed proposed changes, such changes have died in the House. In other words, the House is the bottleneck or barrier against change.

The closest to ever breaking the House barrier was in 1820 when the House voted for a district plan proposed change by a 92 to 54 vote. But this wasn't enough for the required constitutional two-thirds majority.

In other words, it was within six votes of passage—for had six Congressmen voted for it instead of against it, then the states would probably have ratified the proposed change—and today and for the past one hundred and forty years we would have the District Plan of electing Presidents.

One can speculate dramatically what changes there would have been in our history had the District Plan been in effect for Abraham Lincoln and Woodrow Wilson might never have been President—and certainly John Quincy Adams and Benjamin Harrison would never have been President.

The basic District Plan would keep the electors but have them chosen at the polls in the same way that Senators and Representatives are chosen—with the further provision that if no candidate received a majority of the electoral votes, the election would be thrown into a joint meeting of the Senate and the House—not just the House as under the present system—at which meeting the Senators and Representatives in the new Congress would vote and as individuals rather than be block under the Unit Rule—choosing between the top three candidates. The candidate getting a plurality on the first ballot would be the winner.

There are a half a dozen or more major arguments advanced in support of the District Plan. Historical persuasion is attempted in the argument that the District Plan is what our founding fathers, in their wisdom, contemplated in actual practice in the system they did set up.

It would be a return to the system they really intended. For in the early years of the Electoral College, electors were chosen from the most distinguished leaders of each state and they voted as individuals in electing Presidents.

But that was short lived for politics moved in fast and political parties started to dominate the selection of electors. So that the intent of our founding fathers was subverted in actual practice as electors became merely representatives of political parties—and with this development came the death of independent voting by electors.

Among those who supported the District Plan in the early days were John Quincy Adams, Hamilton, Jackson, Jefferson, Madison, Van Buren, and Webster. But the political bosses moved in and when they did so the unit rule and the District Plan in practice was completely eliminated by 1836.

A second major argument for the District Plan is that it is more representative of the actual popular vote than the present system in that the District Plan eliminates the state wide unit rule "Winner take all" operation.

A third argument for the District Plan is that it would make political parties give small population states consideration on the selection of the Presidential candidates—just as much as is given to the large states under the present system that tends to penalize any Presidential aspirant from a small state.

A fourth argument is that it would make the President more responsive and sensitive to the same political pressures as those felt by Congressmen and Senators because all of them would be elected by the same constituencies.

A fifth argument for the District Plan is that on the one hand it would not encourage splinter parties because they would have little chance of winning electoral districts—but on the other hand it would tend to build a stronger two party system by giving courage and incentive to the minority party in what are considered to be one party states.

Other arguments advanced in support of the District Plan are that it would take control of selections away from political bosses and from State Legislatures—that it would prevent vote frauds, local bad weather or other accidential circumstances from tipping the scales of the entire electoral vote of a state—that it would provide fair balance of population representation for both urban and rural areas, both predominantly Democratic and predominantly Republican districts—and that it would minimize claimed inordinate influences of minorities in population centers of large states.

The principal arguments against the District Plan center around the possibilities of inordinate minority influence. It is argued that under this plan it would still be possible for a minority President to be elected because of the two electoral votes given each state on the basis of two Senators for each state.

It is pointed out that under the District Plan, splinter parties could still concentrate on swinging electoral districts to provide the balance in a close national election. The danger of gerrymandering districts by State Legislatures is raised.

And some minority groups contend that the District Plan would penalize them because it could isolate—and thus devaluate—the influence of minority groups in individual districts.

A final argument against the District Plan is that while it eliminates the application

of the "winner take all" unit rule on a statewide basis, it is at best only an improvement or change in degree on the unit rule since the unit rule would be applied at the district level even if removed from the state level.

They contend that such a compromise falls far too short of the goal of maximum control by the individual voter—the goal to make the individual voter's vote controlling nationally instead of controlling just by state or just by district.

The second basic proposal of change in the present Electoral College system of electing Presidents is the Proportional Method. Oversimplified this proposal is to divide the electoral vote of a state according to the percentage of the total vote in the state that each candidate receives.

For example, Maine has five electoral votes. If the Republican nominee received forty per cent of the total vote in Maine and the Demorcatic nominee received sixty per cent, the electoral vote would be divided 3 for the Democrat and 2 for the Republican instead of all 5 electoral votes going to the Democrat.

It was first proposed eighty-four years ago by Congressman Levi Maish of Pennsylvania—and a similar proposal was made in the same year by Congressman Jordan Cravens of Arkansas. The difference in their proposals was that Maish proposed that the proportional division by in whole numbers while Cravens proposed that the division be carried out to the third decimal place.

In 1950 the Senate by a 64 to 27 vote passed the Lodge-Gossett Amendment, which was practically identical to the Cravens Plan. But it died in the House—and because of a group about which you have been reading much this year—the House Rules Committee.

It died in the House because the House Rules Committee bottled it up in Committee and would not clear it for being voted up by the full House.

Six years later in 1956 a majority of the Senate voted 48 to 37 in favor of the proportional method but the amendment was defeated because it failed to obtain the required two-thirds majority vote.

Perhaps the most effective argument and support for the proportional method resolutions now before Congress is that they would abolish the office of elector and thus remove the potential abuses it encourages.

This is only a part of the general argument that under the proportional method the voters would have a more direct voice than under the present system in electing Presidents—yet in the compromise nature of the proposal, the federal principle of the two extra electoral votes for each state would be retained.

It would provide a method by which state legislatures could not tamper with the system as they can—and sometimes do—now. It would make less likely accidents and frauds frustrating the will of the people since no longer would a few questionable votes be able to swing the entire electoral vote of a state.

It is contended that the Proportional method would be fairer with respect to minority groups—both in giving them fair representation and in preventing them from obtaining inordinate influence. Votes of the minority parties would be counted as they are under the Unit system now in effect and under the District Plan—but their bargaining power would be cut down to size because it would be measured by their actual numbers rather than their relatively few votes providing the thin margin for a "Winner Take All" result under the present Unit system.

The Proportional method is attractive to many of the minority in one-party states as their votes would really count in the total national result rather than being cancelled out under the "Winner Take All" Unit system with all electoral votes going to one candidate regardless of how close the vote in a state.

And the basic argument for the Proportional method is that it would provide a far more accurate division of popular strength between the candidates than does the present system.

Against these arguments for the Proportional method are the arguments that can be expected against any compromise plan. Just as its compromise character provides it with strength, that compromise character creates weaknesses.

It would not protect against the possibility that a candidate losing the popular vote contest could still win the election with the electoral votes. Had it been in effect in the past in 1880 James Garfield would have been defeated under the Proportional method although winning the popular vote—and in 1896 William Jennings Bryan would have defeated McKinley.

There is some resistance to it in Congress because it is viewed as the opening wedge of a threat to extend proportional representation to Congress—in other words, instead of electing representatives by congressional districts, to elect them statewide. The threat this poses is that of the Multi-Party system that made the government of France so unstable for so long.

The third basic proposal of change is the Direct Election Plan of electing Presidents. It was first considered in 1787 at the Constitutional Convention. It was rejected by the states by a vote of 9 to 2 against—Delaware and Pennsylvania being the only two states to vote for it.

The arguments used to defeat it at that time were not very flattering to the American people when judged by our present day concepts. The arguments reflected on the intelligence and tolerance of the American people and imputed regional prejudice to them.

Most effective argument was that the American people just didn't know enough to be able to vote intelligently—didn't know enough about the qualifications and character of the candidates.

Southerners fought direct election because of its Negro slaves who were not permitted to vote—and because consequently there was greater voting participation in the North. There was the additional fear of regional favoritism leading to favorite son candidacies and resulting inability of states to agree on one candidate sufficiently to give him a clear majority.

The first attempt to amend the Constitution to provide for the Direct Election Plan was made by Representative William McManus of New York in 1826. Since that time there have been approximately ninety amendments embodying the Direct Election Plan proposed in Congress. I have already alluded to the unsuccessful efforts in 1950 and 1956 by Senator Langer.

Principal argument against the Direct Election Plan is that it would be at the expense of minorities and would provide no protection against what has been called the "Tyranny of the Majority". It is contended in this respect that it violates the Republic concept of our Government—the limited Democracy that places some restraints upon the majority for the protection of the minority.

Specifically, it is pointed out that this would penalize a small state like my State of Maine and would reward a large state like California or New York—in that it would remove the slight advantage of the two extra electoral votes given each State, regardless of size of population.

The States' Rights issue is raised against the direct election plan because it tends to national laws regulating voting for President—such as minimum voting age—whether 18 or 21—poll taxes, education and other criteria—which might extend to all other offices.

A further detailed argument on the States' Rights issue is that the direct election plan would give relative weight by the actual number voting rather than by the population of a state. Consequently, states with small voter participation—such as Mississippi—feel the heavy voter participation states would gain too much advantage under the direct election plan.

Finally, this very type of opposition is given as a practical reason for opposing the direct election plan—that with small states and southern states opposing it, a direct election amendment would never be ratified by the necessary three-fourths or thirty-eight of the fifty states.

Answers to these anti arguments are quick. The direct election plan for President is no more a threat of "tyranny of the majority" and impairment of our Republic form of Democracy than is the direct election system that practically all of our states have for all elective offices.

As to the penalty it would place on a small state like my own Maine by removing the slight advantage of the two electoral votes given to each state regardless of population size, I say that it is the individual citizen who is more important than the state and that the will of the individual must not be subservient to that of the state as in totalitarian nations.

As to States' Rights—as to the fostering of national uniform laws on elections—and election results being made by those who voted instead of just by state population and thereby indirectly to some extent to those who don't vote—I say that there are actually the very objective to be sought rather than opposed.

As to the argument that Congress should not pass the direct election plan because the small states and southern states would probably refuse to ratify it—I say this is a defeatist attitude—it is the standpat, perpetuation of the status quo attitude—and "faint heart never won fair lady".

In my opinion, not only do these observations answer such arguments against the direct election plan but the arguments for it are unanswerable. Under it the vote of every citizen would count equally. It would remove the feeling of frustration on the part of many voters in one party states. It would stimulate the two party system.

It would abolish all the potential abuses under the present system. It would prevent the possibility of electors disobeying instructions from the voters. It would prevent state legislatures from tampering with the election of Presidents.

It would remove the unfair advantages of small population states over big population states and vice versa. It would prevent the possibility that the popular vote winner would not be elected President by the quirks of the Electoral College with its unit rule system. It would insure that the President would be elected by the people.

The arguments advanced against the direct election plan are accentuated with even greater emphasis against the Smith plan than against other plans because the Smith plan goes further and would extend to primaries and would abolish the National Convention System of nominating Presidents.

Naturally I am prejudiced for the Smith plan or I would never have introduced it. My position is very, very simple. I think the party nominees for President should be chosen by the voters at direct primaries instead of by party delegates at National Conventions.

I believe this for the very same reasons as those advanced for electing Presidents under the direct election plan. What is good enough for electing Presidents should be good enough for nominating party candidates for President.

It is only the logical end of putting the power in the hands of the people—for they should be able to choose among all possible

candidates and not just in the final round at the general election.

In addition to abolishing the Electoral College and electing the President by direct popular vote, my plan would provide the following changes. It would abolish the nominations by National Conventions and replace this system with direct primaries on the first Tuesday after the first Monday in August.

In the event that no one candidate received a clear majority or more than fifty per cent of the total vote cast, a run-off election would be held between the two highest candidates twenty-eight days later. This run-off system would apply both in the primary and in the general election.

In order to qualify as a candidate in the direct primary, a Presidential aspirant would have to file a petition signed by at least one per cent of the total vote cast in the last Presidential general election—this would require 700,000 for a 1968 primary.

A political party would have to have a registered membership of more than five per cent of the total registered voters in the United States in order to qualify to get on the ballot.

There is one other significant point in my proposal for direct primaries. It is significant in that under this arrangement it would be the people themselves—millions of Americans making the choice for Vice President—instead of that privilege being limited to two men—the Democratic nominee for President and the Republican nominee for President who choose their own running mates—instead of the choice for voters being limited to between only two persons, each handpicked by one person.

Now having considered these various proposals for reform of the system of electing Presidents, let us apply them to the 1960 election and see what would have been the result in view of the closeness in the popular vote—as contrasted to Mr. Kennedy's very substantial margin in the Electoral College vote.

There is one complication in applying the various proposals to the 1960 election results. That is the vote in Alabama where six of the Presidential electors elected were Independents who ran as unpledged delegates and five ran as Kennedy delegates.

Strictly speaking, this would mean that while it could not be said, without fear of contradiction, that more than half of Alabama's Democratic vote was *against both* Kennedy and Nixon, by the same token it could not be said that it was *for either* of them.

The only valid conclusion that could be made would be that more than half of Alabama's vote was for neither Kennedy nor Nixon—and therefore would have to be withheld from the total given to Mr. Kennedy or Mr. Nixon in computations under the various proposals.

And this is a very important point, because it points up the uncertainty and the conjecture under the present Electoral College system—an uncertainty and conjecture that would be removed completely under the direct election plan and only partially under either the district plan or the proportional method.

When this factor is properly applied, it withholds at least 160,000 votes from Kennedy in the National total otherwise generally accorded to him on the basis of giving him the unpledged votes in Alabama. This would drop his National total to about 50,000 less than that of Mr. Nixon.

With this in mind, under the district plan or the unit role applied by Congressional Districts instead of Statewide—Mr. Nixon would have garnered more Electoral votes than the combination of Mr. Kennedy, the unpledged electors and the splinter candidates—and would have been elected by a clear majority in the Electoral College.

With this in mind, under the proportional method plan, Mr. Nixon would have received a razor edge victory over Mr. Kennedy—but less than a clear majority because of the unpledged electors and percentage for splinter candidates.

Yet, were the Proportional method plan in effect Mr. Nixon would have been elected because the Proportional method does not require a candidate to get a clear majority but only to be the highest man and to get at least forty per cent of the Electoral votes.

With this in mind, Mr. Nixon would have won by the 1956 Humphrey Compromise Plan of giving the two Statewide Electoral votes to the winner in the State but dividing the rest of the Electoral votes in the State by the proportional method.

In fact, if any of these plans were applied to the 1960 election, Mr. Kennedy would not have been elected—but instead Mr. Nixon would have been elected. The *only major* plan existing or advocated, by which it can be said unequivocally Mr. Kennedy would definitely have won the election is the present Electoral College System.

On the other hand, the *only major* proposed reform (other than abolishing electors as such) under which it can be said unequivocally that Mr. Nixon *might not* have won is the Smith plan. This is not to say that Mr. Nixon would have been defeated. Nor is it to say that Mr. Kennedy would have been defeated.

For under the Smith Plan neither Mr. Kennedy nor Mr. Nixon would have been elected on November 8, 1960, for the simple reason that neither received a clear majority of the total vote cast.

Under the Smith Plan, the decision of the people would not have been made until December 6, 1960, when a required run-off election would have been held between the two of them—and in which one of them would have received a clear majority of the vote of the people and would have been an unquestioned majority President instead of a minority President.

With a final difference of only sixteen hundredths of one per cent between Mr. Kennedy and Mr. Nixon in the November 8, 1960, election, who can say which would have won in a run-off election such as would have been required under my plan.

I have given you analyses of the various proposals for changing our way of electing Presidents. Naturally I am prejudiced and think my plan is the best—and I believe that its strongest logic is in the hindsight application of the various reform proposals to the 1960 election results.

The best prospect for change is to abolish the independence of electors and to restrict them to be only messenger agents of the voters to cast the vote as directed by the voters.

Generally speaking, the district plan, with its unit rule system, is sponsored by the conservative coalition in the Congress—and the conservative coalition is the strongest in the Congress. This would enhance the prospects for the district plan although the Conservatives are somewhat on the wane.

Generally speaking, the proportional method is sponsored by the middle-of-the-road group in Congress—and while this group is not as adhesively strong as the conservative coalition its strength, instead of being on the wane, is gradually increasing.

Generally speaking, the direct election plan is backed by the rank and file Liberals—although I consider myself to be more of a moderate than a Liberal—and the Liberal strength in Congress simply does not have the determined adhesion and leadership that the conservative coalition has.

This means that from the short term stand-point—the near future—prospects are dimmest for the direct election plan. Why then you ask me do I espouse a cause on which the odds seem to be against me?

In the first place, I seem to have developed a mania for espousing causes on which the odds seem to be against me. I did it on the Declaration of Conscience. But I kept plugging year after year on the Declaration of Conscience theme when I was a pretty lonely voice in the Senate. Yet, ultimately the spirit of the Declaration of Conscience finally prevailed in the Senate.

Present odds are against me on the Smith Plan for electing Presidents. But from the long term view, I am confident that the odds are with the proposal. I will probably be long gone from this earth before it is adopted.

But I am confident that ultimately it will be adopted because I think it is inevitable that the will of the majority cannot be forever denied. It is only a matter of time until that will of the majority is made sufficiently articulate and sufficiently brought to bear on the Congress and the States to so amend the Constitution.

The public will and the power are there. It is only a question of how soon the Liberal and Moderate supporters of not only direct election but direct nomination will be able to organize and crystallize this overwhelming sentiment of the American people.

And that is the key to what I am doing in the introduction of Senate Joint Resolution Four. To give to the people of our Country an opportunity—a medium—through which they can express their will.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 855

At the request of Mr. COTTON, the Senator from Colorado (Mr. ALLOTT) was added as a cosponsor of S. 855, a bill to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement.

S. 1552

At the request of Mr. HOLLINGS, the Senator from Georgia (Mr. GAMBRELL) was added as a cosponsor of S. 1552, a bill to provide for the expansion of Cowpens National Battleground Site.

S. 2161

At the request of Mr. HARTKE, the Senator from New Hampshire (Mr. McINTYRE) was added as a cosponsor of S. 2161, a bill to amend chapters 31, 34, and 35 of title 38, United States Code, to increase the vocation rehabilitation subsistences allowances, the educational assistance allowances, and the special training allowances paid to eligible veterans and persons under such chapters.

S. 2219

At the request of Mr. CRANSTON, the Senator from New Hampshire (Mr. McINTYRE) was added as a cosponsor of S. 2219, the Veterans' Administration Health Manpower Training Act of 1971.

S. 2541

At the request of Mr. HARTKE, the Senator from New Hampshire (Mr. McINTYRE) was added as a cosponsor of S. 2541, a bill to amend title 38, United States Code, to provide that all income of a spouse be disregarded in determining the annual income of a veteran for pension purposes.

S. 2621

At the request of Mr. HARTKE, the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of S. 2621, a

bill to promote the peaceful resolution of international conflict.

S. 2689

At the request of Mr. CHURCH, the Senator from Indiana (Mr. BAYH) and the Senator from Oregon (Mr. HATFIELD) were added as cosponsors of S. 2689, a bill to promote development and expansion of community schools throughout the United States.

S. 2828

At the request of Mr. NELSON, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 2828, the Family Farm Act of 1972.

S. 2834

At the request of Mr. CURTIS, the Senator from Nebraska (Mr. HRUSKA) was added as a cosponsor of S. 2834, a bill to designate November 11 of each year as Veterans' Day and to make such day a legal public holiday.

S. 3083

At the request of Mr. HARTKE, the Senator from Alaska (Mr. GRAVEL), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Oklahoma (Mr. HARRIS) were added as cosponsors of S. 3083, the Truth in Food Labeling Act.

S. 3142

At the request of Mr. CRANSTON for Mr. MUSKIE, the Senator from Delaware (Mr. BOGGS), the Senator from Washington (Mr. MAGNUSON), and the Senator from Colorado (Mr. ALLOTT) were added as cosponsors of S. 3142, a bill to provide $85 million for assistance to Soviet Jewish refugees in Israel.

S. 3187

At the request of Mr. JAVITS, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 3187, the "National Venereal Disease Prevention and Control Act."

S. 3262

At the request of Mr. CURTIS, the Senator from Colorado (Mr. DOMINICK) was added as a cosponsor of S. 3262, a bill to amend the Occupational Safety and Health Act of 1970.

S. 3300

At the request of Mr. GRIFFIN, the Senator from Kentucky (Mr. COOPER) was added as a cosponsor of S. 3300, a bill to amend the Communications Act of 1934 to provide that renewal licenses for the operating of a broadcasting station may be issued for a term of 5 years and to establish certain standards for the consideration of applications for renewal of broadcasting licenses.

S. 3308

At the request of Mr. PEARSON, the Senator from Colorado (Mr. DOMINICK) was added as a cosponsor of S. 3308, a bill to provide that the Peace Corps may use foreign currencies during fiscal year 1972 for its expenses in foreign countries.

SENATE JOINT RESOLUTION 156

At the request of Mr. HARTKE, the Senator from California (Mr. TUNNEY) was added as a cosponsor of Senate Joint Resolution 156, a joint resolution to designate the month of April 1972 as National Check-Your-Vehicle Emissions Month.

SENATE JOINT RESOLUTION 213

At his own request, Mr. GRIFFIN was added as a cosponsor of Senate Joint Resolution 213, a joint resolution to authorize and request the President to issue a proclamation designating October 6, 1972, as "National Coaches Day."

ADDITIONAL COSPONSOR OF CONCURRENT RESOLUTIONS

SENATE CONCURRENT RESOLUTION 55

At the request of Mr. HOLLINGS, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor of Senate Concurrent Resolution 55, expressing the sense of the Congress that the President should immediately recognize Bangladesh as an independent foreign country and recognize the government of that country.

SENATE CONCURRENT RESOLUTION 66

At the request of Mr. PEARSON, the Senator from New Jersey (Mr. CASE), the Senator from Arizona (Mr. GOLDWATER), the Senator from Idaho (Mr. CHURCH), the Senator from Iowa (Mr. HUGHES), the Senator from Massachusetts, (Mr. KENNEDY), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Rhode Island (Mr. PELL), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Ohio (Mr. TAFT) and the Senator from California (Mr. TUNNEY) were added as cosponsors of Senate Concurrent Resolution 66, expressing the sense of Congress that the United States should negotiate for the use of foreign currencies to pay Peace Corps expenses to countries where these currencies are held.

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 275

At the request of Mr. STEVENS, the Senator from Tennessee (Mr. BROCK) was added as a cosponsor of Senate Resolution 275, authorizing Senators to hire interns.

NATIONAL REGISTRATION ACT—AMENDMENTS

AMENDMENTS NOS. 1020 THROUGH 1024

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

Mr. ERVIN submitted five amendments intended to be proposed by him to the bill (S. 2574) to amend title 13, United States Code, to establish within the Bureau of the Census a National Voter Registration Administration for the purpose of administering a voter registration program through the mail.

AMENDMENTS NOS. 1025 THROUGH 1029

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

Mr. DOMINICK submitted five amendments intended to be proposed by him to the bill (S. 2574), supra.

SOCIAL SECURITY AMENDMENTS OF 1972—AMENDMENTS

AMENDMENTS NOS. 1030 THROUGH 1040

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

ADULT WELFARE AMENDMENTS

Mr. TUNNEY. Mr. President, I am submitting today a series of amendments to H.R. 1 which insure that no older American, no disabled person, and no blind person would have to live in poverty.

They would also:

Considerably liberalize the amount of income which these people can earn without suffering any loss in benefits and increase the amount of resources which may be retained without disqualification, and in particular they would enable recipients to maintain a higher level of provision for their survivors in the form of insurance policies.

Provide emergency assistance for meeting nonrecurring needs without automatic penalties in the form of reduced benefit checks in the weeks to follow.

Preserve and protect existing payments where they are higher than this minimum program for the national abolition of poverty among the elderly would provide and insure that the rights and privileges of recipients are protected adequately in the proceedings for hearings and review.

Require studies to insure that the many thousands of people who depend on both social security and assistance payments would have to deal with only one administrating body, file only one application, go through a single interview, and once qualified, receive a single check.

There are now more than 3 million aged, blind, or permanently disabled people in America who are forced to depend on welfare payments for their basic needs. It is a national disgrace that even with these payments, even with the guaranteed income floor proposed in H.R. 1, many hundreds of thousands of these people will still be required to exist in poverty. The time has long since come when this affluent society of ours has had the resources to make it possible that none of our older people should be required to lead a life of poverty. It has had the resources to prevent great numbers from falling into poverty for the first time when they withdraw from a lifetime of useful activity which has contributed to the well-being of all. It is insufferable that so many people who have supported themselves and their families all their lives, have paid their way and paid their taxes, should be forced to enter the ranks of the impoverished when they retire or when their life's partner dies.

There is a fundamental hypocrisy in the way a society with such great resources as ours classifies people as poor, declares that they must be helped when they need help, and yet ultimately issues a check which simply insures that they will have to live below a poverty line which is itself drawn in very frugal terms indeed.

The elderly and the handicapped who are poor are poor for reasons beyond their control. They may have worked in jobs not covered by social security.

They have relied on private pension plans and been robbed of their expectations and their rights by the many deficiencies in that area. Or they may have contributed to social security, only to find that after retirement the basic level of their entitlement, even with cost-of-living adjustments, has been left far behind by the rapid increase in the real value of earnings.

Others, for one reason or another, have not been full members of the regular work force for long enough or consistently enough to lay the foundation for an independent retirement.

But, whatever the cause of their problems, they are in need, often in truly pathetic financial difficulties. Some of their difficulties can be resolved or alleviated by measures dealing with the source of their problems—improving areas of the social security system, for example. But for the vast majority, such corrections simply close the stable door after the horse has bolted. It is no use reforming private pension plans when someone has retired. It is no use extending the coverage of social security when someone has already left the work force. These people need straight-out help, and they need enough of it to guarantee at least a decent standard of modest living.

My proposal provides that every old person, every disabled or blind person, who is in need should be provided with the means to reach at least the basic poverty index. This would immediately give to a single person with no other sources of income a basic allowance of approximately $167 a month. An eligible couple would get slightly more than $215 a month. But my proposal is expressed not so much in dollar terms as in terms of poverty levels, and it provides that these levels should escalate automatically at least as quickly as the cost of living.

It is impossible to regard this basic poverty index as a realistic measure of the basic needs for modest living in our society. But it is a recognized point of reference and it would entail significantly higher payments. And my amendments would require the Secretary of Health, Education, and Welfare to generate a more realistic and more adequate measure of needs region by region so that eventually these proposals would guarantee beyond doubt that no older American would have to spend his days in poverty.

To help those who have access to other income—from employment, from social security, from private pensions—the amendments allow them to retain without loss of benefits payments to at least 75 percent of the poverty level, and 50 cents in the dollar for anything above that. People who have to depend on these adult welfare payments need and deserve every assistance in expanding their own income. For them a job means more than extra dollars, however pressing their need might be for extra money. It spells self-respect, dignity, independence, an outside interest in a life which has become circumscribed by the handicaps of age, disability or blindness. As with my other proposals, these earnings disregards would escalate automatically with the cost of living.

Furthermore, the present law is unnecessarily and unrealistically restrictive in its definition of allowable resources. I propose that recipients should be allowed to have countable resources of an amount at least equal to the poverty level prevailing at any time, but in particular that the treatment of insurance policies should be altered. The value of an insurance policy as a usable resource is measured not by its face value, but by its cash value. I propose that all determinations be phrased in terms of cash value. The present limitation on holdings of insurance policies can be particularly severe in the case of the blind and disabled with dependants.

It is shortsighted to demand that a person who is in difficulties, but who has managed to provide for the partial security of his dependents in the future should be so rigorously required to suffer the considerable financial loss involved in cashing in his insurance policies before he is eligible for assistance. For if he dies, he leaves dependents who are afforded a much reduced financial capacity in the form of insurance benefits, dependants are thus all the more likely to be in financial straits themselves and have to rely all the more heavily on government assistance.

As a number of States are already providing the aged, disabled, and blind at levels above the national floor which I seek to institute, it is necessary to insure that present recipients do not suffer as a result of welfare reform.

My amendments approach this in two ways. They require States to maintain the level of payments of at least existing levels by supplementing the Federal assistance payments, including the cash-out for the bonus value of food stamps. They require these levels to be raised in pace with increases of general prices, so that the real value of total payments is preserved.

On the other hand, they require that no individual should suffer because of changes in the welfare provisions. To maintain equity, it is also required that no person who enters the rolls after the implementation of welfare reform should receive less in assistance than a person already on the rolls who is in a similar financial position.

Both in the adult welfare provisions and in those for family assistance plan and opportunities for families programs, provision is made for affording emergency assistance to applicants on the basis of urgent current needs. Unfortunately this is to be provided in the form of an advance on subsequent payments.

This is unrealistic in view of the fragile economic situation of the people involved. If a person is in a situation of emergency nonrecurring need, he should be helped to the extent necessary, to relieve that need. If this aid is discounted against subsequent payments, the net effect is all too likely to be that the lack of payments will force the recipient into a further personal financial crisis.

If he needs the money, he should be given it to meet the emergency. Unless he can genuinely bear the subsequent reduction, it should not be automatically subtracted from his normal entitlement.

I am in full support of the proposal to place the adult welfare categories under the administration of the Social Security Administration. Many people are in the unfortunate situation where their social security entitlements are simply inadequate to meet their basic living needs. To provide for themselves, they must also have recourse to assistance payments.

In the interests of dignity, convenience and efficiency my amendment requires that the security of HEW should report on the feasibility of applicants who receive payments both from social security and from Federal welfare filing one application, being interviewed by one official and receiving a single check for the total amount of their entitlement.

Finally, I propose that the rights and privileges of welfare recipients and applicants should be protected adequately. There may be widespread public concern at the suspected extent of welfare cheating. There may be feelings that there are recipients who are in some way unworthy of assistance. But whatever the feelings and whatever the facts to substantiate or demolish them it is essential that they should not be allowed to impair basic rights to proper procedure for appeals and review. This is all the more important in view of the very limited personal resources on which these people can call in seeking fair and just treatment.

The provisions which I am introducing today afford people in the adult welfare categories protection of the same character as would be afforded to those in the opportunities for families and the family assistance programs by the amendments of the distinguished Senator from Connecticut (Senator RIBICOFF).

Mr. President, it is possible for us to guarantee now that no aged, disabled or blind person should have to live in poverty. I believe that these amendments would establish this as an enduring principle in the provision of Federal aid to those in need.

AMENDMENT NO. 1041

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

Mr. HOLLINGS. Mr. President, shortly we will begin consideration of H.R. 1, which contains broad changes in the present social security law. Under the present law, a parent who is dependent upon his child for support may receive social security benefits to which the child is entitled should the child predecease the parent. Also, the most commonly known change is to increase widow's benefits at age 65 to 100 percent of earners. However, a brother or sister who is dependent for support upon a sibling is not eligible for the benefits of that sibling should the brother or sister predecease him. I feel this presents quite an unfair situation, particularly since there is no apparent reason for making such a distinction between a dependent parent and a dependent sibling.

At a time when we are becoming so aware of the problems facing the elderly in this country, particularly those who are dependent on others for support, it

would appear appropriate to make a change. Accordingly, I am introducing an amendment to H.R. 1 which would entitle a dependent brother or sister to receive social security benefits to which a predeceased sibling would have been entitled.

I ask unanimous consent that the amendment be printed in its entirety in the RECORD.

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

AMENDMENT No. 1041

On page 134, between lines 15 and 16, insert the following new section:

BROTHER'S AND SISTER'S INSURANCE BENEFITS

SEC. 144. (a) Section 202 of the Social Security Act is amended by adding after subsection (w) (as added by section 106(a) of this Act) the following new subsection:

"BROTHER'S AND SISTER'S INSURANCE BENEFITS

"(x)(1) Every brother and sister (as defined in this subsection) of an individual who died a fully insured individual if such brother or sister—

"(A) has attained age 62,

"(B)(i) was receiving at least one-half of his support from such individual at the time of such individual's death or, if such individual had a period of disability which did not end prior to the month in which he died, at the time such period began or at the time of such death, and (ii) filed proof of such support within two years after the date of such death, or, if such individual had such a period of disability, within two years after the month in which such individual filed application with respect to such period of disability or two years after the date of such death, as the case may be,

"(C) has not married since such individual's death,

"(D) is not entitled to old-age insurance benefits, or is entitled to old-age insurance benefits each of which is less than 82½ percent of the primary insurance amount of such deceased individual if the amount of the brother's or sister's insurance benefit for such month is determinable under paragraph (2)(A) (or 75 percent of such primary insurance amount in any other case), and

"(E) has filed application for brother's or sister's insurance benefits.

shall be entitled to a brother's or sister's insurance benefit for each month beginning with the first month after August 1972 in which such brother or sister becomes so entitled to such brother's or sister's insurance benefits and ending with the month preceding the first month in which any of the following occurs: such brother or sister dies, marries, or becomes entitled to an old-age insurance benefit equal to or exceeding 82½ percent of the primary insurance amount of such deceased individual if the amount of the brother's or sister's insurance benefit for such month is determinable under paragraph (2)(A) (or 75 percent of such primary insurance amount in any other case).

"(2)(A) Except as provided in subparagraphs (B) and (C), such brother's and sister's insurance benefit for each month shall be equal to 82½ percent of the primary insurance amount of such deceased individual.

"(B) For any month for which more than one brother or sister is entitled to brother's and sister's insurance benefits on the basis of such deceased individual's wages and self-employment income, such benefit for each such brother or sister for such month shall (except as provided in subparagraph (C)) be equal to 75 percent of the primary insurance amount of such deceased individual.

"(C) In any case in which—

"(i) any brother or sister is entitled to a brother's and sister's insurance benefit for a month on the basis of a deceased individual's wages and self-employment income, and

"(ii) another brother or sister of such deceased individual is entitled to a brother's and sister's insurance benefit for such month on the basis of such wages and self-employment income, and on the basis of an application filed after such month and after the month in which the application for the brother's and sister's benefits referred to in clause (i) was filed,

the amount of the brother's and sister's insurance benefit of the brother or sister referred to in clause (i) for the month referred to in such clause shall be determined under subparagraph (A) instead of subparagraph (B) and the amount of the brother's and sister's insurance benefit of a brother or sister referred to in clause (ii) for such month shall be equal to 150 percent of the primary insurance amount of the deceased individual minus the amount (before the application of section 203(a)) of the benefit for such month of the brother or sister referred to in clause (i).

"(3) As used in this subsection, the term 'brother' or 'sister' includes a stepbrother or stepsister, or a brother or sister by adoption.

"(4) In the case of a brother or sister who marries—

"(A) an individual entitled to benefits under this subsection or subsection (b), (e), (f), (g), or (h), or

"(B) an individual who has attained the age of 18 and is entitled to benefits under subsection (d), such brother's or sister's entitlement to benefits under this subsection shall, notwithstanding the provisions of paragraph (1) but subject to subsection (s), not be terminated by reason of such marriage; except that in the case of such a marriage to a male individual entitled to benefits under subsection (d), the preceding provisions of this paragraph shall not apply with respect to benefits for months after the last month for which such individual is entitled to such benefits under subsection (d) unless he ceases to be so entitled by reason of his death."

(b)(1) Section 202 (b) (3) (A) of such Act is amended by striking out "or (h)" and inserting in lieu thereof ", (h), or (x)".

(2) Section 202 (c) (2) (A) of such Act is amended by striking out "or (h)" and inserting in lieu thereof "(h)", or (x)".

(3) Section 202 (e) (3) (A) of such Act is amended by striking out "or (h)" and inserting in lieu thereof "(h)", or (x)".

(4) Section 202 (f) (4) (A) of such Act is amended by striking out "or (h)" and inserting in lieu thereof "(h)", or (x)".

(5) Section 202 (g) (3) (A) of such Act is amended by striking out "or (h)" and inserting in lieu thereof "(h)", or (x)".

(6) Section 202 (h) (4) (A) of such Act is amended by striking out "or (h)" and inserting in lieu thereof "(h)", or (x)".

(7) Section 202 (j) (1) of such Act is amended by striking out "or (h)" and inserting in lieu thereof "(h), or (x)".

(8) Section 202 (o) of such Act is amended by striking out "or (h)" each place that it appears and inserting in lieu thereof "(h), or (x)".

(9) Section 216 (b) (3) (A) of such Act is amended by striking out "or (h)" and inserting in lieu thereof "(h)", or (x)".

(10) Section 216 (c) (6) A) of such Act is amended by striking out "or (h)" and inserting in lieu thereof "(h)", or (x)".

(11) Section 216 (f) (3) (A) of such Act is amended by striking out "or (h)" and inserting in lieu thereof "(h)", or (x)".

(12) Section 216 (g) (6) (A) of such Act is amended by striking out "or (h)" and inserting in lieu thereof "(h)", or (x)".

(c) The amendments made by this section shall apply only with respect to monthly insurance benefits which are payable under title II of the Social Security Act for months after August 1972 on the basis of applications filed on or after the date on which this Act is enacted.

(d) The requirement in section 202 (x) (1)(B) of the Social Security Act that proof of support be filed within two years after a specified date in order to establish eligibility for brother's or sister's insurance benefits shall not be applicable if such proof of support is filed within two years after the date of the enactment of this Act.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 998

At the request of Mr. CHURCH, the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of amendment No. 998, intended to be proposed 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. 999

At the request of Mr. CHURCH, the Senator from Massachusetts (Mr. KENNEDY) and the Senator from California (Mr. TUNNEY) were added as cosponsors of amendment No. 999, intended to be proposed to the bill (H.R. 1), supra.

NOTICE OF HEARINGS ON VOLUNTEER ARMED FORCES

Mr. BENTSEN. Mr. President, the Subcommittee on the Volunteer Armed Force and Selective Service of the Armed Services Committee is conducting hearings on Friday, March 10, and Monday, March 13, 1972.

The purpose of these hearings is to examine how well the Selective Service Administration is administering the draft bill which Congress passed last year and also to take a hard look at the progress made by the services in establishing an all-volunteer armed force.

Dr. Curtis Tarr, Director of Selective Service Administration, and a number of other witnesses will discuss for the subcommittee problems that have arisen under the 1971 act. They will also comment on preparations by the SSA for the time in 1973 when, hopefully, we will no longer need the draft to meet our manpower needs.

On Monday we will hear a full review of the military's effort to achieve an all-volunteer armed force. Our witnesses will include Assistant Secretary of Defense for Manpower Roger T. Kelley, who is responsible for manpower policy decisions at the Department of Defense level, and Sgt. Homer O. Justice, who is a drill instructor at Fort Dix, N.J., responsible for training recruits in an all-volunteer unit.

As chairman of the subcommittee, I

hope that we will gather sufficient evidence and provide the necessary congressional monitoring to insure that the draft is equitably administered and the all-volunteer force is a success.

Following is a complete list of witnesses to appear and the dates they will be present:

LIST OF WITNESSES

WITNESSES: MARCH 10, 1972

Dr. Curtis Tarr, Director of Selective Service.

Mr. John Schulz, Editor-in-Chief, Selective Service Law Reporter.

Mrs. Betty Vetter, Executive Director, Scientific Manpower Commission.

Dr. Hector Garcia, Texas State Chairman of the G.I. Forum.

Representative of the American Civil Liberties Union.

WITNESSES: MARCH 13, 1972

Honorable Roger T. Kelley, Assistant Secretary of Defense, Manpower and Reserve Affairs.

Honorable Richard S. Wilbur, Assistant Secretary of Defense, Health and Environment.

Lieutenant General George I. Forsythe, U.S. Army, Special Assistant for the Modern Volunteer Army.

Major General Orwin C. Talbott, Commanding General, U.S. Army Infantry Center, Fort Benning.

Captain Howard K. Fisher, Jr., Commanding Officer, Company B, 1st Battalion, 2nd Basic Combat Training Brigade, Fort Dix.

Platoon Sergeant Homer O. Justice, Senior Drill Sergeant, Company B, 1st Battalion, 2nd Basic Combat Training Brigade, Fort Dix.

Rear Admiral John G. Finneran, Assistant Chief of Navy Personnel—Plans and Programs.

Brigadier General Harvey E. Spielman, Assistant Director of Personnel, U.S. Marine Corps.

Major General John W. Roberts, Deputy for Personnel Policy, U.S. Air Force.

Colonel John T. Carlton, U.S. Army (Ret.), Executive Director, Reserve Officers Association.

Colonel James B. Derrin, U.S. Army (Ret.), Executive Vice President, National Guard Association.

NOTICE OF HEARINGS ON VARIOUS INDIAN MEASURES

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished Senator from Washington (Mr. JACKSON), I ask unanimous consent to have printed in the RECORD a statement by him concerning open hearings scheduled before the Subcommittee on Indian Affairs on March 28 and 29 to consider various Indian measures.

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

STATEMENT BY SENATOR JACKSON

I wish to announce for the information of the Senate that open public hearings have been scheduled before the Subcommittee on Indian Affairs on March 28 and 29 to consider various Indian measures.

On March 28 the Subcommittee will consider S. 1140, to authorize the sale of certain lands of the Southern Ute Indian Tribe, and for other purposes; S. 953, to amend section 1 of the act of August 9, 1955, relating to the leasing of Indian lands; S. 538, to declare that certain federally owned lands are held by the United States in trust for the Indians of the Pueblo of Cochiti; and two similar bills relating to the Osage judgment award, S. 1456 and S. 3234.

On March 29 the Subcommittee will consider H.R. 9019, to provide for the disposition of funds appropriated to pay a judgment in favor of the Jicarilla Apache Tribe in Indian Claims Commission docket No. 22–A, and for other purposes; S. 2284, to provide for the disposition of funds appropriated to pay a judgment in favor of the Yavapai Apache Tribe in Indian Claims Commission dockets Nos. 22–E and 22–F, and for other purposes; S. 3230, to provide for the disposition of funds appropriated to pay a judgment in favor of the Assiniboine Tribes of Indians in Indian Claims Commission docket number 279–A, and for other purposes; S. 2287, to provide for the disposition of funds appropriated to pay judgments in favor of the Miami Tribe of Oklahoma and the Miami Indians of Indiana in Indian Claims Commission dockets Nos. 255 and 124–C, docket Nos. 256 and 125–D, E, and F, and dockets Nos. 131 and 253, and of funds appropriated to pay a judgment in favor of the Miami Tribe of Oklahoma in the Commission's docket No. 251–A, and for other purposes; and S. 2527, to provide for the disposition of funds appropriated to pay a judgment in favor of the Pueblo de Acoma in Indian Claims Commission docket No. 266, and for other purposes.

Tribal and Federal officials will be invited to testify on the pending measures. Hearings on both days will commence at 9:30 a.m., in Room 3110, New Senate Office Building.

ADDITIONAL STATEMENTS

CHANCELLOR WILLY BRANDT'S OVERTURES TO EASTERN EUROPE

Mr. BUCKLEY. Mr. President, I invite the attention of Senators to an interesting article published in yesterday's Washington Post indicating that there are growing doubts in West Germany as to the wisdom of Chancellor Willy Brandt's overtures to Eastern Europe, as exemplified by the recent treaties which he has negotiated with the Soviet Union and Poland. The first two paragraphs of the article read as follows:

In a sudden shift of informed political opinion, this capital is being swept by fresh doubts about Chancellor Willy Brandt's ability to win parliamentary approval for his policy of improved relations with Eastern Europe.

During the past few days, there has been mounting speculation that Brandt does not have the votes in parliament necessary to ratify his treaties of understanding with the Soviet Union and Poland.

I ask unanimous consent that the article be printed in the RECORD in its entirety at the conclusion of my remarks.

Because of the implications of these treaties for the future security of Western Europe, and therefore for that of the United States, I believe it is important that the members of Congress be fully acquainted with the issues which are involved in these proposed agreements as reflected in recent debates in the German Bundestag.

Contrary to initial expectations, the treaty with Russia would not in fact constitute a renunciation of the use of force by Moscow. On the other hand, the two treaties could have the effect of diminishing the ability of West Germany to participate fully in the political, economic, and military activities of other Western European nations. It must be emphasized that the Moscow agreement does not require the Soviet Union to surrender its right to interfere militarily or otherwise in West Germany affairs, a right which is granted to the victors of World War II by articles 53 and 107 of the U.N. Charter. Moreover, the treaties would tend to solidify the permanent division of Germany into Communist and non-Communist zones.

Perhaps the most damaging aspect of the Moscow and Warsaw treaties, however, is the potential damage they may inflict on what is being termed, in the Bundestag debates, as the "quality of peace" in West Germany. The treaties will contribute to the political environment already nurtured by the quadripartite agreement on Berlin, in which future West Germany Governments would find it increasingly difficult to contribute to West European defense because of the pressures which would exist to make their foreign policy harmonize with the interests of the Warsaw Pact and the Soviet Union. If these treaties are ratified, it would become much more difficult for a West German Government to adopt a foreign policy—even in a NATO context—which would be considered hostile by the Soviet Union.

One of the early results of the atmosphere created by the quadripartite agreement and the Warsaw and Moscow treaties has been to reduce West Germany's freedom of action such that its relations with Eastern Europe must be cleared by the Soviet Union. What increasing numbers of Germans fear is that these treaties will set the stage for the "Finlandization" of West Germany, analogous to the case of Finland which must clear its political relationships with Western countries with the Soviet Union before initiating them.

There is a fear, in other words, that West Germany will find itself maneuvered into a position where it could not carry out a policy, such as establishing trade relations in Eastern Europe, without Soviet approval. The import of such a chain of events for the rest of Western Europe and for the United States is that the NATO alliance may be irretrievably weakened as a consequence of these agreements.

For over 25 years, the United States has maintained a very large troop commitment in West Germany as part of the NATO superstructure. The rationale for this troop commitment has been to strengthen the ability of the West German Government to resist the political pressure placed on it by the Soviet bloc of nations. This commitment has been made at heavy financial and military cost to the United States. The Senate has supported a continuation of this troop commitment because of its belief that the West German Government will continue to resist such pressure, and thereby contribute to the defense of the West. The ratification of the Warsaw and Moscow treaties, however, could drastically alter the situation, and trigger a reassessment of the continued commitment of U.S. forces to Europe.

The implications of such a development for the "quality of peace" not only in West Germany but in all of Europe is serious. If it should result in the withdrawal of U.S. forces, it could signal the de facto disassembling of the NATO alliance, and increase the vulnerability of

all of the countries of Western Europe to Soviet political, military, and economic pressure. I therefore urge Members of Congress and all other American citizens to study the events now taking place in the Bundestag with the greatest of care.

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

APPROVAL OF BRANDT OSTPOLITIK IN DOUBT

(By John M. Goshko)

BONN, March 7.—In a sudden shift of informed political opinion, this capital is being swept by fresh doubts about Chancellor Willy Brandt's ability to win parliamentary approval for his policy of improved relations with Eastern Europe.

During the past few days, there has been mounting speculation that Brandt does not have the votes in parliament necessary to ratify his treaties of understanding with the Soviet Union and Poland.

If that proves to be the case when the treaties face their final test in June, the result would be the abrupt derailing of Brandt's Ostpolitik, with all its attendant consequences for East-West detente in Europe.

It would also mean the downfall of the Brandt government and probable plunge by West Germany into the uncertainties of new national elections this summer—more than a year ahead of schedule.

Not everyone agrees with the current spate of predictions that this is what lies ahead. Much of the pessimism about the chances for ratification of the treaties is based more on atmospherics than in hard evidence, and one can hear almost as many opinions about what will happen as there are politicians in Bonn.

Still, there is no question that the conventional wisdom of a few days ago—namely that in the crunch the treaties would win by a narrow margin—has been substantially eroded. Now, even the most optimistic neutral observers seem to regard the ratification struggle as a tossup that could go either way.

Hand in hand with this shift have come the predictable side effects: the press labeling the situation a "crisis" and the opposition Christian Democrats mounting an outcry for Brandt's resignation.

Since the weekend, this talk of "crisis" has escalated so dramatically that many political sources who originally didn't think the matter all that serious are now warning that there is a danger of it becoming a self-fulfilling prophecy.

ABSOLUTE MAJORITY

Basically, the problem involves the workings of the West German parliamentary system. Although several things theoretically could happen to the treaties in parliament, the likely expectation is that in the end Brandt will be able to win ratification only by mustering an absolute majority of 249 votes in lower house, the Bundestag.

Since all 245 Christian Democrats are expected to vote in opposition, the chancellor must rely on the solidarity of the government benches—a coalition of his own Social Democrats and the tiny Free Democratic Party.

Until a few days ago, the coalition's strength numbered 251 deputies, and the government claimed that 250 of them could be counted on to support the treaties. Then, last week, this claim started to come unstuck.

First, one Social Democratic deputy, Herbert Hupka, announced he was quitting the party and going over to the Christian Democrats. His defection cut the government's slender Bundestag majority from six to four, but since Hupka was a known opponent of treaties the government had long ago written off his vote.

Then, one of the 27 Free Democrat deputies, Knut von Kuehlmann-Stumm, revealed that he had douots about the treaties. Although he said his mind was not yet made up, he also left little doubt that the government will not be able to overcome his misgivings sufficiently for him to support ratification.

The loss of Kuehlmann-Stumm's vote would remove the government's last margin of safety in terms of its ability to muster an absolute majority. One more defection from the government ranks—or even the failure of a deputy to be present at the crucial vote—would put it below the requisite figure and prevent ratification.

Moreover, the attitude of Kuehlmann-Stumm, an influential figure among Free Democrat conservatives, touched off fears that other back benchers with reservations about the treaties might now be emboldened to follow his lead.

SWITCHES FORECAST

Over the weekend, rumors began to surface about Christian Democratic efforts to exploit the situation. According to reliable sources, the waverers were being induced to vote against the treaties or to make an outright switch that would give the Christian Democrats a parliamentary majority enabling their leader, Rainer Barzel, to replace Brandt as chancellor.

On Monday, the controversial news magazine, Der Spiegel, published a story claiming that four government deputies—one Social Democrat and three Free Democrats—had engaged in secret conversations with the Christian Democrats about switching.

Three of those named immediately denied the Spiegel story and insisted that they support the treaties. However, the fourth, the Free Democrat Wilhelm Helms, confirmed that he would follow Kuehlmann-Stumm's lead and await the unfolding of the ratification debate before deciding how he would vote.

Some usually well-informed sources insist that there are indeed doubtfuls within the Free Democrats ranks and that the odds favor at least one or two of them breaking with the government. These sources say that the present outlook is for the treaties to be defeated.

Others, however, contend that the government's position is not as bleak as it seems. They seem confident that the rest of the Free Democrats can be held in line and that even Helms will eventually bow to the majority sentiment within his party.

As for Kuehlmann-Stumm, he has indicated that if the situation comes to an absolute-majority vote he would resign his Bundestag seat in advance of the vote. The man who would replace him from the party's substitute list, W. Alexander Menne, is also a conservative, but the current indications are that he would support ratification.

OUTSIDE CHANCE

There is an outside chance that Brandt will not have to pin his hopes on winning an absolute majority. This rests on the possibility, admittedly slight, that the coalition parties can take control of Baden-Wuertemberg from the Christian Democrats when that state holds elections on April 23.

That would swing the state's vote in the upper house of parliament, the Bundesrat, to the government and give it a majority there. Control of the Bundesrat would relieve the coalition of having to muster an absolute majority in the lower house, since that is required only to override the Bundesrat.

The chancellor and the key members of his government continue to insist that they have the necessary votes to adopt the treaties under any circumstances. Brandt can also be cheered by the knowledge that he has a trump card to play even if he loses the ratification vote.

Such a result would almost certainly mean new elections. Moreover, they would be elections fought over the Eastern policy to the virtual exclusion of any other issue. And while his government is highly vulnerable to voter discontent in other areas, the indications are that on this issue he has the majority of the German public behind him.

FOREIGN AID FOREVER

Mr. CHURCH. Mr. President, Mr. John Finney, of the New York Times, has written a review of the present state of foreign aid on Capitol Hill in light of efforts in the Senate to end the bilateral program. As Mr. Finney wryly observes:

The program's resuscitation demonstrated again the political axiom that it is next to impossible to kill any existing Federal program . . . For what essentially saved the legislation were the vested Congressional interests that have developed.

I ask unanimous consent that the astute article, entitled "Foreign Aid Alive But Not Well," 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, March 4, 1972]

FOREIGN AID ALIVE BUT NOT WELL

(By John W. Finney)

WASHINGTON, March 3.—In defiance of its premature death notices, the foreign aid program has risen to live at least until July, largely because Congress, for all its criticism, finds the program politically convenient.

Eight months after the start of the fiscal year, a foreign aid appropriations bill that has run a tortuous course through Congress was finally approved by the Senate yesterday. The bill fell short of Administration requests. It provides $3.1 billion in various forms of foreign aid, some of it through such international organizations as the World Bank, but most of it in the form of direct grants and loans. The total is $1.1-billion less than requested by the Administration with the heaviest cut, $900-million, coming in economic and military assistance to individual countries, which is still the heart of the program.

For the Administration, which was thrown into a state of shocked disbelief when the Senate rejected a foreign aid authorization bill last September, it was a case of better something than nothing. But the question remained whether the program, conceived 25 years ago at the start of the cold war, could long survive in its present form.

What finally emerged was a stop-gap measure that resolved few if any of the political and policy questions bedeviling the program. Nor was there any indication that either the White House or Congress was ready to settle down and reshape a program that both sides agree is in urgent need of reform.

AXIOM DEMONSTRATES ANEW

To many observers, the program's resuscitation demonstrated again the political axiom that it is next to impossible to kill any existing Federal program. However, it disproved the commonly expressed opinion that foreign aid has no political constituency on Capitol Hill. For what essentially saved the legislation were the vested Congressional interests that have developed.

The program was rescued more by these interests than by any lobbying by the White House, which only belatedly realized the legislation was in trouble.

The lobbying was left primarily to the Agency for International Development, which has never commanded much political respect in Congress. The agency undertook a sales campaign that emphasized that 95 per cent of assistance funds were spent in the United States, an argument that prompted Senator J. W. Fulbright to observe that it seemed foreign aid was being sold as a way to provide

jobs at home rather than to promote economic development abroad.

Still, it was an appealing argument in Congress, where various individuals and committees have found that the program can be the basis for power and prestige as well as for political favors.

The House Foreign Affairs Committee, for example, was unwilling to let the foreign aid program die. Without it, there would have been virtually no legislative chores for the panel to perform.

CAN PLEASE CONSTITUENTS

Members of the two appropriations committees, as well as the House Foreign Affairs and Senate Foreign Relations committees, have also discovered that the foreign aid bill can be a convenient vehicle for pleasing constituents by items ranging from large military credits to Israel to small grants to American-supported schools and hospitals in foreign countries.

For example, Representative John J. Rooney, Democrat of Brooklyn, who has a large Roman Catholic population in his district, the 14th, arranged for the inclusion of $300,000 in the House bill for plans for an American hospital in Rome that would be managed by the Mother Cabrini Sisters, who also run the Columbus Hospital on East 19th Street in Manhattan.

The grant was deleted in conference, but the final bill contains $20-million for schools and hospital abroad, particularly in Israel.

Such political uses of the program have contributed to a dissillusionment voiced by Senator Mike Mansfield, who said that the program had been turned into "a grab bag of goodies." Senator Frank Church complained it had been "twisted into a parody and farce" designed "primarily to serve private business interests at the expense of the American people."

REVISIONS WERE PROPOSED

In the Senate and the Administration there seems to be a consensus that the program needs an overhaul. But nobody seems very enthusiastic about taking on the task.

Last April, the Administration did propose major revisions: separating military and economic aid, establishing a new corporation and institute to dispense development loans and assistance, and channeling more and more aid through international institutions.

The Administration proposals were in line with criticism of the Senate Foreign Relations Committee, whose members, however, have shown no interest in pressing the reforms.

The Administration, except for a passing reference in the President's foreign affairs message, has not pushed for consideration of its proposals, which are now regarded as dead letters on Capitol Hill.

In large measure, the Administration proposals died because of opposition in the House. There, neither the Foreign Affairs Committee nor the Appropriations Committee is willing to separate economic and military aid, because they feel they need military aid to gain acceptance of the unpopular economic aid by the House.

In a legislative quirk illustrating the House preoccupation with military aid, the compromise bill passed yesterday provides a $185-million more than was approved by either the House or Senate largely in military aid, at the insistence of House conferees.

As for channeling aid through international institutions, both committees are opposed because they would lose some of their control over a country-by-country program.

WHITE HOUSE DILEMMA

For the administration, this resistance increasingly presents a dilemma and a limitation as it tries to reshape foreign policy.

To carry out the Nixon doctrine, the Administration needs more military assistance to help allies defend themselves. But that runs into the objection from the Senate that the Administration is reverting to the "arsenal diplomacy" that led to such entanglements as Vietnam.

Meanwhile, as the Administration makes overtures to Peking and Moscow, it becomes increasingly difficult to use the anti-Communist pitch of the past to get a foreign aid program through Congress.

The foreign aid program appears to be in a state of transition as foreign policy changes. And that explains in large measure why the program encountered so much difficulty in a Senate that in its own manner is reappraising postwar relationships.

To many of the critics in Congress, the reform of the present program rather than the creation of a new one will follow the reshaping of foreign policy.

In the meantime, the Administration must go through the agonies of pushing still another traditional foreign aid bill through Congress for the next fiscal year beginning July 1.

ENVIRONMENTAL IMPROVEMENT IN RURAL AMERICA

Mr. BENTSEN. Mr. President, I speak today as a cosponsor of S. 2981, a bill introduced by the Senator from Georgia (Mr. TALMADGE), and the Senator from Vermont (Mr. AIKEN) to provide for environmental improvement in rural America.

The proposed legislation was formulated by the House Agriculture Committee under the direction of Representative ROBERT POAGE, the distinguished chairman of the House Agriculture Committee. His distinguished career as chairman of the House Agriculture Committee has been characterized by innovative and progressive legislation dealing with the American agriculture industry and rural America.

The bill bears Mr. POAGE's usual stamp of being in the best interest of all Americans, both those who live in rural and urban communities. At this date there are currently 67 Senators in cosponsorship of this bill. Seldom has any piece of legislation in the Senate ever received such overwhelming endorsement.

The bill provides amendments to the Hope-Aiken Watershed Protection and Flood Prevention Act, Public Law 566, and also amendments to the Bankhead-Jones Farm Tenant Act. Its intent is to give added flexibility to our small watershed and resource conservation and development programs, providing Federal assistance in such projects as municipal and industrial water supply, water quality management, pollution abatement and control, and other purposes directly related to rural development.

I am especially pleased, Mr. President, to be a cosponsor of the bill because this legislation confronts two of the problems that are of the utmost importance to me as a United States Senator: pollution control and rural development. Few people are aware that one of the worst sources of pollution in our streams and rivers comes from the very natural process of soil runoff. This erosion process pollutes rivers and waterways at their source and spreads this damaging effect as the river flows its natural course. This legislation would encourage cooperation between the Federal Government and State and local agencies in controlling this pollution and in providing strong maintenance control procedures. It would give new economic muscle to the Soil Conservation Service, and permit the SCS to share costs in creating municipal and industrial water supplies, in protecting our environment from soil and water pollution and in assisting rural areas to deal with the problems of solid waste disposal and fire protection.

Mr. President, this program will further assist in the development of rural America. We must turn our sights to the rural areas. There must be a conscious effort to revitalize our countryside and stop the mass exodus of people who are leaving their farms for our already overcrowded cities. One of the ways to stop this sprawling, congested, and unmanageable urbanization of our country is to offer programs which will encourage people to remain in the rural area, and encourage light industry to take advantage of the work ability of people who want work in these areas. The Federal Government can and should provide leadership in the formulation of these programs. This legislation is a step in that direction.

I ask unanimous consent that a statement on the subject be printed in the RECORD.

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

STATEMENT

TITLE I—AMENDMENTS TO THE WATERSHED PROTECTION AND FLOOD PREVENTION ACT

This title makes the following changes in the Small Watershed Program:

1. *Restoring, Improving, and Maintaining Environmental Quality*—This amendment would provide for added purposes to the Watershed Protection and Flood Prevention Act (Public Law 83–566), as amended. The proposed amendment would provide an effective means to plan and install in cooperation with public agencies and local organizations desirable measures and works that would restore, improve, and maintain the quality of the environment within the watersheds involved. It would provide a specific and purposeful response in the watershed program to the objectives and requirements of the National Environmental Policy Act of 1969. The specific purposes are described as follows:

a. *Water Quality Management*—This amendment would authorize the Secretary of Agriculture to share the cost of providing storage in watershed projects for water quality control.

This legislation is needed to encourage the reduction and control of pollutants and their adverse effects on the environment in small watershed areas. With this amendment it will be possible to provide maintenance of water quality at the farthest upstream points where pollution may occur.

Federal cost-sharing for water quality management is authorized for mainstream development under other federal programs but is not provided for under Public Law 83–566. The proposed amendment would remove this inconsistency and would permit the reduction and control of pollutants in waterways of authorized watershed projects and make possible feasible contributions to downstream water quality management.

b. *Land Utilization*—Agricultural land is being used increasingly for community livestock feedlots, grain storage facilities, livestock sales pavilions, landfills for disposal of various solid waste materials, sewage lagoons, and other uses. If well designed and properly built on suitable soils, they can be a definite asset and a desirable addition to a water disposal and land utilization system within a watershed project. Attention must also be given to possible pollution of ground water,

proper drainage, and preservation of scenic values must be afforded. Financial assistance with PL–566 funds would help to assure the proper installation of these facilities.

c. *Agricultural Waste Management*—Agricultural wastes and odors often contribute to pollution of the overall environment through contamination of water supplies, streams, and land areas. Such enterprises can be detrimental to proposed development of watershed projects. Local interests may not be financially able to comply with water quality standards, if applied, and might otherwise have to go out of business. To provide for continued operation of these facilities to the benefit of the community, and not preclude development of the watershed project, PL–566 funds are needed to help finance relocation, modification, or to help with construction of sewage lagoons or other treatment facilities to take care of feedlot, barnyard, and other forms of agricultural wastes.

2. *Municipal and Industrial Water Supply*—This amendment would authorize the Secretary of Agriculture to bear up to one-half the cost of the storage of water for present use, for municipal and industrial water that may be provided in any reservoir structure constructed or modified under the provisions of Public Law 83–566.

Often the chief bottleneck to economic growth in rural communities is the lack of adequate water supply. Broadening the authority of Public Law 83–566 to provide federal cost-sharing for water supply to rural communities can have a major impact in producing economic growth, providing jobs, and developing a more comfortable and a better way of life in many town and country areas. In addition, improvement of the economy of these areas should help to reduce the migration of rural residents to already overcrowded urban areas.

Cost-sharing for municipal and industrial water in town and country areas would do more in contributing to community development than any other amendment.

3. *Use of Available Federal Funds*—Currently, Public Law 83–566 only permits the use of federal funds for acquiring land rights needed for works of improvement for public recreation or public fish and wildlife developments. Current restrictions are causing local sponsors to forfeit grants assistance under other programs for which they may be qualified to receive. The proposed amendment would permit the use of federal funds available to them under other programs that grams.

This would permit local sponsoring organizations to utilize any funds that may be available to them under other programs that might be used in the purchase of land rights.

4. *Long-Term Contracting in Watersheds*—This amendment would authorize the Secretary of Agriculture to enter into agreements for periods of not to exceed ten years with landowners and operators to share the cost of carrying out conservation plans within watershed projects. It would result in accelerated and intensified application of practices and measures to conserve and develop the soil and water resources of farms, ranches, and other lands in project areas. It would assist in bringing about orderly community and resource development.

Cost-sharing contracts between landowners and the Department of Agriculture would assure application of planned measures on a time schedule. This arrangement would accelerate establishment of needed land treatment and speed up scheduling of structural works of improvement. Similar cost-sharing agreements have already proved their effectiveness in the Great Plains Conservation Program.

TITLE II—AMENDMENTS TO THE BANKHEAD-JONES FARM TENANT ACT

Section 601 amends Section 32(e) of Title III of the Bankhead-Jones Farm Tenant Act pursuant to which the Resource Conservation and Development Program is carried out by the Secretary of Agriculture by cooperation with public agencies or local nonprofit organizations in developing and carrying out plans for land conservation and land utilization.

This amendment authorizes the Secretary of Agriculture to promote rural community development by furnishing technical and cost-sharing assistance to such public agencies and organizations in carrying out plans for rural community water supply, water quality management, the control and abatement of agriculture-related pollution, the disposal of solid wastes in rural areas, and the storage of water for rural fire protection.

The Secretary, in cooperation with such agencies, is authorized to provide for reservoir storage of water to include present and future water supply needs for rural communities.

The public agency shall pay not less than 50 percent of the cost of water storage to meet present needs and all of the cost of storage for anticipated future demands. Cost of water storage to meet future demands may not exceed 30 percent of the total cost of a reservoir structure. Such agencies and organizations must give reasonable assurance and present evidence that the water so stored will be used within a period of time that would permit repayment of its cost within the life of the structure. An interest-free period may extend up to ten years if the water stored for future use is not used during that period. Repayment with interest will begin as soon as the water is first used. Interest will begin to accrue after the 10-year period has elapsed even if the water supply is not used by that time. Full repayment must be made within the life of the structure but not to exceed 50 years from the time of initial use. The need for improving the economy and living environment of many rural communities relates directly to an abundant supply of high quality water. Scarce water storage sites used for other purposes with federal assistance can be more fully utilized in multiple-purpose resource conservation and development project plans by providing federal assistance for rural water supply storage.

This Section further authorizes the Secretary of Agriculture to provide technical and other assistance, and cost-sharing assistance for installing project measures and facilities in rural areas for:

(1) storage of water in reservoirs for water quality management;

(2) control and abatement of agriculture-related pollution; and

(3) the disposal of solid waste materials.

These project measures and facilities will improve fish and aquatic habitat, reduce biodegradation, and lessen water user costs during low stream flow periods; prevent contamination of water supplies, streams, and land areas by relocation, modification, or construction of lagoons, holding ponds, recycling irrigation systems, etc.; and provide for properly locating suitable lands for and constructing sanitary landfills to avoid groundwater pollution and health hazards to rural people.

The Section also authorizes the Secretary to furnish technical and other assistance, and to provide cost-sharing assistance for the storage of water and withdrawal appurtenances in reservoirs, farm ponds, and other impoundments for rural fire protection purposes. Such water storage facilities would provide protection for rural dwellings and buildings and natural resources including forest and rangeland. Withdrawal appurtenances would include outlet works, pumping facilities, and pipelines to convey water from reservoirs, ponds or impoundments to the nearest practicable point for delivery to fire fighting equipment.

Section 602 directs the Secretary of Agriculture to carry out a land inventory and monitoring program and to prepare a report at not less than five year intervals reflecting current soil, water and related resource conditions. The program will include surveys of erosion and sediment pollution damages, land use changes and trends, and degradations of the environment resulting from improper use of soil, water, and related resources. Such data may be used at all levels of government in land use policy planning, balancing rural-urban growth, and to assure the Nation of an adequate food and fiber supply by identifying the prime agriculture producing lands.

PENSION REFORM LEGISLATION AT TAKEOFF POINT

Mr. JAVITS. Mr. President, on February 28, 1972, the Senate Subcommittee on Labor issued its interim report on its study of the private pension plan system, which substantially endorsed all the major reforms provided in pension reform bill, S. 2, which I had introduced.

Senator WILLIAMS, chairman of the subcommittee, and I issued a joint press release that day, describing the interim report, and the press coverage and editorial support of the report has been most substantial and encouraging.

Accordingly, I ask unanimous consent that the text of the joint press release be printed in the RECORD.

I ask unanimous consent that there be printed in the RECORD at this point an editorial from Newsday, dated February 29, 1972, entitled "Just Expectations"; an editorial from the Machinist dated March 9, 1972, entitled "Your Pension"; a story from the New York Times of February 28, 1972, written by John W. Finney, entitled "Leaders of Senate Labor Panel Pledge to Press Pension Reform Bill This Year"; a story from the New York Times of February 27, 1972 written by Michael C. Jensen entitled "Reforming Pension Plans"; a column from the Journal of Commerce of February 28, 1972, written by Tom Connors, entitled "Campaign Launched for Pension Reform"; and a story from the Wall Street Journal of March 7, 1972, written by Michael K. Drapkin, entitled "False Security—Union Men, Workers Worry About Safety of their Pension Funds."

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

WILLIAMS AND JAVITS RELEASE PENSION STUDY; RECOMMEND SIX MAJOR REFORMS

WASHINGTON, Feb. 28.—Sen. Harrison A. Williams, Jr. (D-NJ), chairman of the Senate Committee on Labor and Public Welfare, and Sen. Jacob K. Javits (R-NY), the ranking minority member, today made public the Report of a year-long study by the Labor Subcommittee into private pension plan abuses.

Senators Williams and Javits said the Report signals the start of the legislative drive to enact private pension plans reforms in 1972. The two Senators declared:

"The Subcommittee findings demonstrate beyond reasonable doubt that the just expectations at retirement of many American workers have failed to materialize, and they are left with financial insecurity at that twilight stage of their lives. The interests of these neglected American workers and the need for their protection has never before been recognized as they are today. It is for their interests, and for those younger workers who will follow in their footsteps, that the Congress in 1972 must enact remedial and fair legislation which will protect workers through vesting, funding and reinsurance requirements. With the findings

made in this study, we have reached a point where the Congress knows what is necessary to bring about reform in the private pension system of the United States."

The Report reviews the extensive and investigative efforts made by both Williams and Javits to ascertain the deficiencies and inequities of private pensions. The Report contains an exhaustive account of the private pension movement in the United States, including its historical and legal developments and the deficiencies which have plagued the workers covered by the system.

The basic findings and recommendations of the Subcommittee study are contained in a detailed 163-page document released by the Subcommittee.

Based on its findings, the Report recommends:

1. A federal law establishing minimum standards of vesting.

2. A federal law establishing systematic requirements for funding of pension plans, accompanied by a program of plan termination insurance to cover unfunded vested benefits.

3. A uniform federal standard of fiduciary responsibility.

4. A federal law requiring improved disclosure and communication of plan provisions to workers to be accomplished in part by the revision of existing disclosure requirements to more effectively secure this objective.

5. The institution under federal guidelines of a program to develop portability reciprocity among private pension plans.

6. The centralization in one agency of all existing as well as prospective regulation of private pension plans, to the maximum extent feasible.

SUMMARY OF REPORT OF THE SENATE SUBCOMMITTEE ON LABOR, RELATIVE TO STUDY OF PRIVATE PENSION AND WELFARE PLANS

The Subcommittee on Labor has been engaged in an intensive study of the private pension plan system in the United States. This Report, implementing the Senate mandate to the Subcommittee under S. Res. 35, Sec. 4, to place "special emphasis on the need for protection of employees covered," details the Subcommittee's examination of the role and purpose of private pensions and assesses their effectiveness in assisting American workers to realize financial security upon retirement.

The 163-page document delves deeply into the aspects of private pensions. Contained in this report are accounts of the Subcommittee's studies and investigations, research into the history, philosophy, and legal background of private pension plans and scrutiny of the aspects of private pension plans which had been previously unexamined by Congressional committees. The Subcommittee believed this analytical approach to be necessary, for, as is outlined in the Report, Congress has a long history of interest in pension plan regulation, but has had little success in legislating meaningful controls. The only law which deals specifically with regulation of private pension plans is the Welfare and Pension Plans Disclosure Act of 1959, as amended in 1962, an attempt at requiring public disclosure of plan activities which was ultimately inadequate to live up to the good intentions of its supporters.

Today, nearly 100 years after the founding of the first American private pension plan, the Subcommittee finds that:

"Private pension plans and programs in the United States are an integral part of the fabric of the working lives of American men and women and are intrinsically woven into our economic and social structure. The plans represent the largest fund of virtually unregulated assets in the United States today. From available data, minimum estimates indicate that approximately $136 billion in assets are involved and that this vast reservoir of monies is accumulating at an increase of over $10 billion annually. Further, no less than 30 million workers in the United States are estimated to be participants in the private pension plan system, involving at least 34,000 private pension plans."

In order to apprise the Senate of the true dimensions of the problems of private pension plans, the Subcommittee, at hearings in July 1971, brought into the public forum the testimony of working men and women who have suffered irreparable damage to their lives because they did not receive the pension benefits to which they had believed themselves entitled. The shattered lives of these people bore testimony to the plight of retired people, who find themselves at the mercy of inadequate, unfair, and harsh pension plans. The financial security which had been promised to them became a myth.

Following these witnesses, who had never before been given a public forum for their views, were employers and plan administrators at hearings in October 1971. These witnesses covered a geographical and industrial spectrum and included some of the largest employers in our country. These hearings afforded corporate officials and plan administrators an opportunity to give their perspectives on the problems which the workers had related in the July hearings. Some employers admitted unhesitatingly that there were areas in pension plans in which the Federal Government should undertake an active regulatory role to achieve correction. Representatives of a major bank, for example, said, "Our pension plan was in need of improvement. Our management was very receptive to that need. In fact, it was a mandate from our management that we do so."

The hearings also raised the issue of communication between employer and employee as to the rights and responsibilities of plan participants. The Report details the Subcommittee's attempts to relieve this communication gap. Staff members conferred with Department of Labor personnel to explore the possibility of the Secretary using his powers under the WPPDA to rule that employers must take the initiative in communicating such details to employees, and not, as had been the practice, merely to make plan information available to them on request. Just before this Report went to press, the Secretary of Labor announced that such regulations had been promulgated.

A major result of the Subcommittee inquiry to date has been the confirmation through research of the total fragmentation of federal responsibility for private pension plans. This Report contains an analysis of the nature and extent of every department or agency whose work in some way touches on private pension plans. While the major department having influence is Labor, under the authority of at least seven major laws, there are eight other executive agencies with peripheral authority. And yet, true federal regulation of private plans, except in the event of criminal action, is confined mainly to supervision of the reporting requirements of the WPPDA and tax qualifications of plans under the Internal Revenue Code.

The problems of the private pension system can be summed up as hardships visited upon working people as the result of the lack of adequate regulatory controls over the operations of the system. The Subcommittee finds that these hardships are caused by:

Inadequate or nonexistent vesting.

Inadequate or nonexistent funding.

Impossibility of transferring earned credits from one job to another.

Lack of reinsurance in the event of plan termination.

Lack of federal fiduciary standards.

Lack of consolidated and efficient enforcement.

The Subcommittee's findings present a fresh mandate to Congress. While pension rights and obligations historically have been basically matters of contractual liability, the Report suggests that Congress must not ignore the need to find solutions to the problems which surfaced during the study. The Report notes that for those in need, only Congress can help.

Based on these findings are recommendations for legislative action and recommendations for further study. The Subcommittee recognizes that many of the problems with private pension plans are sufficiently well defined for legislative action now.

The Report recommends prompt enactment of a federal law establishing minimum standards of vesting, funding and reinsurance, a uniform federal standard of fiduciary responsibility, and a federal law covering communication of plan provisions to workers. It also recommends federal guidelines for a program to develop portability and reciprocity among private pension plans, and the centralization in one agency of all existing as well as prospective regulation of private pension plans.

Further study is needed, the Subcommittee finds, in the areas of costs and administration, and in assessing the effects of certain types of plan terminations. Also, the wealth of material in the Subcommittee's survey and analysis of 1431 private pension plans remains to be fully tapped, and this fund of previously uncollected information will continue to be developed as a valuable source for in-depth study.

The major thrust of this Report remains the concern for the quality of life of retired working people. In the words of the report:

"There can be no compromise with the obligation that working men and women have a right to live their retirement years, not only with human dignity, but with freedom from financial insecurity. American labor must have the knowledge that it will be free from economic uncertainties in retirement years if it is to be capable of optimum productivity to assure our industrial capacity. Similarly, industry must be assured of a flexible and mobile labor force, which results when employees have no uncertainty about retirement income. If, however, the viability of these two goals becomes frustrated, government has no choice but to compel reform to serve both ends."

[From Newsday, Feb. 29, 1972]

JUST EXPECTATIONS

Despite attempts to characterize the later years of life as a "golden age" and persons over 65 as "senior citizens," old people in this country face difficult problems that will not be dismissed by any amount of sloganeering.

The problems are sufficient enough, in fact, to have drawn the attention of Ralph Nader, the consumer advocate who is moving into broader areas of social concern.

Nader is forming an action group composed of retired professionals to seek "constructive social changes" and concentrate on the troubles confronting Americans of advanced age. Not only will the group work for solutions to problems in housing, medical care and nursing home quality, but it also will tap the resources of elderly citizens who might otherwise have been forgotten in this youth-oriented society.

Among the targets on Nader's list is the matter of pensions. And, to be sure, much improvement is necessary in this area so vital to the peace of mind and physical well-being of retired persons.

A Senate subcommittee has produced concrete evidence of the major flaw in most private pension plans: The workers rarely get the money. One sampling by the subcommittee showed that of 36 plans covering 2,900,000 workers, only eight per cent of the employees have received benefits since 1950.

Evidence showed, the subcommittee said, "that the just expectations at retirement

of many American workers have failed to materialize and they are left with financial insecurity at that twilight state of their lives."

A primary reason for the low collection ratio is that America's work force is extraordinarily mobile and employees often leave one job for another before collecting pension benefits. Or, in many other cases, workers simply retire before they are eligible for pension payments.

Now Democratic and Republican leaders in the Senate—particularly Sen. Jacob Javits (R-N.Y.) and Harrison Williams (D-N.J.)—are working for pension reform legislation, not only to safeguard workers, but the pension funds themselves. The subcommittee report noted that pension money represents "the largest fund of virtually unregulated assets in the United States today." It has been estimated that private pension plans have assets of approximately $135 billion.

Central to any pension legislation would be establishment of vesting rights—that is, the right of a worker to obtain a portion of his pension when leaving a job—and a "portability" provision that would allow an employee to transfer his vested pension funds from job to job. Also recommended by the subcommittee is creation of federal standards of fiduciary responsibility to guard against misuse of pension funds.

Last year, Javits introduced legislation incorporating many of these ideas. Now the subcommittee, in essence, has endorsed the senator's proposal. Congress must act to pass the Javits bill in this session and protect millions of Americans from what may be the real curse of old age in this country—the threat of poverty.

[From the Machinist, Mar. 9, 1972]

YOUR PENSION

Hats off to Senate Subcommittee on Labor for a useful study of private pension plans. Like most trade unions, the IAM has struggled for years to negotiate sounder, more reliable pension programs for union members.

Progress has been slow and, at best, spotty. We are proud of the IAM Labor-Management Pension Plan. It is soundly funded. Those working under the plan have vested rights to their pension after 10 years and it is more portable than almost any other pension plan anywhere.

As the Senators discovered, unless guarantees are written into union agreements, pension plans can be fraudulent deceptions. Even some union-negotiated plans leave much to be desired.

The Senate study—made public by Sen. Harrison Williams of New Jersey and Sen. Jacob Javits of New York—showed that union members have long known that many employees never get a cent from private pension plans. To qualify under most plans you have to work for the same employer for 15 years, sometimes longer, and you have to be working for that employer when you reach retirement age.

If the Senate study is accurate, under some plans only about 3% of the employees covered will ever see a pension check. The Senators found that under these plans about 70% will forfeit their pension rights because they will change jobs, on the average, every six or seven years. Still others lose out on their pensions because their plants are closed or sold or their plants go broke through mismanagement or misfortune.

So far, the only law specifically regulating private pension plans is the Welfare and Pension Disclosure Act of 1959, amended once in 1962. It was supposed to require each pension plan to make public disclosure of its activities. Part of the pension problem is that many workers have difficulty finding out the terms and conditions of their own pension plan.

PROPOSED SAFEGUARDS

The Senators' solution to pension problems is "adequate regulatory controls." They propose new laws to permit one government agency to regulate private plans in these areas:

VESTING

By establishing minimum standards giving employees permanent pension credits after 10 or 15 years of service with one employer or under one plan.

FUNDING

By establishing minimum standards for financing pension plans, requiring each employer to put aside regularly enough money which, if properly invested, will be enough to pay the pension.

FIDUCIARY RESPONSIBILITY

By establishing federal standards for the sound investment of pension funds.

INSURANCE

By requiring insurance of pension funds just as bank accounts and security transactions are now insured.

PORTABILITY

By developing guidelines for portability and reciprocity so that an employee can carry his pension credits with him when he moves to another job.

What the Senators propose will raise pension costs all around. They justify the added costs on two grounds:

Working men and women have a right to financial security in their old age. Only when they know they will be free from want after they retire can they give the maximum effort on the job that is expected.

Industry needs a mobile workforce that is possible only when employees can move around without losing their pensions.

Unless both of these goals are achievable, the Senators concluded, "government has no choice but to compel reform to serve both ends."

[From the New York Times, Feb. 28, 1972]

LEADERS OF SENATE LABOR PANEL PLEDGE TO PRESS PENSION REFORM

(By John W. Finney)

WASHINGTON, February 27.—The Democratic leaders of the Senate Committee on Labor and Public Welfare committed themselves today to enactment this year of pension reform legislation designed to guarantee and broaden retirement benefits for workers.

One of the principal and potentially most far-reaching features of the proposed legislation would be to guarantee certain pension rights to a worker even if he left a concern before reaching the age of retirement.

In a joint statement, Senator Harrison A. Williams Jr., Democrat of New Jersey, and Senator Jacob K. Javits of New York, the chairman and ranking Republican of the committee, said it had become evident that private pension plans were subject to financial abuses and were failing in many cases to fulfill the retirement expectations of employes.

They issued their statement in making public a report by the labor subcommittee on a year-long study of the private pension system that has expanded since World War II into a multi-billion-dollar program covering more than 30 million workers.

PROBLEM OF INSECURITY

The subcommittee findings, they said, "demonstrate beyond reasonable doubt that that the just expectations at retirement of many American workers have failed to materialize and they are left with financial insecurity at that twilight stage of their lives."

As a result, they said, it has become apparent that Congress "must enact remedial and fair legislation that will protect workers."

Their statement signaled the start of a major effort by the Senate committee to enact pension reform legislation during this session of the Congress.

In effect, the committee will be bypassing the Administration, which arranged for its own pension reform bill to be referred to the House Ways and Means Committee and the Senate Finance Committee, neither of which has any intention of considering the legislation this year.

The chances of enacting a major pension reform bill this year were described by Senator Javits as "fairly good."

With the bipartisan support of the Senate Committee on Labor and Public Welfare, such legislation is likely to be enacted by the Senate this session.

The difficulties will probably develop in the House, where a labor subcommittee is divided, with Representative John H. Dent of Pennsylvania, the subcommittee chairman, favoring legislation, and Representative John N. Erlenborn of Illinois, the ranking Republican, opposed.

As analyzed by Senate advocates of pension reform, the active support and lobby of organized labor may prove crucial in pushing the legislation through the house.

The American Federation of Labor and Congress of Industrial Organizations has endorsed pension reform in principle but is somewhat divided over the legislation.

The traditional craft unions, such as in the building trades, have raised objections to Federal regulations of the pension plans they have established with groups of employers, while the industrial unions, such as in steel, automobile and textiles, strongly support the legislation that is emerging from the Senate committee.

In the statement, Senator Williams—for the first time—endorsed the major objective of a pension reform bill that Senator Javits introduced last year.

The expectation is that Senator Williams will introduce his own bill next month which Senator Javits will probably then cosponsor, thus assuring that the legislation will be approved by the committee and sent to the Senate floor for action.

In emphasizing the need for Federal reform in regulation of the pension system, the subcommittee report said that private pension plans had become "an integral part of the fabric of the working lives of American men and women and are intrinsically woven into our economic and social structure." In addition, it noted, pensions represent "the largest fund of virtually unregulated assets in the United States today."

The subcommittee estimated that private pension plans have approximately $135-billion in assets and investments and that this amount is growing by $10-billion annually. At least 30 million workers were said to be participating in some 34,000 private pension plans, most of them financed solely by contributions from employers.

DRAWBACK IS CITED

One of the drawbacks of the present system, the subcommittee found, is that only a small percentage of the workers covered by pension plans ever receive benefits because they leave an employer or are discharged before reaching retirement age.

Out of a sampling of 36 pension plans covering 2.9 million workers, for example, the subcommittee found that, since 1950, 8 per cent of the workers eventually received pension benefits.

To meet the problem, which it noted is directly related to the mobility of the work force, the subcommittee recommended legislation requiring what are known as vesting rights in pension plans.

Under vesting, a worker, after a certain number of years of service, obtains a right to some percentage of the pension even if he leaves an employer—and thus his pension plan—before reaching retirement age.

Vesting has generally been opposed by employer groups on the grounds that it would greatly increase the cost of pension plans and reduce their flexibility and attractiveness.

[From the New York Times, Feb. 27, 1972]

REFORMING PENSION PLANS

(By Michael C. Jensen)

The Senate Labor subcommittee is expected to call tomorrow for widespread and dramatic legislative reform of the nation's private pension system.

In a 163-page report on private pensions, the subcommittee is expected to recommend a Federal law setting strict requirements for adequate funding of private pension systems. It also will ask for a plan of termination insurance designed to protect employes from losing future pension benefits.

Funding refers to the accumulation of sufficient assets in a pension plan to assure payment of benefits due.

The recommendations of the subcommittee, chaired by Senator Harrison A. Williams Jr., Democrat of New Jersey, go far beyond the proposals of the Nixon Administration. Last December the President urged Congress to adopt a form of vesting, that is guaranteeing a future right to pension benefits, but stopped short of asking for funding standards and termination insurance.

Funding and insurance legislation have been resisted by many of the corporations, actuaries and consultants who comprise the private pension fund industry, party because of high costs.

A series of Congressional hearings conducted last year revealed, however, that in some instances workers were being denied pensions because the plans run by their employers were inadequately funded or were terminated in midstream.

In addition to the recommendations on funding and insurance, the subcommittee, which is a unit of the Senate Committee on Labor and Public Welfare, is expected to urge laws establishing minimum standards of vesting, a uniform standard of fiduciary responsibility and a Federal law requiring improved disclosure and communication of private pension plan provisions.

It also is expected to ask for centralization in one agency of all regulation of private pension plans and the creation of a program to develop portability and reciprocity among private pension plans.

There is little controversy over plans for increased disclosure or fiduciary standards, but a major fight is expected over the funding and insurance proposals.

About $135-billion in assets are controlled by private pension plans, with an estimated 30 million Americans presently covered. About 75 per cent of the 34,000 existing plans are funded entirely by employers. In many cases workers accept pension contributions instead of pay increases and consider them a right rather than a privilege.

A number of typical problems have recently been identified by the subcommittee, which cites the following examples:

A large steel mill maintains a pension plan with assets of $19.5-million, but with accrued vested liabilities of more than $66-million. If the plan was terminated, less than one-third of accrued vested benefits could be paid with available assets.

A nationwide department store has a pension plan that contains no early vesting provision for its employes. Under the terms of the plan, any of the company's thousands of workers who ended their employment before they reached the age of 50 would forfeit all pension benefits, regardless of how many years they had worked for the concern.

Pension reformers concede that cases like these are becoming increasingly rare and that voluntary improvements are being made, but they contend, nonetheless, that there are enough exceptions to justify legislation.

Ten bills are pending in Congress, some covering only two or three minor aspects of pension reform and others of an omnibus nature. One of the most comprehensive and best publicized is a bill proposed by Senator Jacob K. Javits, Republican of New York, who serves with Senator Williams on the Labor subcommittee.

The report scheduled to be issued tomorrow is a major new bipartisan step forward, however, and combines many of the strict measures previously proposed.

The subcommittee also is expected to report tomorrow a number of conclusions that it reached after conducting a series of statistical studies and hearings last year.

For example, it has concluded that some of the major deficiencies in the present private pension system are:

Inadequate accumulation of assets in pension funds to meet obligations and payments to employes.

Inadequate or nonexisting vesting provisions, which in some cases result in denial of retirement benefits to employes who have worked many years for their employer before being terminated.

Cases where employers must terminate their pension plan through circumstances beyond their control, but are not able to pay benefits because the plan is not fully funded.

Abuses and unsound practices by fiduciaries and employers in the administration and operation of the funds that jeopardize the security of the assets.

Some pension experts, like Jean M. Linberg, senior vice president of the Chase Manhattan Bank, feel the legislative road for pension reform is slightly dimmer now than it was several months ago following the rash of publicity attending Congressional hearings.

Mr. Linberg said it seemed unlikely that any pension legislation would pass before summer, but said some regulations governing vesting and fiduciary responsibility could pass by fall. Reformers, however, said the upcoming subcommittee report and new legislation by Senator Williams should rekindle interest.

Like many other bankers, consultants and actuaries, Mr. Linberg said he did not favor legislation requiring insurance, but approved of some sort of vesting plan. One form of vesting he finds acceptable is the Administration's proposed "Rule of 50," which guarantees pension benefits to any employe whose age and years of service add up to 50.

William A. Dreher, a consulting actuary with his own firm of William A. Dreher & Associates, Inc., thought prospects for passage this year of legislation requiring fiduciary standards and vesting, but probably not insurance and funding, were fairly good.

"Health care is still very explosive," he said, "and there isn't a consensus on it, so if something is needed in the social area for political reasons, it just might be pension reform."

Mr. Dreher asserted, however, that he thought more attention should be paid to a combination of pensions, profit sharing and thrift plans, rather than simplicity to pension reform.

In addition to recommending pension legislation, the subcommittee is also expected to ask for further study of the cost factors affecting employers under its legislative proposals. It also is concerned over the degree to which its recommendations might inflict excessive administrative burdens on particular plans and industries.

The recommendations in the subcommittee report are expected to be included in legislation to be submitted by Senator Williams next month.

[From the Journal of Commerce, Feb. 28, 1972]

REPORT PUBLISHED: CAMPAIGN LAUNCHED FOR PENSION REFORM

(By Tom Connors)

WASHINGTON, February 27.—The chairman and the senior Senate Labor Committee Republican today formally signalled the start of their campaign for pension reform this year with the publication of a study report outlining basic legislative proposals.

The proposals include vesting, funding and reinsurance requirements and other reforms for private pensions supported by Chairman Harrison Williams, D-N.J., and Sen. Jacob Javits, R-N.Y.

They will serve as the basis for a Williams bill, which is very likely to carry the cosponsorship of Sen. Javits, and probably that of a substantial number of other Labor Committee members.

NO DISSENTING VIEWS

There were no dissenting views in the report released today by the labor subcommittee which undertook the study of the pension picture last year. The additional statements by individual members generally were very favorable to the idea of reform legislation this year, and to the specific reforms proposed.

Committee aides said the chairman's bill would be ready for hearings in March or April and they were very hopeful about the chances for Senate passage.

Final action by Congress this year will also hinge on the administration and the House, where both similar and different reforms are under consideration, and on the amount of time available in this election-year session.

In releasing the study report, Sens. Williams and Javits, who also head the labor subcommittee, declared jointly that the report's findings "demonstrate beyond reasonable doubt that the just expectations at retirement of many American workers have failed to materialize, and they are left with financial insecurity at that twilight stage of their lives."

REMEDIAL LEGISLATION

For this reason, "Congress in 1972 must enact remedial and fair legislation which will protect workers through vesting, funding and reinsurance requirements.

"With the findings made in this study, we have reached a point where the Congress knows what is necessary to bring about reform in the private pension system of the U.S." the two senators said.

RECOMMENDED REFORMS

The report makes the following legislative recommendations for reform of the private pension plan system in the U.S. which it estimates now covers 30 million workers under at least 35,000 private plans with assets of $135 billion that are growing by $10 billion a year:

1. Minimum federal vesting standards.

2. Systematic federal requirements for funding of pension plans, accompanied by a program of plan termination insurance to cover unfunded vested benefits.

3. A uniform federal standard of fiduciary responsibility.

4. Federal requirements for improved disclosure and communication of plan provisions to works to be accomplished in part by the revision of existing disclosure requirements.

5. Institution under federal guidelines of a program to develop portability and reciprocity among private pension plans.

6. As much centralization as possible, in a single federal agency, of all existing as well as prospective regulation of private plans.

The report while offering such prescriptions for the hardships it sees arising vest-

ing, funding and other shortcomings of existing plans, says these recommendations are "no panacea for all the ills that currently beset private pension plans."

To address other problems and also to help this year's legislative effort, the report accordingly proposes further study of:

1. Cost factors affecting employers and others, under the recommendations above.

2. The degrees to which the recommendations might "inflict excessive administrative or other burdens" on particular plans or industries.

3. The extent and impact of plan terminations, and particularly the impact upon employes, to parallel the administration study in this area.

[From the Wall Street Journal, Mar. 7, 1972]

FALSE SECURITY: UNION MEN, WORKERS WORRY ABOUT SAFETY OF THEIR PENSION FUNDS—CRITICS ASSERT SOME FIRMS RISK EMPLOYES' BENEFITS FOR THEIR CORPORATE USE: PROPOSALS FROM SENATOR JAVITS

(By Michael K. Drapkin)

Item: A financially ailing company tries to borrow $1.25 million from a subsidiary's pension pool for use as operating capital.

Item: Another company has a policy of investing more than half its pension fund's assets in the company's own common stock and in the real estate of a company subsidiary.

Item: Yet another firm routinely dips into its pension funds for cash to make acquisitions.

Item: A retailer uses its profit-sharing fund as a "bank" to make mortgage loans to companies in which the retailer's top officers hold interests.

Does *your* company put its own interests ahead of the interests of its pension-fund beneficiaries, sometimes at considerable risk to these beneficiaries? Probably not. Observers say many, if not most, corporate pension funds are carefully managed and conservatively invested. Nevertheless, the question of pension safety is currently nagging numerous union officials, congressional investigators and government experts.

"It's not a question of illegal acts," says Gilbert Feldman, an attorney for the United Steelworkers in Chicago. Mr. Feldman, who has recently been involved in one tangled pension case, adds: "It's a question of the sly manipulation of trust money by those who have the investment authority."

Such alleged manipulation, critics contend, points up the lack of real controls over the investment of pension-fund money. Certainly, a sizable amount of money is involved: The nation's private pension plans currently control an estimated $130 billion of assets, and it's estimated that this total will swell to $214 billion by 1980.

MINIMUM STANDARDS

In order to institute further controls over the investment of pension-fund money, Sen. Jacob Javits (R., N.Y.) has introduced a bill to set certain minimum standards for the funding of pensions and the vesting of benefits. The Javits bill, which would require that a sufficient amount of money be set aside to cover promised benefits, would also set up a federal program to insure pensions; it would further establish machinery to provide workers with "portable" pensions that couldn't be negated in the case of a job switch.

The portability of pensions under the Javits bill would depend on whether enough employers voluntarily agreed to such a program. On a nonvoluntary basis, however, the bill would set rules of conduct pertaining to "fiduciary responsibility" for those officials who administer the funds. Such rules would sharply restrict pension trustees' freedom to involve fund money in transactions related to the parent company.

Sen. Javits' proposed legislation is pending in the Senate Labor Subcommittee, and its fate is uncertain. The Senator, meanwhile, argues that the absence of pension controls permits money meant for retirement benefits to find its way into sometimes-risky situations or into uses that primarily further corporate aims.

PROBLEM OF UNDERFUNDING

Besides risky investments, a major problem of pension-fund administration is underfunding. Many companies have huge unfunded pension liabilities—millions of dollars worth of pension credits accrued by employes for which little or no money has been set aside.

Among such concerns is Western Union Telegraph Co. (principal subsidiary of Western Union Corp.), which has $365 million in unfunded liabilities covered by only $50 million in fund assets. The company, however, says this disparity would present a problem only in the event of termination of the pension plan, such as might occur if Western Union went out of business.

According to Gerald P. Kent, Western Union Telegraph's vice president-employe relations, the gradual covering of the company's unfunded liabilities over a 40-year period (as has been suggested to Sen. Javits by the accounting profession) would cost Western Union $3.8 million a year. Mr. Kent adds that the company's current practice is to set aside a sufficient amount of money to cover annual pension costs and to pay into the fund an amount of interest equal to the amount the unfunded liabilities would have earned. Western Union management, Mr. Kent says, can better use $3.8 million annually to "strengthen the company"—and thereby to prevent its termination—rather than to lighten its liability load.

TEMPTING POOLS OF MONEY

Fully funded or not, pension funds can be tempting pools of money for companies strapped for cash. A recent case in point involved the $15 million pension fund of Kokomo, Ind.'s Continental Steel Corp., which came under the control of Penn-Dixie Cement Corp. in early 1969.

About a year after it acquired control of Continental Steel, Penn-Dixie came under severe financial pressure. Earnings in 1970 had plunged 89% from a year earlier, and a half-million-dollar loss loomed in the 1971 first quarter. Cash dividends had been suspended for nearly a year. More than $7 million in short-term bank debt was coming due in September.

In January 1971, Continental Steel asked Continental Illinois National Bank & Trust Co., the trustee of Continental Steel's pension fund, to consider a short-term working capital loan, amounting to $1.25 million, to Penn-Dixie from the fund. The request was denied. Less than a month later, the Continental Steel Investment Council, whose members were Jerome Castle, chairman and president of Penn-Dixie, and two associates, directed the bank to make the loan. The bank refused.

But Penn-Dixie was persistent. It then proposed to amend the trust agreement between the steel company and the bank to provide that three individuals could be named fund trustees—thereby abrogating the requirement that only a bank or trust-company employe could be appointed. The proposed amendment, which required Continental Bank approval, further stated that trustees "are authorized from time to time to invest and reinvest the fund in any property of any kind without regard for any law prescribing or limiting the investment powers of fiduciaries."

Continental Bank balked. And two months later, the bank was notified by Continental Steel of its removal as trustee. Meanwhile, the United Steelworkers union got wind of the steel company's proposals and filed suit in a Cook County's circuit court to block the switch and the loan.

Officials of both Penn-Dixie and Continental refuse to discuss their various negotiations. However, testimony last year at a court hearing on the union's suit showed that Penn-Dixie needed the fund's money. At the time of the loan request, Penn-Dixie was in technical default on some of its loans, and bank officials doubted that the company could internally generate sufficient cash to meet its debt-service requirements. John I. Finnerty, the bank's trust officer, said he sought a guarantee from Penn-Dixie's Mr. Castle (who is also chairman of Continental Steel) that Penn-Dixie would seek outside financing before the bank would consider a loan to the fund. According to Mr. Finnerty's testimony, Mr. Castle couldn't give such a guarantee.

"He (Mr. Castle) said that certainly, or words to that effect, that if he could not obtain the money from outside sources, that he could use various pension funds as a source for that money," Mr. Finnerty testified.

Matters still aren't completely settled. On Sept. 1, the Steelworkers union at Continental Steel began a strike that was largely the result of the pension dispute. The walkout, which lasted 44 days, ended with an agreement that the trustee of the pension had to be a bank or savings institution with assets of more than $300 million and that no investment transactions involving the fund could be made with any company in which Mr. Castle or Penn-Dixie held an interest. Amalgamated Savings & Trust Co. of Chicago currently holds the funds. (Penn-Dixie paid off its bank debts by extensively mortgaging much of its property and by selling one of its plants; the working capital loan that had been requested from the Continental Fund was obtained from Allis-Chalmers Corp., and Penn-Dixie said this loan has been repaid in full.)

AN SEC SUIT

In another suit involving the use of pension funds, the Securities and Exchange Commission has charged three related companies and certain of their officials with violations of the Securities Exchange Act of 1934. The defendants are Sharon Steel Corp.; NVF Corp., which took over Sharon in 1969; Victor Posner, chairman of both companies; Bernard Krakower, an associate of Mr. Posner; and Wilbur T. Blair, a former Sharon official.

According to the SEC suit, the exchange act was violated in that the defendants used money from two Sharon pension funds to buy securities in other ventures in which Mr. Posner had an interest and that the fund money was used to meet corporate obligations of companies in which Mr. Posner held an interest (specifically the takeover of Sharon Steel by NVF). The SEC further said that its regulations were violated in that the defendants failed to report in a proper manner their use of the funds.

The defendants deny any impropriety. Mr. Krakower, for example, says every move was above board. Although the SEC has charged that Mr. Posner in April 1969 removed the Sharon Steel pension funds from the trusteeship of Union National Bank of Pittsburgh because that bank declined to take investment directions to buy NVF and DWG securities, Mr. Krakower says the bank was dropped because Sharon was dissatisfied with its performance as trustee. Furthermore, he adds that investments from Sharon's funds in the "affiliated companies" amounted to "probably under 10% of all fund transactions" and earned about 9.6% on an annual basis.

The SEC suit involving the Sharon fund is still pending, but discussions are currently under way toward a settlement in which Mr. Posner and his associates would relinquish control of the Sharon pension money. No criminal charges are involved.

The vulnerability of fund money, is of course, a major concern of Sen. Javits and those backing his bill. Of particular concern is the fact that pension funds are often

invested by a company in the company itself or in its subsidiaries—thereby directly tying the fund to the fortunes of the corporation.

A case in point involves Genesco Inc., the Nashville-based shoe and clothing concern. Of Genesco's $80 million in retirement-fund assets, $15 million is invested in Genesco common stock, and another $32 million is invested in the real estate of a Genesco subsidiary.

As far as retirement benefits are concerned, Sen. Javits says, pension-fund investments such as those of Genesco "put the employee at the hazard of the solvency or insolvency of the employer." Genesco, however, defends its investments—particularly a 1964 investment in the real estate of H. R. Kress & Co., then a Genesco subsidiary. The Kress investment was "as fine an asset as anyone could get his hands on," says J. G. De Lacey, vice president and secretary of Genesco. Genesco's pension fund, Mr. De Lacey adds, profited handsomely on the transaction.

SUBSTANTIAL PROFITS

Even critics of current pension systems don't argue that funds can't earn substantial profits from intracorporate investments. They do contend, however, that the principal efforts of fund trustees should be directed entirely toward protecting the future welfare of intended beneficiaries—rather than the current enrichment of a corporation or its officers.

Such critics are particularly concerned by a recent situation involving an employes' profit-sharing fund administered by Winn-Dixie Inc., a Jacksonville, Fla., retail food chain. Winn-Dixie operates the fund in lieu of a fixed-benefit retirement system; under its system, the amount of employer contributions is determined by company profits. But Senate investigators say the company was involved in a conflict of interests when it allowed the fund to provide mortgage financing to real estate companies that were owned wholly or in part by four of Winn-Dixie's top executives.

"All of it was quite legal and quite proper," says a staff lawyer for the Labor Subcommittee. "But the fund can be said to have benefited others than for whom it was primarily intended."

The Winn-Dixie situation began in the early 1960s and involved the leasing to the company of retail stores bearing the Winn-Dixie name but owned by separate real estate companies. At the time the mortgage loans were made, a half-dozen Winn-Dixie executives or directors were the sole owners or part owners of the real estate concerns. The real estate companies built stores; they then obtained mortgaged financing from the profit-sharing fund, which earns interest on the money it lent.

The mortgages will be paid off by rentals from Winn-Dixie to the real estate companies. However, the committee maintains that the major beneficiaries are the real estate companies, since, at the end of the mortgage period, these companies—rather than the profit-sharing funds—will own the stores and can sell them for a capital gain.

Winn-Dixie defends its actions. James Cameron, fund vice chairman, says such financing is a valid means of obtaining "a balanced portfolio" of its total investments. (About $960,000, or 1.4% of the fund's assets, are in the real estate mortgages.) "We can't see any conflict of interest," Mr. Cameron says, adding that the mortgages were "commercially acceptable" and would have been taken on by any lending institution.

Senate staffers don't dispute the fact that the fund profited by the investments, but an attorney on the Labor Subcommittee staff argues that such use of fund money "violates the general concept of trust," and points up the "weakness of legislation" regulating fund investments. He adds: "Just because corporate people know about (the availability) of pension funds doesn't mean they should be able to use them to their advantage—even though the fund benefits—when a suitable investment opportunity arises."

STUDENTS SEE GOVERNMENT IN ACTION

Mr. CHURCH. Mr. President, much is said about the need to make young people feel a part of their government, but often nothing is done to aid them in understanding the legislative and political process. This morning I should like to acknowledge the efforts of two young history teachers, Mr. Leon Busche and Mr. Gary Clarke, of Thomas Pyle Junior High School in Bethesda, Md. They have put much of their personal time and energy into making arrangements for these field trips to the Capitol.

Their students will, in 2 or 3 years, vote and begin to take an active role in self-government. Here today they are attending committee hearings, visiting Senators' offices, observing both the Senate and the House in session, touring the Capitol and interviewing Members of Congress. While on Capitol Hill they will also visit the Supreme Court and the Library of Congress.

These two teachers should be highly commended for the initiative they have shown in giving their students an opportunity to see Congress in action.

THIS GOOD LAND

Mr. HANSEN. Mr. President, our country is just now beginning what will be a yearlong celebration of the anniversary of our great national park system.

Yellowstone National Park, the first and perhaps the best known, national park—in my State of Wyoming—marks its 100th year this summer. The U.S. Department of Interior held its national parks centennial banquet last week on March 1 at the Shoreham Hotel here in Washington, D.C.

It was my privilege to be a part of this fine banquet which attracted more than 1,200 people from throughout the United States. I had the pleasure of introducing the Secretary of Interior, Rogers C. B. Morton, at the banquet.

Mr. President, to my mind, one of the highlights of that fine evening—which honored all of our national parks but in general gave real distinction to the State of Wyoming's Yellowstone National Park in particular—was the invocation offered by the Reverend Edward L. R. Elson, S.T.D., Chaplain of the U.S. Senate.

So, as we begin the celebration of the centennial of our fine national parks system and we focus worldwide attention on the vitality and this excellence of this recreational system, I am pleased to have this means to call Reverend Elson's invocation to the attention of my colleagues.

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

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

INVOCATION

(Centennial Banquet, 100th Anniversary, Yellowstone Park, the first National Park, National Park Servcie, U.S. Department of the Interior, Shoreham Hotel, Washington, March 1, 1972).

God of our fathers and our God who has made and preserved us a nation, we thank Thee for this good land which Thou hast given us for our heritage. We thank Thee especially for the beauty, the wonder and the mystery of the natural world Thou hast granted us for our home. From the pine-clad hills of New England to the palm-lined roads of Florida, from the sun-kissed groves of California to the timbered ridges of the Northwest, and from sea to shining sea, we thank Thee.

For majestic mountains, lush meadows, rolling hills, cool springs, torrid deserts, for swift flowing rivers and cascading streams, we thank Thee. For the music of nature—the lyric notes of the birds, the lament of animals, the rustle of bushes, the sighing song of bending trees—the ripple of the rill—for the glory of springtime and the pastel patterns of the fall—for the pure white of winter—for this our abode we give Thee thanks. Help us now to cherish Thy gift and preserve it in its purity for all posterity.

Give us souls to sing from the depths:

"I love Thy rocks and rills
Thy woods and templed hills
My heart with rapture thrills
Like that above."

Give wisdom and strength to all whose service is to preserve and tend Thy good gift of nature. Amen.

FEDERAL IMPACT AID PROGRAMS

Mr. CRANSTON. Mr. President, on January 28 I asked the Office of Education to prepare tables comparing fiscal 1972 expenditures for Federal impact aid programs, under Public Law 874, with estimated allotments, under the President's budget, for fiscal 1973. This material was transmitted to the Congress and received in my office on March 8.

I believe we should give this information very careful consideration. The memorandum accompanying these tables admits a reduction of $177.5 million for Public Law 874 nationally. This cut in a key Federal formula program for aid to America's schools comes at a time when no school can afford a reduction in Federal financial assistance.

For the benefit of Senators, I ask unanimous consent that the Office of Education's memorandum on the substance and rationale for these cuts be printed in the RECORD. I also ask that the district-by-district tables for my own State of California be printed.

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

OFFICE OF EDUCATION

The President's budget for 1973 proposes a revised method of distributing Impacted Area Aid funds under existing legislation. The budget requests $415 million for 1973 compared with $592.6 million appropriated in 1972. While this is a reduction of $177.6 million, the distribution planned would return this program to the original intent of the legislation.

Initially this program was created to provide financial assistance to school districts heavily impacted by children associated with Federal government operations, primarily military. Gradually, over the past twenty

years, the concept of providing funds to offset the loss of tax revenue in districts heavily impacted by the military has eroded and has developed into a situation where heavily impacted school districts constitute less than half of the districts receiving aid under the program. Moreover, increasing amounts of money are being provided for the children of Federal employees who reside in the "impacted" school districts and who contribute to the financing of the school systems through the local taxing system, just as do their neighbors who do not work for the Federal government.

The 1973 budget proposal attempts to return the program to its original emphasis and will provide 100 percent of entitlement for military dependents and Indian children whose parents work or reside on Federal property. The budget also provides a hardship provision to ensure that no impacted district in 1973 receives less than 95 percent of their 1972 total school budget as a result of the reduction in impacted area aid.

Actual data on the number, composition (military, Indian, civilian), and per pupil expenditures for the 1973 school year will not be available until after the 1973 school year is completed. Information on 1972 is now being collected from applications submitted by each impacted school district. Therefore, it is not possible at this time to develop a reliable estimate of each school district's payment for 1972 or 1973.

However, to illustrate how the budget will affect each school district, the Office of Education compiled actual data for 1971 and then applied to this data the method of payment currently in effect for 1972 and the proposed method of payment for 1973. This is essentially the information contained in the attached report. The 1971 data on which both payment plans are based were obtained from the local school districts' applications in 1971 and from additional information on children of Uniformed Services personnel for each school district supplied to the Office of Education from State departments of education. Reports were received from all jurisdictions except Massachusetts, Puerto Rico and the Virgin Islands.

In the attached report, no attempt has been made to project the 1971 actual data to 1972 or 1973 for each school district. Such projections are dependent on specific conditions in each district relating to changes in pupil enrollment, per pupil costs, and total school expenditures.

For the purposes of compiling the attached report, 1971 data have been used to compute payments under the funding arrangement provided in the 1972 appropriation and as proposed in the 1973 budget. Each column contained in the report is explained as follows:

"A Payment, 1972 Appropriation": A entitlement at 90% if A children comprise less than 25% of total children in the school district or A entitlement at 100% if A children comprise 25% or more of total children.

"A payment, 1973 proposal": A entitlement at 100%. Includes any B(1) Indian children as A children.

"B payment, 1972 Appropriation": B entitlement at 73%.

"B payment, 1973 proposal": Entitlement for military dependent B children at 100%.

"5% of TCE": 5% of 1970–71 total current expenditures as estimated by school districts on 1971 applications.

"Hardship": Amount of difference between 1973 and 1972 payments that exceeds 5% of total current expenditures.

SAFA SURVEY REPORT—BY CONGRESSIONAL DISTRICT

State, Appl. No. and school district name	(A) payment 1972 appro.	(A) payment 1973 prop.	(B) payment 1972 appro.	(B) payment 1973 prop.	5 percent TCE	Hardship	Total (A)+(B) 1972 appro.	Total (A)+(B) hard 1973
CALIFORNIA (001)								
1615 Point Arena U.H.S.D	6,714	15,544	4,085	0	12,087	0	10,799	15,544
1701 Novato Unif. Sch. Dist	692,114	769,016	175,084	87,462	440,132	0	867,198	856,478
1606 Napa Comm. Col. Dist	0	0	37,579	1,313	106,799	0	37,579	1,313
1702 Napa Valley Unif. S.D	0	0	488,835	76,607	595,599	0	488,835	76,607
1423 Round Valley Unif. S.D	9,393	21,291	14,476	0	23,954	0	23,869	21,291
437 Petaluma City H.S.D	5,036	5,596	68,084	21,451	228,415	0	73,120	27,047
435 Two Rock U.S.D	32,789	32,789	394	540	4,759	0	33,183	33,329
523 St. Helena Unif. S.D	3,005	3,339	11,428	0	61,551	0	14,433	3,339
841 Arena U.S.D	19,781	25,943	5,260	0	11,589	0	25,041	25,943
804 Old Adobe U.S.D	0	0	33,536	13,692	45,334	0	33,536	13,692
868 Klamath Trinity Unif. S.D	105,958	169,500	63,694	1,252	67,279	0	169,652	170,752
1119 Cinnabar S.D	0	0	3,024	360	8,438	0	3,024	360
1129 Sonoma Valley Unif. S.D	31,562	35,069	39,314	8,558	150,147	0	70,876	43,627
906 Cotati S.D	0	0	23,146	11,710	56,264	0	23,146	11,710
905 Reservation S.D	2,161	5,765	1,315	0	1,405	0	3,476	5,765
913 Ferndale S.D	9,404	10,449	131	180	12,563	0	9,535	10,629
1219 Wilmar U.S.D	0	0	3,682	180	13,543	0	3,682	180
1720 Del Norte Co Unif. S.D	27,053	32,564	34,437	10,019	168,095	0	61,490	42,583
2015 Orick S.D	0	0	2,498	0	5,238	0	2,498	0
1919 City of Santa Rosa S.D	0	0	17,623	10,989	177,150	0	17,623	10,989
164 Tamalpais U.H.S.D	9,513	10,570	39,489	5,285	414,453	0	49,002	15,855
258 Petaluma City S.D	0	0	45,899	18,196	114,369	0	45,899	18,196
Cong. Dist. total (22)	954,483	1,137,435	1,113,013	267,794	2,719,163	0	2,067,496	1,405,229
CALIFORNIA (002)								
169 Mariposa Co. Unified S.D	101,825	113,139	26,057	3,339	64,309	0	127,882	116,478
294 Trinity Co. Jt. U.H.S.D	8,953	9,948	15,205	310	39,722	0	24,158	10,258
404 Long Valley S.D	0	0	6,707	0	3,157	3,550	6,707	3,550
403 Janesville U.S.D	648	720	14,072	180	7,398	6,422	14,720	7,322
301 Placer Jt. U.H.S.D	0	0	69,446	4,352	137,998	0	69,446	4,352
248 Eureka U.S.D	0	0	14,203	1,981	20,977	0	14,203	1,981
205 Penryn S.D	0	0	4,471	540	10,119	0	4,471	540
220 Loomis U.S.D	0	0	21,963	0	42,908	0	21,963	0
286 Rocklin S.D	0	0	13,546	4,684	22,510	0	13,546	4,684
275 Roseville City S.D	0	0	47,346	16,935	103,232	0	47,346	16,935
218 Auburn U.S.D	0	0	13,546	1,981	68,020	0	13,546	1,981
236 Weaverville Elem. S.D	3,890	4,323	9,995	0	20,748	0	13,885	4,323
281 Roseville Jt. U.H.S.D	114,717	127,464	81,701	19,275	114,929	0	196,418	146,739
2106 Wasuma Union School District	0	0	2,630	0	4,171	0	2,630	0
1802 Yreka U.S.D	0	0	18,280	17,655	38,939	0	18,280	17,655
1816 Lone Pine Unif. S.D	3,381	3,757	6,552	208	29,216	0	9,933	3,965
1911 Lake Sch. Dist	0	0	1,578	0	685	893	1,578	893
1916 Modoc Tule Lake Jt. Unif. Dist	15,780	17,534	22,095	0	84,544	0	37,875	17,534
1717 Montague S.D	0	0	2,630	2,702	7,598	0	2,630	2,702
1818 Western Placer Unif. S.D	0	0	41,904	9,393	76,322	0	41,904	9,393
1722 Mad River Jt. S.D	3,242	3,603	6,444	0	4,578	1,505	9,686	5,108
2012 Fort Jones Union E.S.D	972	1,080	2,104	0	3,977	0	3,076	1,080
2011 Tahoe Truckee Unified S.D	7,890	8,767	7,009	0	107,685	0	14,899	8,767
2010 Benton E.S.D.D	0	0	2,630	0	889	1,741	2,630	1,741
2009 Bridgeport S.D	2,593	2,882	2,235	0	4,726	0	4,828	2,882
2008 Lee Vining U.E.S.D	6,161	6,846	7,233	0	7,022	0	13,394	6,846
1845 Georgetown Divide U.S.D	1,620	1,801	3,419	0	12,673	0	5,039	1,801
1921 Burnt Ranch S.D	972	1,080	1,183	0	1,875	0	2,155	1,080
2005 Sierra Plumas Joint Unif S.D	3,381	3,757	3,809	417	37,010	0	7,190	4,174
2004 Oakhurst U.S.D	0	0	3,550	0	13,924	0	3,550	0
2002 Yreka U.H.S.D	0	0	13,616	7,772	52,535	0	13,616	7,772
1813 Lassen Jr. Col. Dist	5,200	5,778	11,695	0	42,239	0	16,895	5,778
1922 Hayfork Valley Union S.D	3,566	3,963	12,625	0	16,015	0	16,191	3,963
1725 Surprise Valley Jt. Unif. S.D	7,514	8,349	4,266	0	12,699	0	11,780	8,349
1925 Owens Valley Unif. S.D. Ed. D	0	0	2,438	0	19,380	0	2,438	0
2204 Big Valley Joint Unif. S.D	1,878	2,504	4,419	0	17,002	0	6,297	2,501
2206 Igo-Ono-Platina U.S.D	2,593	2,882	789	0	3,966	0	3,382	2,884
1044 Gold Oak U.S.D	0	0	2,104	0	10,301	0	2,104	0
1115 Buckeye School District	0	0	5,129	0	13,124	0	5,129	0
1116 Pleasant Ridge U.S.D	0	0	3,682	1,801	11,379	0	3,682	1,800
1216 Buckeye U.S.D	0	0	10,258	5,044	26,138	0	10,258	5,040
1020 Mother Lode Union S.D	0	0	4,866	180	26,565	0	4,866	182
1026 Placerville U.S.D	0	0	14,466	720	41,517	0	14,466	724
930 Antelope U.S.D	1,944	2,161	1,446	0	4,948	0	3,390	2,161
1008 Foresthill Union S.D	2,917	3,242	6,575	0	8,916	0	9,492	3,242

SAFA SURVEY REPORT—BY CONGRESSIONAL DISTRICT—Continued

State, Appl. No. and school district name	(A) payment 1972 appro.	(A) payment 1973 prop.	(B) payment 1972 appro.	(B) payment 1973 prop.	5 percent TCE	Hardship	Total (A)+(B) 1972 appro.	Total (A)+(B) hard 1973
CALIFORNIA (002)								
1206 Hyampon School District	0	0	1,446	0	2,441	0	1,446	3
1027 Rescue U.S.D	0	0	6,049	0	14,384	0	6,049	4
1117 Nevada City S.D	648	720	10,126	720	25,242	0	10,774	1,440
1140 Pioneer U.S.D	0	0	1,578	360	6,097	0	1,578	361
1139 Gold Trail U.S.D	0	0	1,709	180	8,667	0	1,709	180
1137 Camino U.S.D	972	1,080	3,550	0	11,733	0	4,522	1,080
925 Sierra Jr. Col. Dist	1,890	2,101	35,279	0	146,461	0	37,169	2,100
1128 Ophir E.S.D	0	0	2,104	0	3,393	0	2,104	0
1131 Death Valley Unif. S.D	12,774	14,194	1,219	0	11,842	0	13,993	14,190
1121 Ready Springs U.S.D	0	0	4,866	1,981	6,675	0	4,866	1,981
98 Lassen U.H.S.D	86,178	95,754	36,085	0	50,389	0	122,263	95,750
156 Mannoth E.S.D	13,943	15,493	5,129	0	13,692	0	19,072	15,494
707 Newcastle E.S.D	0	0	1,841	0	6,225	0	1,841	1
626 Nevada U.H.S.D	558	621	19,744	2,798	69,895	0	20,302	3,414
526 El Dorado U.H.S.D	0	0	41,758	3,419	111,999	0	41,758	3,413
524 Pollock Pines S.D	2,593	2,882	12,888	1,441	20,762	0	15,481	4,320
706 Dry Creek Jt. E.S.D	0	0	4,208	0	5,361	0	4,208	9
829 Lewiston E.S.D	5,044	5,044	789	0	3,194	0	5,833	5,049
827 Coffee Creek S.D	4,684	4,684	657	0	1,217	0	5,341	4,680
708 Placer Hill Us.S.D	0	0	10,652	1,621	26,095	0	10,652	1,624
824 Bishop U.H.S.D	17,347	50,364	28,368	0	40,345	0	45,715	50,364
818 Bishop U.S.D	26,591	71,703	29,459	180	61,399	0	56,050	71,883
816 Round Valley S.D	0	0	10,915	0	8,261	2,654	10,915	2,654
715 Shasta Lake U.S.D	648	720	9,995	1,621	49,942	0	10,643	2,341
625 Grass Valley S.D	0	0	13,546	3,423	11,810	0	13,546	3,423
2230 Lake Tahoe Unified School District	2,253	2,504	16,914	3,548	172,840	0	19,167	6,052
1336 Twain Harte Long Barn U.S.D	0	0	4,340	1,080	15,068	0	4,340	1,080
1335 Big Oak Flat Groveland U.S.D	3,566	3,963	1,446	0	9,664	0	5,012	3,963
1403 Mineral S.D	7,566	7,566	0	0	1,376	0	7,566	7,566
1414 Summerville S.D	3,890	5,765	2,761	0	11,676	0	6,651	5,765
1511 Alpine Co Unif S.D	10,896	12,107	2,133	0	12,179	0	13,029	12,107
1422 French Gulch Whiskeytown U.S.D	0	0	0	0	2,024	0	0	0
1602 Johnstonville S.D	0	0	2,104	0	2,686	0	2,104	0
1601 Shaffer Union S.D	0	0	1,446	0	5,319	0	1,446	0
1507 Mono Co H.S.D	15,668	17,409	7,489	0	25,766	0	23,157	17,409
1524 Fall River Jt Unif S.D	13,150	14,612	20,266	0	86,154	0	33,416	14,612
1613 Belleview S.D	0	0	2,104	0	1,324	780	2,104	780
1332 Susanville S.D	972	5,044	28,539	1,981	37,203	0	29,511	7,025
1407 Cox Bar S.D	4,323	4,323	1,446	0	1,535	0	5,769	4,323
1523 Macdoel Elementary School District	0	0	1,972	0	4,617	0	1,972	0
31 Herlong S.D	50,084	50,084	24,988	180	10,375	14,433	75,072	64,697
1306 Ackerman Elem S.D	0	0	1,709	180	5,861	0	1,709	180
Congressional District Total (87)	587,875	724,317	985,534	124,182	2,521,773	31,978	1,573,409	880,477
CALIFORNIA (003)								
1220 San Juan Unif S.D	22,544	25,049	1,166,775	346,508	1,986,762	0	1,189,319	371,557
36 Grant Jt U.H.S.D	20,704	23,005	589,388	136,791	531,905	0	610,092	159,796
24 Rio Linda U.S.D	40,536	45,040	669,025	437,968	374,262	0	709,561	483,008
26 Del Paso Heights S.D	0	0	57,867	13,331	77,783	0	57,867	13,331
11 Elverta Jt S.D	0	0	17,360	5,404	13,473	0	17,360	5,404
14 N Sacramento S.D	0	0	122,310	35,671	191,139	0	122,310	35,671
15 Robla S.D	0	0	30,117	7,566	47,567	0	30,117	7,566
710 Center Jt S.D	290,778	290,778	27,092	23,781	48,952	0	317,870	314,559
124 Sacramento City Unif S.D	1,126	1,252	792,224	245,269	2,000,000	0	793,350	246,521
1705 Los Rios Jr. Col Dist	12,292	13,658	221,645	20,224	988,156	0	233,937	33,882
Congressional District Total (10)	387,980	398,782	3,693,803	1,272,513	6,259,999	0	4,081,783	1,671,295
CALIFORNIA (004)								
1714 Winters Jt. unif. S.D	3,756	4,174	10,818	4,383	46,705	0	14,574	8,557
1003 Dixon unif. S.D	4,884	5,427	21,180	9,184	87,529	0	26,064	14,611
1124 Elk Grove Unif. S.D	0	0	120,685	25,048	349,004	0	120,685	25,048
929 Washington Unif. S.D	0	0	49,218	7,932	210,889	0	49,218	7,932
2203 Camptonville U.S.D	0	0	1,446	0	2,051	0	1,446	0
2102 Pleasant Grove Jt. U.S.D	0	0	2,761	720	5,397	0	2,761	720
2001 Farifield Suisun Unif. S.D	1,502	1,669	778,715	593,239	392,533	0	780,317	594,098
1927 Stony Creek Jt. Unif. S.D	12,023	13,359	3,809	0	12,232	0	15,832	13,359
Congressional District total	22,165	24,629	988,732	640,506	1,106,340	0	1,010,897	665,135
1924 Mt. Baldy S.D	972	1,080	4,340	180	1,945	2,107	5,312	3,367
Congressional District Total (1)	972	1,080	4,340	180	1,945	2,107	5,312	3,367
CALIFORNIA (005)								
1831 Solando Co. Jr. Col. Dist	23,166	25,740	96,058	18,648	141,066	0	119,224	44,388
1902 Willows Unif. Sch. Dist	2,253	2,504	15,085	0	68,614	0	17,338	2,504
1833 Vacaville Unif. S.D	1,502	1,669	349,712	265,726	210,004	0	351,214	267,395
1805 Marysville Jt. Unif. S.D	4,132	4,592	225,522	232,953	310,127	0	229,654	237,545
1913 Galt Jt. Union H.S.D	0	0	8,170	1,243	48,117	0	8,170	1,243
1804 Yuba City Unif. S.D	0	0	74,971	82,243	244,869	0	74,971	82,243
189 Wheatland S.D	952,686	952,686	30,248	33,329	98,468	0	982,934	986,015
190 Wheatland U.H.S.D	406,644	406,644	25,872	24,249	48,222	0	432,516	43,089
5 Folsom Cordova Jt. Unif. S.D	651,534	723,927	501,787	333,984	465,988	0	1,153,321	1,057,911
75 Bencia Unif. S.D	0	0	61,256	13,985	96,165	0	61,256	13,985
27 Vallejo City Unif. S.D	450,889	500,988	736,605	159,268	684,784	0	1,187,494	660,256
1401 Travis Unif. S.D	1,693,339	1,693,339	13,104	16,281	167,554	0	1,706,443	1,709,620
1520 East Nicolaus Jt. U.H.S.D	0	0	4,992	1,243	12,223	0	4,992	1,243
1405 Galt Jt. U.S.D	0	0	5,260	540	35,203	0	5,260	540
1132 Arcohe U.S.D	0	0	3,813	540	8,271	0	3,813	540
1204 Yuba Co. Jr. Col	33,093	36,771	25,500	2,889	151,427	0	58,593	39,660
Congressional District Total (16)	4,219,238	4,348,860	2,177,955	1,187,121	2,791,142	0	6,397,193	5,535,981
CALIFORNIA (006)								
222 Marin Jr. Col. Dist	15,128	16,809	36,237	7,091	233,712	0	51,365	23,900
53 Sausalito S.D	21,402	23,781	2,630	720	55,389	0	24,032	24,501
260 Fairfax S.D	0	0	2,498	540	45,534	0	2,498	540
261 Larkspur S.D	0	0	10,915	900	76,509	0	10,915	900
176 San Rafael S.D	0	0	21,042	9,188	224,472	0	21,042	9,188
178 San Rafael H.S.D	558	621	55,375	18,653	236,619	0	55,933	19,274
701 Dixie S.D	0	0	53,395	27,384	191,325	0	53,395	27,384

State, Appl. No. and school district name	(A) payment 1972 appro.	(A) payment 1973 prop.	(B) payment 1972 appro.	(B) payment 1973 prop.	5 percent TCE	Hardship	Total (A)+(B) 1972 appro.	Total (A)+(B) hard 1973
719 Reed U.S.D	0	0	11,573	4,143	94,187	0	11,573	4,143
115 Mill Valley S.D	3,242	3,603	14,072	1,621	149,779	0	17,314	5,224
Congressional District total (9)	40,330	44,814	207,737	70,240	1,307,526	0	248,067	115,054
CALIFORNIA (007)								
121 Berkeley Unif. S.D	0	0	154,056	12,733	1,255,348	0	154,056	12,733
1923 Emery Unified S.D	0	0	4,114	834	70,864	0	4,114	834
34 Albany Unif. S.D	0	0	22,857	0	132,736	0	22,857	0
Congressional District total (3)	0	0	181,027	13,567	1,458,948	0	181,027	13,567
CALIFORNIA (008)								
35 Alameda Unif. S.D	942,357	1,047,064	275,655	168,453	541,509	0	1,218,012	1,215,512
1341 S. Co. Jt. Jr. Colg. Dist	0	0	60,971	8,142	319,261	0	60,971	8,142
1510 San Lorenzo Unif. S.D	0	0	178,132	33,815	606,645	0	178,132	33,817
203 Amador Valley Jt. U.H.S.D	12,311	13,679	99,177	12,435	159,282	0	111,488	26,115
1830 Livermore Valley Jt. U.S.D	4,508	5,009	700,339	41,121	503,295	155,422	704,847	201,554
1607 Peralta Jr. Col. Dist	18,438	20,487	165,850	7,091	994,920	0	184,288	27,578
1719 Castro Valley Unif. S.D	0	0	85,637	20,874	424,945	0	85,637	20,874
95 San Leandro Unif. S.D	0	0	84,875	28,388	558,192	0	84,875	28,388
Congressional District total (8)	977,614	1,086,239	1,650,636	320,319	4,108,049	155,422	2,628,250	1,561,980
CALIFORNIA (009)								
427 Jefferson U.H.S.D	0	0	118,013	12,435	438,149	0	118,013	12,435
135 Pleasanton Jt. S.D	10,701	11,890	91,798	11,169	149,158	0	102,499	23,059
1716 New Haven Unif. S.D	0	0	56,533	24,422	266,553	0	56,533	24,422
1712 Evergreen S.D	0	0	21,174	12,971	138,290	0	21,174	12,971
1614 Fremont Unif S.D	0	0	313,141	72,850	1,178,295	0	313,141	72,850
1611 Newark Unif. S.D	0	0	77,866	22,752	352,246	0	77,866	22,752
1844 Fremont Newark Jr. Col. Dist	0	0	17,639	2,363	110,154	0	17,639	2,363
2104 Milpitas S.D	0	0	112,151	93,306	365,239	0	112,151	93,306
1415 Mt. Pleasant E.S.D	0	0	15,124	9,008	116,434	0	15,124	9,008
1509 Hayward Unif.S.D	0	0	305,369	108,962	1,055,464	0	305,369	108,962
1330 Alum Rock U.S.D	0	0	62,733	38,374	557,555	0	62,733	38,374
1522 Berryessa U.S.D	0	0	39,981	24,141	196,456	0	39,981	24,141
1221 Murray S.D	0	0	59,445	26,303	161,805	0	59,445	26,303
Congressional District Total (13)	10,701	11,890	1,290,967	459,056	5,085,798	0	1,311,668	470,946
CALIFORNIA (010)								
1211 Campbell U.H.S.D	0	0	98,496	16,788	610,575	0	98,496	16,788
1215 Campbell U.S.D	0	0	44,847	10,809	436,345	0	44,847	10,809
56 Mountain View Los Altos U.H.S.D	35,813	39,793	51,290	7,150	338,808	0	87,103	46,943
296 Mountain View S.D	32,428	36,032	30,117	4,504	188,048	0	62,545	40,536
1835 Santa Clara Unif. S.D	0	0	181,637	69,092	1,003,407	0	181,637	69,092
267 Palo Alto Unif. S.D	0	0	105,599	9,602	1,086,383	0	105,599	9,602
1604 Franklin McKinley S.D	0	0	25,119	16,394	213,304	0	25,119	16,394
139 Whisman S.D	151,442	168,269	15,124	8,467	150,505	0	166,566	176,736
148 Fremont U.H.S.D	0	0	198,354	33,265	768,031	0	198,354	33,265
125 Los Altos S.D	0	0	30,117	2,161	230,190	0	30,117	2,161
1111 Loma Prieta Jt.U.S.D	14,268	15,854	1,052	180	18,415	0	15,320	16,034
907 Moreland S.D	972	1,080	50,765	14,953	321,314	0	51,737	16,033
918 Cupertina U.S.D	0	0	170,840	54,048	904,019	0	170,840	54,048
92 Sunnyvale S.D	0	0	128,491	91,341	422,408	0	128,491	91,341
Congressional District Total (14)	234,923	261,028	1,131,848	338,754	6,691,752	0	1,366,771	599,782
CALIFORNIA (011)								
71 Brisbane S.D	0	0	5,655	900	44,394	0	5,655	900
510 San Mateo U.H.S.D	558	621	84,652	8,394	848,520	0	85,210	9,015
425 Raveswood City S.D	2,593	2,882	49,713	5,044	218,805	0	52,306	7,926
428 San Mateo S.D	0	0	48,266	15,854	590,265	0	48,266	15,854
100 S. San Francisco Unif. S.D	0	0	100,570	12,106	612,158	0	100,570	12,106
103 Bayshore S.D	0	0	21,963	24,321	22,144	0	21,963	24,321
271 San Bruno Park S.D	324	360	22,094	3,062	237,359	0	22,418	3,422
245 Laguna Salada U.S.D	0	0	62,207	13,331	395,909	0	62,207	13,331
323 Jefferson S.D	0	0	74,306	17,295	393,661	0	74,306	17,295
Congressional District Total (9)	3,475	3,863	469,426	100,307	3,263,215	0	472,901	104,170
CALIFORNIA (012)								
423 Cambria U.S.D	12,970	14,412	1,578	900	10,213	0	14,548	15,312
412 Cayucos S.D	0	0	3,419	3,603	8,216	0	3,419	3,603
268 Washington U.S.D	0	0	14,466	7,927	17,822	0	14,466	7,927
1834 Monterey Peninsula Unif. S.D	2,183,890	2,183,890	723,044	491,582	778,500	0	2,906,934	2,675,472
1817 Atascadero U.S.D	1,502	1,669	19,504	2,504	114,532	0	21,006	4,173
1832 Lucia Mar Unif. S.D	0	0	49,828	7,932	248,456	0	49,828	7,932
1703 Pioneer Union Elem. S.D	0	0	4,471	4,143	6,913	0	4,471	4,143
117 San Miguel Jt. U.E.S.D	0	0	3,024	3,062	7,349	0	3,024	3,062
433 San Antonio U.S.D	4,863	5,404	3,024	0	3,350	0	7,887	5,404
448 Coast Jt. U.H.S.D	2,797	3,108	3,631	3,108	17,650	0	6,428	6,216
85 Carmel, Unif. S.D	12,023	13,359	55,923	25,257	181,549	0	67,946	38,616
922 North Monterey Co. U.S.D	0	0	25,777	11,350	101,889	0	25,777	11,350
931 Central U.S.D	666,231	666,231	7,101	0	85,360	0	673,332	666,231
902 Salinas U.H.S.D	0	0	69,446	27,358	473,587	0	69,446	27,358
1113 Hanford E.S.D	0	0	55,237	43,959	120,776	0	55,237	43,959
1106 Lemore U.H.S.D	155,568	172,854	59,914	42,281	79,070	0	215,482	215,135
1110 Lemore U.S.D	0	0	78,910	78,189	38,565	0	78,910	78,189
1108 Templeton Unif. S.D	0	0	3,199	2,504	15,220	0	3,199	2,504
54 Pacific Grove Unif. S.D	750	834	102,247	41,330	153,988	0	102,997	42,164
45 Paso Robles U.S.D	0	0	13,151	11,169	50,147	0	13,151	11,169
50 Paso Robles Jt. U.H.S.D	0	0	14,978	8,394	36,809	0	14,978	8,394
815 Salinas City S.D	0	0	52,343	27,924	243,296	0	52,343	27,924
862 Alisal S.D	0	0	8,285	5,224	61,958	0	8,285	5,224
1207 Hanford Jt. U.H.S.D	0	0	34,042	17,409	111,906	0	34,042	17,409
1122 Island U.S.D	0	0	6,575	4,143	6,989	0	6,575	4,143
1203 Reef Sunset U.S.D	0	0	6,444	5,945	40,638	0	6,444	5,945
1310 Monterey Peninsula Jr. Col. Dist	13,709	15,233	46,208	14,708	165,896	0	59,917	29,941
1224 Armona U.E.S.D	0	0	10,389	1,621	17,548	0	10,389	1,621
Congressional District total (28)	3,054,303	3,076,994	1,476,158	893,526	3,198,192	0	4,530,461	3,970,520
CALIFORNIA (013)								
1218 Lompoc Unif. S.D	1,685,824	1,685,824	695,158	251,531	545,919	0	2,380,982	1,937,355
1212 Valley Oaks U.S.D	0	0	31,169	3,963	227,709	0	31,169	3,963
1318 Allan Hancock Jt. Jr. Col. Dist	31,203	34,670	78,419	8,404	166,126	0	109,622	43,074
9 Santa Maria S.D	0	0	118,891	23,060	230,974	0	118,891	23,060
51 Oxnard U.H.S.D	181,870	202,078	533,104	113,474	679,332	0	714,974	315,552
2 Hueneme S.D	211,435	234,928	245,410	130,976	233,927	0	456,845	365,904
28 Oxnard S.D	0	0	222,000	76,027	338,033	0	222,000	76,027

SAFA SURVEY REPORT—BY CONGRESSIONAL DISTRICT—Continued

State, Appl. No. and school district name	(A) payment 1972 appro.	(A) payment 1973 prop.	(B) payment 1972 appro.	(B) payment 1973 prop.	5 percent TCE	Hardship	Total (A)+(B) 1972 appro.	Total (A)+(B) hard 1973
CALIFORNIA (013)—Continued								
1406 Blochman U.S.D	972	1,080	2,761	900	9,122	0	3,733	1,980
1420 Ventura Co. Jr. Col. Dist	8,509	9,455	65,764	5,253	461,608	0	74,273	14,708
1016 Guadalupe U.S.D	0	0	3,813	720	24,023	0	3,813	/20
873 Los Alamos S.D	0	0	2,761	0	5,040	0	2,761	0
928 Santa Maria Jt. U.H.S.D	0	0	218,779	15,544	214,093	0	218,779	15,544
1002 Buellton U.S.D	0	0	4,734	0	14,483	0	4,734	0
514 Santa Paula U.H.S.D	0	0	20,198	310	71,005	0	20,198	310
612 Simi Valley Unif. S.D	0	0	113,370	25,048	718,495	0	113,370	25,048
605 Somis U.S.D	0	0	4,997	0	11,160	0	4,997	0
161 Rio S.D	0	0	33,799	5,224	78,841	0	33,799	5,224
129 Santa Paula S.D	0	0	22,489	2,342	116,809	0	22,489	2,342
120 Orcutt U.S.D	0	0	175,443	13,151	137,665	24,627	175,443	37,778
145 Ocean View S.D	243,576	243,576	49,713	33,689	59,009	0	293,289	277,265
1819 Ojai Unif. S.D	0	0	32,152	3,757	138,420	0	32,152	3,757
1815 Ventura Unif. S.D	1,502	1,669	226,589	24,422	666,852	0	228,091	26,091
1820 Co. Superintendent of Schs., Ventura	4,328	4,809	6,018	2,404	48,000	0	10,346	7,213
1904 Fillmore Unif. S.D	3,381	3,757	14,780	2,713	112,977	0	18,161	6,470
232 Pleasant Valley S.D	116,418	129,354	150,455	20,898	206,071	0	266,873	150,252
226 Moorpark Memorial U.H.S.D	0	0	5,219	0	24,665	0	5,219	0
227 Timber S.D	0	0	31,169	2,702	194,680	0	31,169	2,702
238 Moorpark U.S.D	0	0	9,732	540	35,976	0	9,732	540
2216 Cuyama Joint Union School District	0	0	2,498	0	13,098	0	2,498	0
325 College S.D	10,701	13,692	15,387	0	20,500	0	26,088	13,692
314 Mesa U.S.D	0	0	4,340	1,080	19,028	0	4,340	1,080
327 Solvang S.D	0	0	5,786	180	17,389	0	5,786	180
326 Santa Ynez Valley U.H.S.D	2,797	6,217	25,191	0	43,620	0	27,988	6,217
Congressional district total (33)	2,502,516	2,571,109	3,172,088	768,312	5,884,649	24,627	5,674,604	3,364,048
CALIFORNIA (014)								
332 Walnut Creek S.D	0	0	28,144	5,945	199,711	0	28,144	5,945
330 Liberty U.H.S.D	0	0	7,262	0	61,951	0	7,262	0
2007 Oakley U.S.D	0	0	3,945	3,242	45,021	0	3,945	3,242
239 Lafayette S.D	0	0	21,831	4,323	189,256	0	21,831	4,323
1903 Antioch Unif. S.D	0	0	36,114	11,689	346,991	0	36,114	11,689
1812 Brentwood U.S.D	0	0	3,682	1,441	45,779	0	3,682	1,441
1603 Byron U.S.D	0	0	3,024	720	10,771	0	3,024	720
1709 Richmond Unif. S.D	9,393	10,437	442,664	77,442	2,007,180	0	452,057	87,879
1713 San Ramon Valley Unif. S.D	0	0	86,551	16,699	88,791	0	86,551	16,699
1723 John Swett Unif. S.D	0	0	16,761	4,174	115,535	0	16,761	4,174
630 Orinda U.S.D	0	0	15,518	3,423	151,109	0	15,518	3,423
924 Moraga Sch. Dist	0	0	10,915	5,044	100,481	0	10,915	5,044
1512 Martinez Unif. S.D	0	0	26,361	7,723	252,157	0	26,361	7,723
38 Mt. Diablo Unif. S.D	86,796	96,440	495,692	118,773	1,997,900	0	582,488	215,213
33 Pittsburg Unif. S.D	0	0	42,514	17,116	309,576	0	42,514	17,116
55 Contra Costa Jr. College Dist	0	0	71,708	6,303	701,767	0	71,708	6,303
703 Acalanes U.H.S.D	0	0	78,524	7,150	389,195	0	78,524	7,150
Congressional District Total (17)	96,189	106,877	1,391,210	291,207	7,013,171	0	1,487,399	398,084
CALIFORNIA (015)								
1338 Lammersville S.D	0	0	3,287	0	5,935	0	3,287	0
1123 Lincoln Unif. S.D	0	0	35,961	12,941	176,275	0	35,961	12,941
517 Modesto H.S.D	0	0	56,056	8,704	379,541	0	56,056	8,704
518 Oakdale Jt. U.H.S.D	0	0	15,886	0	86,607	0	15,886	0
613 Winton S.D	0	0	49,450	66,479	32,504	0	49,450	66,479
516 Modesto City S.D	0	0	53,921	14,773	456,027	0	53,921	14,773
131 Atwater S.D	355,275	355,275	155,715	211,688	132,239	0	510,990	566,963
1810 Newman Gustine Jt. Unif. S.D	0	0	11,733	10,019	92,698	0	11,733	10,019
1841 Empire U.E.S.D	0	0	3,550	0	21,768	0	3,550	0
1825 Manteca Unif. S.D	18,035	20,039	166,856	17,951	273,984	0	184,891	37,990
213 Tracy S.D	0	0	70,361	5,224	104,514	0	70,361	5,224
244 Tracy Jt. U.H.S.D	0	0	81,247	6,217	118,234	0	81,247	6,217
1912 Lodi Unif. S.D	0	0	43,275	12,733	418,173	0	43,275	12,733
1918 Escalon Unif. S.D	0	0	19,047	2,713	77,263	0	19,047	2,713
1917 San Joaquin Delta Jr. College	472	525	62,121	3,939	392,205	0	62,593	4,464
1907 Ceres Unif. S.D	0	0	20,266	6,262	150,152	0	20,266	6,262
2103 Ripon Unif. School District	0	0	10,209	1,461	40,304	0	10,209	1,461
1908 Oakdale U.E.S.D	0	0	8,680	2,342	53,749	0	8,680	2,342
1909 Sylvan U.S.D	0	0	13,677	4,504	102,074	0	13,677	4,504
311 Stockton Unif. S.D	12,774	14,194	314,665	48,636	1,243,081	0	327,439	62,830
443 Riverbank E.S.D	0	0	10,652	2,522	8,537	0	10,652	2,522
Congressional District Total (21)	386,556	390,033	1,206,615	439,108	4,365,864	0	1,593,171	829,141
CALIFORNIA (016)								
303 Merced U.H.S.D	111,920	124,356	172,027	183,735	249,917	0	283,947	308,091
2214 Sierra Union School District	5,512	6,125	1,841	0	14,444	0	7,353	6,125
1926 Laton Unif. S.D	0	0	3,504	4,801	30,950	0	3,504	4,801
2213 Auberry Union Elementary School District	0	0	3,156	540	15,682	0	3,156	540
2014 North Fork U.S.D	5,836	6,485	14,203	0	17,229	0	20,039	6,485
2212 Chawanakee E.S.D	17,295	17,295	0	0	4,797	0	17,295	17,295
2101 Sierra Jt. U.H.S.D	47,006	52,229	19,971	0	72,038	0	66,977	52,229
1803 Riverdale Jt. U.H.S.D	0	0	8,397	7,150	30,225	0	8,397	7,150
1721 Los Banos Unif. S.D	0	0	24,228	3,757	124,674	0	24,228	3,757
1715 West Hills Junior College Dist	5,672	6,303	7,477	1,838	73,680	0	13,149	8,141
111 Merced City, S.D	0	0	153,480	192,771	219,719	0	153,480	192,771
927 McSwain U.S.D	0	0	7,101	7,206	13,345	0	7,101	7,206
908 Livingston U.S.D	0	0	5,392	5,404	34,497	0	5,392	5,404
1012 Weaver U.S.D	0	0	8,548	10,629	24,944	0	8,548	10,629
1324 Riverside Jt. U.S.D	0	0	19,727	21,979	25,465	0	19,727	21,979
1501 Merced Jr Col Dist	9,455	10,506	30,869	19,173	110,628	0	40,324	29,679
631 Union Hill E.S.D	0	0	1,841	0	5,025	0	1,841	0
Congressional District Total (17)	202,696	223,299	481,762	458,985	1,067,259	0	684,458	682,282
CALIFORNIA (017)								
181 Lawndale S.D	0	0	29,065	7,386	191,991	0	29,065	7,386
171 Torrance Unif. S.D	0	0	243,198	76,607	1,489,205	0	243,198	76,607
Congressional District Total (2)	0	0	272,263	83,993	1,681,196	0	272,263	83,993
CALIFORNIA (018)								
2225 Porterville S.D	31,455	41,436	8,022	5,044	133,619	0	39,477	46,480
2221 Visalia Unif. S.D	0	0	12,799	13,568	484,861	0	12,799	13,568
2220 Tulare City Elementary School District	0	0	3,813	5,044	150,504	0	3,813	5,044
2205 Bakersfield City S.D	0	0	20,385	27,924	732,101	0	20,385	27,924
2219 Cutler-Orosi Unfied School District	7,138	7,932	0	0	122,186	0	7,138	7,932
243 Kernville U.S.D	6,809	7,566	1,183	360	21,566	0	7,992	7,926

State, Appl. No. and school district name	(A) payment 1972 appro.	(A) payment 1973 prop.	(B) payment 1972 appro.	(B) payment 1973 prop.	5 percent TCE	Hardship	Total (A)+(B) 1972 appro.	Total (A)+(B) hard 1973
602 Woodlake U.H.S.D.	12, 870	14, 300	3, 404	0	31, 855	0	16, 274	14, 300
505 Muroc Unif S.D.	1, 349, 327	1, 349, 327	33, 980	1, 252	177, 474	0	1, 383, 307	1, 350, 579
529 Three Rivers U.S.D.	12, 646	14, 052	1, 578	0	7, 345	0	14, 224	14, 052
102 Kern Co Jt U.H.S.D.	473, 982	526, 647	104, 623	4, 041	932, 396	0	578, 605	530, 688
1 814 Co Supt of Schs of Kern Co.	10, 512	11, 680	6, 018	2, 061	75, 746	0	16, 530	13, 741
83 Indian Wells Valley Jt U.S.D.	324	360	108, 632	4, 684	59, 550	44, 362	108, 956	49, 406
806 South Fork U.S.D.	0	0	4, 077	0	4, 196	0	4, 077	0
1428 Hot Springs Elem S.D.	972	1, 080	1, 183	0	5, 768	0	2, 155	1, 080
1304 Kern Jt Jr Col Dist.	75, 644	84, 049	20, 707	1, 050	368, 947	0	96, 351	85, 099
Congressional District Total (15)	1, 981, 679	2, 058, 429	330, 404	65, 028	3, 307, 664	44, 362	2, 312, 083	2, 167, 819
CALIFORNIA (019)								
1711 ABC Unif S.D.	0	0	116, 418	45, 922	644, 652	0	116, 418	45, 922
1843 Norwalk La Mirada Unif. S.D.	0	0	90, 513	25, 048	1, 249, 397	0	90, 513	25, 048
Congressional District Total (2)	0	0	206, 931	70, 970	1, 914, 049	0	206, 931	70, 970
CALIFORNIA (020)								
2105 Pasadena Unif. S.D.	0	0	143, 389	18, 369	1, 848, 440	0	143, 389	18, 269
1710 Burbank Unif. S.D.	0	0	61, 866	9, 810	720, 298	0	61, 866	9, 810
1331 La Canada Unif. S.D.	10, 144	11, 272	88, 532	1, 252	221, 406	0	98, 676	12, 524
Congressional District Total (3)	10, 144	11, 272	293, 787	29, 431	2, 790, 144	0	303, 931	40, 703
CALIFORNIA (023)								
826 Bellflower Unif. S.D.	0	0	83, 047	22, 335	501, 296	0	83, 047	22, 335
1312 Downey Unif. S.D.	0	0	67, 656	0	794, 461	0	67, 656	0
504 Paramount Unif. S.D.	0	0	54, 399	29, 014	385, 580	0	54, 399	29, 014
Congressional District Total (3)	0	0	205, 102	51, 349	168, 337	0	205, 102	51, 349
CALIFORNIA (024)								
512 Claremont Unif. S.D.	0	0	66, 133	7, 514	292, 995	0	66, 133	7, 514
606 Pomona Unif. S.D.	0	0	170, 208	32, 980	838, 880	0	170, 208	32, 980
1017 Bonita Unif. S.D.	0	0	41, 142	0	290, 619	0	41, 142	0
Congressional District Total (3)	0	0	277, 483	40, 494	1, 422, 494	0	277, 483	40, 494
CALIFORNIA (025)								
183 Valle Lindo S.D.	0	0	0	0	48, 282	0	0	0
2233 Walnut Unif. S.D.	0	0	16, 152	3, 757	217, 328	0	16, 152	3, 757
1024 Los Angeles City Jr. Col. Dist.	3, 309	3, 677	85, 513	10, 243	2, 542, 700	0	88, 822	13, 920
1325 Glendora Unif. S.D.	0	0	48, 761	10, 019	352, 407	0	48, 761	10, 019
Congressional District Total (4)	3, 309	3, 677	150, 426	24, 019	3, 160, 717	0	153, 735	27, 696
CALIFORNIA (027)								
860 Wilsona E.S.D.	0	0	2, 104	0	7, 683	0	2, 104	0
1421 Southern Kern Unif. S.D.	0	0	49, 675	3, 548	45, 622	505	49, 675	4, 053
1425 Antelope Valley Jt. Jr. Col. Dist.	0	0	75, 735	2, 363	110, 573	0	75, 735	2, 363
43 China Lake Jt. D.S.	928, 904	928, 904	2, 235	0	121, 462	0	931, 139	928, 904
1043 Sulphur Springs, U.S.D.	16, 538	18, 376	11, 836	1, 261	78, 028	0	28, 374	19, 637
1340 Wm S. Hart U.H.S.D.	6, 155	6, 839	26, 326	4, 974	292, 498	0	32, 481	11, 813
1910 Saugus Union S.D.	972	1, 080	21, 831	1, 441	143, 410	0	22, 803	2, 521
501 Mojave Unif S.D.	0	0	26, 361	2, 296	92, 311	0	26, 361	2, 296
291 Eastside U.S.D.	0	0	17, 491	900	24, 050	0	17, 491	900
151 Antelope Valley U.H.S.D.	0	0	444, 821	13, 990	357, 118	73, 713	444, 821	87, 703
224 Westside U.S.D.	0	0	32, 616	3, 423	78, 846	0	32, 616	3, 423
106 Palmdale S.D.	0	0	106, 397	5, 044	139, 156	0	106, 397	5, 044
175 Keppel U.S.D.	3, 242	3, 603	18, 017	1, 981	48, 431	0	21, 259	5, 584
113 Lancaster S.D.	0	0	288, 284	12, 611	236, 260	39, 413	288, 284	52, 024
Congressional district total (14)	955, 811	958, 802	1, 123, 729	53, 832	1, 775, 448	113, 631	2, 079, 540	1, 126, 625
CALIFORNIA (028)								
174 El Segundo Unif. S.D.	0	0	16, 457	2, 713	196, 562	0	16, 457	2, 713
184 South Bay U.H.S.D.	0	0	51, 517	6, 528	392, 263	0	51, 517	6, 528
137 Manhattan Beach City S.D.	0	0	20, 253	5, 044	190, 666	0	20, 253	5, 044
304 Hermosa Beach City S.D.	0	0	6, 049	360	81, 584	0	6, 049	360
266 Redondo Beach City S.D.	0	0	49, 450	15, 313	382, 130	0	49, 450	15, 313
1337 Palos Verdes Penninsula Unif. S.D.	2, 629	2, 922	114, 437	42, 582	745, 677	0	117, 066	45, 504
Congressional district total (6)	2, 629	2, 922	258, 163	72, 540	1, 989, 242	0	260, 792	75, 462
CALIFORNIA (031)								
290 Hawthorne S.D.	0	0	22, 489	6, 305	217, 173	0	22, 489	6, 305
172 Centinela Valley U.H.S.D.	0	0	44, 482	10, 259	405, 355	0	44, 482	10, 259
Congressional District Total (2)	0	0	66, 971	16, 564	622, 528	0	66, 971	16, 564
CALIFORNIA (032)								
155 Long Beach Unif. S.D.	702, 635	780, 706	712, 027	329, 809	2, 034, 285	0	1, 414, 707	1, 110, 515
2207 Long Beach City Comm College District	1, 417	1, 575	51, 384	6, 828	533, 417	0	52, 801	8, 403
Congressional District Total (2)	704, 052	782, 281	763, 456	336, 637	3, 567, 702	0	1, 467, 508	1, 118, 918
CALIFORNIA (033)								
2228 Rim of the World Unif. S.D.	3, 381	3, 757	17, 066	3, 966	114, 512	0	20, 447	7, 723
270 Wrightwood Jt. S.D.	2, 269	2, 522	5, 918	180	5, 565	0	8, 187	2, 702
509 Ontario, S.D.	0	0	110, 605	32, 428	575, 019	0	110, 605	32, 428
414 Upland, S.D.	0	0	43, 926	5, 765	189, 329	0	43, 926	5, 765
1827 Needles Unif. S.D.	19, 538	26, 719	11, 733	1, 043	87, 988	0	31, 271	27, 762
1837 San Bernardino Co. Supt. of Schs.	21, 024	23, 361	12, 037	7, 214	70, 788	0	33, 061	30, 575
133 Victor Valley Jt. U.H.S.D.	200, 897	223, 219	99, 177	127, 775	267, 907	0	300, 074	350, 994
1518 Yucaipa Jt. Unif. S.D.	2, 253	2, 504	35, 199	15, 446	156, 130	0	37, 452	17, 950
1517 Redlands Unif. S.D.	0	0	239, 389	163, 860	484, 944	0	239, 389	163, 860
1612 Rialto Unif. S.D.	1, 126	1, 252	254, 322	232, 118	451, 698	0	255, 448	233, 370
1610 San Bernardino City Unif. S.D.	8, 641	9, 602	912, 452	815, 338	1, 505, 795	1	921, 093	824, 940
1821 Barstow Unif, S.D.	251, 746	279, 718	522, 968	69, 927	467, 211	0	774, 714	349, 645
1019 Morongo Unif. S.D.	309, 986	344, 846	110, 932	85, 583	167, 560	0	420, 918	430, 429
97 Adelanto S.D.	650, 377	650, 377	33, 931	38, 013	66, 909	0	684, 308	688, 390
86 Victor S.D.	0	0	80, 751	86, 476	77, 885	0	80, 751	86, 476
1327 San Bernardino Valley JCD.	472	525	62, 505	21, 274	364, 790	0	62, 977	21, 799
1317 Victor Valley Jt. Jr. Col. Dist.	7, 091	7, 879	11, 887	3, 151	66, 278	0	18, 978	11, 030
1133 Hesperia S.D.	0	0	16, 571	12, 250	30, 081	0	16, 571	12, 250
1326 Chaffey Union Jr. Col. Dist.	1, 417	575	26, 075	1, 838	241, 016	0	27, 492	3, 413

SAFA SURVEY REPORT—BY CONGRESSIONAL DISTRICT—Continued

State, Appl. No. and school district name	(A) payment 1972 appro.	(A) payment 1973 prop.	(B) payment 1972 appro.	(B) payment 1973 prop.	5 percent TCE	Hardship	Total (A)+(B) 1972 appro.	Total (A)+(B) hard 1973
1313 Barstow Jr. Col. Dist	0	0	16,680	0	50,313	0	16,680	0
1311 Alta Loma S.D	0	0	11,704	720	47,750	0	11,704	720
867 Fontana Unif. S.D	0	0	51,961	31,311	527,510	0	51,961	31,311
857 Apple Valley S.D	1,296	1,441	23,673	16,574	45,098	0	24,969	18,015
627 Central S.D	0	0	3,156	2,522	50,964	0	3,156	2,522
616 Chaffey, U.H.S. D	0	0	105,531	9,326	549,300	0	105,531	9,326
615 Chino Unif. S.D	0	0	44,495	7,305	328,507	0	44,495	7,305
Congressional District Total (26)	1,481,514	1,579,297	2,864,644	1,791,403	6,990,847	0	4,346,158	3,370,700
CALIFORNIA (034)								
911 Huntington Beach U.H.S. D	1,678	1,865	167,942	57,825	716,696	0	169,620	59,690
909 Cypress S.D	0	0	84,959	32,068	237,689	0	84,959	32,068
629 Buena Park S.D	0	0	17,623	3,062	188,019	0	17,623	3,062
832 Ocean View S.D	0	0	97,322	49,544	396,813	0	97,322	49,544
714 Centralia S.D	0	0	42,216	19,277	266,889	0	42,216	19,277
632 Magnolia S.D	0	0	27,355	0	191,290	0	27,355	0
13 Seal Beach S.D	3,566	3,963	8,417	3,242	52,688	0	11,983	7,205
1031 Savanna S.D	0	0	20,516	7,206	93,572	0	20,516	7,206
1408 Fountain Valley S.D	0	0	142,432	39,635	317,409	0	142,432	39,635
1305 Santa Ana Unif. S.D	0	0	254,932	260,298	1,068,649	0	254,932	260,298
1030 Huntington Beach City S.D	0	0	33,142	21,439	251,973	0	33,142	21,439
522 Westminster S.D	0	0	118,496	68,100	375,269	0	118,496	68,100
1707 Garden Grove Unif. S.D	0	0	350,626	212,079	1,779,155	0	350,626	212,079
502 Los Alamitos S.D	124,201	138,002	58,261	38,554	164,584	0	182,462	176,556
Cong. dist. total (14)	129,445	143,830	1,424,239	812,329	6,100,695	0	1,553,684	956,159
CALIFORNIA (035)								
2006 Saddleback Junior College Dist	945	1,050	13,613	12,081	85,053	0	14,558	13,131
422 Ramona Unif. S.D	3,005	3,339	18,438	16,281	62,061	0	21,443	19,620
410 Anaheim City S.D	0	0	49,055	23,060	507,178	0	49,055	23,060
409 Tustin U.H.S.D	68,830	76,478	84,879	77,100	263,674	0	153,709	153,578
280 San Joaquin S.D	312,937	347,708	75,227	78,549	363,076	0	388,164	426,257
503 Mountain Empire Unif. S.D	21,792	27,136	23,466	17,951	40,753	0	45,258	45,087
274 Tustin S.D	1,620	1,801	74,306	72,604	306,461	0	75,926	74,405
401 Bonsall U.S.D	4,539	5,765	4,603	2,882	17,404	0	9,142	8,647
254 Del Mar U.S.D	0	0	8,022	7,566	29,427	0	8,022	7,566
1706 Capistrano Unif. S.D	1,502	1,669	71,313	67,214	339,902	0	72,815	68,883
211 Valley Center U.S.D	3,890	9,728	6,181	3,062	22,297	0	10,071	12,790
65 Grossmont U.H.S.D	0	14,300	447,771	211,094	1,023,158	0	447,771	225,394
64 Cardiff S.D	0	0	9,074	8,647	26,332	0	9,074	8,647
68 Escondido U.S.D	0	0	99,821	96,385	324,103	0	99,821	96,385
62 Encinitas U.S.D	0	0	12,888	8,107	45,982	0	12,888	8,107
61 San Dieguito U.H.S.D	0	0	29,276	13,368	193,778	0	29,276	13,368
63 Alpine U.S.D	9,079	13,331	8,285	5,044	29,565	0	17,364	18,375
73 Rich Mar U.S.D	0	0	23,936	18,736	57,417	0	23,936	18,736
72 Solana Beach S.D	0	0	6,707	5,404	29,732	0	6,707	5,404
70 Escondido U.H.S.D	5,036	8,704	81,247	54,716	228,219	0	86,283	63,420
1339 Julian U.S.D	324	720	2,235	1,621	13,128	0	2,559	2,341
1307 Oceanside Carlsbad Jr. Col. Dist	8,509	9,455	40,839	16,021	72,370	0	49,348	25,476
1502 Poway Unif. S.D	0	0	212,417	226,065	256,637	0	212,417	226,065
32 Fallbrook U.H.S.D	64,353	75,857	56,964	35,130	84,013	0	121,317	110,987
40 Oceanside Carlsbad U.H.S.D	146,615	162,906	232,850	188,710	183,693	0	379,465	351,616
42 Oceanside U.S.D	568,152	631,280	325,635	338,700	337,682	0	893,787	969,980
7 Carlsbad U.S.D	0	0	62,865	61,614	127,374	0	62,865	61,614
8 Vista Unif. S.D	0	0	415,083	413,931	331,174	0	415,083	413,931
39 Fallbrook U.S.D	189,708	210,787	75,622	63,056	109,053	0	265,330	273,843
844 Anaheim U.H.S.D	20,704	23,005	183,829	70,572	1,623,076	0	204,533	93,577
836 Julian U.H.S.D	3,916	11,813	4,992	310	2,015	0	8,908	12,123
856 Warner U.S.D	3,890	11,890	5,523	0	7,091	0	9,413	11,890
617 Palomar Jr. Col. Dist	1,890	2,101	39,113	1,313	147,229	0	41,003	3,414
811 Jamul Las Flores U.S.D	0	0	6,970	7,386	16,804	0	6,970	7,386
716 Orange Unif. S.D	0	0	89,904	76,398	1,017,363	0	89,904	76,398
Cong. dist. total (35)	1,441,236	1,650,823	2,902,949	2,300,678	8,324,274	0	4,344,185	3,951,501
CALIFORNIA (036)								
16 Coronado Unif. S.D	293,726	326,363	206,698	210,788	136,039	0	500,424	537,151
1328 Grossmont Jr. College Dist	0	0	51,001	9,980	326,310	0	51,001	9,980
60 Santee S.D	0	0	137,040	140,344	242,156	0	137,040	140,344
78 Lakeside U.S.D	2,593	8,647	44,715	33,329	110,421	0	47,308	41,976
66 Cajon Valley S.D	0	0	170,971	132,597	455,650	0	170,971	132,597
Cong. Dist. Total (5)	296,319	335,010	610,425	527,038	1,270,576	0	906,744	862,048
CALIFORNIA (037)								
255 San Ysidro S.D	0	0	4,208	3,062	55,038	0	4,208	3,062
87 La Mesa Spring Valley S.D	0	0	272,502	229,884	570,825	0	272,502	229,884
58 Chula Vista City S.D	0	0	966,911	983,673	563,836	0	966,911	983,673
82 Lemon Grove S.D	3,242	3,603	101,530	51,345	146,763	0	104,772	54,948
59 National S.D	0	0	211,742	198,176	217,061	0	211,742	198,176
74 S. Bay U.S.D	1,296	1,441	537,246	580,295	248,328	0	538,542	581,736
81 Sweetwater U.H.S.D	2,797	3,108	779,799	519,497	924,670	0	782,596	522,605
1329 Sweetwater Jr. Col. Dist	3,309	3,677	92,224	40,710	208,971	0	95,533	44,387
Cong. dist. total (8)	10,644	11,829	2,966,162	2,606,642	2,935,492	0	2,976,806	2,618,471
CALIFORNIA (038)								
1419 Moreno Valley Unif. S.D	475,687	528,542	383,693	454,844	235,674	0	859,380	983,383
839 El Centro S.D	0	0	42,742	17,835	154,888	0	42,742	17,836
1007 San Pasqual Valley Unif. S.D	91,847	127,751	20,723	208	24,675	0	112,570	127,955
849 Temecula U.S.D	2,917	3,242	657	0	8,373	0	3,574	3,249
917 Ctr U.H.S.D	22,383	24,871	24,964	4,352	97,903	0	47,347	29,222
848 San Jacinto Unif. S.D	10,896	28,389	7,923	2,713	62,619	0	18,819	31,102
847 Beaumont Unif. S.D	0	0	6,247	2,713	80,623	0	6,247	2,713
89 Seeley U.S.D	83,233	83,233	4,340	1,981	19,680	0	87,573	85,214
610 Elsinore U.H.S.D	0	0	6,354	2,176	47,305	0	6,354	2,176
230 Elsinore U.S.D	1,944	2,161	9,995	8,467	50,248	0	11,939	10,628
217 Perris U.H.S.D	0	0	6,127	4,041	77,563	0	6,127	4,041
201 Perris S.D	0	0	15,913	6,305	32,829	0	15,913	6,305
1516 Riverside Unif. S.D	9,768	10,854	420,874	339,222	1,039,856	0	430,642	360,076
1822 Colton Jt. Unif. S.D	0	0	104,837	63,039	468,587	0	104,837	630,039
1515 Jurupa Unif S.D	0	0	68,266	62,622	296,780	0	68,266	62,622
1514 Banning Unif. S.D	14,277	31,729	25,599	6,262	112,482	0	39,876	37,991

State, Appl. No. and school district name	(A) payment 1972 appro.	(A) payment 1973 prop.	(B) payment 1972 appro.	(B) payment 1973 prop.	5 percent TCE	Hardship	Total (A)+(B) 1972 appro.	Total (A)+(B) hard 1973
441 Palm Springs Unif. S.D.	28,179	31,311	90,209	24,840	328,503	0	118,388	56,151
507 Alvord Unif. S.D.	0	0	90,209	63,248	288,727	0	90,209	63,248
300 Corona Unif. S.D.	0	49,681	86,856	31,728	457,929	0	86,856	81,409
407 Riverside Jr. Col. Dist.	7,563	8,404	48,892	22,062	254,633	0	56,455	30,466
1914 Coachella Val. Jt. Jr. College Dist.	2,363	5,778	36,429	4,202	122,101	0	38,792	9,980
Cong. dist. total (21)	751,057	935,946	1,501,849	1,132,860	4,261,977	9	2,252,906	2,068,806
CALIFORNIA (105)								
2232 Compton Unif S.D.	0	0	207,389	68,675	1,637,077	0	207,389	68,675
Cong. dist. total (1)	0	0	207,389	68,675	1,637,077	0	207,389	68,675
CALIFORNIA (118)								
2215 San Diago Comm. College Dist.	12,292	13,658	140,733	44,650	857,276	0	153,025	58,308
1807 San Diego Co. Supt. of Schs.	5,564	6,183	14,545	15,459	49,443	0	20,109	21,642
Cong. dist. total (2)	17,856	19,841	155,278	60,109	906,719	0	173,134	79,950
CALIFORNIA (120)								
1718 Los Angeles Unif. S.D.	458,403	509,337	3,359,069	966,466	27,522,595	0	3,817,472	1,475,803
Cong. dist. total (1)	458,403	509,337	3,359,069	966,466	27,522,595	0	3,817,472	1,475,803
CALIFORNIA (129)								
1811 Ballico Cressey Unif. S.D.	0	0	1,446	1,441	10,304	0	1,446	1,441
Cong. dist total (1)	0	0	1,446	1,441	10,304	0	1,446	1,441
CALIFORNIA (139)								
2202 San Francisco Comm. College District	4,727	5,253	57,328	6,303	686,140	0	62,055	11,556
128 San Francisco Unif. S.D.	935,595	1,039,550	803,196	130,045	5,233,177	0	1,738,791	1,169,595
Cong. dist total (2)	940,322	1,044,803	860,524	136,348	5,919,317	0	1,800,846	1,181,151
CALIFORNIA (142)								
105 San Diego Unif. S.D.	2,195,454	2,439,394	3,773,695	2,964,108	4,923,984	0	5,969,149	5,403,502
Cong dist. total (1)	2,195,454	2,439,394	3,773,695	2,964,108	4,923,984	0	5,969,149	5,403,502
CALIFORNIA (154)								
430 Oakland Unif. S.D.	55,985	62,206	1,047,004	170,540	3,012,236	0	1,102,989	232,746
Cong dist. total (1)	55,985	62,206	1,047,004	170,540	3,012,236	0	1,102,989	232,746
State total (490)	25,117,875	26,960,948	47,246,239	22,029,169	156,573,399	372,127	72,364,114	49,362,244

SERVICE PERSONNEL TRAVEL REGULATIONS

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished Senator from Washington (Mr. JACKSON), I ask unanimous consent to have printed in the RECORD a statement by him relative to service personnel travel regulations.

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

STATEMENT BY SENATOR JACKSON

I invite the attention of the Senate to a proposed change which I hope will be of benefit to traveling servicemen and servicewomen in all branches of the military.

At my request United Air Lines has made a filing with the Civil Aeronautics Board which will allow any member of the military, who is traveling at his own expense and on his own time, to do so while out of military uniform. No orders, no authorizations, no uniform will be necessary.

This problem was brought to my attention by members of the Walter Reed Army Institute of Nursing Program. Although these young people are regular enlisted members of the Army, with identification cards, they are not permitted to travel at reduced rates, on a leave status, because no uniform is authorized them by the Department of Defense.

The new regulation would permit them to have the privileges now extended to those in uniform; it would also permit individuals, who for security reasons do not wear uniforms, to travel at reduced fares. I should also point out that, as a matter of convenience, those who have uniforms would not be required to wear them upon presentation of proper identification.

This proposal will make traveling an easier and more pleasant experience for our servicemen. I am most pleased that Edward E. Carlson, President of United Air Lines, has acted to correct this problem.

On March 3 United Air Lines requested a change in the uniform requirement. The proposal will become effective on April 17, subject, of course, to CAB approval.

I am most pleased to announce that action is being taken to enhance this part of the service experience of our young people, and all service personnel.

SENATOR METCALF ON FORESTRY

Mr. CHURCH. Mr. President, the distinguished junior Senator from Montana (Mr. METCALF) came to Congress 20 years ago and immediately established a reputation in the conservation field, years before it was fashionable to be a conservationist.

Recently, the American Forestry Institute interviewed my friend, Senator METCALF, about problems in the forests. I believe that his remarks may be instructive.

I ask unanimous consent that the interview, recorded for broadcasts on campuses to our students, be printed in the RECORD.

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

AMERICAN FOREST INSTITUTE PROGRAM ON CAMPUS: OCTOBER 1971—FORESTRY LEGISLATION

Guest: Senator Lee Metcalf, Montana.

Moderator: Phyllis Rock, AFI.

ROCK. This is the American Forest Institute Program on Campus, and I am Phyllis Rock. This series on trees and how they affect environment is bound to come sooner or later to questions of how 205 million Americans want their forests used. How should they be managed, and for what purposes? These issues are drawing reaction in the halls of Congress, where several proposals have been put before the House and Senate.

A key figure here is Senator Lee Metcalf of Montana, and we are very pleased to have him today as our guest.

Senator Metcalf, Montana is a state of great forests, national parks, national forests, privately owned forests, supporting a timber industry and a recreation industry. What do you see as the major problem areas of forestry that may call for legislative remedy?

METCALF. Phyllis, I am delighted to be with you again, and have you back as a colleague here in the Senate, instead of wandering around the country doing broadcasts. I think that this is a very appropriate and significant area for us to discuss. I'm the author of one of the bills, one of the major bills, to provide for management of the nation's forests because I believe that we should go into this program of more intensive management, more intensive regulation, and more concentration on the environment aspects of the forest, as well as the productive capacity of our forests. And I think your description of Montana as an area of, of—

ROCK. You have a little bit of everything there in forestry.

METCALF. Beautiful forests, and lakes and streams and recreation and so forth, points up the need for the kind of regulation that I would like to have. Not only sustained yield programs so that I hope forever we'll have a significant and stable forestry industry as far as the cutting of the logs and the harvesting of timber and so forth is concerned. But also, recreational opportunities, preservation of the environment, and

this all-important protection of the watershed. A watershed that goes from the Columbia River down in your old country of Oregon, down in—and also the Mississippi-Missouri system that will affect the people as far as New Orleans.

ROCK. Forest land owned by the federal government, of course, is controlled by Congress. What about privately owned forest land which in terms of the whole nation is the bulk of it? Do you see need for legislative remedies on privately owned land, too?

METCALF. Yes, I do. I feel that we should have legislative remedies for both, and I hope before we're through, we'll be able to talk about the federal forest land. But the private forests make the greatest contribution nationally to our forest. Some of the private forests, of course, are largely just cropland for pulpwood and things of that sort. Other private forests contribute significantly to the housing industry and to the building industry, and so forth.

One of the problems that I have seen as a result of some of the hearings that were conducted in the South is the elimination of those wonderful hardwood forests in the South, and the substitution of quick cropping, fast-growing pines that are used for pulpwood and so forth. It seems to me to be tragic that we haven't provided for a sustained yield in a longer logging operation for those forests. Now, some people suggest that maybe we should have just an incentive program. I doubt that just an incentive program would—would be enough.

ROCK. Senator, what are the main provisions of your bill?

METCALF. Well, my bill provides for both environment protection and regulation. And a wonderful thing about this is that protection of environment really provides for more timber to be cut over a longer period and does provide stabilization of our forest products. I provide for regulation of all the forests. There are other people who suggest that we just regulate the timber-producing forests. But I think we need to be broader, for all these trees that are useful for recreation. All these trees that cover the high mountain areas, and protect our watershed. All these trees are so beautiful, as we drive through the country. I was especially interested in this because in Montana we are concerned with—with forestry operations. And many of my constituents wrote to me about clearcutting. And I asked the most expert people I know, the men in the forestry department of the University of Montana, to do a survey, and it was just gratuitous on their part. But that was the origin of the so-called Bolle report, named after Dean Bolle, dean of the Forestry School in Montana, which pointed up many of the abuses by the federal Forest Service and by individual forestry operations on private land, on lands in Montana, especially clearcutting.

ROCK. Does your bill actually prohibit clearcutting?

METCALF. No, it does not. It provides for a system of study of alternatives, so that we have a commission looking into clearcutting operations. But it does not say that clearcutting will be prohibited. Now, Senator McGee of Wyoming, does have a bill that would have a moratorium on clearcutting. But my bill just says we'd look at the effect of clearcutting on the resource values and the other resource values of the environment, and the compatibility of it as to the species concerned and reforestation activities after clearcutting. And I think that we'll continue to have clearcutting. We must have it as one of the techniques, and one of the technologies of forest-timber production. But it's—in my opinion, it's just been used without consideration of some of the other environmental protection and has been abused in the sense that they've had clearcutting on 160, 250 acres, instead of in smaller plots that wouldn't be so unsightly and subject to erosion in the high mountain areas.

ROCK. Do you think it's a fair conclusion at this point in history to feel that there is going to be a much greater public interest taken and expressed in how these decisions are made?

METCALF. I absolutely do. More and more people are traveling through the western states of America, through these forested areas. And more and more people from New Jersey and New York and Pennsylvania, and so forth, are looking up at those mountain slopes, and saying: Well, what on earth happened to that scar on the mountains? And more and more people are going to say, why did we have to clearcut in that way? And they're going to be concerned about that watershed, and the erosion of that soil that fills up the Big Muddy; you know: "Too thin to plow, and too thick to drink!"

ROCK. Prof. Curry from the University of Montana raised this question about nutrients, loss of nutrients and soil erosion under some logging practices. What is your reaction to that?

METCALF. Well that—he raised that at a hearing presided over by Senator Church just on general forestry practices, not directed at any one law. And he startled every member of the Senate Interior Committee. That was the most significant testimony that was presented. He told us about analysis of clear, pure mountain water, flowing off the clearcut areas. It was so full of nitrogen that fish couldn't live in it. So full of the nutrients that are needed to grow the next crop of trees that they were all flowing off the land, and they weren't remaining on the land. And it's still, as I say, it looked like just a clear mountain spring. And so, Prof. Curry's findings have been widely disputed. All of us are anxious to have a special grant for research to find out what happens in a mountain area, such as Montana, or what happens on a clearcut on a costal area, such as Washington and Oregon. And those studies, too, would have to bring out, and either justify Dr. Curry's suggestions, or show that they have to be modified in other areas.

ROCK. What provisions does your bill have specifically for accomplishing these regulations and these inputs of public interest into how the forests are managed?

METCALF. My bill is a regulatory measure. It provides for substantial regulation as far as the Secretary of Agriculture for the national forests or the Secretary of the Interior as far as the Interior forests are concerned, to provide that the multiple use programs will be always in effect; that not only shall we produce timber for logging operations, but we should produce timber for recreation, for watershed management, and these other multiple uses. And so, there has to be more regulation rather than just putting it up to the discretion of the various secretaries.

ROCK. Let me ask you one question that maybe is a slight divergence from this, but seems one of growing importance. When—what happens in a situation where you have a privately owned piece of land that has trees on it; ah—encroachments from urban sprawl begin to approach that piece of forest; the taxes on it are going to go up just because of the use of the land around it; and eventually that land owner, if it's me, probably, or most people, is going to have to put that land to a more lucrative use, and the chances are he'll cut his trees, perhaps, and make a shopping center out of it.

How do you deal with a situation like that?

METCALF. Well, Phyllis, it's almost impossible to deal with many of those situations as suburban areas gradually come into private forested areas. I tried to deal with some of it by providing that those areas that are immediately adjacent to Wilderness Areas shall be held in abeyance and be explored as to whether they should be included and have a buffer strip in and around Wilderness Areas, and we have a provision in my bill for 2,800 acres or more to be studied and surveyed as wilderness before they can be cut and harvested. We have more problems than that. You know, once they log it off, then they sell it for—for cabinsites or something, and we have maybe a stream with no sewerage and you have the destruction of a fishing stream, a pleasant recreation area or beautiful site. That's all a problem that I've tried to take care of in some of the small, cooperative forest management programs that are set up in my legislation and take care of in this idea of surveying some of the sites for wilderness. But this won't completely take care of the problem.

ROCK. We're really getting into the whole question of land use, and——

METCALF. That's right.

ROCK. And there is legislation that would deal with the national land use policy, as well, isn't there?

METCALF. Yes, and the Public Land Law Review Commission, as you know, has come up with some proposed legislation which in my opinion needs very careful examination and study. But at least is a beginning to study a national land use policy instead of just a policy that has evolved from exploitation and state ownership and local ownership.

ROCK. Senator, are you optimistic or are you pessimistic about the state of the nation's forests, say, now and for succeeding generations?

METCALF. No, I'm optimistic. I think we have started in time to take care of our western forests. You remember when Khrushchev was here, and he was out in that farm in—where? in the Middle West——

ROCK. Iowa?

METCALF. Yes, he said what this country needs is more trees. And they had that whole sea of trees out there when the pioneers came, and they just logged it off. But we saved our western forests, our national forest policy, and policies of the first President Roosevelt, and Gifford Pinchot, and so forth, went into effect. We have a conservation and environmental conscious people. People know the meaning of the word ecology that never—wouldn't even put it in their crossword puzzle a few years ago! And so I'm very optimistic that we've started in time.

ROCK. Thank you very much. We've been listening to Senator Lee Metcalf of Montana.

METCALF. Thank you.

ANNOUNCEMENT OF POSITION ON VOTES

Mr. STEVENSON. Mr. President, I was necessarily absent from the Senate on March 7, 1972. During the time the Senate was in session, it held four record votes on which I was not previously positioned. If present and voting, I would have voted "yea" on Senator SPONG'S amendment to the Roth amendment, "yea" on Senator ROTH'S amendment as amended by Senator SPONG'S amendment, and "yea" on each of Senator LONG'S two amendments.

THE EFFECT OF THE EQUAL RIGHTS AMENDMENT ON LAWS WHICH APPLY TO ONLY ONE SEX

Mr. BAYH. Mr. President, those of us who support the equal rights amendment are often asked whether the amendment, if ratified, would invalidate all State and Federal laws which apply only to one sex. The answer to this question is: definitely not. Laws which apply only to one sex would generally be unconstitutional—excluding those laws based on the unique physical characteristics of one sex, or on the constitutional right to privacy, of course. But the fact that a law

is declared in conflict with the equal rights amendment does not necessarily mean that the law must be struck down entirely. For the courts have the power and the duty to cure the legal infirmity—called, technically, "underinclusion"—by declaring the law to include both sexes, where that remedy is appropriate.

The late Mr. Justice Harlan stated succinctly the legal principle which will be applied to laws which may be found to conflict with the equal rights amendment. He said in his concurrence in *Welsh* v. *United States*, 398 U.S. 333, 361 (1970):

> Where a statute is defective because of underinclusion there exist two remedial alternatives: a court may either declare it a nullity and order that its benefits not extend to the class that legislature intended to benefit, or it may extend the coverage of the statute to include those who are aggrieved by exclusion.

How will this principle be applied in practice to laws found to conflict with the Equal Rights Amendment? It is expected that those laws which confer a real benefit to the sex within their provisions, like laws requiring rest periods at work or a minimum wage, will be expanded so as to include both sexes. On the other hand, laws which are restrictive or burdensome, like those prohibiting one sex from certain sorts of lawful employment permitted to the other sex, will, it is expected, be stricken entirely. Indeed, this is the course the courts have taken in dealing with laws or employer practices prohibited by title VII of the Civil Rights Act of 1964.

The staff of the Subcommittee on Constitutional Amendments, which I am privileged to serve as chairman, has prepared a memorandum on the question whether legislation found unconstitutional under the Equal Rights Amendment would be nullified, or expanded to include the exempted sex. That memorandum provides some of the legal groundwork for the observations I have made today, and I ask unanimous consent that it be printed in the RECORD. I also ask unanimous consent that two other documents, each of which supports my position on this question, be printed in the RECORD: first, a portion of the report of the Committee on Civil Rights and the Special Committee on Sex and Law of the Association of the Bar of the City of New York; and second, excerpts from the statement of Prof. Norman Dorsen before the Judiciary Committee.

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

WOULD LEGISLATION FOUND UNCONSTITUTIONAL UNDER THE EQUAL RIGHTS AMENDMENT BE NULLIFIED OR EXPANDED TO INCLUDE THE EXEMPTED SEX?

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C., January 20, 1972.

One question often raised concerning the Equal Rights Amendment* is whether it would abrogate all State and Federal legislation applicable only to one sex—particularly the so-called "protective" labor laws. The simplest answer is this: a number of laws which apply only to one sex would be unconstitutional if the Equal Rights Amendment were ratified; and depending on a court's assessment of the purpose of the law, the law would either be expanded to include the exempted sex or nullified entirely.

Preliminarily, it should be noted that this memorandum deals only with the role courts would play in altering laws in conflict with the Equal Rights Amendment. The judicial role, however, will plainly be secondary to the legislative role. It may be expected that after ratification of the Amendment, each legislature will review its laws to determine which ones must be changed to conform to the Constitution; and each legislature will then decide whether to expand or repeal the laws affected. Indeed, the purpose of delaying the effective date of the Amendment for two years after ratification is to allow legislatures an opportunity to act. Moreover, even after a court expands or nullifies a law because of the Equal Rights Amendment, a legislature has the power to change the result by statute if it wishes, so long as the final result is nondiscriminatory.

There can be little serious question that the courts, upon holding a statute unconstitutional, can expand the scope of the statute to cure its legal infirmity. As Mr. Justice Harlan said, concurring in *Welsh* v. *United States*, 398 U.S. 333, 361 (1970) (footnote omitted):

> Where a statute is defective because of underinclusion there exist two remedial alternatives: a court may either declare it a nullity and order that its benefits not extend to the class that the legislature intended to benefit, or it may extend the coverage of the statute to include those who are aggrieved by exclusion.

See *Skinner* v. *Oklahoma ex. rel. Williamson*, 316 U.S. 535, 543 (1942); *Iowa Des Moines Nat'l Bank* v. *Bennett*, 284 U.S. 239, 247 (1931); *Developments In The Law—Equal Protection*, 82 Harv. L. Rev. 1065 1136–37 (1969).

The Supreme Court has applied this principle in many cases. In 1880, for example, the Court extended a State statute limiting jury service to "electors" to include blacks enfranchised by the 14th and 15th Amendments rather than striking the law down. *Neal* v. *Delaware*, 103 U.S. 370 (1880). In *Sweat* v. *Painter*, 339 U.S. 629 (1950), and *McLaurin* v. *Oklahoma State Regents*, 339 U.S. 637 (1950) the Court held that State laws restricting access to State institutions of higher education on the basis of race were unconstitutional; it expanded the law so that black students had equal access. And in *Levy* v. *Louisiana*, 391 U.S. 68 (1968), the Court extended to illegitimate children the right, restricted by a State statute to legitimate children, to recover wrongful death benefits. See generally Dorsen, *The Necessity of a Constitutional Amendment in Equal Rights for Women: A Symposium on the Proposed Constitutional Amendment*, 6 Harv. Civ. Rts.-Civ. Lib. L. Rev. 216 (1971).

When a court is faced with the choice of expanding on nullifying a statute because it conflicts with the Constitution, it will attempt to determine which course would best serve the law's purpose or, put another way, the legislative intent. See, *e.g.*, *Guinn* v. *United States*, 238 U.S. 347, 366–67 (1915); *Dorchy* v. *Kansas*, 264 U.S. 286, 289–90 (1924); *National Life Ins. Co.* v. *United States*, 277 U.S. 508, 522 (1928); *Welsh* v. *United States*, *supra* 398 U.S. at 363–67 (Harlan, J., concurring).

The court will use a number of guides to determine legislative intent, including the public importance of the subject with which the legislation deals the practical impact of expanding the law compared to the effect of nullification, and whether the statute involved is criminal in nature and must therefore be strictly construed. *See* Brown, Emerson, Falk and Freedman, *The Equal Rights Amendment: A Constitutional Basis for Equal Rights for Women*, 80 Yale L.J. 871, 913–920 (1971), and cases cited.

The courts should have no difficulty applying these principles to cases which arise under the Equal Rights Amendment, if called upon to do so. It may be expected that where the State law at issue extends a real benefit to the sex within its provisions, and where extension will cause no serious industrial disruption, a court would extend the law to both men and women.

In such a case—a minimum wage law which applies only to one sex may be an example—the excluded sex (often men) is denied a meaningful protection. But where the State law is discriminatory in the guise of protection, and where the result of expansion would be disruptive, the law would probably be struck down entirely. An obvious example is a law barring women from a certain occupation—not only is it discriminatory, but also expansion would mean no person could engage in that trade.

It is worth noting in this regard that the courts have had a great deal of experience in dealing with laws which discriminate on the basis of sex, for Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e to 2000e–15 (1970) prohibits employment discrimination on the basis of sex unless sex is a "bona fide occupational qualification." Under that Federal statute a State overtime wage law was extended to include men, *Potlatch Forests, Inc. v. Hays*, 318 F. Supp. 1368 (E.D. Ark. 1970) as were weight-lifting limitations, *Bowe v. Colgate-Palmolive Co.*, 416 F 2d 711 (7th Cir. 1969).

But, on the other hand, State laws banning women from an occupation have been struck down, *McCrimmon v. Daley*, 2 FEP Cases 971 (N.D., Ill. March 31, 1970), *on remand from* 418 F. 2nd 366 (7th Cir. 1969). See generally *Developments In The Law—Employment Discrimination and Title VII of the Civil Rights Act of 1964*, 84 Har. L. Rev. 1109, 1188–1190, 1194–1195. Indeed, the entire question of "protective" labor legislation may already have been resolved by Title VII, for, in addition to the courts, the Equal Employment Opportunity Commission and the Attorneys General of at least 13 States have declared certain "protective" laws invalid because they conflict with the Federal law.

EXCERPTS FROM THE REPORT OF THE COMMITTEE ON CIVIL RIGHTS AND THE SPECIAL COMMITTEE ON SEX AND LAW OF THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK

1. LABOR LAWS

It has been suggested that the Equal Rights Amendment will adversely affect protective labor legislation which puts women in a special category. Such "special" legislation was, as previously shown, the subject of *Muller* v. *Oregon*. Basically, these labor laws may be grouped into three general types 1) those conferring supposed benefits such as rest periods; 2) those excluding women from certain jobs such as bartending or mining, or from employment before and after childbirth; 3) those restricting the conditions of employment, such as working at night or overtime.

However, it has become increasingly clear in recent years that these laws for women provide little genuine protection, and that in fact their impact has been to place women at a severe disadvantage in the labor market, in lower paying jobs, or out of the labor force altogether. Moreover, any sex-based law necessarily has a discriminatory effect, because a large number of women do not fit the stereotypes on which the law is premised. And, to the extent that any of these provi-

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* S.J. Res. 8, 92nd Cong., 1st Sess. (1971), the operative section of which provides: "Equality of rights under law shall not be denied or abridged by the United States or by any State on account of sex."

sions embody actual protections, men are discriminatorily denied benefits.

As to the first category above, laws such as those requiring a rest period have discriminated against women in that they have provided a justification for paying women less and limiting them to certain positions. They have also operated unfairly in depriving men of such rest periods. Most of such laws may be extended to both sexes without burden or disruption.

As to the second category, laws excluding women from certain occupations impose a burden on some women without aiding others. Women who do not want to be bartenders would presumably not apply for such jobs, while those who wish to work in the cited occupations (some of which are very lucrative) are excluded solely because of their sex.

Compulsory maternity leave regulations, which require pregnant employees to go on leave for a specified period without providing job security or retention of accrued benefits, are similarly exclusionary. A sex neutral rule, permitting any temporarily disabled worker and his or her doctor to determine the commencement and duration of leave, would provide a nondiscriminatory and rational regulation.

The third category above particularly demonstrates the inappropriateness of using sex as a criterion in labor legislation. Night work is often better paid and more convenient for some women who go to school in the daytime, or whose husbands could care for children at night. On the other hand some employees, both women and men, would prefer exemption from night assignments. Overtime is also well-paid and desirable for many male and female workers; a sex-neutral rule would forbid employers to fire those who refuse over-time, but would permit over-time for those who wish it.

Thus, the effect of the Equal Rights Amendment on labor legislation would be to provide an incentive to the states to enact statutes which would genuinely protect workers of both sexes.

STATEMENT OF PROF. NORMAN DORSEN BEFORE THE SENATE JUDICIARY COMMITTEE ABOUT THE EFFECTS OF THE EQUAL RIGHTS AMENDMENT ON LABOR LEGISLATION

I would like to turn now to the problem most frequently stressed by those opposing the Amendment—the alleged impact on labor laws that protect women but not men. The fact is that the effect of the Amendment on protective labor legislation provides no sound basis for opposing it.

There are three interrelated points here. First, the crazy quilt of existing state protective laws reveal graphically that there is no consensus on what is needed protection for either men or women, and that much of the legislation, instead of providing solutions to the real problems of women workers, actually "protect" them out of jobs they are perfectly capable of fulfilling. Second, under Title VII of the Civil Rights Act of 1964 much state legislation of this type is being invalidated and will be of no long term importance. Third, such laws that confer genuine benefits can and should be extended to men under the Equal Rights Amendment.

First. The pattern across the country of state laws shows that there is no coherent system of protection provided for women. For instance, while women are allowed chairs for rest periods in 45 states, they are given job security for maternity leaves of absence in *no* state and maternity benefits under temporary disability insurance laws in only two states. Women are even excluded from temporary disability benefits for pregnancy leaves in these two states.

Furthermore, in the benefit areas most people would consider most important—a minimum wage and a day of rest—men do receive substantial protection already. Only seven states have minimum wage laws for women only, but twenty-nine states, plus the District of Columbia and Puerto Rico, cover both men and women. More important, the federal minimum wage law covers both men and women at *higher* rates than all state laws except one (Alaska).

In contrast, maximum hour laws are a major area where men are not covered. Thirty-eight states cover women only, and three states cover men and women. Since the Supreme Court has upheld the validity of maximum hour legislation for both sexes since 1941, one can only suspect that unions have not pushed for maximum hour legislation, given their success in obtaining nationwide minimum wage laws for both sexes. This analysis would give credence to the EEOC and federal court decisions which have concluded that hour laws have been used as an excuse to keep women out of better-paying jobs.

Opponents of the Equal Rights Amendment often neglect to note the twenty-six states which altogether prohibit women from performing certain jobs. When forty states allow women to be barmaids, but ten bar them from this employment, can anyone seriously propose that women are thereby protected in those ten states? If anyone is protected, it would appear to be male bartenders.

Similar explanations suggest themselves regarding the eighteen states proscribing night work, and the six states prohibiting work for periods before and after childbirth. Women have not campaigned to obtain these "protections." This is for a very good reason.

Women in fact do night work all the time. Nurses, telephone operators, airline reservationists, and scrub women have not been protected from night work. Pregnant women, too, often choose to work right up to the birth date. Who ever heard of a housewife being allowed time off from her housework and small children just because she was pregnant, or of a state law which prohibited her from working.

Weight laws also are of doubtful protection for women. There are only four states with weight limits applicable to all jobs, and these limits are set so low that, if literally applied, they would prohibit women from doing any serious labor, including carrying an unborn child. In the remaining few states with weight limits, they apply only to certain industries. In New York, for instance, women are "protected" from lifting weights only in the foundries. The theory, apparently, is that some mystical essence in foundry weight lifting will injure women, while lifting the same weight in other industries will not. Possibly it is the male workers in foundries who are being protected—from job competition.

Thus, when all of the state laws applying only to women are examined closely, it becomes clear that they do not provide a coherent system of meaningful protection. Nor do they deal with the real problem for women—exploitation by being underpaid and funneled into the lowest-paying, most menial jobs of our society. State labor laws have never dealt with this problem. Furthermore, the premise that real protection can be based on legislating by sex is falacious.

Sex is an insufficient criterion to predict with accuracy who needs what protection. If injury due to lifting weights is a problem to answer is to forbid employees to fire individuals—both men and women—who refuse to lift weights above a safe limit. If some men and some women don't want to work overtime, laws should be passed forbidding employers to fire those who refuse overtime; both men and women who do want overtime pay should not be penalized.

In short, analysis of state laws that apply exclusively to women does not establish that they protect women in any important way. In fact, these laws do not protect women in the one area clearly applicable to women only—maternity benefits and job security; they are ineffective in dealing with the exploitation of women through lower pay than men; and they are used to discriminate against women in job, promotion, and higher-pay opportunities. They do not furnish a reliable basis for opposition to the Equal Rights Amendment.

Second. In light of the above it is not surprising that the Equal Employment Opportunity Commission, the federal agency charged with interpreting and administering Title VII, has concluded that state "protective" laws were superseded by Title VII and could not lawfully be enforced. The Commission stated that:

"Such State laws and regulations, although originally promulgated for the purpose of protecting females, have ceased to be relevant to our technology or the expanding role of the female worker in our economy. The Commission has found that such laws and regulatitons do not take into account the capacities, preferences, and abilities of individual females and tend to discriminate rather than protect." 29 C.F.R. § 1604.1(b).

The federal courts are apparently moving in the same direction. These federal district courts—including one within the last month—have now squarely held that Title VII supersedes such restrictive state laws. In addition, both the Fifth and Seventh Circuits have held that company-imposed restriction paralleling state laws—that is, placing private weight limits on women's jobs—also violate Title VII. For instance, in *Weeks v. Southern Bell Telephone & Telegraph Co.*, 408 F. 2d 288 (5th Cir. 1969), the court set a stringent standard for establishing a "bona fide occupational qualification" exception to Title VII. This is the exception under which employers have argued that state laws allow them to discriminate against women workers. The *Weeks* courts held that:

The employer has the burden of proving that he has reasonable cause to believe, that is a factual basis for believing, that all or substantially all women would be unable to perform safely and efficiently the duties of the job involved.

Some states have also taken action under Title VII. Delaware has repealed all its labor laws for women only. So far, there has been no outraged cry from women workers. Five states have repealed their hours laws; in six states and the District of Columbia, the Attorneys General have ruled that state laws are superseded by Title VII or state fair Labor Standards Act are exempted from the state laws; in two states, there are no prosecutions under state laws; in two states, there are exemptions from laws if the employee voluntarily agrees; and in one, the weight lifting regulation has been extended to men. In other words, twenty-two states and the District of Columbia have already repealed or greatly weakened the effect of the state labor laws on women.

Given this action of the EEOC, of the Federal courts, and of the States, can we really say that the impact of the proposed amendment on State labor laws furnishes any basis for opposition to it? We must recognize that these laws are already invalidated or being invalidated. It appears that opponents of the amendment are trying to erect bridges which were crossed five years ago, when Title VII went into effect.

Third and finally with respect to State labor legislation. There is abundant evidence that if the amendment is ratified it would result in the general extension of certain benefits to men that are now available only to women rather than invalidating them altogether. I recognize that this issue has been the subject of some controversy before the Committee. Nevertheless, I suggest there is ample precedent already on the books to substantiate the conclusion that the fears of wholesale elimination of benefits for women are unwarranted.

In the first place, until Title VII the EEOC has consistently held that laws giving women benefits—such as a lunch break—must be extended to men. The Seventh Circuit has indicated it would be the same, when it held in *Bowe* v. *Colgate-Palmolive Co.*, 416 F. 2d 711 (7th Cir. 1969), that the company-imposed weight limit could be validly extended to men under Title VII, provided the company allowed members of either sex to show he or she could perform the job in question. And Georgia took a similar approach to its weight-lifting regulation, which was extended to men and rephrased to prohibit "strain or undue fatigue" rather than a set weight limit.

In other areas of the law, courts have also indicated a willingness to extend benefits to a class of people unconstitutionally excluded from the benefit, rather than voiding the law under which the class was improperly excluded. As long ago as 1880, the Court ruled that a state constitution giving whites only the vote was not void under the Fifteenth Amendment, but rather that the right to vote must be extended to blacks. Likewise, in *Levy* v. *Louisiana*, 391 U.S. 68 (1968), when a Louisiana statute denied illegitimate children the right to recover for their mother's wrongful death, the Supreme Court held that the Fourteenth Amendment required the extension of protection to them rather than voiding the legitimate children's right to recover.

Clearly, if the courts have authority to extend benefits to an excluded class under the Fourteenth and Fifteenth Amendments, they will have the same authority to extend benefits under the proposed Equal Rights Amendment. Moreover, courts have a general obligation to interpret instruments reasonably. If this means granting a day of rest to men, rather than destroying this right for women, the courts should and presumably will follow that path, especially in view of the very ample expression of opinion by members of the Congress and witnesses that some protective laws should be extended to both sexes rather than voided.

Finally, with respect to this problem, we should not lose sight of the fact that the Congress and state legislatures will have the opportunity to enforce the Amendment and fashion its general command to specific situations in a comprehensive and reasonable manner.

ADMINISTRATION'S PROPOSAL TO ELIMINATE MEDICARE PREMIUM CHARGE: WILL IT BENEFIT THE ELDERLY?

Mr. CHURCH. Mr. President, in his recent health message, the President called for the elimination of the monthly premium charge under part B of medicare.

As chairman of the Committee on Aging, I have long advocated removing this payment for the elderly. For persons living on fixed incomes, the $5.60 monthly premium charge—which is scheduled to rise to $5.80 this July—can be a burden. On an annual basis, this now costs an elderly couple $134.40. When the new rate goes into effect, it will rise to $139.20.

Several leading authorities—including the 1971 Social Security Advisory Council—have urged that the elderly should be exempted from this payment. The reasons for taking this action, I strongly believe, are compelling. I am hopeful that the Senate will adopt such an amendment to H.R. 1.

However, I have very serious reservations concerning the administration's proposal for implementing this much needed change in the medicare law. As things now stand, the elderly are likely to discover that there is no real benefit under the administration's recommendation. In fact, they may find that they are paying a far greater price—in terms of being denied badly needed social security increases or further cutbacks in medicare coverage.

A recent letter sent to me by Nelson Cruikshank, president of the National Council of Senior Citizens, described several of the pitfalls in the administration's proposal. This letter should be of concern to all Members of this body because the Senate will soon consider H.R. 1.

Mr. President, I ask unanimous consent that the letter sent to me by Nelson Cruikshank be printed in the RECORD.

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

NATIONAL COUNCIL OF SENIOR CITIZENS, INC.,
Washington, D.C., March 6, 1972.

HON. FRANK CHURCH,
Chairman, Special Committee on Aging,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CHURCH: This is in reference to one of the proposals in the President's special message on health sent to the Congress on March 2 which is of special concern to older people.

In this message the President said:

"H.R. 1 as it now stands, however, would still require monthly premium payments to cover the costs of Part B. I have recommended that the Congress eliminate this $5.80 monthly premium payment and finance Medicare coverage of physician services through the social security payroll tax. This can be done within the Medicare tax rate now included in H.R. 1. If enacted, this change would save $1.5 billion annually for older Americans and would be equivalent to a 5 percent increase in social security cash benefits."

The National Council of Senior Citizens has long supported the combining of Parts A and B of the Medicare Program and the elimination of the soon-to-be $5.80 monthly premium paid by individual beneficiaries. However, an analysis of the method by which the President proposes to do this reveals that his plan would not in fact benefit the elderly in the way he claims.

First and most important it is clear from the above-quoted section of the message—and this is supported by an examination of the President's Budget—that he proposes to eliminate the support of the Medicare Part B program that now derives from matching the premium payments by funds appropriated from the general revenues of the government.

Benefits payments and administrative costs of this part of the Medicare program for fiscal '72 are running at an annual rate of $2.5 billion. Premiums and government contributions total about $2.6 billion leaving a very slight surplus to add to the already skimpy reserves.

The obvious conclusion is that if matching funds from general revenues are to be abandoned the loss must be made up either by raiding one or more of the other trust funds, or by increasing the payroll tax.

It is not possible to transfer monies from any of the other three trust funds without jeopardizing the solvency of the programs or foregoing much needed increases in benefits.

Combining Medicare Parts A and B and eliminating the direct premium payments in the way proposed in the President's Health message would be of no real benefit to the elderly. They would still be paying the cost—either through loss of important cash benefits, reduction of hospital benefits or through additional taxes borne by younger members of their family who are still working. All of these alternatives are completely unacceptable to the members of the National Council of Senior Citizens and we believe to most Americans if the issue were to be presented stripped of the rhetoric and false promises.

Your assistance in clarifying this issue is much appreciated.

Sincerely yours,

NELSON H. CRUIKSHANK,
President.

RECORD OF UNIVERSITY OF MARYLAND BASKETBALL TEAM

Mr. MATHIAS. Mr. President, this past Saturday the University of Maryland basketball team completed the best regular season in the history of the university, with a record of 21 wins and four losses. The Terrapins are nationally ranked by the wire services and have aroused the emotions and spirits of everyone in the State of Maryland. Coach Charles "Lefty" Driesell and his fine assistants have brought along a team which is younger and less experienced than many top-ranked collegiate basketball teams. Now, Maryland has a chance to add to this regular season performance with victories at the Atlantic Coast Conference tournament at Greensboro, N.C., starting today.

I take this opportunity to congratulate "Lefty" Driesell and the outstanding University of Maryland basketball team for their best season ever and offer my best wishes for continued success in their postseason endeavors.

Mr. President, I ask unanimous consent to have printed in the RECORD several articles from the Washington Post, written by Paul Attner and Kenneth Denlinger.

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

MARYLAND LOOKS TO THE "IN CROWD"

(By Paul Attner and Kenneth Denlinger)

The Maryland Basketball Fan, like his team, is not yet dominating the Atlantic Coast Conference. He may some year, and probably should because he has more throat-power than anyone in the league. Presently, though, he lacks experience and consistency and would rate no higher than fourth against his Southern competition.

In judging crowds, most coaches abide by the Goldwater Principle that moderation in pursuit of justice—and victories—is no virtue. The louder the better, bring on the whistles, chants, horns, bells and signs. Let's have those guys quaking in their sneakers.

The seven ACC teams average four victories for every loss at home, with the crowds at Duke, North Carolina State and North Carolina generally regarded the noisiest.

North Carolina's Carmichael Auditorium is known as "Blue Heaven" by everyone but the opposition. But its 8,800 screamers performed the most imaginative act of the season with its reception of Maryland's Tom McMillen.

McMillen, committed to North Carolina before changing his mind, was expecting a nasty reception in his first appearance in Chapel Hill, but instead received a standing ovation.

The week before North Carolina, Maryland used taped crowd noises, from a sound-effects

record, during practice to prepare for "Blue Heaven." The Tar Heels need no such gimmicks before coming to Maryland, despite the fact Cole Field House seats 6,500 more lungs.

"I think it's gotten better since I've been here," Maryland coach Lety Driesell said. "But part of the problem is acoustics. The noise seems to rise.

"Like, have you ever heard the noise at North Carolina or Duke? That's what I call noisy. We haven't caught up to them yet."

Driesell, the Arthur Fiedler of coaches, often appears to spend as much time directing the crowd as he does instructing his team during games.

Before his arrival three years ago, Cole Field House was a rather dreary place. If the safety patrol kids had not attended faithfully, it rarely would have been more than half filled.

Unlike North Carolina, N.C. State and Duke, Maryland has no solid tradition of winning big, no spirit-lifting fight songs or cheers. There are signs of sophistication in Maryland fans, because a soft touch on the schedule now brings the ho-hum attitude it deserves.

Virginia coach Bill Gibson and Driesell are the only ACC coaches who make "entrances" at home games. Driesell to the "Hallelujah Chorus," Gibson to "Hoot, Hoot, Hoot."

Fans at North Carolina State's 12,400-seat Reynolds Coliseum can measure their voice power through a contraption above the scoreboard at midcourt. It is a thermometer-like series of white lights that react to noise and keeps coach Norm Sloan content when burning brightly at the top.

State's fans are agitating the lights—and the opposition—as long as 20 minutes before most games. But the crowds at Duke probably generate the most noise, when they are "up" for a game. Duke's Cameron Indoor Stadium is the only place in the ACC where the player benches are part of the stands.

Duke students will hold an unofficial vote shortly on whether coach Bucky Waters should be retained, although "Let's Support Bucky and the Boys" signs have recently appeared in the 8,800-seat gym.

Wake Forest and Clemson supporters have little to cheer about. But Clemson offers genuine tiger growls over the public address system before each game.

Virginia's distinctive fan antic is the whistle, first offered by one man near courtside and now a regular feature of each call against the home team.

Neutral witnesses attended Virginia games against North Carolina and Duke this season in Charlottesville and saw officials hit with crumpled paper cups each time.

The ACC has no monopoly on fan fever, and as a whole may be more tame than the Southeastern Conference. The SEC's first black, Perry Wallace of Vanderbilt, was lining up a free throw once at Alabama, heard something land near his legs, looked down and saw a knife sticking in the floor.

The Palestra in Philadelphia generally is regarded as the all-time "snake pit" for visiting teams, although some basketball devotees consider it their Mecca. After an upset of St. Joseph's a few years ago, Temple enthusiastists pounded an oversized drum for more than an hour at courtside and outside the dressing room.

Most crowd flair is provided by students. In the ACC, their fling ends with the final regular season buzzer, even though the postseason tournament is the most meaningful part of league action. But the tournament is reserved for the fat-cat supporters, the heavy contributors. Very few students are allowed to attend.

DRIESELL PACKS FOR TOURNEY VICTORY

(By Paul Attner)

Just as he has for the past two years, Lefty Driesell has instructed his wife to pack his suitcase for a four-night stand at the Atlantic Coast Conference tournament. Only this time he is serious.

Driesell admitted yesterday that this is the first season he could "look my players in the eyes" when he talked about winning the tournament.

"This is a great opportunity for us," he said. "There is no one in the league we haven't beaten. The players know they can take it if they want it bad enough. We can win it."

Despite the imposing presence of second ranked favorite North Carolina, Maryland has the best opportunity of capturing the tournament, which begins Thursday, since 1958, the only time the school has won the event.

In fact, no Maryland team has advanced to the second round since 1965 and only the 1958 team has made it into the final. Driesell's first two squads, despite his predictions that "they will go all the way," were easy first-round victims.

Driesell will take perhaps Maryland's best-ever basketball team to Greensboro, N.C. Its accomplishments are impressive: best regular-season record of 21-4, highest ACC finish since 1965, undefeated at home in 14 games for the first time.

But the Terrapins are still perplexing. They have managed to play poorly against weak teams while looking splendid against national powers. This pattern has bothered Driesell, who took the unusual action of making two changes in his starting lineup 25 games into the season in hopes of obtaining more consistency.

This revised lineup is one of three keys to Maryland's tournament hopes. For the Terrapins to win, the starters must jell immediately, Tom McMillen must continue to carry much of the scoring load and the team must overcome the slowdown, a season-long nemesis, probably twice more.

Driesell indicated that he will open in the first round against Clemson with the same lineup that began the season's finale against Virginia. This means he will again use 6-foot-6 Darrell Brown and 6-4 Bob Bodell along with the 6-11 McMillen, 6-9 Len Elmore and 6-1 Howard White.

Although neither has started much, Brown and Bodell, both juniors, have been among their team's most consisent, and best players all year and their presence gives Maryland its strongest possible lineup.

"Darrell could determine if we win the tournament," said Driesell. "He has really come along. If he can continue to play as well, we have to be contenders."

Bodell is Maryland's best defender and has the team's best shooting percentage, hitting 61 per cent of his field-goal attempts. He gives the Terrapins added quickness "and a spark we sometimes lack," said Driesell.

Second-leading scorer Jim O'Brien, who was benched in the lineup shuffle, "hasn't played up to his potential," said the coach. "He realizes it and is concerned about it. Maybe sitting on the bench will help him. He did have a good practice on Monday."

O'Brien is averaging 12 points but his shooting has fallen off in the last third of the season. "He needed something to wake him up," said Driesell. "I don't like to break up a winning combination but I thought I had to this time."

McMillen, who is the school's all-time single-season sophomore scorer, has provided one-third of Maryland's points over the last 12 games. He holds his team's season highs in all but one offensive category, making 55 per cent of his field goals and a remarkable 82 per cent of his foul shots.

"A lot of our offensive success will depend on how well Elmore and McMillen work together inside," said Driesell. "Tom has to be the best forward in the country."

"I think Maryland will probably go as far as McMillen takes them," said Duke coach Bucky Waters.

The Terrapins know Clemson will employ a deliberate offense against them and they expect a more normal outing only if they reach the final, presumably against North Carolina.

The abundance of slowdown opponents has made it difficult for Driesell to evaluate if his club has peaked for the tournament as well as he had hoped.

"I've been pointing for the tournament all along but we haven't played a normal game in weeks so it's difficult to tell how good we are," he said.

"The only way to combat the slowdown is to destroy it right away. We didn't do that and everyone has tried it against us. Maybe our time will come in the tournament."

MARYLAND ASSURED OF BID TO PLAY IN NIT

Maryland, which begins play Thursday in the Atlantic Coast Conference tournament, already has been assured a spot in the National Invitation Tournament.

According to a member of the NIT selection committee, unless the Terrapins win the ACC and advance to the NCAA Eastern Regionals, they will most likely play in the nationally televised NIT game Sunday, March 19.

THE EQUAL RIGHTS AMENDMENT AND SEX DISCRIMINATION IN STATE PENAL LAWS

Mr. BAYH. Mr. President, the equal rights amendment will declare the national policy and supreme law of the land to be that sex discrimination by any level of government is wrong. Only that kind of declaration in the Constitution can eliminate the legal sex discrimination which now is far too common in our country.

The Citizen's Advisory Council of the Status of Women has recently prepared a memorandum on one aspect of sex discrimination—different penal sentences for men and women who commit the same crimes. As the memorandum shows, some courts continue to find that such sex discrimination is constitutional. Thus a woman in New Jersey recently received a longer sentence than she could have if she had been a man. And a man in Maine recently received a longer sentence than he could have if he had been a woman. Surely there is no justification for this sort of sex discrimination. But it exists, and it may continue to exist until the equal rights amendment is ratified.

I ask unanimous consent that the Citizen's Advisory Council on the Status of Women's "Memorandum on Prison Sentence Discrimination Because of Sex" be printed in the RECORD.

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

ONLY EQUAL RIGHTS AMENDMENT WILL PROMPTLY END PRISON SENTENCE DISCRIMINATION BECAUSE OF SEX

Laws providing longer prison sentences for women than men (and vice versa) are very persuasive examples of the urgent need for an equal rights amendment that permits no distinctions based on sex. While relatively few women are affected by discrimination in the criminal law, the nature of the attitudes toward women underlying all forms of discrimination are exposed in these cases. Since women's organizations have not had the resources to research systematically all State laws, we are unable to compile a complete list of all instances of such discriminations.

The most recent examples of cases coming to our attention are New Jersey and Maine

cases, in which the courts *failed* to find unconstitutional laws providing disparate sentencing for men and women convicted of the same offense. *State* v. *Costello*, 59 N.J. 334, 282 A. 2d 748 (1971); *Wark* v. *State*, — Me. —, 266 A. 2d 62 (1970), cert. denied 400 U.S. 952, 27 L. Ed. 2d 259 (1970).

Mary A. Costello, the defendant in the New Jersey case, pled guilty to bookmaking, the keeping of a gambling resort, and possession of paper, documents, slips or memoranda pertaining to the business of lottery or lottery policy.

Judge Hall of the New Jersey Supreme Court summed up the differences in treatment in the following excerpt from the opinion:

"Defendant *could* be held on the bookmaking conviction for as long as five years (although it is most unlikely that she would be). A first offender male, convicted of the same crime, would likely receive a state prison sentence of not less than one nor more than two years. He could not be confined for more than two years, less good behavior and work credits, and, assuming maximum such credits, would be eligible for parole, and, considering the nature of the offense, quite likely paroled in 4 months and 28 days."

Judge Hall was unwilling to declare the New Jersey law unconstitutional on its face, as the Pennsylvania Supreme Court and the Federal District Court in Connecticut had done with respect to similar laws in these States, and commented further that:

. . . there are decisions in other jurisdictions concluding that disparate legislative sentencing schemes based upon sex are not constitutionally invalid *State* v. *Heitman*, 105 Kan. 139, 181 P. 630 (1919), 8 A.L.R. 848; *Platt* v. *Commonwealth*, 256 Mass. 539, 152 N.E. 914 (1926); *Ex parte Brady*, 116 Ohio St. 512, 157 N.E. 69 (1927); *Ex parte Gosselin*, 141 Me. 412, 44 A. 2d 882 (1945), appeal dismissed 328 U.S. 817, 90 L.Ed. 1599 (1946). Cf. *Wark* v. *State*, — Me. —, 226 A. 2d 62 (1970), cert. denied, 400 U.S. 952, 27 L.Ed. 2d 259 (1970). These cases, generally speaking, reasoned that the legislature could legitimately conclude that female criminals were basically different from male criminals, that they were more amenable and responsive to rehabilitation and reform—which might, however, require a longer period of confinement in a different type of institution—and that therefore the legislature could validly differentiate between sexes with respect to the length of incarceration and the method of the determination thereof.

The following excerpt from Judge Hall's opinion further indicates his reluctance to find the law invalid under the 14th amendment:

"However, at oral argument her counsel further stated that defendant was now ready and willing to cooperate with the prosecuting authorities by disclosing information as to those at a higher level with whom she was connected. We understand this offer had not previously been made. *Ivan* (33 N.J. at 199, 203) intimates that, where such information is furnished by a convicted gambling operator at a lower level which is full, truthful and of value in assisting the pursuit of "higher-ups" in organized crime by law enforcement authorities, this fact should be taken into account by a sentencing judge in determining the nature of the punishment. In such a situation the judge might properly decide that a custodial sentence should not be imposed on a first offender.

"Although such an offer would not ordinarily be considered if first made at the appellate stage, we are of the view, since the case is being remanded for another reason, that defendant should have the right to make a motion to the trial court, within 20 days from the date of this opinion, R. 3:21–10, for reconsideration of the sentence on this ground. If the motion and disclosure are made, the prosecutor should promptly report the nature and result of the disclosure to the trial court, after which the sentence may be reconsidered in the light thereof under the cited rule. We should add that if such reconsideration results in a new sentence other than commitment to the Correctional Institution for Women, the issue of the constitutionality of the statutory female sentencing scheme will thereby become moot and the determination of that question need not be further pursued."

Mrs. Costello has been resentenced under a different statute to a term in the county jail, making this case moot. Her lawyers contend that the new sentence is improper and have filed another appeal in the Appellate Division.

In the Maine case Mr. Wark had been sentenced to an additional term of from six to twelve years for escaping from a Maine prison farm, whereas a woman convicted of escaping from the women's reformatory would have been subject to a maximum sentence of no more than eleven months.

The Supreme Court of Maine concluded "that a classification based on sex under these circumstances is neither arbitrary nor unreasonable but is a proper exercise of legislative discretion which in no way violates the constitutional right to equal protection of the law." The U.S. Supreme Court refused certiorari (citation on p. 1). For a discussion of the Maine court's convoluted reasoning see "Sex Discrimination by Law: A Study in Judicial Perspective" by Johnson and Knapp, 46 N.Y.U.L. Rev. 675, 729 (Oct. 1971).

Several instances of sex discrimination in laws relating to juveniles have come to our attention recently. Discrimination under New York's juvenile laws are discussed in a *New York Law Forum* article "Equal Protection for Juvenile Girls in Need of Supervision in New York State" by Sarah Gold, 17 N.Y.L.F. 570 (1971).

Lamb v. *Brown*, pending in the 10th circuit court of appeals, challenges the application of the Oklahoma juvenile law to young men until age 16 while covering young women until age 18. No. 71–1355, U.S. Court of Appeals, 10th Circuit; also see *Lamb* v. *State*, 475 P. 2d 829 (1971).

The Council was established by Executive Order 11126 in 1963 on the recommendation of the President's Commission on the Status of Women. Council members are appointed by the President and serve without compensation for an indeterminate period. One of the Council's primary purposes is to suggest, to arouse public awareness and understanding, and to stimulate action with private and public institutions, organizations and individuals working for improvement of conditions of special concern to women.

The views expressed by the Council cannot be attributed to any Federal agency.

PESTICIDE CONTROL

Mr. HART. Mr. President, the distinguished Senator from Wisconsin (Mr. NELSON) and I have introduced a series of amendments to the pesticide control bill approved earlier by the House of Representatives, H.R. 10729. The bill now is being considered by the Committee on Agriculture and Forestry.

The Senator from Wisconsin has a long and active record in seeking legislation to provide for the wise and rational use of chemical poisons. His interest is based on the well-documented thesis that the irresponsible use of pesticides, particularly the massive use of broad-spectrum chemicals, has resulted in an environmental crisis and a threat to the farm economy.

Senator NELSON's foresight in pest control has been commendable. His bill, S. 1794, to accelerate research and establish pilot field projects in the techniques of integrated pest control is strongly supported by environmentalists, the scientific community and by several of the country's most important farm organizations. This bill, which has passed the Senate unanimously, would provide an important step toward the implementation of sound farming practices without the rigid reliance on pesticides.

On March 7, Senator NELSON testified before the Subcommittee on Agricultural Research and General Legislation, chaired by the distinguished Senator from Alabama (Mr. ALLEN), on the amendments we both feel are critically necessary to improve H.R. 10729.

I ask unanimous consent that the testimony be printed in the RECORD.

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

STATEMENT BY SENATOR GAYLORD NELSON

Mr. Chairman, thank you for extending to me this opportunity to appear as a witness before your Committee this morning.

Over the past 12 months this Committee has spent a great deal of time studying the whole question of the impact of pesticides on the environment, or wildlife, on human health and on the farm economy. The hearing records on the Federal Environmental Pesticide Control Act and Pest Control Research are among the best documents available today on the subject of pesticides.

These records provide a sound basis for the thesis that with the single strategy of chemical pest control we not only have saturated the environment with deadly poisons that endanger a wide spectrum of living organisms, including man himself, but that we have begun to disrupt seriously the economic stability of the farming community.

The environmental damage and health hazards posed by persistent pesticides contamination is quite clear. Ample documentation of this is provided in the hearing record on the Federal Environmental Pesticide Control Act that was compiled by this Committee last March.

At issue now is whether the legislation passed by the House of Representatives, H.R. 10729, will provide an adequate legal basis to protect the environment and the public from the very serious consequences of the improper use of those chemical poisons.

It is my hope that this is all with which we have to concern ourselves.

There was some discussion in the public media recently about a strategy developed within the Administration to attain passage of the pesticide control legislation passed by the House. I have with me a copy of a memo that was distributed on January 12 of this year to each of the regional administrators of the Environmental Protection Agency.

The outrageous and shocking aspects of this memo are that the strategy is based almost solely on partisan political expediency and not on the need for a rational necessary program to protect the environment and human health from the serious dangers posed by pesticides.

The underlying theme of this memo is that the White House "can live with" House bill and that EPA should be very careful in publicly discussing necessary amendments so that, one, the White House will not be put on the spot in the farm states and, two, so that the bill will not be jeopardized and thus preclude a needed "legislative victory" for the Administration.

At another point, the memo says that if the Democrats attack the bill in the Senate

the Administration can charge that they either are anti-farmer or they are putting their own political interest ahead of the Environment. The rationale behind that second charge would be that the House will not and so that any change in this legislation will effectively kill chances for the enactment.

I am one Democrat who believes the House bill has several basic weaknesses and, incidentally, I am not anti-farmer.

You recall, Mr. Chairman, that last year I introduced S. 1794, a bill to establish pilot programs in integrated pest control and to accelerate research in this alternative to pesticides to control insect pests. This legislation, which, thanks to you and this Committee, has passed the Senate unanimously, was strongly supported by scientists, environmentalists and by some of the country's most important agricultural groups. The farmers of the country said the need for alternatives to pesticides is critical. The only opposition to this bill came from the Administration.

It disturbs me greatly that anyone in the Administration saw the need to develop partisan political strategy on this terribly important matter. I hope that the witness for the Environmental Protection Agency will publicly disavow this memo and assure everyone here that the strategy outlined in the document has been abandoned in favor of seeking the best possible legislation regardless of political expediency.

H.R. 10729 proposes changes in the Federal Insecticide, Fungicide and Rodenticide Act to cover the manufacture and the use of all pesticides in addition to registration and labeling. There also are some changes in the registration and labeling requirements.

This Committee will hear representatives from several environmental groups and others on the need for improvements in this bill. I have reviewed the amendments, and I concur that the maximum protection of the environment and public health from pesticides will be attained if these changes are adopted.

However, the amendments that were introduced by Senator Hart and myself represent, I think, the very high priority amendments. And I urge that these amendments be included in the bill that is reported to the full Senate.

The first amendment deals with criteria for registration.

It adds a new definition on the unreasonable adverse effects on the environment. This term, when applied to the registration procedure, provides that the social costs and social benefits of the pesticide, including its short and long-term effects on man and the environment, will be considered. Also, the availability of alternative methods of pest control—such as integrated control—will be considered before the chemical is registered.

This point on alternatives is important. By adopting the language of this amendment, consideration will be given to how the job of pest control can best be accomplished. In the registration process, then, the Administrator must give attention to whether a pesticide proposed for use is essential for the job of pest control.

Unfortunately, the House bill states specifically that the Administrator *shall not* consider whether the pesticide that is proposed for use is needed. The second part of the amendment offered here would strike this provision from the House bill.

The second amendment deals with the disclosure of information.

The first part of this amendment provides that it shall be mandatory, not discretionary, for the Administrator to receive from every registrant a full description of tests and results on the chemical being considered.

The second part of this amendment requires that material submitted in support of the registration of a pesticide shall be made available for public scrutiny before a pesticide is actually registered. Under the House bill, this information, which cannot be presumed to be unbiased, will not be made available to the public until 30 days after a pesticide is registered—and I see no reason for excluding the public from participating in the important registration process. Certainly, the best decision on the registration of a pesticide can be made when all those affected by the outcome of the decision can play a part in the decision-making process.

The third part of this amendment provides that the public may have access to all information provided by a pesticide manufacturer, with the exception of trade secrets ond other privileged information.

The fourth part of this amendment provides that privileged information may be disclosed only (1) to other government officials, (2) to duly authorized committees of Congress, (3) in any judicial proceedings if ordered by the court, (4) if relevant in any proceeding under this Act to carry out the purposes of this Act, and (5) to the public if necessary to protect their health and safety.

The third amendment deals with efficiency and barriers to entry.

This amendment provides that the Administrator, in considering an application for the registration of a pesticide, may refer to any available test data on the chemical compound or formula submitted by an applicant. Under the House bill, the applicant would be given the authority to prohibit the consideration of his test data to compare with the data submitted by another applicant. There could be a great number of situations where data of similar compounds could be utilized by the Administrator in determining the adequacy of test results by different applicants.

This amendment would make it possible for the Administrator to avoid immense duplication of cost and effort in re-testing data submitted by an applicant when the necessary work already has been accomplished on similar data submitted previously by someone else.

The fourth amendment deals with criteria for general and restrictive use.

The House will provides that if a pesticide, when use as directed, will not cause a substantial adverse effect on the environment, it will be classified for general use. Those pesticides that must be applied with extreme care to avoid substantial adverse effects will be classified for restricted use only, requiring that licensed applicators only may administer the chemical.

There is a major problem here. There is no provision for the Administrator to consider whether a pesticide is likely to be used in a manner other than prescribed by the label. Thus, we could have many situations where the decision on whether a pesticide will be classified for general use or restricted use will depend on the language of the label only. Quite frankly, it is difficult to imagine that many pesticides would be classified for restricted use under the House bill.

This amendment provides that if a pesticide is likely to be used in a manner other than prescribed by the label and these other uses could result in a substantial adverse effect on the environment, the pesticide will be classified for restricted use only. This part of the amendment would attempt to cover instances when the pesticide will not be used as directed.

The fifth amendment deals with the structure of hearings on cancellation or suspension of a pesticide.

The essential provision in the first part of this amendment is to give interested parties the right to intervene in hearings on cancellation or suspension of a pesticide provided that the party can show proper legal standing. Also, this amendment grants certain discretionary authority to the Administrator in the conduct of the hearings. For example, there may be a situation where an issue can be resolved without the necessity of formal hearings, and this amendment would allow that the formal hearings may be dispensed with in such a circumstance.

The sixth amendment deals with the advisory committee of the National Academy of Sciences which may be called upon to help scientific matters of controversy in a suspension or cancellation hearing.

The first part strikes the provision that referral of questions to the committee must be made when requested by any party participating in the hearing. In the interest of assuring that referrals to the review committee will not be abused to the point of becoming a dilatory factor in the hearing process, the amendment provides that referrals will be discretionary with the hearing examiner.

The second part of the amendment provides that the NAS committee will consist of essentially equal numbers of scientists representing industry, environmental or consumer groups and the general scientific community. This provision will go further than the House bill in assuring the objective report.

The third part of this amendment merely provides that the report by the independent review committee will be advisory to, rather than binding upon, the Administrator.

The seventh amendment provides only that the penalty for violation of provisions of the Act shall not exceed $10,000. The House bill would assess a penalty of up to $1,000, but this amount is not sufficiently high to deter a large corporation, for example, from risking a violation.

The eighth amendment would strike the entire section dealing with indemnity payments for suspended pesticides.

This provision in the House bill would be a dangerous precedent. As the House bill now reads, the manufacturers of pesticides are assured that they will never suffer financial loss if they are selling and promoting the use of a chemical that poses an imminent hazard to human health, and the environment. The suspension of a pesticide is the same as a recall by the government of other products deemed to be hazardous to the health and welfare of the public. In other recalls, such as automobiles or cyclamates or soups, there has never been any obligation for the government to indemnify the manufacturer for the product that has been recalled.

The section that would be struck by this amendment also provides that a suspended pesticide may be used or otherwise disposed of over a "reasonable" period of time. This provision says in, effect, that a product that has been determined to be an imminent hazard still can be used. There is no reason why the Federal government should get into the business of sanctioning the use of dangerous products affecting the general health and welfare of the country.

The ninth amendment deals with judicial review.

The first part of this amendment provides that anyone adversely affected either by an order issued by the Administrator *or* the denial by the Administrator of any petition for an order or rule, may have legal standing to obtain a judicial review of the administrative proceedings. The House bill is too restrictive in its allowance for judicial review.

The second part of the amendment provides that where there is a controversy regarding an order issued by the Administrator, a stay in the order may be granted only if a substantial case is made that the order may be invalidated, or if there is a showing of irreparable harm.

The tenth amendment provides that citizens may participate in the enforcement of the Act. It is fair to assume that the Administrator, through the Environmental

Protection Agency simply will not have the manpower to effectively enforce the Act. In this time of increasing interest by the public in social policies that directly affect every member of the public, I believe it is necessary and important to allow citizens to participate in the enforcement of laws that have an impact on their lives.

It is important to note that a citizen acting under this provision stands to claim nothing in damages. Rather, the citizen suit would be for injunctive relief only.

The eleventh amendment deals with exports.

The House bill exempts pesticides produced solely for export from requirements of the Act.

This amendment provides that while such pesticides need not comply with the standards imposed on domestic products, appropriate test data would have to be submitted to the Administrator prior to export. Furthermore, the Administrator would be required to furnish such test data to foreign governments so that they would be aware of the dangers involved. This amendment provides further that the Administrator will ban the export of pesticides which could adversely affect the environment of this country.

In closing, Mr. Chairman, I wish to add only that the tremendous interest in the need for improved pesticide-control laws is something that came about because of increased understanding of just how dangerous chemical pesticides can be if used improperly. I believe that by adopting these amendments, the pesticide-control bill under consideration today will be greatly improved and thereby greatly improve the protection of the environment and the public health from the serious consequences of pesticide contamination.

Thank you very much.

ENVIRONMENTAL AND CONSUMER ADVOCACY

Mr. SAXBE. Mr. President, I invite your attention to an important lead editorial published recently in the Washington Post. Entitled "Nuclear Power: Questions That Need Answers," the thought-provoking editorial addresses itself to the very difficult questions raised by the ever-increasing attacks being made by environmental advocates against much needed powerplant projects.

It concludes that the public must have more of a say in answering these questions, because "too much is at stake in terms of the environment and the industrial potential of the country for them to be left solely to the experts or litigants."

I find this suggestion commendable, as I do the majority of the editorial.

My one concern lies in the inference that environmental advocates should balance the social interests involved before attacking a proposal that, in their opinion, might be detrimental to the environment in some way. It is time, the editorial suggests, "for the environmental groups to realize that a balancing process has to be developed between the need for electricity and the need for protecting our surroundings."

As a former State attorney general, I can tell you that it is not the proper role of an advocate to balance, or even consider in any but an adversarial way, interests other than those he represents. The job of the advocate is to win for his interests and to protect them from harm no matter how slight. He should use all of his resources, wisdom and guile to achieve this purpose. It is the job of the forum, be it a court or administrative agency, to balance conflicting interests.

It is true that there are problems arising out of the attacks by environmental advocates. I have heard many of my colleagues complain that they cannot get a road built or a powerplant sited in their States because of challenges by environmentalists.

But this should not be blamed upon the environmental advocates who are doing a zealous and commendable job. Nor should these advocates be given the responsibility to alter their own course in the larger interest of the public. Congress gave them this power, primarily through the Environmental Policy Act of 1970, and if it is creating an imbalance to the detriment of the larger public, Congress should alter that power.

We are faced with a similar problem in a subcommittee on which I serve. We are considering the proposed Consumer Protection Organization Act of 1971, S. 1177, and its House-passed counterpart, H.R. 10835.

Both of these bills would create an independent Consumer Protection Agency with broad consumer advocacy powers to challenge the actions of other Federal agencies. Far greater powers would be bestowed on this agency than the environmental advocates now enjoy. Whether such broad powers to advocate one important special interest might create an imbalance in Federal efforts for the entire public's good is a tough question and one we shall have to study closely in light of the environmental experience.

Last Saturday I met with a group of Ohio environmental scientists in Ohio. They were dedicated and knowledgeable people. But in the colloquy that followed my address, it was quite apparent that none of those present, including myself, had satisfactory answers to most of the major questions of ecology. Balancing the social interests should be an important part of any attack on our serious environmental problems. Failure to do so will result in the infringement of individual rights and, I believe, delay in enacting effective legislation.

I ask unanimous consent that the editorial be printed in the RECORD.

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

[From the Washington Post, Jan. 24, 1972]

NUCLEAR POWER: QUESTIONS THAT NEED ANSWERS

The atomic age has been around for more than a quarter of a century now but the vision it has always held out of providing cheap, plentiful, and clean energy has yet to be fulfilled. Nuclear power plants are only beginning to be an important part of the nation's electricity generating complex, and disputes about them seem to be growing as they become more common. These disputes, you might say, themselves generate more heat than light. Yet, some crucial decisions are in the process of being made now which will have great implications for the future so far as this nation's use of its energy resources is concerned.

A few days ago, for example, the State of Pennsylvania asked the Atomic Energy Commission to bar construction of a nuclear plant on an island in the Delaware River 11 miles from Philadelphia. Its complaint is that such a plant would impose too much danger on too many people by being located in so densely settled an area. This complaint, it seems to us, creates questions just as difficult as the one it asks the AEC to resolve. If the plant is too dangerous to be located near Philadelphia, where would it not be dangerous? Is it fair for an area, like Philadelphia, which will be the ultimate consumer of the electricity to insist that the risks involved in its production be placed in another area because fewer people live there? Two quite different and very difficult issues are thus raised by Pennsylvania's action. One involves the amount of danger inherent in nuclear power plants. The other involves the location of any kind of generating plant—because all of them, regardless of the kind of fuel they use, have some harmful effects on the nearby environment.

Everybody, it seems, wants the electricity that generating plants produce but nobody wants the plants. Southern California Edison has had a terrible time finding building sites because of the protest of environmental or community groups each time one is selected. Yet, if it doesn't get the plants built, it won't be able to supply as much electricity as the residents of Southern California want. One answer, seriously proposed in some circles, is to hold down the rate at which individuals and industries increase their use of electricity. In recent years, that rate of increase has been almost 10 per cent a year. Some of this electricity does go to power things of marginal value, but most of it goes into equipment designed to improve the quality of life (like air conditioning) or to power industry.

As a matter of fact certain of those changes in daily life now being urged to help clean up the air would require even more electricity. Washington's Metro system, for example, will require most of the capacity of one plant. A switch to electric cars, while reducing air pollution sharply, would require much more electricity. What is needed then is a long-range program of allocating sites for power plants on an area basis. Fortunately, Congress is looking into this problem, and the power companies have begun to realize that this process of picking sites must be done in such a way as to balance their own desires against overall community needs. It is also time for the environmental groups to realize that a balancing process has to be developed between the need for electricity and the need for protecting our surroundings.

The safety question raised by Pennsylvania's action is even more difficult to grapple with, but the need to do so has been underlined by two other recent actions. One is the AEC's announcement of plans to build the first large fast breeder reactor somewhere in the Tennessee Valley Authority's generating system. This kind of reactor is inherently more dangerous than those now in use but its potential in terms of providing the electrical power the atomic age has always promised is far greater. While the AEC is convinced the danger can be made negligible, some scientists disagree. Related directly to this is a law suit filed by several environmental groups in an effort to split the AEC—organizationally—in two. They contend that this Commission cannot constitutionally be given the task of both promoting the use of atomic energy and setting the safety standards under which it is to be used. Underlying this case is the fear that the AEC will not set adequate safety standards if such standards would interfere with expanding the use of atomic power.

We don't purport to have answers to these questions, but we do believe they ought to be settled only on the basis of a wide and intelligent public discussion of them. Much of the current distrust of the AEC, the power industry and atomic energy itself has arisen because questions such as these have been

thought either too sensitive or too difficult for public debate. Since the whole atmosphere of the AEC has changed considerably in the last few months, we look forward to having these hard questions aired and argued in public—not settled in quiet courtrooms or hearing rooms. Too much is at stake in terms of the environment and the industrial potential of the country for them to be left solely to the experts or litigants.

MEDIHC PROGRAM

Mr. STEVENSON. Mr. President, approximately 25,000 men and women with allied health training and experience leave the armed services each year. These individuals perform emergency health care, give routine physical examinations, draw blood, and generally serve as physicians' assistants, freeing nurses and doctors to perform other medical duties.

Although there is a great need for physicians' assistants in our understaffed civilian medical institutions, many of these veterans are given little if any counseling and leave the health care field simply because they are unaware of the programs available to them.

A joint venture of the Department of Health, Education, and Welfare and the Department of Defense was started in March of 1970 called Medical Experience Directed Into Health Careers—MEDIHC—to help alleviate this situation. Operation MEDIHC conducts no educational or training programs itself but serves merely as a referral service to match the skills and interests of the medics with schools or employers offering new opportunities. Operation MEDIHC seeks to triple the number of medically trained veterans in health occupations education or training programs by 1972 and to increase the number actually employed in civilian institutions by 5 percent a year for the next 5 years.

Presently, there are 51 statewide programs operating throughout the country with an overall placement rate of 35.8 percent of those who actually seek assistance from operation MEDIHC counselors.

I am pleased that in my own State of Illinois the success rate surpasses the national level. Illinois has one of the 15 most active programs: The first year showed an overall placement rate of 43.5 percent and a fourth quarter rate of 49 percent.

Mr. President, I ask unanimous consent that an annual report for the Illinois operation MEDIHC program which appeared in the October 1971 issue of the Health Careers Council of Illinois' newsletter be printed at this point in the RECORD.

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

MEDIHC PROGRAM REPORTS 49 PERCENT PLACEMENT SUCCESS

Steady improvement of placements of medical corpsmen referred to Health Careers Council of Illinois' Operation MEDIHC program were chalked up in the first year of official operation with forty out of 82 servicemen referred in the quarter ending September 30, 1971, being placed, for a placement percentage of 49%.

Overall, the first year's experience showed thirty-five percent of the corpsmen referred placed in educational programs or employment. Total number of referrals for the period was 285, with 99 of the corpsmen placed.

These statistics become even more interesting with a glance at the types of positions for which corpsmen have been hired. Many provide significant responsibility, often in the state's major health care institutions. A sampling: EKG supervisor, pharmacist, central supply supervisor, assistant administrator, county health department sanitarian, medical laboratory technologist, pharmaceutical research assistant, operating room unit manager and as coordinators for local, areawide and regional Trauma System centers throughout the state.

In the case of the Trauma System Coordinators, Health Careers Council played a leading role in developing the job concept as part of the total system for treating the critically injured, in cooperation with David R. Boyd, M.D., chief of the program. We are particularly proud of this accomplishment since the result was jobs paying $12,000 to $16,000 per year which utilize fully the skills and experience of the men involved.

In addition, corpsmen have found jobs as inhalation therapy, medical laboratory, operating room and physical therapy technicians, prison medical technicians, admitting case workers, mental health workers and ambulance drivers to name a few others. And corpsmen have been placed in educational programs for the training of LPN's, RN's, radiologic technologists, pharmacy assistants and on and on.

Since the Council formally began its employer referral service, 50 requests have been received from organizations looking for medically-trained corpsmen. Included in this 50 are nine hospitals and six other health care agencies, three doctors in private practice and 10 companies—including a pharmaceutical firm, a blood plasma center, a steel foundry (looking for a first aid man), several ambulance companies and a medical and dental products manufacturing firm. Several of the hospitals have requested corpsmen to fill several types of job vacancies and one hospital has filed openings in 11 separate areas. Many of the opportunities are far above entry level, calling for supervisors, specialists, managers, a training program coordinator, a child care worker and such health professionals as an inhalation therapist and a medical laboratory technologist. In addition, employers are asking for technicians in almost every clinical area as well as other lower level health care workers.

The placement figures and quality of employment opportunities—as well as informal comments made to us by employers, many of whom have employed corpsmen and found them valuable additions to their staffs—indicate to us that October 1971 is indeed very different from October 1970. Attitudes have generally changed greatly. We don't often hear—as we did many months ago—such comments as that written to us by one personnel director: "We don't like dealing with them (corpsmen). They want the same responsibilities they had in the armed forces." The complications in hiring corpsmen have been reduced by a number of publications which seek to equate military to civilian training and experience. And, health professionals are learning through direct experience that medical corpsmen do have a great deal to offer as members of their health care team, *if* they are willing to think creatively of ways of utilizing these skills.

In reference to the 12-month period just ending, Joseph J. Foley, Illinois MEDIHC Coordinator and Health Careers Council's Assistant Director, stated, "We are very encouraged by the success achieved during our initial year as Illinois' Operation MEDIHC agency. The Council's work with potential employers and development of what we feel are sound placement procedures has hopefully prepared us to be of even greater help to corpsmen and employers in the future."

Mr. STEVENSON. Further, Mr. President, I invite the attention of Senators to one specific program of the Health Careers Council of Illinois. Illinois has borrowed from the military model of providing on-the-spot emergency medical treatment so successful in Vietnam by creating regional "trauma units" around the State. Thus far, eight such units have been established with a projected total of 40. These units are centered in existing hospitals but provide care only for individuals in life-threatening situations.

Operation MEDIHC has been working closely with the creators of the trauma unit program and the pattern has now been established to place a former medic in the chief administrative capacity of each new trauma unit. Numerous other personnel working in each unit are also former military medical personnel.

Mr. President, I am most interested in this program and pleased with the accomplishments of the program's coordinators. This innovation is a good step in the direction of alleviating unemployment among returning veterans while at the same time improving medical services. I believe that we can look to the Illinois program—the first in the Nation to establish a statewide network of trauma clinics—as a model for a national network.

I ask unanimous consent that an article which appeared in Newsweek magazine and another article from the Health Careers Council newsletter dealing with the operation of the trauma units and the employment of former medics in such units be printed in the RECORD.

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

THE TRAUMA TREATMENT

Guided by headlights from police cars, a Bell Ranger helicopter put down on a makeshift landing pad near the Rushville, Ill., Memorial Hospital one morning not long ago. Moving with efficiency and dispatch, white-coated attendants carried 20-year-old Billy E. Black aboard. The youth was near death from a serious chest injury received some hours before, when he swerved to avoid hitting a deer and lost control of his car. Physicians at Rushville, realizing that they were not equipped for the delicate heart surgery they judged necessary to save Billy's life, had radioed to Springfield, 70 miles away, for the helicopter. In a matter of minutes, Billy was on an operating table at Springfield's St. John's Hospital where a cardiovascular team went quickly into action. A week later, he was ready to go back home.

Billy Black is one of 3,000 persons in Illinois who may owe their lives to a unique statewide system for the speedy treatment of serious accidental injuries that went into effect in July. The system first proved itself in Vietnam.Thanks to the rapid helicopter evacuation of wounded men from battlefields to fully equipped hospitals and hospital ships, the death rate among the wounded in Southeast Asia is less than half of what it was twenty years ago, during the Korean War. But despite its effectiveness, the military system of dealing with trauma has never found its way into civilian medicine—until now. For the most part, notes Dr. David Boyd, chief of the Illinois State Emergency Medical

Services, "care for traumatized Americans remains tragically poor."

Killer: The statistics bear out Boyd's contention that trauma is one of the nation's most serious diseases. There are some 105,000 accidental deaths among civilians in the U.S. each year, 47,000 of them caused by auto accidents alone. Trauma is the leading cause of death among persons under 40 and ranks only behind heart disease and cancer as a killer of older Americans.

Hospital emergency rooms, says Boyd often are woefully understaffed and too poorly equipped to deal with anything more serious than minor fractures and superficial cuts. Ambulance attendants and police officers, he adds, seldom have the expertise to render effective first aid at the accident scene. Finally, Boyd contends, the medical profession itself has been slow to recognize trauma as a major disease problem worthy of its most concerted efforts. Unfortunately, he notes, "trauma is medically unglamorous."

To bring the military concept of evacuation, early resuscitation (diagnosis and treatment to civilian medicine, Boyd collaborated with Dr. Bruce A. Flashner, deputy director of health services for Gov. Richard B. Ogilvie, and devised the Illinois plan. The governor, it turned out, had personal as well as political reasons for immediately and enthusiastically endorsing the idea. Ogilvie had been seriously wounded by a shell fragment in Germany in World War II and is frank to attribute his recovery to fast treatment at an Army aid station.

Lifesaving: At the core of the system are eight equipped regional trauma units at major teaching hospitals in Chicago, Carbondale, Peoria, Champaign, Rockford and Springfield. The model center at Chicago's Cook County Hospital consists of 21 beds devoted exclusively to the treatment of critically injured persons referred immediately from the hospital's emergency room. On admission to the unit, patients undergo lifesaving procedures such as the administration of heart stimulants and blood, and surgery to tie off broken blood vessels. Those in shock receive round-the-clock physiological monitoring. Before and after surgery, patients are placed in intensive care for 24-hour observation until ready to be released to less specialized wards in the hospital. The care of all patients is supervised by a trauma-unit director who can call on the talents of physicians and surgeons representing every specialty, from brain surgery to the repair of severed tendons.

By the end of the year, when the system is fully operational, there will be five additional area-wide trauma centers similar to the regional ones, as well as 26 local centers in small hospitals. At the local units, manned by a physician and a nurse, accident victims will be given preliminary resuscitation prior to being airlifted to a larger trauma center. The local centers are crucial, Boyd notes, since 70 per cent of the nation's traffic fatalities occur in rural areas and towns of less than 2,500 population.

Essential to the system is an elaborate communications setup called HEAR (Hospital Emergency Area Radio) sponsored by the Illinois Hospital Association. HEAR links the trauma centers to police cars and helicopters by radio and, through a phone patch coupler, permits an officer at the accident scene to talk both to the hospital and to a physician at his home or office.

Policemen and ambulance attendants carry "critical injury index" cards that list ten key anatomical systems to be checked on each victim at the scene. The officer checks the victim's respiratory system as "abnormal" if it is partially obstructed, and severely abnormal" if completely closed; his mental state as abnormal if he is drunk, severely abnormal if he is in a coma, and so on down the list for fractures, bleeding, pulse and other functions. When completed, the check list is radioed to doctors at the nearest trauma center who then decide whether the patient can be adequately cared for at the nearest local hospital or should be flown to a trauma center.

As yet, there are no firm statistics to show how effective the trauma network has been in saving lives. But traffic fatalities in Illinois in July, August and September, the heaviest accident period, were down appreciably—and officials are hopeful that the downward trend will continue.

HCCI Participates in Trauma System Recruitment

Former medical corpsmen will soon be using their military casualty experience to help fight the life and death struggles of Illinois' critically injured. They will serve as "trauma coordinators" in the administration of the state-wide trauma system recently announced by Governor Ogilvie.

Based on the idea that the extensive information gained from the processing of battle casualties in Viet Nam has not yet been utilized in dealing with civilian injuries, the program when fully established is envisioned to employ some 40 former corpsmen as coordinators for the trauma care centers to be located throughout the state.

HCCI, as the Operation MEDIHC (Military Experience Directed Into Health Careers) agency for Illinois, is serving as the manpower arm in the recruitment of trauma coordinators. Having worked in job placement of corpsmen for many years even before the more intensive MEDIHC work began in October, the Council is in a natural position to recommend servicemen for the administrative positions. Illinois MEDIHC Coordinator and HCCI Assistant Director Joseph Foley, who is working closely on staffing with David R. Boyd, M.D.C.M., Chief of the Illinois Department of Public Health's newly created Division of Emergency Medical Services and Traffic Safety, states that to date three of the corpsmen registered with Operation MEDIHC have been hired as coordinators. He anticipates placement of several more in the near future.

The continued availability of individuals with the necessary skills does not appear to be a problem. In the past six months, HCCI has screened and counseled more than 120 corpsmen interested in returning to civilian health careers in Illinois. Of these, approximately 10 have been identified as having the potential and desire to become trauma center coordinators. Given this ratio, about ten more candidates are expected to become available by October 1971 and in the same ratio, on into the next year. There is no question that out-of-state candidates can be obtained if necessary.

The trauma coordinators will work as part of a team which includes a trauma surgeon and a trauma nurse specialist (the major treatment personnel). Duties of the coordinator consist primarily of data collection: gathering, monitoring and communicating medical data and records; training of staff; personally assuming some training responsibilities, coordinating more specialized educational programs with local medical/educational institutions, as well as working with local health educators who desire to use the center's facilities for clinical training of medical and paramedical students; communications and transportation coordination; making use of information systems, radio, ambulance and helicopter services to link the center with the statewide trauma system; and biomedical equipment utilization: using and maintaining biomedical equipment.

The coordinator positions offer an appealing combination of rewarding and challenging work and excellent salaries. They are regarded as nothing short of breakthroughs by several of the men under consideration who, after much job hunting, found themselves faced with limited prospects: minor supervisory or limited nursing positions, often only a rung above the orderly-type slot—or more lucrative but less satisfying jobs in non-health industries. Through the program, Foley states, "We can offer men with casualty experience and high leadership potential work opportunities and salaries commensurate with their past military training, experience and skills."

Additional supportive personnel will also be needed to work with the trauma team, according to Dr. Boyd. We are hopeful that medical corpsmen will also be recruited to serve in many of these positions.

The trauma system, specifically aimed at dealing with the "critically injured" patient or one who has sustained a life-endangering injury, is planned to include units in approximately 40 hospitals or medical centers to be designated as local trauma centers, nine areawide trauma centers which will provide more extensive medical care and five even more specialized regional trauma units to be based in medical school hospitals. Each center will have a radio communications system, ambulance service and 24-hour medical treatment. Helicopter service will be provided to transport individuals in need of specialized attention from local or areawide centers to the nearest regional unit. Local centers will be located not more than 50 miles from the nearest areawide center. Hospitals participating in the plan have not yet been named.

Integral to the system is utilization of the computerized trauma registry developed at the Cook County Hospital and Research Resources Laboratory of the University of Illinois as a result of a National Institutes of Health grant. The first of its kind in the country, the registry will collect data from all trauma centers which can be used in evaluating the effectiveness of the state-wide system and more importantly, in formulating solutions to medical and related administrative problems.

The plan is expected to become operational on a limited basis as of July 1, when regional centers will be opened in Chicago and Springfield. "Within a year, it is hoped that the regional and areawide centers will be in operation," Dr. Boyd stated. Local units will be established at a later date.

The trauma system provides a regional approach to the problem of care for the critically injured. As stated in "The Critically Injured Patient: A Plan for the Organization of a Statewide System of Trauma Facilities," an article by Bruce A. Flashner, M.D., Assistant to the Coordinator of Health Services, Office of the Governor, State of Illinois and Dr. Boyd in the March 1971 issue of the Illinois Medical Journal (recommends for a good, detailed look at the system): "The basic concept of this plan is to coordinate the existing hospital facilities in conjunction with the available manpower and add essential equipment as necessary." It will help Illinois hospitals by improving the quality of professional services available in every area of the state for the treatment of the critically injured.

IN SUPPORT OF COMPREHENSIVE NUCLEAR TEST BAN

Mr. HART. Mr. President, an open letter has been addressed to the Senator from Maryland (Mr. MATHIAS) and me endorsing our resolution (S. Res. 273) calling for negotiation of a comprehensive Nuclear Test Ban Treaty. The letter is signed by the members of the Task Force for the Nuclear Test Ban and representatives of 47 national citizens organizations. It is a significant demonstration of citizen support for this measure.

Since its formation in April of 1971,

the Task Force for the Nuclear Test Ban has argued forcefully, and I think very persuasively, for a halt of all nuclear testing. Task Force Cochairman Josephine Pomerance was successful in her effort to urge the Foreign Relations Subcommittee on Arms Control, International Law, and Organizations to hold hearings on an underground test ban. That subcommittee's staff report of last November came to the conclusion that the time is auspicious for a hard look at the continuing need for on-site inspections.

The task force, a group of leading scientists and arms control experts, has been joined in its endeavors by the coalition on national priorities and military policy. Chaired by the Honorable Joseph S. Clark, a distinguished former colleague, the coalition is a highly diverse association of prominent national citizen groups bound together by a common belief in the need to reorder national priorities through reductions in military spending, arms control, and economic conversion. Continued efforts by the task force and the coalition on national priorities have resulted in this letter of support.

Mr. President, I ask unanimous consent that the letter and the attached list of signatories be printed in the RECORD.

There being no objection, the items were ordered to be put in the RECORD, as follows:

MARCH 2, 1972.

DEAR SENATORS HART AND MATHIAS: We enthusiastically endorse your Senate Resolution that advocates the prompt negotiation of an agreement between the United States and the Soviet Union to ban all nuclear weapons tests. As individuals with varied experience in science, disarmament and public affairs, we believe that a comprehensive nuclear test ban agreement would be a significant step towards ending the nuclear arms race.

The extensive underground testing of nuclear weapons in the past eight years, since the signing of the Limited Test Ban Treaty, has not brought us greater national security. In fact, continued nuclear weapons development increases the threat of the unimaginable destruction of a nuclear disaster. In addition, it is possible that underground nuclear testing could be a dangerous hazard to the environment through venting of radioactive materials, contamination of underground waters, and the triggering of earthquakes.

The development of seismic and other national means of verification makes an enforceable treaty possible without the need for on-site inspections, an issue that has been the primary obstacle to U.S. and Soviet agreement.

Continued nuclear weapons tests also seriously hinder the effort to halt the spread of nuclear weapons to other nations through the Nuclear Non-Proliferation Treaty. Many potential nuclear powers are unwilling to sign this Treaty and forgo nuclear weapons development while the two nuclear superpowers proceed with their testing programs.

The economic savings that could result from a test ban are significant. The considerable resources spent on nuclear underground tests could be redirected into constructive peacetime uses.

We are encouraged by the fact that this is a bipartisan resolution because the importance of the issue should override political partisanship. We are also encouraged by reports that the negotiation of a comprehensive test ban treaty is being reviewed by the Administration.

We believe the time has come for our government to take this initiative. We believe the majority of our own people and the peoples around the world will find in this action renewed hope that nuclear weapons will never be instruments of destruction and that we have taken another step toward true national security in a peaceful world.

SIGNING FOR THE TASK FORCE FOR THE NUCLEAR TEST BAN

Mrs. JOSEPHINE POMERANCE, *Co-Chairman.*

Rev. HARRY APPLEWHITE, *Director for International Relations, United Church of Christ.*

Dr. BETTY GOETZ LALL, *Co-Chairman.*

Dr. HARRISON BROWN, *Professor of Science and Government, California Institute of Technology.*

Dr. Mary Bunting, President, Radcliff College.

Norman Cousins, Editor, World Review.

Dr. Richard A. Falk, Milbank Professor of International Law, Princeton University.

Dr. Bernard Feld, Massachusetts Institute of Technology.

Hon. Adrian Fisher, Dean, Georgetown University.

Mr. David R. Inglis, Physicist, Argonne National Laboratory.

Dr. Marvin Kalkstein, State University of New York, Stony Brook.

Dr. George Kistiakowsky, Department of Chemistry, Harvard University.

Dr. Polykarp Kusch, Prefessor of Physics, Columbia University.

Dr. Arthur Larson, Director, Rule of Law Research Center, Duke University.

Mr. Oscar de Lima, Vice Chairman, UNA/USA.

Dr. Franklin A. Long, Director of the Program on Science, Technology and Society, Cornell University.

Mr. Allard Lowenstein, National Chairman, Americans for Democratic Action.

Rev. Pat McDermott, Director, Center for the Study of Power and Peace.

Dr. Allan Parrent, Director of Washington Program, Department of International Affairs, National Council of Churches.

Mrs. Mildred Persinger, Chairman, Council of Organizations, UNA/USA, YWCA.

Mr. Victor G. Reuther, Director, International Affairs Department, (UAW) International Union, United Automobile, Aerospace & Agricultural Implement, Workers of America.

Dr. Herbert Scoville, Jr., Federation of American Scientists.

Hon. James J. Wadsworth, Formerly Permanent Representative to the U.N.

Dr. George Wald, Professor of Biology, Harvard University.

Dr. Herman Will, Jr., Associate General Secretary, Division of World Peace, Board of Christian Social Concerns of the United Methodist Church.

Dr. Herbert York, Department of Physics, University of California, San Diego.

SIGNING FOR NATIONAL CITIZENS ORGANIZATIONS

Josiah Beeman, Director, Washington Office, United Presbyterian Church, USA.

David Brower, President, Friends of the Earth.

Rev. George Chauncey, Director, Office of Church and Society, Presbyterian Church in the U.S.

Hon. Joseph S. Clark, Chairman, Coalition on National Priorities and Military Policy.

G. Michael Conlee, Administrative Staff, Student Advisory Committee on International Affairs.

Edward Damato, New York Co-ordinator, Vietnam Veterans Against the War.

Rabbi Maurice M. Eisendrath, President, Union of American Hebrew Congregations.

Dr. Robert A. Fangmeier, Director of International Affairs, Department of Church in Society, Christian Church (Disciples of Christ).

Rev. Lamar Gibble, Peace and International Affairs Consultant, Church of the Brethern.

Sanford Gottlieb, Executive Director, SANE.

Ernest Gross, Esq., Vice Chairman and General Counsel UNA/USA.

Thomas A. Halsted, Executive Director, Arms Control Association.

Marii Hasegawa, President, U.S. Section, Women's International League for Peace and Freedom.

Dorothy I. Height, National President, National Council of Negro Women.

Walter Hubbard, Director, National Catholic Conference for Interracial Justice.

James R. Jennings, Associate Director, Division of World Justice and Peace, United States Catholic Conference.

Robert E. Jones, Director, Joint Washington Office for Social Concern, Unitarian Universalist Association.

Steven Jacobs, President, American Ethical Union.

Lloyd Morain, President, American Humanist Association.

Susan King, Washington Director, National Committee for an Effective Congress.

(Mrs. David M.) Norma Levitt, President, National Federation of Temple Sisterhoods.

Marvin L. Madeson, National Chairman, New Democratic Coalition.

Ms. Shirely Margolin, Legislative Chairman Women Strike for Peace.

Mrs. Earl Marvin, National President, National Council for Jewish Women.

William Meyers, Chairman, Committee for New Priorities in America.

Rev. Elizabeth J. Miller, Executive Director, Division of Christian Social Concern, American Baptist Convention.

Henry E. Niles, Chairman, Business Executives Move for Vietnam Peace and New National Priorities.

Layton Olson, Executive Director, National Student Lobby.

Douglas A. Richardson, National Staff Director, National Vista Alliance.

Walter L. Smart, Executive Director, National Federation of Settlements.

Edward F. Snyder, Executive Director, Friends Committee on National Legislation.

Marge Tabankin, President, National Student Association.

Mary Temple, Executive Director, World Federalists, U.S.A.

Johnnie Tillmon, Associate Executive Director, National Welfare Rights Organization.

Sr. Margaret Traxler, Chairman, National Coalition of American Nuns.

Lloyd Tupling, Washington Representative, Sierra Club.

Foy Valentine, Executive Secretary, The Christian Life Commission, The Southern Baptist Convention.

Jerry Wurf, President, American Federation of State, County, and Municipal Employees.

VETERANS' REFERRAL SWITCHBOARD

Mr. HARTKE. Mr. President, the 5 million veterans of the Vietnam war have come home with their own unique brand of problems. In many ways they are vastly less fortunate than veterans of earlier wars, not only in the number and kinds of problems they have, but in the compensation available to them.

Moreover, the veterans of "Nam" feel rejected and misunderstood. They were in service during the time of an unpopular war.

Back home, these young veterans view the "establishment" with suspicion. They do not know where to turn for help in

solving their problems or who to ask for directions on where to turn.

All this explains why James Tuman thought up the idea of Veterans Referral Switchboard. Mr. Tuman, a former staff employee of the Senate, worked on a program for the Army called "Operation Homecoming." Struck by the problems of the modern veteran, he started the referral switchboard. Since Tuman was then working for the Mount Sinai Medical Center in Milwaukee, he obtained support from that hospital.

Shortly thereafter, Elmer L. Winter, president of Manpower, Inc., became impressed with the job being done in Milwaukee by the referral switchboard. Shortly after its establishment, it was handling 300 calls a week—20 percent drug related and 60 percent of all calls from Vietnam veterans.

Now, under Mr. Winter's gentle patronage, the Veterans Referral Switchboard has "gone national." By March 1, they will be operated in 14 cities, including the pilot in Milwaukee and one in Washington, D.C. Thereafter, manpower will open them at the rate of five a month for the rest of this year.

Mr. President, I ask unanimous consent that the text of a newspaper article and an explanation of the program be printed in the RECORD.

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

[From the Washington Post, Feb. 10, 1972]

DISTRICT OF COLUMBIA VETERANS TO GET JOB REFERRAL HELP

(By Leon Dash)

Military service veterans in the Washington area will be able to get detailed information on where to look for jobs when a new veteran-run referral service opens here.

Called the Veterans Referral Switchboard, the new service will start on Feb. 25, the area coordinator J. Jay Volkert said in a press conference yesterday.

Volkert said the purpose of the new service is to give detailed information to veterans about where to go to apply for employment, drug addiction treatment or even such simple matters as how to replace lost separation papers.

The referral service will be manned by veterans on a voluntary basis. Any veteran seeking answer to specific problems after Feb. 25 can call 393–8484 between noon and 8 p.m. Monday to Saturday. There will also be a 24-hour answering service, seven days a week, Volkert said.

Similar operations in 12 other cities nationwide will all be working before March 1, according to Elmer L. Winter, president of Manpower, Inc.

Winter, whose firm contracts workers out to private industry, said the funds to run the services will come out of his company's Manpower Foundation, Inc., a nonprofit organization. He estimates the cost of such an operation to be $5,000 a year.

By the end of this year, Winter said, he hopes to have 50 such services operating in the country.

The idea grew out of a successful pilot program in Milwaukee last year, Winter said. The Milwaukee operation handled more than 300 calls a week, he said.

Approximately 60 per cent of the calls to the Milwaukee operation have been from Vietnam-era veterans, 30 per cent from veterans of previous wars and 10 per cent from widows, dependents or relatives of veterans, Winter said.

Most of the calls have been from veterans seeking information on job training, employment counseling and unemployment benefits. Some 20 per cent of the callers have had drug problems, and another 20 per cent medical or dental problems.

In the Washington metropolitan area, there are more than 3,100 unemployed Vietnam-era veterans, employment insurance officials said yesterday. Most of them have been released from the service within the past year, they said.

Of 404,000 area veterans, 71,000 are Vietnam-era veterans, according to A. Leon Anderson, director of the District's veterans affairs administration.

VETERANS' REFERRAL SWITCHBOARD

WHY A NEW VETERANS' PROGRAM

In ever increasing numbers American soldiers are coming home from war again. More than five million men and women have been discharged from the Armed Forces in the last six years. The one-in-five of their generation called to fight an unpopular and poorly understood war, these veterans are often confused and occasionally bitter.

Like veterans of past conflicts they face readjustment problems. But unlike previous veterans they come from Armed Forces torn by atrocity charges, racial hatred, and drug abuse. Returning home, they often feel that society is indifferent, even hostile to their presence.

Furthermore, they have been isolated for two or more years from a rapidly changing economy that for many has bypassed their previous civilian skills. Eighty percent have acquired a military skill convertible to civilian life, but most are forced to file for unemployment compensation. If unable to find meaningful employment or job training, they lose confidence in themselves and in society.

Veterans of other wars have many problems resulting not from readjustment but from advancing age, disability, or recent social and economic turmoil. Many rights and benefits they accrued by virtue of their service have not been lost, but they have often been forgotten. Complicating the situation of many of these older veterans are the loss of discharge papers, medical records, and other important documents.

Many agencies and organizations exist that have produced significant results in alleviating many veteran problems. However, the number of these organizations, the scope of their services, and the lack of adequate staff and money to carry out information and education programs has caused confusion rather than transition among veterans poorly counseled at discharge. The problem, then, for Milwaukee was one of communication—to provide a central information point for dissemination of the roles and services of agencies and organizations throughout the community to all veterans young and old. This central information point was provided in Milwaukee by the creation of the Veterans' Referral Switchboard.

HOW DID THE PROGRAM COME INTO EXISTENCE?

The Veterans' Referral Switchboard was the brainchild of James Tuman, now Director of Development for Milwaukee's Mount Sinai Medical Center, but formerly founder and director of Operation Homecoming, a business-sponsored association that provided job information and counseling to servicemen all over the world. Having talked to hundreds of young men recently returned to civilian life, Tuman noted time after time the broad scope of their readjustment problems, their disillusionment, their confusion about where to turn. He began to think about a central telephone referral service, widely publicized, that could serve as a communication focus for and to veterans of all conflicts.

Shortly after coming to Milwaukee in mid-1971, Tuman contacted several Vietnam era veterans, who quickly became enthusiastic about the idea and who volunteered to staff the switchboard. A board of directors consisting of six veterans, two psychologists, and a doctor, was formed and a small amount of money was raised to begin operation.

Next the board of directors arranged a meeting with representatives of all agencies and organizations dealing with veteran problems to explain the Veterans' Referral Switchboard and to enlist their support. The representatives, recognizing a possible solution to a problem that had hampered their efforts in the past, offered to provide detailed information about their roles and services to the Switchboard and also offered to train the volunteers. After several weeks of preparation, the service began operation.

The Switchboard, widely publicized through the cooperation of the local media, was immediately flooded with calls, handling over 300 completed calls per week on one telephone line. Soon its expert referral of a wide range of veteran problems earned the plaudits of veterans' organizations and civic officials.

WHAT KINDS OF CALLS HAVE BEEN HANDLED?

Approximately 60% of the calls have been from Vietnam era veterans, 30% from veterans of previous conflicts, and 10% from widows, dependents, or relatives of veterans.

The majority of the calls from young veterans concern employment problems—where to get information on job training, employment counseling, and unemployment benefits. Many of those seeking employment also have pressing financial, legal, or psychological problems. Approximately 20% of the callers have drug problems, another 20% medical or dental problems, and 15% seek information about educational counseling benefits. Other problems frequently mentioned are disability claims, procedures for review of discharges, mental problems in the family, housing and business loans, and insurance.

The veterans of previous wars call most often about medical problems, old age homes, and disability or pension rights. Some of these callers are indigent and have few or no records of their service. Other less frequent problems are housing and business loans, employment counseling, and education benefits.

Widows, dependents, and relatives of veterans are mainly concerned with survivor benefits, burial benefits, and medical problems. Sometimes they seek information on psychological counseling and legal aid for veterans having readjustment problems but too proud to seek help.

Concerned citizens have also called the Switchboard offering information on programs for veterans that are not widely known or offering jobs to qualified veterans.

WHERE IS IT GOING?

The veterans were encouraged with their success in Milwaukee, but were seriously hampered by a shortage of funds. Seeking support for continued operation of the Switchboard, they came to Elmer L. Winter, president of Manpower, Inc., the nation's largest temporary help firm and a company noted for its interest and efforts in solving community problems.[1] Mr. Winter, immediately recognizing the value of the program, agreed to sponsor the program not only in Milwaukee, but also in cities all over the country. By March 1, Veterans' Referral Switchboards will be operating in 13 cities,

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[1] Manpower has also sponsored Youthpower, Inc., a non-profit summer job placement for 16 to 21 year olds that has operated in many U.S. cities for eight summers, and the Summer Action program, which has encouraged several hundred young people all over the country by providing cash scholarships for the most outstanding public service.

and will be initiated in five additional cities per month after that.

MANPOWER, INC., STARTS NEW VETERANS' SERVICE; FREE TELEPHONE REFERRAL PROGRAM TO BEGIN IN WASHINGTON, OTHER MAJOR U.S. CITIES

Washington—A free nationwide program for veterans, designed to provide one-stop referral services for all veterans' problems, was announced today by Elmer L. Winter, president of Manpower, Inc. The program will be sponsored by Manpower Foundation, Inc., the charitable organization of Manpower, Inc.

Known as the Veterans' Referral Switchboard, this program will provide a well-publicized telephone number, with phones manned by trained veterans serving as volunteers, in 13 U.S. cities, including Washington, by March 1. A pilot program is already in operation in Milwaukee, Wisconsin. Some 50 cities will be covered by the end of this year.

Former servicemen with questions or problems in any area including employment, veterans' benefits, or drug counseling will be given complete information on the specific agency or organization that can help them.

"The return of vast numbers of Vietnam era servicemen (over 5,000,000 since 1965) has produced serious readjustment problems both for the veterans and for society," Mr. Winter remarked. "Numerous agencies and organizations offer significant assistance in alleviating many of these problems, but many veterans are confused about or ignorant of the benefits due them and the help available."

"The Veterans' Referral Switchboard," said Winter, "will provide a central, well-publicized information source for all veterans. We hope it will help in clearing up the confusion that has hampered veteran service organizations as well as the veterans."

James Tuman, Director of Development for Milwaukee's Mount Sinai Medical Center and originator of the pilot program, described the Switchboard's success in Milwaukee.

"Since its inception, the Switchboard has averaged more than 300 calls per week," he said. "Many of the callers have complex problems that require more than one referral, and all veterans are called back to be sure they found the help they needed."

According to Tuman, thirty percent of the calls have been from veterans of conflicts other than Vietnam, many of whom were previously unaware that they retained many veteran rights and benefits. Twenty percent of the calls involve drug problems.

Rick Church, an American Indian and a Marine Corps veterans who has been active in the Milwaukee program, explained why the program has met with such a response from young veterans.

"Many Vietnam veterans have bitter memories of their tour of duty, and are further turned off by what they feel is indifference on the part of many people when they return to civilian life," he said. "They are extremely suspicious of large agencies and organizations that they think will only bring empty promises and miles of red tape.

"However, when they call the Switchboard, they talk to another veteran their own age who can often restore their confidence and convince them to seek the help which is available."

The program will begin operation in the following cities by March 1: Boston, Mass., Buffalo, N.Y., Cincinnati, Ohio, Dallas, Tex., Louisville, Ky., Newark, N.J., New Orleans, La., Oklahoma City, Okla., Philadelphia, Pa., Pittsburgh, Pa., St. Louis, Mo., Seattle, Wash., and Washington, D.C.

Manpower Foundation will provide the funds for the operation in each city, but the program will be operated by a board of directors in each city, consisting of veterans and representatives of veteran service organizations and agencies.

It is expected that the program will expand at a rate of five cities a month for the remainder of the year.

STATEMENT OF ELMER L. WINTER, PRESIDENT, MANPOWER, INC.

We are particularly pleased to be able to make the announcement for which we have asked you here today. It relates to something which has been on our mind for a long time—an effort on the part of Manpower, Inc., through its Manpower Foundation, to provide some public service help to the veterans who return home only to face so many serious problems.

Our concern for these veterans is really an extension of the concern which we have long felt for the young people of America. Since 1964, our company has been involved in the sponsorship of a public service program to help provide summer jobs for young people in some twenty cities. This program, called Youthpower, has used the volunteer efforts of young people to operate clearing houses for summer job opportunities. Manpower has provided the space, the equipment, the supplies, the telephones, and the services of a college student to act as the local coordinator for the program. Young people themselves have volunteered time to staff the program.

The results of this Youthpower program have been, frankly, surprising even to us. To date, Youthpower has placed young people between 16 and 21 in more than 70,000 summer jobs. There has been no charge to anyone for Youthpower's service.

A couple of years ago, we became concerned about the attitudes young people were developing toward business and the private sector. "The establishment," as they call it, did not seem to provide the outlet young people were seeking for involvement in the problems of their community.

We decided that in addition to our Youthpower program, we would begin the sponsorship of another public service effort which we hoped would help to bridge the communications gap between young people and the business community. We called our effort Manpower's Summer Action Program. Through it, we offered $10,000 in cash awards to those young people who created and conducted the most beneficial community betterment project during their spare summer hours. The response was as exciting as we had hoped it would be. Literally thousands of young people became involved in projects which were submitted to the Summer Action program's panel of judges.

Just as in the case of Youthpower, the young people seemed delighted at the encouragement we gave them to get involved. We were very pleased at their response and have continued the Summer Action program as an annual competition.

During the past months, we have observed another group of American young people which is facing some serious problems. This group is the veterans, whom we are grateful to see returning in increasing numbers.

For some time, we have been actively seeking a way in which Manpower could involve itself in providing some type of needed free service to former servicemen. A survey of the managers in our U.S. offices indicated almost unanimous support for some sort of effort for veterans.

In seeking a means whereby we could make a contribution, I have met and corresponded with people like Frank McKernan, director of the Defense Department's Transitional Manpower programs, and Jim Oates, chairman of the National Jobs for Veterans campaign. These men, and others, felt that the nationwide office structure of Manpower, Inc., and our experience in the employment field, combined with our background in public service efforts, such as Youthpower and our Summer Action program, would provide an ideal foundation for a veterans' program.

Recently, we had the good fortune to meet Jim Tuman, Rick Church and several other veterans, who had organized a unique program known as the Veterans' Referral Switchboard. This organization provides a central, well-publicized telephone number, manned by veterans, serving as volunteers. By calling the Veterans' Referral Switchboard, former servicemen obtain information about the services available to them in the community. They are told how to contact the right person, at the organization which can best solve their problem.

The young men who began this effort in Milwaukee came to us because of the concern we had shown for young people through Youthpower and the Summer Action program. They needed some additional support for their Milwaukee effort.

We were, of course, able to give them the support which they needed in Milwaukee. More than that, we began talking with them immediately about the possibility of expanding this much-needed service to veterans in major cities throughout the country. The idea of sponsoring the Veterans' Referral Switchboard in other cities excited these young men as much as it pleased us to be able to do so.

We selected 13 cities as immediate targets for expansion. They are: Boston, Massachusetts; Buffalo, New York; Cincinnati, Ohio; Dallas, Texas; Louisville, Kentucky; Newark, New Jersey; New Orleans, Louisiana; Oklahoma City, Oklahoma; Philadelphia, Pennsylvania; Pittsburgh, Pennsylvania; St. Louis, Missouri; Seattle, Washington; and Washington, D.C.

We will be expanding the program to five additional cities each month until we have a network of Manpower's Veterans' Referral Switchboards in at least 50 key cities. In each city, Manpower, Inc. will provide the space, the supplies, the telephone service, the promotional assistance and any other support needed. While the Manpower Foundation and Manpower, Inc. will sponsor this effort, control of the program in each city will be in the hands of an advisory board made up of veterans and representatives of veterans' service organizations.

The telephones will be manned by young veteran volunteers, just as they have been in Milwaukee. We feel this is very important, since it is often only with the encouragement of a peer that a veteran will seek the help available through an agency. Being able to talk with another veteran has in many cases helped a returning serviceman to overcome his reluctance to deal with "the establishment."

Our experience with Youthpower and Manpower's Summer Action program have taught us the importance of peer confidence on the part of young people.

The Veterans Administration and many other public and private organizations do an excellent job of alleviating many problems of returning servicemen. By expanding Manpower's Veterans' Referral Switchboard to nationwide service, we hope to convince the veterans who served us so well, that their communities stand ready to serve them in turn.

By our company's sponsorship of this program, we hope to encourage other businesses and other individuals to invest their time and effort in solving the problems of returning servicemen. Any investment in these fine, young men, who represent one of our country's most valuable resources, cannot fail to bring long lasting returns.

HIGHER EDUCATION AND STUDENT AID

Mr. PELL. Mr. President, soon the conferees on S. 659 will be deciding two very basic questions pertaining to higher education in this country. One is the type

of student aid which should be made available; while the second is the type of institutional aid and whether it should be tied to student aid.

The Senate bill would establish a basic educational opportunity grant of $1,400 a year, minus the amount the student or his family can reasonably be expected to contribute to his education, to any student accepted at an accredited school. Each youngster receiving that grant would carry to the school an institutional grant. The House bill, while having no basic grant provision, does have a massive program of institutional aid based on a simple head count at institutions.

Representatives of the higher education community favor the House approach. However, individual schools are studying the Senate bill and find it has much to offer. Mr. Alfred B. Fitt, the special adviser to the president of Yale University, has written an interesting paper entitled "A Proposal for Rationalizing the Financing of Undergraduate Education." Mr. Fitt, while now in the academic world, is no stranger to Washington. From 1967 to 1969 he was Assistant Secretary for Manpower, and for 3 years prior to that was General Counsel of the Army. The Fitt paper makes many cogent comments on the Federal role in education, which touch directly upon the issues we will be discussing in conference.

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

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

A PROPOSAL FOR RATIONALIZING THE FINANCING OF UNDERGRADUATE EDUCATION

(By Alfred B. Fitt)

The paper which follows is an attempt to describe an appropriate federal role in financing the American system of post-secondary education through the level of the baccalaureate degree. The purposes and problems in graduate and professional education, and the funding thereof, vary in significant ways from those of undergraduate education and will be dealt with in a separate memorandum.

This paper is in six sections:

I. Why the system is financially pinched.

II. Flaws in the system's performance.

III. Desirable characteristics of a federal program.

IV. General federal aid to institutions is error.

V. A specific proposal for student aid.

VI. Logical corollary changes.

I

There is a relative financial depression in our system of higher education.

More and more young people are graduating from high school—1.9 million in 1960, 3 million in 1970. More of the graduates are going on to college—51% in 1963, 58% in 1968. The population of the college age group went up 53% between 1959 and 1969, but the number actually enrolled rose by 116%.

Since higher education over time has not been able to achieve any measurable increase in productivity, the consequence of rising enrollments is a steadily increasing share of GNP devoted to higher education—1.4% in 1960, 2.3% in 1966 and more than 3% projected for 1976.

The struggle for a larger share of GNP is creating excruciating stresses. Tuition payments by students and their families cover only 17% of expenditures on student education at public institutions and 64% at private institutions. Thus, taxpayers and nonpublic donors have had to bear most of the rising share of GNP allocated to higher education. But other claimants against GNP—the war, medical care, anti-pollution, etc.—have been pressing harder and harder since the mid-1960's, and in consequence for the last several years the sum of educational expenditures has risen faster than the sum of institutional income. Even those colleges with stable enrollments are caught, for higher education is labor intensive, and wages and salaries per student have risen disproportionately to revenue per student.

The result has been looming or actual operating deficits for private institutions and curtailment of programs and decline of quality at public institutions (which usually cannot technically overspend their income).

Hardest hit are research universities committed to expensive long term programs for which federal aid is declining, private institutions in direct geographic competition with low tuition public institutions, and small colleges everywhere—but the entire system is financially ailing to some degree. It needs more money, and educators are turning with growing insistence and desperation to the federal government as the logical, the only source for the needed support.

II

The American system of higher education is one of the ornaments of western civilization, but even so its performance in some respects is disappointing and in others is illogical. If the federal government is to come to the rescue of the system, and certainly it should, the remedy must be shaped to cure (at best) or not exacerbate (at worst) the following deficiencies:

(a) A student's family background, rather than his own ability, is still too decisive in determining who enters college.

About 40% of the college age population is now actually enrolled in college, but it is not the ablest 40%. Of all the high school graduates in the upper 40% of achievement, nine out of ten from families in the highest quarter of the social heap go on to college, but only four out of ten from the lowest quarter do so. Children of equally high aptitude have grossly unequal opportunity to enter the world of American higher education.

(b) The education of young people from upper income families is heavily and needlessly subsidized, while at the same time most families cannot afford to pay college costs from current income.

According to a College Scholarship Service study, the parents of freshmen in public 4-year colleges could reasonably have paid $273 million more than they did in 1966. If there had been a general $500 tuition increase, it would have financed scholarships for all those unable to pay it and still left an extra $177 million in tuition income from the freshman class alone.

Yet while undercharging upper income families, the system still asks more money than most families can afford to pay. Average expenses for students in residence at public institutions now total about $2000 and at private institutions about $3500, both figures beyond the reach of the more than half of American families whose 1970 incomes were below $10,000.

(c) Private institutions face ruin or absorption by the public sector.

The low tuition policy at public institutions not only confers unneeded subsidiaries on upper income families, it also has the unintended but inevitable effect of driving private institutions out of existence.

If only mediocre, inefficient private colleges were being ruined, that would be a defensible result, but while ritually trumpeting the virtues of diversity, we have created conditions forcing uniformity: all the private colleges, excellent, good, bad or indifferent, will eventually go under unless, in one way or another, government comes to their rescue.

In 1950 25% of California's students were educated in private colleges. Last year it was only 6%.

Private colleges in New York City have had a 5% enrollment decline in the last three years, while enrollments at public institutions have risen by 101%.

Private colleges ought not to be done away with, but if the contrary is decided, the decision should be a conscious one. It should not be an accidental by-product of the effort, thus far unsuccessful, to put a college education within reach of all who can qualify on merit.

(d) 50% of all who enter college never graduate. The statistics are uncertain, but apparently academic failures and financial reasons account for only about a third of the dropouts. The rest lack motivation or simply cannot find a satisfying experience in college. The collective waste of students' time and society's resources involved in starting but not finishing college is appalling. If there is to be coherent federal intervention in the financing of higher education, it should be calculated to discourage the ill-motivated from matriculating and to encourage the managers of the system to provide a more satisfactory environment for the transmission of knowledge.

III

In approaching the task of defining a coherent federal role in the financing of higher education, Congress should make a number of preliminary decisions.

(a) It is futile and foolish to strive for "universal higher education." Not everybody graduates from high school, and of those who do, not all will ever wish to continue their formal education. Nor should they be pressured to do so, if only for the reasons that a college education is neither provably essential to happiness nor thought (by the Bureau of Labor Statistics) to be a requirement for more than about 20% of the jobs in our society. Truly universal attendance in higher education could be achieved only if it were made compulsory, a concept so at war with personal freedom and common sense as not to require discussion.

(b) No one should be barred from post secondary education by a lack of funds. Those who are motivated to carry on beyond high school should have to meet only one standard, that of aptitude.

(c) If financial need is not to be a bar, then the entitlement to financial assistance:

Must be steadily predictable. The 9th grader must know that he can enter the 13th grade on merit alone.

Must be extended proportionately to the children of most families, not just to those in lower income categories. Nearly 78% of U.S. Families had 1970 incomes below $15,000.

(d) The financial aid entitlement should be usable at the discretion of the student for any form of post secondary education, subject only to general standards of legitimacy for the enterprise.

(e) Congress should shape the federal role in a fashion which minimizes both the need to make difficult legislative decisions and the temptation to prescribe how higher education should be conducted. The government should shrink from trying to determine who will be admitted to college, what courses must be offered or pursued, whether a college is being managed efficiently, or which institutions deserve support and which do not.

(f) In general, federal educational subsidies to individuals should be based solely on financial need. Neither GI Bill nor Social Security payments depend on the actual need of the recipient, but the first is a form of deferred compensation and the second is a form of insurance proceeds. If one is neither a veteran nor an orphan, he should have to prove his need. Money awards for superior academic promise or performance are part of the American tradition, but the federal government should not give its money to

students who do not need it so long as there are any young people barred by poverty alone from entering college.

(g) Reasonable student self-help efforts should be a condition of qualifying for federal educational subsidies. Self-help means a willingness to pay part of the cost through savings, summer or term-time earnings or by borrowing. Sometimes students cannot find jobs, and sometimes jobs are incompatible with academic progress. Due allowance can be made in such cases, but if, for example, a student chooses to vacation in Europe instead of working during the summer, he should still be required to pay—through borrowing if necessary—an appropriate portion of his college costs.

IV

The paradox which must be solved is that the price of going to college is at once too low and too high in relation to its cost.

Most of the problems already described in this article could be solved or ameliorated if the consumer of higher education, the student, were required to pay more—much more—for the services he receives. The challenge is to find a fair way to make it possible for the student to pay more.

For years it has been an article of faith that higher education should be available at low or no cost to the student. The reasoning has been (1) that no worthy youth should be denied the opportunity to develop his talents (and thus move up the social ladder) and (2) that since society as a whole benefits from having an educated populace, society should pay some—in practice most—of the cost of educating that small minority of society which graduates from college.

However, neither reason leads logically to the conclusion it is intended to support. We already know that low tuition for everybody in attendance has not meant effective access to college for all who are qualified, and it is time to develop a different technique to gain what all agree is a laudable goal.

The other reason—that it is unfair to charge individuals for benefits accruing to the whole society—was advanced many years ago to explain why all the taxpayers should contribute to the college support of a relative handful, mainly from the upper classes. Even if the explanation was at one time persuasive, it is no longer. The fact that a system which confers private benefits on individual consumers may also provide general benefits to society does not compel the conclusion that the consumers should be excused from payment. Their ability to pay, or lack of it, and not whether there is a general benefit, should decide the question.

Defenders of the low or no tuition policy at the college level sometimes liken it to the policy of free public elementary and secondary schooling. But comparing the compelled attendance of small children to the voluntary attendance of people old enough to vote is not apt. A more logical comparison is with the nation's highway network and postal system, which in their own ways are at least as essential as higher education to the advance of American civilization. The users of the highways and the mails pay all or almost all of the costs of those systems, while the users of the college system pay only a fraction. It is argued that they pay later on in the form of income taxes on their earnings, which are higher than those of people who do not go to college, but this argument is valid, if at all, only when the college graduate pays a higher tax than that exacted from someone in the same income bracket who did not go to college—and that is not now the case.

Despite the passion with which the low tuition principle is defended, average tuition charges (in constant 1969–70 dollars) have been driven up by inexorable pressures, 23% for public institutions during the 1960's and 47% at private institutions. Furthermore, the number of borrowers under the National Defense Student Loan program increased from 115,000 to 560,000 during the last decade, and those in the Guaranteed Student Loan Program (which began in 1966) from 48,000 to over 1 million in 1970–71. So the process of making the price of a college education closer to its cost, and of shifting more of that cost to the student, is already under way, albeit slowly and not as a result of articulated federal policy.

The logic of the process is not widely accepted. Instead of searching for more and better ways to increase student ability to pay, almost all spokesmen for American higher education have been importuning Congress to provide general federal aid to institutions, usually on an enrollment count formula. A variant would measure the institution's subsidy by the number of federally aided students in attendance, or by the amount of federal assistance going to those students. While the variant is vastly superior to a simple head count formula, both depend on an assumption which is plainly incorrect, namely, that there is a general national interest in supporting all institutions of higher education, no matter their specific financial condition nor however wretched their programs, however limited their ability to attract students and however foolishly they are managed.

There is no such national interest. Rather, the general national interest lies in rationalizing the public subsidies already devoted to higher education, increasing the educational purchasing power of students and their families, insuring that access to college depends only on motivation and aptitude and not on wealth, and encouraging the social acceptability of postsecondary alternatives to college.

Federal grants to institutions rather than to students are justified only in the context of an identified national interest ill served by market forces, e.g. high energy physics programs, innovative academic approaches with a potential for wide application if successful, medical schools, basic research and the like. The federal government must not embark on the folly of giving money to educational institutions simply because they enroll students.

The main federal program for rationalizing the financing of American undergraduate education should take the form of a package of grants and loans to students.

In constructing any aid formula, it is important to state at the outset what it is that is to be financed and, since resources are finite, to fix appropriate ceilings.

The obvious package to be financed in any given case is the sum of actual charges for tuition, room and board plus an allowance for incidental expenses.

Different defensible ceilings can be constructed, but one which seems fair and logical is the sum of average institutional expenditures for undergraduate student education, average charges for room and board,[1] and a standard personal allowance. In 1969–70 the averages were $2025, $404 and $572 respectively, for a total of $2991, and a reasonable standard allowance is $650, producing a $3641 ceiling on the aid package. For 1972–73 the same approach would perhaps produce a ceiling of $3800.

The ceiling is also the goal, that is, to make sure that any qualified student is at least enabled to attend any institution in the country where the charges are no greater than the average national cost to educate him. He may choose an institution with higher than average costs and therefore higher than average charges, presumably because he expects greater personal benefits, but there is no apparent reason why the federal government should finance that extra personal margin.

In addition to having a ceiling on the package, it seems appropriate to have a ceiling on the loan component of the package. How much debt any student should be asked to assume is a question which has no obvious answer. In the formula described below no student need borrow more than $1500—or $6000 while an undergraduate—to reach the $3800 package ceiling, though he may borrow more if he chooses to attend a higher cost college, or less if he prefers to work instead of borrow.

The first component of the formula is the sum of the expected family contribution and the student's summer earnings. A reasonable minimum expectation for the latter is $400.

The second component is a combination of term-time earnings and a federal or federally backed loan totalling $1000, or one third the cost of attendance, whichever is less.

The third component is a grant up to $1900, not to exceed one half the cost of attendance, with half the grant from federal funds and the remainder a matching amount from state or other non-federal sources. In order to avoid subsidizing upper income families simply because their children may have chosen high cost colleges, a grant will be given only for the excess of $3800 over the sum of the first two components.

The fourth component is an additional loan up to $1500.

The results of the formula for representative cases are shown in the following table:

[1] Which usually are intended to equal expenditures.

FAMILY INCOME

Annual cost of attendance		Under $6,800	$8,000	$11,000	$15,000	$18,000
$1,200	F & S	$400	$800	+$1,200	+$1,200	+$1,200
	TTE&L	400	400	0	0	0
	Grant	400	0	0	0	0
$1,800	F & S	400	800	1,360	+1,800	+1,800
	TTE&L	600	600	440	0	0
	Grant	800	400	0	0	0
$2,400	F & S	400	800	1,360	2,130	+2,400
	TTE&L	800	800	800	270	0
	Grant	1,200	800	240	0	0
$3,200	F & S	400	800	1,360	2,130	2,880
	TTE&L	1,000	1,000	1,000	1,000	320
	Grant	$1,600	$1,400	$840	$70	0
	Loan	200	0	0	0	0
$3,800	F & S	400	800	1,360	2,130	$2,880
	TTE&L	1,000	1,000	1,000	1,000	920
	Grant	1,900	1,900	1,440	670	0
	Loan	500	100	0	0	0
$4,800	F & S	400	800	1,360	2,130	2,880
	TTE&L	1,000	1,000	1,000	1,000	1,000
	Grant	1,900	1,900	14140	670	0
	Loan	1,500	1,100	1,000	1,000	920

Annual cost of attendance=tuition, room, and board charges plus $650.
F & S=expected family contribution plus $400 summer earnings. The family share is taken from the college scholarship service 1971 table for uncomplicated cases with 3 dependent children.
TTE&L=Any combination fo term-time earnings and loan.
In practice, grants or loans below some minimum figure—say $100—would not be made.

No institution would be bound to apply the proposed formula to any of its students. Thus it could use a table for expected family contributions different from that which must inevitably be prescribed by Congress or the U.S. Commissioner of Education acting for Congress; it need not require any student earnings contribution (or a greater one); and it may provide a more generous grant. However, the federal funds payable in grant form under the proposed standard formula should in general be payable only if the sum of the family contribution and the student's payments (from savings, earnings or borrowings) is in fact at least equal to the sum called for by the national formula. Exceptions to the general rule, e.g. extraordinary family circumstances making the national table unreasonably demanding, impossibility of obtaining summer employment, etc., can be administered at the institutional level subject to federal guidelines.

The student and his family would also have a choice in determining the application of the formula. We know that some families make a higher than expected contribution, and we know that students vary in their attitudes about the assumption of debt and the desirability of summer or term-time employment. Since the object of the formula is not to force the student to work or to borrow, but rather simply to require a reasonable degree of self-help before becoming entitled to a federal subsidy, the exact means by which the family or the student get up a fair share should not be prescribed by the government. The lending component of the formula is only to make sure that the student, if he cannot raise his fair share in other ways, will be enabled to borrow it.

There are three kinds of fair shares involved and two kinds of costs to be shared fairly.

The fair shares are those of the family, of the student and of the society at large. Society's share is further divided among federal, state, local and non-public payers. The costs to be shared are first, the *charges* to the student and second, the expenditures by the institution.

Conceivably one could start by trying to compute society's fair share and then assigning the balance to the student and his family. But since we embrace the principle that ability to pay is relevant in calculating the fair shares of family and student, it follows that their portion must be calculated first and then society at large pays the rest.

There exists reasonable agreement about a family's fair share of charges. It is a function of family size, income, expenditures and assets. For any given family it is a constant, and it may range from 0% to 100% (or more) of charges.

There is no similarly objective process for defining the student's fair share of charges. The conclusion is affected by student characteristics and by family and institutional determinations. One student may be a single 19 year old, while another may be a 23 year old married veteran with children. One father may insist that his student son contribute, the next may not. When the family fair share does not equal charges, some colleges forgive the entire difference, some require student payment (by work or borrowing) of only part of the difference, and some treat one student one way and the next student a different way, often depending on his academic performance or promise.

It follows that no formula can settle for all cases what a student's fair share should be. But in those cases where the family can contribute nothing, the financial aid formula proposed in this paper suggests that a student ultimately pay half the charges at institutions whose charges approach the national average expenditure per student, and that he pay a larger share relatively—but less absolutely—if the institution charges less.

As for computing a fair share of the second kind of costs—expenditures rather than charges—the practice over the years has mainly been not to make the attempt. The result has been the fortuitous subsidies for upper income families already described, wildly varying levels of subsidy, and rising difficulty in obtaining the money necessary for adequate educational programs. The proposed formula seeks to eliminate these defects by encouraging the fixing of charges more nearly equal to expenditures.

But whether the student's fair share is of charges or of expenditures, why should it be half rather than some other fraction? The answer is that it might well be something other than half; that is a matter for Congress to decide.

However, the suggestion in this paper that it be half is not arbitrary. It is the consequence of asserting that:

(1) $400 is a reasonable minimum summer earnings expectation.

(2) A student should not be compelled to take term-time employment; he should have the alternative of borrowing.

(3) $1500 a year is as much as a penniless student should have to borrow in order to obtain a college education of average quality.

(4) $650 is a reasonable average allowance for books and incidental living expenses during the academic year.

(5) $3150 is the probable 1972–73 average total of institutional expenditures for student education and room and board.

The effect of items (1), (2) and (3) is to fix the penniless student's normal maximum contribution at $1900. The effect of items (4) and (5) is to say that the annual cost (ignoring foregone earnings) of providing an education of average quality is $3800. It follows that the student's fair share is half. A different result would obtain if the five assertions were changed, but only (2) and (3) require signficant value judgments; the others are more or less matters of fact.

There remains the question of how society's half should be divided. The suggested formula allots half to the federal government and the remainder to the traditional payers of society's share, states, local government and non-public donors. This division is arbitrary, but it is a working division. If informed calculation of its impact on the federal budget produces outlandish results, then more appropriate divisions will suggest themselves.

VI

There is of course more to the federal role than prescribing a rational formula for measuring and providing aid to undergraduates. The likely consequence of the suggested formula is more student borrowers and higher average borrowings. Thus the question of repayment terms and methods of collection needs even more scrutiny than that already given existing lending programs. Those programs for the most part have a maximum 10-year repayment term and are administered by the lending institution.

It is overwhelmingly obvious that the repayment term should be—at the borrower's option—much, much longer. It is equally obvious that the Internal Revenue Service is a more efficient and economical mechanism for obtaining and processing repayments than is one which is made up of thousands of lending agencies, each one dealing with borrowers spread all over the country.

Both points just stated lead inevitably to a third: the desirability of relating the borrower's annual repayment to his annual income. The concept is so appealing and so sensible as to make its ultimate adoption inevitable. The exact form it takes will depend on conclusions Congress draws from observing such experimental contingent repayment plans as that now in effect at Yale University and on legislative judgments concerning whether and to what extent the plan or some of the borrowers thereunder should be subsidized, but in one form or another it seems sure to be enacted.

The Congress will also certainly wish to continue or improve special programs for "developing institutions", for compensatory education, for perfecting and subsidizing the capital borrowing process and the like. Furthermore, the under-representation in college of high aptitude children from low income families is more than just a money problem, it is apparently a cultural problem as well. So special programs aimed at such youngsters must not be abandoned simply because a general federal student aid program is enacted.

Nevertheless, the keystone change which must be made is to increase the ability of college students at large to pay more of the costs of the education they choose.

The important point is not to preserve the particular formula suggested in this paper; rather, it is to preserve the concept that the federal government does have a responsibility to rationalize the financing of undergraduate higher education (because no one else can); it does have the responsibility to ensure that no qualified student is barred by poverty from access to higher education (because no one else can); and it does have the responsibility to limit educational subsidies to those who need them and on a basis of equal treatment of like people in like circumstances, wherever they live and wherever they pursue post-secondary education (because no one else can).

U.S. NAVAL ACADEMY

Mr. FANNIN. Mr. President, recently a group of distinguished Arizonans toured the U.S. Naval Academy at Annapolis, Md.

In the group were several newspapermen who wrote interesting and enlightening stories about their experiences at the Academy.

One of the articles was written by Tucson Daily Citizen Editor Paul A. McKalip and was published in the Citizen of February 24, 1972, edition. The other article, written by Arizona Daily Star Reporter James Kise, appeared on February 28, 1972.

Mr. President, I ask unanimous consent that the two articles be printed in the RECORD.

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

[From the Tucson Daily Citizen, Feb. 24, 1972]

AND FOR A VERY GOOD REASON: U.S. NAVAL ACADEMY MUST REMAIN A NO-WOMAN'S LAND

(By Paul A. McKalip)

It might be logical to assume that 4,200 midshipmen at the U.S. Naval Academy would welcome the prospect of having the first feminine middies in history become members of the academy's elite, all-male brigade.

Whatever the logic, the assumption is about 100 per cent wrong. I was in a position to explore the subject of women in the middie ranks last week during a visit to the academy in Annapolis with 40 Tucson area school administrators, coaches and counselors.

The threat, and that's what it was considered, of having two young women come aboard next fall by congressional appointment had created quite a stir at the academy.

When it was announced at midshipmen's

mess that Secretary of the Navy John Chafee had declared a final "no" to the two appointments, the brigade had greeted the announcement with a standing ovation.

NOT MALE CHAUVINISTS

The middies are not anti-feminist or male chauvinists. They look forward to weekend dances and periodic dress balls, when hundreds of girls are invited on campus as dancing partners. But they also look realistically at the rigors and restrictions of midshipman life 24 hours a day and say flatly, "It's no place for a girl."

Capt. Robert E. Brady, USN, director of the candidate guidance office, expressed it this way for the Tucson educators: "Being very practical, young women would be out of the mainstream of interaction here, and might as well go to St. John's College across the street.

"It is the interaction of the corps which makes the difference between life at the academy and at other institutions of higher education."

Cmdr. Donald F. Strand, USNR, of Tucson, who escorted the Annapolis tour under the auspices of the Navy, offered further pertinent comments:

"As Sec. Chafee said, the mission of the academy is to train line officers who can take command at sea under any and all kinds of circumstances. Toward that end, young women could neither pass the stiff physical aptitude standards nor adapt to the rigors of academy life.

RIGOROUS LIFE

"The transition from civilian to military life is a stark, rude awakening even for young men."

In the course of our own tour of visitation, we all became quite aware of what Cmdr. Strand was talking about. It is a rigorous, demanding existence.

The fact that midshipmen are provided with 4,600 calories a day in their three big meals in the mess hall, yet do not put on an ounce of excess weight, is testimony enough to the physical and mental energies they are called upon to expend.

When Dean William Shields, director of admissions, was briefing our Tucson group on requirements, he started off with the light remark: "Candidates do have to be young men. We've known that for 100 years but it's just been made official."

The academy suffers none from this restriction of sex. Last year there were 23,000 hopeful young men who sought nominations for academy appointments through their congressmen and other channels. Of that number 7,300 actually were nominated for the final process of selecting 1,200 appointees to this year's plebe class.

Nevertheless, even though each beginning class is screened thus carefully, there already has been a 10 per cent attrition in the ranks of this year's plebe class. By graduation time, nearly four years from now, the class will have lost approximately one third of its initial complement.

FULL REWARDS

If that is the dim side, the bright side is that those young men at Annapolis from all the 50 states who understand and accept the heavy demands upon them and who prove up to their full potential of performance and leadership find life at the academy fully rewarding.

It was inspiring to us visitors to see such young men all around us in our tour around the acadamey's grounds and facilities. One could feel a sense of the tradition which abounds there and which provides so much inspiration to go along with the demands for excellence.

What were the opinions of some of the Tucson group about the idea of coeds at the academy?

Soleng Tom, president of the Tucson District 1 school board, offered a representative point of view:

"I can't see it at all. The Naval Academy is intended to produce fighting men, and it is not a place for women. If this were a peaceful world, we wouldn't need a fighting Navy, but it's not a peaceful world and we need a highly-trained, fighting navy."

WAVES FOR WOMEN

Two other members of the Tucson school board, Mrs. Bruce Dusenberry and Mrs. Walter Hafley, were along. They were likewise negative on the question.

"I'm not a woman's libber, and I don't think they belong here," Mrs. Dusenberry said. "Women can be anything they aspire to be without making a fuss about. If they want to become officers in the Navy, let them become WAVES (the name for women in the service)."

Mrs. Hafley offered a similar kind of alternative.

"If they want a woman's naval academy to train WAVES, fine. But I'm for tradition and the U.S. Naval Academy should remain an all-male institution. There are situations where there should be independence between the sexes."

Two women counselors in Tucson schools shared a different view for the future. They were Carolyn Kremmeries of Rincon High School, and Sherry Weiss of Sunnyside High School.

Both agreed that "it's impractical now, but the opportunity should be open to women. The problem of facilities might be overcome by establishing a small dorm off campus."

"IT'S COMING

"Tradition dictates no, but I think it's coming," commented Kenneth J. Miles, dean of boys at Catalina High School.

But Dave Fithian, assistant principal of Catalina High, said it is "not feasible to fit women into the existing academy facilities and system of operations. There are many opportunities for women in the Navy without involving the academy."

By the time we visitors had observed the brigade's operations across the entire spectrum of academic, athletic and military activities, our consensus undoubtedly agreed with the middies themselves who said "this is no place for a girl."

It occurred to me that before another congressman seeks political advantage and headlines by appointing a woman, he too should go there and see for himself that the Naval Academy is legitimately a no-woman's land.

[From the Arizona Daily Star, Feb. 28, 1972]

NAVAL ACADEMY SEEKING BALANCE BETWEEN MILITARY AND CULTURAL LIFE—OFFICIALS PRAISE NEW CURRICULUM

(By James Kiser)

ANNAPOLIS, MD.—Officials at the 126-year-old U.S. Naval Academy here call up the past when they speak of the future, and cite the need for "a balance between Athens and Sparta."

The balance, between the militarism associated with the ancient Greek city-state of Sparta and the life of culture associated with the city-state of Athens, is a delicate one between two opposing forces, officials admit.

But they believe that if they can find the equilibrium—and recent indications have convinced them they can—then they will provide an education that will be increasingly recognized as a model which many schools could follow.

So far, however, the sailing has not been smooth.

In 1968, according to Vice Adm. James Calvert, superintendent of the academy, officials became aware of serious deficiencies in professional training. An effort to upgrade the content and quality of the academic curriculum, promoted by the post-Sputnik concern over academic excellence, had caused professional training to be ignored, Calvert said in Naval Institute Proceedings in 1970.

In addition, the academic upgrading was not realistic, for it produced a situation where at least a third of the members of each class found it difficult to understand what their teachers were talking about, Calvert reported.

Adding to the problem was a growing wave of anti-military feeling within society, which had caused a steady downward trend in nominations to the academy. On top of that, more and more midshipmen were voluntarily resigning, he said.

Sweeping changes were made in order to get more nominations and to get better qualified students. Physical hazing of the plebes (freshmen) was abolished. First classmen (seniors) were given the responsibility for controlling the 4,000-man Bancroft Hall dormitory. The academic curriculum was broadened to give midshipmen a choice of majors. And the professional curriculum, which Calvert believes develops "a sense of personal accountability," was intensified.

Officials were quick to note gains. In the 1970 report, Calvert said all of the preliminary indications were favorable.

"Academic performance is up sharply, the percentage of high grades is up, academic discharges are down significantly, and informal reaction among both faculty and midshipmen is excellent," he said.

Last week, officials told 40 Arizona educators who visited the academy that improvements are continuing.

Dr. William S. Shields, dean of admissions, said there is a strong demand among young men to get into the academy. In 1971, 7,297 men were nominated for the 1,300 open slots in the plebe class. That was 200 more than in 1970 and almost 1,800 more than in 1968, he said.

Dr. John F. Kelley, assistant academic dean, insisted that now academic graduates are both good officers and good students who have "academic integrity."

Even with these pronouncements of success, though, nobody claims that all is well.

A serious problem, according to Kelly, is that even though the Navy needs technically trained persons, like engineers, several of the midshipmen want to go into less analytical and less technical fields. In fact, officials next year are planning to limit the number of people who can go into different fields, he said.

Currently, of the midshipmen who have picked majors, 20 per cent have chosen management, 23 per cent have chosen engineering, 33 per cent have chosen science and math, and about 20 per cent have chosen literature and history, Kelley said. The management percentage is "way high" and the engineering enrollment is "a little low," he added. Officials hope next year that 70 per cent of the midshipmen will be majoring in engineering, math and science.

Officials who claim the academy is providing training that is relevant to modern life received support last week from First Classman James M. Sluder III, 21, son of Mr. and Mrs. James M. Sluder Jr., of 4002 E. Calle Chico.

Sluder said he thought he saw young people becoming more sober as they turned from drugs and "good times" to a concern with their health and responsibilities. Military life fits this growing mood because it provides both a sense of purpose and work that is satisfying, he said.

Plebe Mark A. Hanshaw, 18, son of Mr.

and Mrs. A. Alan Hanshaw, of 802 N. Corinth, gave another reason for military life which academy officials undoubtedly will find reassuring as they seek a balance between professionalism and academics, or Sparta and Athens, as Calvert put it.

"It's the challenge of trying to make it in the Navy," Hanshaw said.

FORCED BUSING

Mr. TOWER. Mr. President, last week the Senate debated at length the problem of forced busing and its effects on the education of American school students. There was a great deal of concern expressed at that time from all quarters that busing might prove detrimental to education, for, among other things, it strained the limited financial resources of school districts. On Tuesday, March 7, the Fourth Circuit Court of Appeals sitting in Richmond, brought this point graphically to the forefront.

In considering a busing order in the Norfolk, Va., public schools, which has no school buses and whose public transportation system is going out of business in August, the court ordered the school system to institute its own busing system. It ordered that 17,000 of the school district's students must be bused even though it has no funds to do so. The court acknowledged that its order would weaken the educational program of the Norfolk schools, but passed this consequence off as simply being "regrettable."

Mr. President, when courts order busing simply for busing's sake with full knowledge that the education of the students involved will be adversely affected, then it is way past time to prevent such obviously antieducation orders. We must concern ourselves with quality education for all students, not busing as the courts are doing.

I have favored and will continue to favor any approach to this problem which will stop massive, forced busing. I personally believe that a constitutional amendment is the only certain way to stop busing. To that end, I have cosponsored such an amendment and will continue to do all that I can to see that it is passed. Surely, even those who had doubts about how far the courts will go if allowed to remain unchecked will agree that when it knowingly lowers educational standards for the sake of busing, it has gone too far. This practice must be terminated as soon as possible.

FOREIGN FISHING FLEETS TECHNIQUES

Mr. STEVENS. Mr. President, foreign fishing fleets, using techniques not consistent with the conservation standards set by the United States, have depleted the protein resources of the world's oceans to a critical level.

Many of the salmon streams of the New England coast, once so cherished by sports fishermen, are now empty, victims of foreign fleets which indiscriminately swept the Atlantic clean in swaths as much as 20 miles wide.

In 1970 more than 4 billion pounds of bottom fish were taken from Alaskan continental shelf waters by foreign fishing fleets.

Last week, I informed this body that 106 Russian vessels and 16 Japanese were fishing in the area of Nunivak Island. There is good evidence today that this fleet is headed southward, to the waters off the States of Washington and Oregon in their search for herring.

Unfortunately, 158 Russian and 78 Japanese vessels remain near Alaskan shores. Eighty-eight Russians and 60 Japanese are fishing for groundfish between St. George Island in the Pribilofs and Nuimak Island.

Seventeen Russian trawlers are after shrimp in the area between Semedi and Chirikof Island.

Fifty Russian fish for groundfish on both sides of the international dateline just off Nunivak Island.

Three Japanese and three Russians are fishing for black cod and perch in this same area.

In waters east of Middleton Island, along the coast to Cape Spencer, four Japanese vessels are fishing for black cod and perch.

Eleven Japanese are fishing for black cod and perch between Dixon Entrance and Cape Spencer.

And so the depletion of our great marine resources continues—not merely in Alaska where our salmon fishermen face a bleak harvest this year, but along the entire continental shelf of the Nation.

The answer is clear: these alien vessels must be forced to meet at least the same standards of conservation that are met by our own fishermen.

H.R. 1 AND RHODE ISLAND

Mr. PELL. Mr. President, I wish to express my concern for the importance of the work that the Committee on Finance is undertaking in its markup of H.R. 1.

According to my rough calculations H.R. 1 will directly affect the health and economic status of more than 21 percent of the population in my State.

Approximately 100,000 senior citizens in the State of Rhode Island now receive social security benefits and medicare; and according to the House Ways and Means Committee an estimated 104,000 Rhode Islanders would be eligible for welfare benefits if H.R. 1 is passed as is.

The steps taken by the Finance Committee this month and the votes that are expected in the Senate on the provisions of H.R. 1 approved by the committee will be watched closely by more than 200,000 persons in my own State.

I would urge the Finance Committee to give its most humane consideration to the large numbers of children and senior citizens, whose incomes are below the poverty level, who will be affected by this bill. I believe increased benefits should go to them.

While there are many persons who would like to make welfare recipients the political scapegoats for our country's weak economic situation, let us not forget who the people are on welfare.

Almost 74 percent of those persons on welfare in my own State are children, disabled persons, blind persons, and poor aged citizens. And more than 70 percent of the mothers on welfare have children under 6 years of age. One out of four persons over 65 years of age lives in poverty.

If we are going to talk about welfare, we must ask ourselves whether we can find jobs for children, blind persons, disabled persons, aged persons, and mothers with infant children when more than 7 percent of the able-bodied work force is now unable to find jobs in Rhode Island.

Work regulations are necessary. But the excessively complicated ones now being considered may serve as an insult to the dignity of our fellow citizens and may not result in more welfare recipients obtaining jobs.

The large number of unfortunate persons who must turn to the State for income assistance is providing an ever-increasing burden on those remaining citizens who still have jobs and must pay taxes.

I would urge the committee in its deliberations to allot a larger proportion of our Federal tax dollars to the human sector and return it to the States in the form of relief to taxpayers who are carrying the burden of State welfare costs. H.R. 1 as presently constructed, provides little relief to the State. I would hope a provision would be added to allow for a gradual Federal takeover of welfare costs.

Mr. President, the suggestions I put forth today are not only my own concerns. I receive a massive amount of mail from senior citizens who are asking relief from the scourge of inflation, the cruelest tax of all. I have received the recommendations of the Rhode Island Ecumenical Committee on Basic Human Needs which has held some grassroots hearings on the problems associated with H.R. 1 as passed by the House.

The Ecumenical Committee has undertaken a very thorough analysis of the welfare portions of H.R. 1 and has found the bill inadequate and regressive from the viewpoint of Rhode Islanders.

As the result of their hearings and analysis, the Rhode Island Ecumenical Committee has provided a well-thought-out position paper which I would commend to the attention of my colleagues. I ask unanimous consent that the paper be printed in the RECORD.

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

THE RHODE ISLAND ECUMENICAL COMMITTEE ON BASIC HUMAN NEEDS—POSITION PAPER ON NATIONAL WELFARE REFORM

On June 22, 1971, the United States House of Representatives passed and sent to the Senate, H.R. 1, the Nixon/Mills proposal to make sweeping changes in the present welfare system by amending the Social Security Act. Because H.R. 1 marks the first major revision of the categorical public assistance programs since their inception in 1936, and because H.R. 1, if enacted, will directly and significantly affect the lives of millions of Americans, the Ecumenical Committee on Basic Human Needs decided to sponsor public hearings on H.R. 1, within the broader context of "welfare reform."

As a result of the two-day hearings, held in Providence, Rhode Island, on the evenings of November 29 and 30, 1971, the Ecumenical Committee on Basic Human Needs has come to the conclusion that H.R. 1 does not represent welfare reform and that its adoption at this time would prove a totally re-

gressive step that no amount of tinkering with the bill could rectify including the Ribicoff amendments. Consequently, the Ecumenical Committee on Basic Human Needs feels that no further effort should be devoted to amending H.R. 1, or supporting variations thereon, and that the twin objectives of providing immediate fiscal relief to the states—to permit them to restore cutbacks to the January, 1970 level and to keep abreast of rising welfare rolls—and of instituting a graduated program to fully federalize the welfare system by 1976, are the goals to which all efforts should be directed in the present session of Congress. Such a program would shore up the present, desperately inadequate, welfare system by alleviating, to some extent, the states' fiscal crisis and would gain needed time to draw up a new bill, embodying genuine welfare reform, to be presented to the Congress at a more propitious moment.

The hearings on H.R. 1 were moderated by Father Edward McGovern, Coordinator for Catholic Charities and Chairman of the Governor's Task Force on Special Circumstance Items, and were presided over by a panel comprised of Peter G. Fradley, editorial writer for the Providence Journal-Bulletin, John M. Roney, Staff Attorney with Rhode Island Legal Services, Inc., Ida Wheeler, Director of the Food Lift Information Program and former welfare recipient, Frederick C. Williamson, Director of the State Department of Community Affairs, and Kevin McKenna, Legislative Aide to Senator Claiborne Pell. It is the consensus of these panelists and of the members of the Ecumenical Committee on Basic Human Needs together with the persons who testified at the hearings, that the few positive aspects of H.R. 1, such as the inclusion of the working poor for the first time, are more than offset by the mandatory work requirement (since embodied in the Talmadge amendment, H.R. 10604, passed by Congress before the Christmas recess), the lack of procedural safeguards, the absurdly low benefit levels, and the failure to provide the states with fiscal relief. While the Ribicoff amendments to H.R. 1 would correct many of the serious flaws in the bill, such as exclusion of single individuals and childless couples and the lack of mandatory state supplementation, only S. 2747, the bill sponsored by Senator Fred Harris, approaches anything that could be called true "welfare reform".

Genuine reform of the present welfare system would have to embody, as the Harris and McGovern bills do the principle of providing needy people with an adequate income, one that would permit a measure of dignity, with standards not less than the Department of Labor's lower living standard, rather than one which legislatively condemns such people to permanent poverty as H.R. 1 would do. The McGovern Bill approaches welfare reform, but has little chance of passage. True reform of the present welfare system would provide for a fully federalized system, annual cost-of-living adjustments, eligibility based on need rather than on categorical distinctions, provisions to prevent services and benefits in kind from reducing assistance levels, full protection of legal and constitutional rights, fair labor standards, ample and enriching care for children of working mothers, and an end to discrimination against women in assigning job priorities and other benefits and services. Ultimately, true welfare reform must embrace efforts to do away with the underlying conditions making a welfare system necessary.

The need for welfare reform has been amply documented. Inequities in the present system result in a widespread discrepancy in average welfare payments, ranging from a low of $60 per month for a family of four with no other income in Mississippi to a high of $375 a month for a similar family in Alaska. The system itself helps to perpetuate the misery of living in poverty for families in all but four states, even then welfare benefits are below the federal government's own poverty level of $3,972 for a family of four in all but these four states.

State services to welfare beneficiaries vary as widely as state benefit levels, and in both cases the services and benefits provided often do not meet even the state's own standards. It is obvious that greater liberality and greater uniformity are both requisites for welfare reform.

The need for fiscal relief to the states is equally apparent. Persistent unemployment coupled with rising inflation has contributed to a swelling of the welfare rolls in almost every area. Better organization and heightend awareness of their legal rights on the part of welfare recipients have also resulted in adding to the rolls and increasing demands. No state is in a position to cope with ever-increasing welfare costs, and there is now an emerging tendency for states to react to pending fiscal crisis by cutting benefits and restricting eligibility. Unless the federal government steps in to assume a greater share of the welfare burden, misery will become disaster. As Mr. John Affleck, Director of the Rhode Island Department of Social and Rehabilitative Services, testified at the hearings, "State fiscal relief is imperative even now while the debate on welfare reform continues; otherwise, there may be nothing to reform".

That the situation in Rhode Island is relatively good but rapidly deteriorating was made clear by other experts who testified. "Rhode Island has one of the best systems in the nation", said a case worker from Providence, "but H.R. 1 will set it back 20 years." "Rhode Island standards are high but falling behind because of constantly rising food prices", said the Chief Nutritionist for the Rhode Island Department of Health, and a mental health clinic administrator added that the situation will worsen in January, when the legislature recovenes: "the mood of the legislature is to punish the poor".

Some of the welfare recipients who testified at the hearings thought they were already being punished. A man with back injuries, a deaf wife and an epileptic son said, "We can't survive on what we get now. . . ." A mother said, "We are living in misery. There are people in Rhode Island starving now." Another woman said, "I've got to sleep on the floor." And a mother of seven added, "I want to take care of my children. . . . I'm always behind in my rent." Indeed, according to HEW, most welfare recipients want to take care of their children and know that welfare isn't the way to do it. "Welfare families are embarrassed by and discontented with welfare. Most want to move off the welfare rolls, but it takes the average family about two years to overcome its problems."

Clearly, then, there is a pressing need for change in the present welfare system. But as became apparent at the hearings, the changes that H.R. 1 proposes are designed to save money for the states at the expense of those persons least able to cope with their problems.

In Rhode Island, 48% of the people on welfare are children, and another 19.7% are the parents who must care for these children. It is these children and their parents who would be most harmed by H.R. 1.

Nixon first proposed to make welfare reform this nation's chief priority in a speech in August, 1969. H.R. 1's forerunner provided $1,600 plus food stamps for a family of four, and was essentially a work program to get people off welfare and into low-paying jobs. It provided day care and other inducements to work, including mandatory state supplementation of federal benefits with some fiscal relief to the states, and was to be federally administered. This package was introduced in October 1969 and finally emerged from the House Ways and Means Committee in March 1970, after having been rewritten, though essentially unchanged, by Wilbur Mills. It was passed by the House and went to the Senate, where, after numerous revisions were made by the Administration to appease the Senate Finance Committee, it was allowed to die without coming to a vote.

In 1971 a new bill, H.R. 1, containing many of the same provisions as the previous bill but adding new and even more objectionable features, was passed by the House and sent to the Senate. It rests now in the Senate Finance Committee, whose chairman, Russell Long, has promised to hold hearings on it early in 1972. H.R. 1 offers a basic payment of $2,400 for a family of four, and the same amount to an aged couple. It eliminates food stamps, excludes single individuals and childless couples, and contains no mandatory state supplementation of benefits. The work requirements are stringent (and are now largely in effect owing to H.R. 10604, the Talmadge amendment), applying to all employable persons, including, by 1974, mothers with children over 3. The first priority for jobs goes to mothers and pregnant women under 19. Eligibility for benefits is not based on current need but on earnings in the previous three calendar quarters. Resources are limited to $1,500 a family, and emergency assistance is limited to $100 at the time of initial application, and deducted from the first payment. Payments are to be made every three months. Initial registration is lengthy and complicated, and investigations are required, with quarterly reports from the recipients and complete reregistration every two years. Failure to reregister or to make the quarterly report results in termination of benefits. Penalties for failure to accept work and/or training are severe, yet work incentives are minimal, day care provisions are inadequate, and safeguarding of due process rights is treated lightly. The HEW Secretary may prescribe standards for lay advocates at fair hearings, sure to be used as a device to curb the power of welfare rights organizations. Mothers who are heads of families receive no benefits if they attempt to educate themselves at the college level—rather, they can be forced to work at three quarters of the minimum wage (i.e. $1.20 at present). And finally, H.R. 1 creates a new federal crime—crossing state lines to avoid support of one's family.

The Ribicoff amendments attempt to soften the harshest provisions of H.R. 1, such as forcing mothers of children as young as 4 or 5 to register for work and to accept jobs paying less than the minimum wage. Senator Ribicoff would limit the work requirement to mothers of children over 6, provided adequate day care is available, and would exempt mothers in households where an adult male relative is registered. Assistance would be extended to qualified single individuals and childless couples who comply with the work requirement and no one could be forced to work for less than the federal minimum wage. Under these amendments, earned income disregards would be liberalized, state supplementation made mandatory, annual increments would be provided, and due process would be explicitly assured in all controversies.

Since, however, the Ribicoff amendments are predicated on raising benefits to the "poverty level" by 1976, and maintaining them at that level thereafter, the net effect is tantamount to decreeing that a substantal segment of American society must live forever in poverty. Furthermore, although liberalized, the basic work requirement remains unchanged by the Ribicoff amendments and still falls heavily on mothers of young children who might prefer to raise their children themselves.

Both these objections are met to some extent by the provisions of the bill introduced by Senator Harris. S. 2747 would provide ben-

efits equal, by 1976, to the BLS lower living standard and would maintain them there in subsequent years. The work requirement would be further liberalized to exempt caretaker relatives, of either sex, of children under 18 in addition to those who are in school, incapacitated or needed to care for others. The income disregard is raised by the Harris bill to permit retention of 40% of all income. Because it guarantees adequate income, safeguards the rights of recipients and supplies fiscal relief to the states, the Harris bill approaches true "welfare reform" but the chances of passage within the present mood of Congress are nil.

It is clear, then, that H.R. 1 can by no stretch of the imagination be deemed "welfare reform". It is less apparent but no less true that the bill would by no means relieve the states of their immediate and intolerable burden of welfare costs. Mr. Affleck stated during the course of his testimony that, contrary to the figures put out by the House Ways and Means Committee, the estimated fiscal relief for Rhode Island under H.R. 1 would amount to only $2.7 million to $3.2 million.

Though the reaction of the panelists to H.R. 1 ranged from faint praise for inclusion of the working poor to complete opposition for the defects previously mentioned, all of the panelists agreed that the criticisms of H.R. 1 presented at the hearings were valid. John Roney viewed pragmatically the possibilities of passing the Harris bill and concluded that considerable pressure would have to be brought to bear on Senators Pell and Pastore to persuade them to support the Harris bill. Roney urged defeat of H.R. 1, a position shared by his co-panelist, Ida Wheeler. Mrs. Wheeler, who speaks from personal experience as a former welfare recipient, said, "It is a horrible bill and is worse than the present welfare system.... People would lose their pride as human beings and become second class citizens. They would probably have to beg to survive.... First of all, food stamps should not be stopped. Poor people need them to survive and to feed their families nutritious and proper well balanced meals. The bill is so bad that I keep thinking of myself in this type of situation and it makes me madder and madder."

Perhaps the worst aspects of H.R. 1 in the final analysis are its fraudulent attempt to masquerade as welfare reform, while failing even to provide the states with adequate fiscal relief, and the attitude that it reveals toward the poor. In reflecting a desire to closely regulate people's lives, the bill betrays a repressive attitude that represents this country at its worst. Thus, it is not surprising that not one of the attorneys, educators, social workers, officials and other experts who testified at the hearings was able to support H.R. 1. Indeed, the only person the Ecumenical Committee on Basic Human Needs was able to find who would speak in favor of H.R. 1, Mr. Millard Nute, the Welfare Reform Planning Director for the Northeast Region, HEW, cancelled his appearance on the morning of November 29th and did not send a replacement. Although the hearings were open to the public and diligent efforts were made to present both sides, none of the more than 3,000 individuals and groups that received invitations to attend the hearings and express their views, went on record in favor of H.R. 1. Governor Licht and the entire Rhode Island Legislature were invited, as were Senators Pell and Pastore. Congressmen Mills, Abzug, Tiernan and St Germain were also invited, along with top HEW officials and Senators Harris and Ribicoff. Only Senator Pell accepted the invitation and sent a legislative assistant, who did not take a position, to represent him.

In light of all the testimony that was presented at the hearings and after a careful study of H.R. 1 and its alternatives, the Ecumenical Committee on Basic Human Needs has reached the conclusion that the present welfare system, with all its defects, is preferable to H.R. 1 and that, until a genuine reform bill can be proposed with a reasonable chance of passage, current energies should be devoted to achieving a fiscal relief for the states, to the federalization of the system as a whole, and to the defeat of H.R. 1 and to defeat any compromise version approaching H.R. 1.

For information contact: Ecumenical Committee on Basic Human Needs, 2 Stimson Avenue, Providence, Rhode Island 02906, Telephone (401) 861–1700.

Organizations belonging to the Ecumenical Committee on Basic Human Needs are:

Episcopal Diocese
Catholic Diocese
Community Relations Council of Jewish Federation of Rhode Island
Rhode Island National Association of Social Workers
Urban Ministry Division, Rhode Island State Council of Churches
Rhode Island State Council of Churches
The Urban League
Diocesan Human Relations Commission
The Urban Coalition
Sisters for Urban Improvement
Urban Priests
Providence Human Relations Commission
The Providence Corporation
Women's Intergroup Council
League of Women Voters
Rhode Island Council of Community Services
Rhode Island Conference of Social Work
P.A.C.E.
Rhode Island Fair Welfare
Rhode Island Legal Services
O.I.C.
Providence Health Centers
Rhode Island Senior Citizens Action Group
Hillel House

ADDRESS BY SENATOR MOSS TO SALT LAKE AD CLUB

Mr. KENNEDY. Mr. President, no Senator has more deeply committed himself to the study of advertising than the Senator from Utah (Mr. Moss), the chairman of the Consumer Subcommittee. Senator Moss has studied the advertising industry from a number of different perspectives, and he has recommended two legislative proposals now before the Senate to supplement the activities of the Federal Trade Commission. He has proposed a Truth in Advertising Act and the creation of a National Institute of Advertising, Marketing, and Society. Each of these bills is designed to enhance the role of the FTC in regulating deceptive and misleading advertising practices.

The truth-in-advertising measure, S. 1461, would give to the general public the right to obtain documentation for claims of safety, performance, or efficacy found in many advertisements today. It would make available the additional information that is so often necessary to make an intelligent judgment of a product or service after viewing a 20- or 30-second television commercial or reading a quarter-page advertisement.

The national institute measure, S. 1753, on the other hand, would establish a research organization to provide Government regulators and advertising executives with important information on the impact of advertising. Far too often today, neither advertisers nor regulators have this necessary information available in developing their campaigns or regulatory practices.

Senator Moss has compiled a distinguished record of achievement and public service in this area as an effective voice for the consumer. Recently, he developed a number of his ideas in an important address he delivered to the Salt Lake Ad Club on February 16, 1972. I believe that his remarks will be of interest to all of us concerned with these issues. I ask unanimous consent that his address be printed in the RECORD.

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

ADDRESS OF SENATOR FRANK E. MOSS

As members of the Salt Lake Ad Club, I am sure you have become somewhat familiar with a recurring outcry heard on the consumer front. It's truth in advertising. We have had truth in packaging, truth in lending, and now we are talking about truth in advertising.

Ironically, truth in advertising is one of the earliest consumer protection efforts undertaken by Government. In part, the Federal Trade Commission owes its origins to the advertising for things like Dr. Williams Snake Oil and Magic Wizard's hair tonic, guaranteed to grow hair on your head, cure dandruff, eliminate gray hair, strengthen curls and a variety of other personal problems.

In the days when the barker pulled up his horse-drawn wagon or Model T, stood on the back and hawked his wares, the public was, to some degree, an equal with the seller. If someone down in the audience asked whether the product would restore youth, the seller might just claim it would. He had no proof. He just took advantage of the gullible buyer.

But today we don't hawk from the back of a truck. Today companies pay $65,000 for a full color page in Life magazine to tell their story, or they spend $100,000 to sell a razor or car in 60 seconds during the super bowl game or world series. And the techniques of advertising have been refined and developed into a $21 billion business.

So we have come full circle. Early Government efforts in truth in advertising, the earliest protection efforts, are now giving way to new demands and methods of handling the problem.

In theory, the Federal Trade Commission, through the FTC Act, has jurisdiction over truth in advertising.

The Commission has the power to issue, cease and desist orders for deceptive or unfair acts in restraint of trade. This power has occasionally been used for the most flagrant violations of honesty. But the mechanism which governs the Commission's operations, and the right of due process which is applicable to Commission decisions, have resulted in the Commission's inadequacy to police advertising adequately.

Now let's look at the current state of activity in the area of truth in advertising. A year ago Ralph Nader and an associate, Mrs. Aileen Cowman Adams, conducted a study of advertising claims of performance, safety, and efficacy. They wrote to 56 companies concerning 68 different claims for which they wanted substantiation. Although the advertising industry self-regulatory codes have long supported the principle of truth in advertising, the response to these requests was shocking.

Only three responded with any data supporting their claims. Four included cursory descriptions of company tests, rather than detailed scientific data which would have been required to substantiate the claims.

Sixteen companies did not even have the courtesy to reply. Seven replied by declining to substantiate their claims. And fifteen sent further information intended to clarify misunderstanding and vague assertions in the advertisements.

In no way could these be considered substantiation for the claims.

So Mr. Nader and Mrs. Adams, joined by the Federation of Homemakers, filed a petition in December 1970 with the Federal Trade Commission to require that advertisers place their documentation on file with the Federal Trade Commission before actually advertising.

Subsequently, I introduced legislation which goes a bit further in protecting the consumer. Since documentation of advertising claims would enable the individual to evaluate the advertisement in a broader light before making a purchase, having the documentation on file with the Federal Trade Commission will do us no good when we need the substantiating information to decide on which product to buy.

Let's look at the Truth in Advertising Act. This bill would simply require advertisers to make available, for public inspection, complete documentation to substantiate the claims advertised for their products or services. That's it. Plain and simple. You send your quarter or half-dollar, the advertiser sends back the complete documentation.

All the information would then be in the public's hands, and consumers would be able to make more intelligent decisions in selecting products or services.

There should be no burden in fulfilling these requirements. I assume that an advertiser has the documentation on hand before he puts out his ad. Thus, the Truth in Advertising Act would give greater credence to advertising.

And the scrutiny of the free press would stand as a watchdog over the maintenance of advertised claims.

The benefits of this type of procedure are two-fold. First, the consumer would have confidence in the goods and services which he obtains.

Knowing that the claims are subject to close scrutiny, many individuals will assume that the claims are valid and will have newfound faith in the merchandise he purchases. Additionally, the consumer would be given the right to take direct action to protect himself—that is, he would not purchase those items which he feels do not live up to their advertised claims, or for which the substantiation is not sufficient to convince him of the products' merits.

The legislation flows from the conservative principle of supporting your statements with basic facts. In the vernacular, it's a case of "put up or shut up".

And business will benefit too. Honesty is one of the keystones in the operation of the free enterprise system.

Those advertisers who are careful and make responsible claims would no longer be placed at a competitive disadvantage with irresponsible and unscrupulous merchants who hold the public trust in callous disregard.

Meanwhile, back at the Federal Trade Commission, after long deliberations, the commission announced in June that it was embarking on a new advertising substantiation program.

This was the commission's response to the Nader-Adams petition I previously mentioned. The commission proposed to seek substantiating data from advertisers on an industry by industry basis, and it promised to make that information available to the public. The first product category was the automobile, and in July the commission asked seven automobile manufacturers for substantiation for a variety of claims in automobile advertisements.

So the plot thickens. We have the FTC, with its industry by industry approach on the one hand, and your senator, with a truth in advertising bill on the other hand. Clearly, a showdown was necessary.

On October 4, I summoned the chairman of the Federal Trade Commission to appear before the Senate Commerce Committee for hearings on my bill.

Much to my surprise, the FTC had decided that legislation giving the consumer direct action should await an evaluation of the Commission's own program. I told the Chairman that I supported the initiative undertaken by the FTC, but that its method was clearly insufficient.

After all, here it was October, the 1972 model cars were now on the market with advertisements all over the place, and the public had not yet received the information substantiating the claims for the 1971 automobiles. And I also pointed out that information on the second industry to be surveyed, air conditioners, had not yet been released.

When would this be forthcoming? In January? Under the circumstances, you might well sell ice boxes to Eskimos and central heating to aborigines.

But, I tried to be fair. I told them they had to report back in six months with the results of their program. I knew that it would be difficult or impossible to move the bill without their support.

And while I am discussing advertising I would like to bring to your attention another concern which I see in this regard.

We have, since the creation of the Federal Trade Commission, sought to regulate the economic impact of advertising, which is what we are doing in effect with the proposed Truth-in-Advertising Act. But we have never sought on a systematic basis to seek an accounting of the social cost of marketing and advertising. We are beset with profound and unsettling questions concerning the social role of advertising.

The aggressive marketing of consumer goods, and the repetitive pattern in much advertising promising instant gratification through the acquisition of things, had led critics to lay at advertising's door blame for the erosion of our traditional democratic value system based upon the intrinsic rewards of efforts, discipline, and responsibility.

At a time when we are becoming increasingly concerned over the debasement of our environment, there is growing concern that the mindless promotion of consumption, and the glorification of the exploitation of resources has subverted our traditional, wise concern for the conservation of resources.

There exists a substantial body of knowledge concerning the behavior of individuals subjected to advertising. Market research in this country is a refined art, if not a science. There has been some behavioral research on the impact of advertising performed in the universities, but much of the work is being done in isolation and a great proportion of the work is funded by business, interested naturally in a fairly narrow range of information. Of course, the significance of much of the body of knowledge which does exist is obscured by the economic self-interest of the sponsor of the research.

I believe that there is a clear need for an institution, above all independent of the distortions of economic self-interest, with adequate resources to draw upon the full range of disciplines and competencies in the social sciences necessary to bring us to the point where we can begin to make rational judgments on the need for limiting, curtailing or rechanneling marketing activities away from socially destructive paths.

I have introduced a bill to create a national institute of advertising, marketing and society within the National Science Foundation. The institute, whose general policy will be determined by an advisory council composed of business, consumer, labor and academic representatives, will be charged with conducting research along the lines suggested here. Additionally, the enabling legislation will contain a congressional mandate for three specific studies. These are:

1. A study of the relationship between advertising themes and techniques and drug abuse;

2. A study of the relationship between marketing techniques and alienation among the young;

3. A study of the relationship between advertising and the attitudes, knowledge and perception of the young child.

So when we combine the increasing concern over the partially hidden and imperfectly understood psychological and social costs of mass marketing with the critical problem of honesty in advertised claims, we see that there is much that can and should be done in the area of advertising.

I am very pleased that the Truth-in-Advertising Act has been editorially endorsed by *Advertising Age*. I have also been tremendously impressed with the sincere interest and support which has been expressed by the academic and business communities for the National Institute of Advertising, Marketing, and Society proposal.

The passage of the truth-in-advertising legislation will have an immediate impact on consumers in this country. And the passage of the institute proposal will provide that important long range insight necessary to maintain advertising on a socially constructive path rather than deviating from this route as may currently be the case.

MEMORIES OF SMOOT-HAWLEY

Mr. HANSEN. Mr. President, as a member of the Finance Subcommittee on International Trade, I have received a rather liberal education during the past year on U.S. trade problems.

During extensive hearings by that committee, a very full and comprehensive record of testimony has been developed and I believe the members of not only the subcommittee, but the full committee are now more fully informed and in a better position to evaluate any proposed trade legislation that may now come before the committee.

I have in the past favored and supported various import quota proposals and am still of the opinion that we must take a more realistic look at our world trade position and some of the factors that resulted in a serious trade imbalance last year.

The President's actions in his new economic plan of last August including his new trade policies were certainly in the right direction. Continuing negotiations with our various trading partners and some of the President's legislative proposals are, in my opinion, producing results. I am hopeful that the President will pursue these policies in the interest of achieving fair trade agreements that will correct some of the imbalance that has resulted from so-called free trade that, in too many cases, was free for our

trading partners but most expensive to us.

Such fair trade policies can be achieved, I am convinced, without such drastic action as proposed by legislation such as the Hartke-Burke bill now pending in both Houses.

Mr. President, the New York Times and I are often in disagreement on various matters, but in the case of the bill introduced by the distinguished Senator from Indiana (Mr. HARTKE), I must agree with their appraisal in a recent editorial.

Mr. President, I ask unanimous consent that the editorial entitled "Memories of Smoot-Hawley" be printed in the RECORD.

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

MEMORIES OF SMOOT-HAWLEY

With the strong support of the A.F.L.-C.I.O. Senator Vance Hartke, Democratic Presidential candidate from Indiana, and Representative James A. Burke, Democrat of Massachusetts, have introduced a bill supposed to protect the jobs of American workers by curbing foreign imports and imposing heavy penalties on foreign investment by American firms. But the bill, if passed, would be a disaster to the American economy, to labor and the consumer alike.

The proposal would establish import quotas on virtually every category of goods produced abroad; in 1972, each category would be limited to the average annual quantity imported into this country during the years 1965–69. This could mean an over-all slash of as much as 40 per cent in American imports. Proponents of the bill neglect to point out that this would almost certainly bring a concomitant slash in American exports, as foreign governments retaliated.

Indeed, since the legislation seems certain to trigger a trade war if through dreadful mischance it should be adopted, there is no way of knowing what the ultimate blow to American exports—and jobs—would be. When the last comparable piece of protectionist legislation, the Smoot-Hawley Act, was passed in 1930, the drop in U.S. exports was calamitous as trade barriers mounted abroad. It is impossible to separate the damage to American exports caused by retaliatory trade barriers from that caused by the spread of the world depression in the 1930's; but it is clear that Smoot-Hawley, far from saving jobs in industry or agriculture, worsened the unemployment problem both abroad and here at home.

The Hartke-Burke bill proposes to stop the "export of American jobs" by providing powerful disincentives to foreign investment. It would repeal the tax credit now granted to corporations for taxes they pay abroad and would thus impose double taxation on foreign earnings. This and other penalties in the bill would force many American companies to cede foreign markets to other nations—or convert themselves into foreign corporations.

Hartke-Burke reminiscent of merchantilist legislation of the eighteenth century in trying to prevent Americans from licensing the use of technology abroad; under it, companies licensing prohibited technologies overseas could lose their domestic patent protection. This would be an open invitation to bootlegging, pirating or espionage—as were such laws in the early Industrial Revolution.

The bills' effort to hamstring multinational corporations is founded on no evidence that American investment and operations abroad are hurting United States employment or income. A survey of 74 American multinational corporations by the Emergency Committee for American Trade finds, on the contrary, that from 1960 to 1970, those companies increased their domestic payrolls from 2.4 million to 3.3 million. At the same time they tripled their exports from the United States from $4.3 billion to $12.2 billion and increased the net balance-of-payments inflow—including dividends, repatriated earnings, interest, royalties and fees—from $500 million to $2.4 billion.

The Hartke-Burke bill would be inflationary, since it would not only bar low-cost imports but would reduce or eliminate competition and weaken incentives for increasing productivity and innovation.

The odds appear to be against Hartke-Burke passing, at least in its present form—but if unemployment continues high and foreign competition remains strong—as the latest trade figures suggest—there is a good chance that some of the bill's principal clauses will be attached to other pieces of popular legislation and may be enacted.

Friends of liberal trade face a tough Congressional session in this election year. Their greatest help would come from a stronger domestic recovery—and a more direct and vigorous Administration attack on the unemployment problem.

FOREIGN FISHING

Mr. PACKWOOD. Mr. President, the annual influx of foreign fishing vessels off the coasts of our Pacific Northwest States is about to begin again. The presence of foreign ships in this area presents a tremendous threat to the American commercial fishing industry. Action must be taken immediately if we are to avoid the permanent destruction of a vital part of our marine environment.

In response to this threat, I have cosponsored S. 3299, introduced by the distinguished Senator from Alaska (Mr. STEVENS), which would require that all fish aboard any foreign vessel found fishing in American territorial waters must be forfeited. The current law only requires the confiscation of those fish actually caught within our territorial waters.

The enactment of this legislation is essential if we are to halt the intolerable invasion of our fishing zone by foreign fishing fleets.

This is not the first effort which Senator STEVENS and I have made to solve this problem. Nor will it be the last. In 1970, for example, we sponsored legislation to strengthen the penalty for foreign fishing in a territorial water in the contiguous fishery zone of the United States. This legislation, which eventually passed Congress and was signed by the President, increased the maximum fine for illegal fishing from $10,000 to $50,000.

In the summer of 1970, our attention turned toward the salmon fishing by South Koreans in the Eastern Bering Sea. Despite the solemn assurances of South Korea officials that their ships would not engage in salmon fishing within the limits of 175 degrees west longitude, Coast Guard cutters observed South Korean vessels fishing for salmon within the agreed limit.

In order to express to the South Korean Government the magnitude of our concern, I cosponsored with Senator STEVENS an amendment to the Military Sales Act. This amendment prohibited economic assistance to the Republic of Korea unless the President of the United States determined that no citizens of the Republic of Korea were fishing salmon east of the line 175 degrees west longitude. Admittedly, this measure represented harsh action. It was taken only as a last resort. I firmly believe, however, that severe action must be taken if we are to avoid the inexcusable incursions by foreign vessels into our waters of the North Pacific.

Mr. President, these proposals represent a major step toward achieving a solution to our foreign fishing problems. Recent events have made it clear, however, that existing laws do not provide a sufficient deterrent to many foreign fishermen who look to American fishery resources as a potential source of food or cash. We are all well acquainted with the capture just last January of two Soviet fishing vessels, seized only 9.4 miles from St. Matthew Island in the Eastern Bering Sea.

Mr. President, American fishermen can no longer be expected to tolerate such blatant violations of United States and international law.

Since I became a Member of the Senate in 1969, I have periodically been in contact with various officials in the State Department concerning complaints from Oregonians who report foreign vessels off the Oregon coast. The response which I have received has been totally inadequate. I do not believe that Oregon's fishermen are getting a fair shake.

It is deplorable that few efforts are being made at the Federal level to give the vital interests of our commercial fishing industry the high priority they deserve. The Federal Government has consistently done too little too late to protect our fishing industry. This is indeed unfortunate, because thousands of domestic fishermen in this Nation must depend on the coasts as their primary fishing grounds.

It is apparent that Congress must provide the leadership to insure that foreign fishing will not be allowed to continue off the Oregon coast. I intend to make certain that the U.S. Senate does not ignore its responsibility to protect our commercial fishing industry.

It is time for us to recognize the fishing industry as a vital part of our national economy. The U.S. commercial fishing industry remains the third largest in the world, based on the total value of all harvested fishing products. Commercial fishing is of particular importance to citizens in our coastal areas who look to the sea for a primary source of their livelihood.

A further indication of the importance of this industry is provided by the dynamic picture of American consumption of U.S. fishery products. During the decade of the 1960's, the utilization of fishery products has dramatically increased from 46.1 to 67.8 pounds per capita. The United States, with less than

1 percent of the population, currently consumes 7.9 percent of all fishery resources harvested in the world. By the year 2000, the demand in the United States for fishery resources is expected to increase by 33 percent. It is also predicted that within the next 5 to 10 years the demand throughout the world for certain species—crabs, lobsters, shrimp, menhaden, herring, and sea scallops—will result in overfishing and a significant depletion of this vital natural resource.

It becomes clear, then, that the fishery resources traditionally harvested by both United States and foreign fishing vessels are at the crossroads between overexploitation and rational fisheries management. Our oceans contain valuable natural resources which are currently being harvested at an unacceptable rate. Unless that rate is soon checked, there will no longer be any natural resources left to be preserved. The continued acceptance of foreign fishing in our territorial waters will not only make it impossible for our fishermen to meet the projected American demand, but it may also destroy this fast diminishing part of our marine environment.

The legislation which I am cosponsoring today provides a reasonable alternative. The most effective means of halting foreign fishing within our territorial waters is to make the economic risk of capture so hazardous that foreign fishermen will be forced to look elsewhere. The threat of forfeiting several thousand dollars worth of fish will provide a powerful deterrent to foreign fishermen who might wish to ignore our territorial integrity.

Mr. President, I ask unanimous consent that the text of S. 3299 be included at this point in the RECORD.

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

S. 3299

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 2 of the Act entitled "An Act to prohibit fishing in the territorial waters of the United States and in certain other areas by vessels other than vessels of the United States and by persons in charge of such vessels", approved May 20, 1964, as amended (16 U.S.C. 1082(b)), is amended by striking out all of such subsection following "subject to forfeiture and all fish" and inserting in lieu thereof "aboard such vessel or the monetary value thereof shall be forfeited."

URBAN CORRIDORS INVESTMENT NEEDED NOW

Mr. PELL. Mr. President, there is much rhetoric in this country about the need for a balanced transportation policy. Soon the Senate will have an opportunity to match its rhetoric with a commitment to improve transportation services in our urban corridors.

Many people, including spokesmen for the administration, say that one of the best methods of implementing a balanced transportation policy is to provide encouragement to travelers to use rail service rather than air and highways.

Notwithstanding arguments about comfort, air pollution, and safety, our citizens are not going to be attracted to rail passenger service in substantial numbers unless the speed of existing rail service is improved.

Patronage is a direct function of time; and time for rail passenger service is a direct function of the condition of roadbeds.

Technology for fast rail service exists now. It is the roadbed which is lacking. In New England we have a turbo train capable of running at 160 miles per hour, but it is only allowed to move at an average of 60 miles per hour.

The only reasonably fast service now available is New York to Washington where the average speed is 80 miles per hour and where the revenues far exceed the costs.

The point is very simple. Rail passenger service will not be able to exist without subsidies unless the Congress provides a means for the investment in the roadbed that is needed to provide the fast service that will attract the passengers.

There is no need for further study of issue. The course of action is obvious. According to the Department of Transportation's Northeast Corridor Study:

The impetus must come from the Federal Government. Because the project is expected to be profitable, an outright grant is unnecessary. Federal support could take the form of a direct loan, guaranteed bonds or some similar arrangement.

Mr. President, I have introduced an amendment with 13 other Senators to make that recommendation a reality. My amendment to S. 2760 would allow the Secretary of Transportation through Amtrak or another appropriate authority to make loans and loan guarantees for roadbed improvements in those urban corridors where the loans have the likelihood of being repaid.

While there are some who doubt the likelihood of loans for roadbed improvements being repaid, I should like to draw their attention to the initial work of the Northeast Corridor study, which stated that an investment of $36 million in roadbed in New England would result in a time saving of 37 minutes between Boston and New York and would be repaid from additional revenues within 10 years.

Mr. President, the Committee on Commerce has demonstrated a deep and commendable recognition of the Nation's needs for a balanced transportation system, and of the particular needs and opportunities that exist in our urban corridors. I am therefore delighted that the committee will soon be giving consideration to my amendment.

Recently I received from the National Association of Railroad Passengers a letter endorsing and supporting my proposal. Statistics cited by the NARP indictate that the greatest profit being made by urban corridor trains are by those trains in the Northeast corridor traveling at a speed of 80 miles an hour between New York and Washington. Roadbed improvements, I believe, would result in average speeds in all corridors approaching 120 miles per hour, and in profitable operation in all corridors.

Mr. President, I ask unanimous consent that the letter from the National Association of Railroad Passengers be printed in the RECORD.

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

WASHINGTON, D.C.,
March 8, 1972.

HON. CLAIBORNE PELL,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR PELL: The National Association of Railroad Passengers fully supports your proposed amendment to the Amtrak funding legislation, S2760, which would provide $500,000,000 in government loans and $1,000,000,000 in loan guarantees for capital improvements for railroad and other high speed ground transportation in urban corridors.

We agree with your thesis that Amtrak's major thrust, in terms of frequency of service, capital improvement expenditures, and research and development, should be in the short-to-medium distance corridors in densely populated areas. That is where the potential exists for speeeding up trains to the point where they can attract large numbers of passengers away from other modes, thus relieving the pressure for environmentally destructive expansion of highways and airports.

Enclosed with this letter is a table of Amtrak financial results for its first six months of operation in all corridors of under 500 miles in which 2 or more trains are operated in each direction. In addition to the financial data, I have included the mileage, the scheduled time of the fastest train on the run, and the average speed of trains.

In my view, this limited experience of Amtrak underscores the need for major capital expenditures for faster speeds. Fifty miles an hour is *not* good enough to compete with jets and/or interstate highways. Where fast service is provided, as between New York, Philadelphia, and Washington, people will gladly ride the trains. Amtrak results to date tend to confirm conclusions reached in the Northeast Corridor report of 1969 about the importance of providing fast service. British Railways has a formula by which they can accurately predict the amount of increased ridership they will get on any given line if running time is reduced by given amounts.

While we believe that Amtrak should continue to operate a limited number of long distance trains, primarily for tourists and vacationers, we concur with your position that urban corridor service should be separately funded and administered. High speed rail service does not come cheap, but the cost of providing it will be quite moderate compared to the total cost of exclusive reliance on other modes.

Sincerely,

ANTHONY HASWELL,
Chairman.

FINANCIAL RESULTS OF PRINCIPAL AMTRAK CORRIDORS, MAY THROUGH OCTOBER 1971

	Miles	Fastest time	Average speed	Revenues (thousands)	Expenses (thousands)	Revenue, percent of expenses
New York to Washington	227	2:50	80			
May to June				$4,411	$3,348	131
July to August				5,490	4,054	135
September to October				5,685	4,364	130
New York to Philadelphia	91	1:15	73			
May to June				1,311	1,472	89
July to August				1,266	1,365	93
September to October				1,312	1,429	92
New York to Boston	232	3:45	62			
May to June				502	1,007	50
July to August				568	1,032	55
September to October				508	1,015	50
Chicago to St. Louis	284	5:20	53			
May to June				229	642	36
July August				223	615	36
September to October				214	726	30
New York to Buffalo	435	8:10	54			
May to June				586	2,074	29
July to August				$931	$2,110	44
September to October				742	2,043	36
Chicago to Detroit	283	5:45	50			
May to June				106	369	29
July to August				160	377	42
September to October				104	365	29
Seattle to Portland	186	3:45	50			
May to June				90	361	25
July to August				136	433	31
September to October				106	449	24
Chicago to Milwaukee	85	1:30	57			
May to June				80	366	22
July to August				101	291	35
September to October				89	283	31
San Diego to Los Angeles	128	2:45	47			
May to June				92	649	14
July to August				121	418	29
September to October				83	603	14

RAIL IMPROVEMENTS STUDY

EXAMPLE OF ALTERNATIVE INVESTMENT POLICIES

Policy

(1) Maximum improvements on existing roadbed rail system HSR(A)—150 mi/hr top speed fare policy of $1.50 fixed + 7.5c/mi VTOL competition:

[In millions]

Total cost	$1,600
Land	214
Fixed plant	1,300
Rolling stock	61
Annual revenue	166
Annual cost	225
Annual subsidy	59

Approximate elapsed time—Washington to Boston, 4 hours.

(2) Parity of rail revenue and cost present system improved to 128 mi/hr top speed:

[In millions]

Total cost	$900
Land	92
Fixed plant	$741
Rolling stock	64
Annual cost	153
Annual subsidy	0

Approximate elapsed time—Washington to Boston, 4 hours, 23 minutes.

INCREMENTAL RAIL IMPROVEMENTS

Study procedure

Define improved high speed rail (HSR) systems from Washington to Boston.

Detail work projects required on Penn-Central to achieve HSR system.

Determine costs and running time reductions for each project.

Calculate people-minutes saved by each project.

Rank projects by people-minutes saved per investment dollar.

Select upper level of investment at which marginal benefits and costs are equal.

Make investment decisions based on profit/subsidy, induced patronage, passenger-hour savings, or other criteria.

NEAR TERM COURSES OF ACTION, RAIL PASSENGER SERVICE IN THE NEC, 1969

ROADBED IMPROVEMENTS

	Expenditures [1]	Running time [2]	Time to complete, months	Present value [3]	Change in revenues [3]
New York to Boston:					
	[4] 10.3	19.0	6	30.0	19.7
	21.1	27.8	9	49.9	9.1
	36.2	36.8	10	66.3	1.3
	52.8	46.3	12	77.9	−5.0
	78.2	53.4	12	86.1	−17.2
Washington, D.C. to New York:					
	16.0	9.9	9	37.5	21.5
	33.3	17.8	10	67.3	12.5
	78.7	28.5	12	107.9	−4.8

[1] Cumulative, in millions of dollars.
[2] Reductions, minutes (cumulative).
[3] In millions of dollars of added gross revenues, over 10 years at 10 percent discount.
[4] Less change in expenditures, in millions of dollars.
[5] Maximum available under HSGT Act; no other statutory authorization exists.

Note: Reductions in running times are calculated from demonstration schedules in effect during June 1969.

ADDRESS BY SENATOR THURMOND BEFORE VFW MEETING

Mr. HANSEN. Mr. President, one of the highlights of the annual conference of national officers and department commanders of the Veterans of Foreign Wars of the United States was the appearance of the Senator from South Carolina (Mr. THURMOND), who was a featured speaker at the legislative meeting on Sunday, March 5, 1972, at the Sheraton Park Hotel. Our most knowledgeable colleague, the ranking minority leader of the Senate Veterans' Affairs Committee, reassured the Veterans of Foreign Wars delegates to the conference that—

The VA hospital and medical facilities are the best in the world, and we want and we will keep the system.

The Senator, who is also a senior member of the Armed Services Committee, warned the delegates that the Soviet Union is outstripping the United States in missile development and ship construction.

The high esteem in which the Senator is held is well expressed, I believe, in the presentation of the Senator to the conference by the commander in chief of the Veterans of Foreign Wars of the United States, Joseph L. Vicites, of Pennsylvania, who is leading this great veterans' organization to record levels of success in all of its programs. I include Commander in Chief Vicites' remarks concerning our distinguished colleague, which were as follows:

It is a great honor to have the privilege of representing an outstanding and distinguished member of the United States Senate to the Washington Conference.

You will recall that the Veterans of Foreign Wars led the fight for 25 years for the Senate to establish a Standing Veterans' Affairs Committee. This was done in the previous Congress.

Even more pleasing to Veterans of Foreign Wars members was the election by his colleagues as the minority leader of this Committee, which has jurisdiction over practically all veterans rights and benefits.

He is, however, much more than that. He is a senior member of the Armed Services Committee with its responsibility over all of the programs of our Armed Forces.

In addition, he is one of the outstanding leaders in the Congress today.

He is held in highest esteem by all his colleagues—regardless of their political views.

He is a man of integrity.

When he speaks his colleagues listen.

He is a man who speaks in language which the Veterans of Foreign Wars understand.

Both in Committee and on the Senate floor he speaks up for what the Veterans of Foreign Wars stands for.

We are indeed fortunate to have this great American who has done so much for this nation, both as a soldier and as a civilian, to be with us today.

It is with much honor and pride that I present to you the distinguished senior Senator from South Carolina, the Honorable Strom Thurmond.

Mr. President, it is a privilege for me to serve with the distinguished Senator from South Carolina on the Committee on Veterans' Affairs, I ask unanimous consent that his remarks to the legislative meeting Sunday be printed in the RECORD.

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

ADDRESS BY SENATOR STROM THURMOND

Master of Ceremonies, Commander-in-Chief Vicites, Past Commander-in-Chief Roudebush, Jimmie Van Zandt, and others, Distinguished Guests and Fellow Comrades:

It is certainly a pleasure to be here today. The Veterans of Foreign Wars of the United

States is one of the most effective and respected organizations of its kind. Each member has fought overseas to preserve the security and defend the honor of his country. Because of its great prestige, the VFW has been one of the prime movers behind our present high quality veterans benefits system. As a member of this fine organization, I greatly appreciate and support their efforts in this area. I wish to assure the VFW of the willingness of the Veterans Affairs Committee of the Senate to cooperate wholeheartedly with their program.

When I was asked to speak to you today, it occurred to me that there were two general subjects that might be of great interest to you: Veterans Affairs and our National Security.

I. VETERANS AFFAIRS

1. General

There are many measures of the greatness of the United States: Its military strength, its economic productivity, its technological advances in space exploration, and many others. All of these are real reasons for Americans to be proud of their country. But the truest and most basic strength of America is the relationship between the nation as a whole and its individual citizens. Nothing emphasizes this more than our veterans benefits program. America has shown high regard for those who have rallied to the defense of their country in war time.

During the 91st Congress a new landmark of America's concern for its veterans was reached in the establishment of a Committee on Veterans Affairs in the Senate of the United States. When this Committee was organized, I was pleased and honored to be assigned as its ranking minority member. I assure you that I consider this to be one of my *most* important responsibilities.

The need for a veterans affairs committee lies less in the size of the veterans benefits program than its breadth. America's system of veterans benefits is made up of a variety of programs designed to serve in as balanced a way as possible the widely varying needs of all our veterans. Keeping this system in balance, meeting changing needs, and improving the level and effectiveness of the benefits provided are tasks which require constant attention.

The scope of the job of keeping our veterans benefits system up to date can best be illustrated by reviewing briefly some of the committee's activities and plans.

2. Plans for this session

During this session of the 92nd Congress, we anticipate action in the areas of compensation, education, employment, hospital and medicine, and cemeteries. Most of the hospital hearings have been completed and we will soon be able to report a comprehensive program. The first of our cemetery hearings was held recently, and we appreciate the assistance the VFW rendered to our investigation. Education hearings are scheduled for the middle of this month and compensation hearings will be held toward the end of March. The basic components of the veterans benefits system remain essentially the same; however, they are constantly being examined, refined and improved. The changing needs of our veterans along with economic and societal changes, must always be taken into account. In the terms of a single Congress you can see that the entire range of veterans benefits will be reviewed.

Congress provides the necessary scrutiny our VA system must have. Our function is to carefully examine the system as a whole in an "overview" capacity. It can sometimes be very difficult for those actually administering a program to maintain the desired balance. This is because they are too close to the problem. The Veterans Affairs Committee, on the other hand, is able to look from a different perspective. We view the system as a whole and free from the distortions which can arise from day-to-day administration. Thus the Committee is able to spot and focus attention on areas in which the system has gotten out of balance, and reduce the chances of idle resources or overenthusiastic emphasis on economy.

3. Compensation and pension payments

One area which needs constant Congressional action is Compensation and Pension payments. Benefit levels established one year very quickly becomes obsolete because of increases in the cost-of-living and changes in economic conditions. Accordingly, at the end of the first session of the 92d Congress, cost-of-living increases in the program of dependency and indemnity compensation were provided for the survivors of veterans who die from service-connected causes. The pension program for aged and disabled veterans was increased, and survivors of veterans who die from non-service connected causes were also provided for. Mortgage protection life insurance for service-connected disabled veterans was established for those veterans who have received grants for specially adapted housing. The Administrator of the VA was authorized to sell direct loans made to veterans. The direct loan program is one of the most important pieces of legislation that has been passed for some time. In addition to providing benefit increases, the Congress made a number of refinements and improvements in the indemnity and pension programs. For example, the programs were completely restructured in the light of evidence showing that its former provisions had resulted in unintended and inequitable treatment of veterans and widows. Lastly, the authority of the Administrator of the AV was extended for the establishment and carrying out of a program of exchange of medical information between medical schools and the VA.

4. Hospitals and medical facilities

Over the years Congress has established a system of hospitals and other medical facilities for veterans, which has no equal anywhere in the world. We want and will keep the VA hospital system in this condition for our veterans population. The doctors, dentists, nurses and other medical personnel who staff and administer these facilities are highly skilled and thoroughly dedicated to providing the very best care. But they also are concerned with the need to see that full value is received from the money which goes to support VA medical care. Those who run VA hospitals and clinics are torn between maintaining an economically tight program while providing a high level of medical care. This is one of the areas where the "overview" function of the Veterans Affairs Committee comes into play. I would like to confidentially affirm for the VFW that Congress will not tolerate haphazard administration but will provide an independent review in a cooperative attempt to help the Veterans Administration with its job.

5. Educational assistance

In addition to refining and updating current benefits and overseeing the administration of benefits, there are a wide variety of other issues concerning veterans which Congress must deal with in the coming year. One of the most serious problems we face is that of getting the large numbers of new veterans returning from service back into our society in a way which satisfies and benefits both them and our nation. One of the major programs aimed at this objective is, of course, the educational assistance provided these returning veterans. This has certainly helped in the readjustment of a large number of veterans. 1971 figures from Veterans Administration show that one million and a half veterans of the post Korean and Vietnam eras have taken advantage of this to further their training and education. Revision of present G.I. bill benefits is certainly needed, and a substantial increase should be forthcoming this session.

6. Cemeteries

Another issue concerning the veterans nationally is the matter of our National Cemeteries. As stated, we are holding hearings on this and expect that some changes will be made. Recommendations have been submitted to establish a National Cemetery System probably within the Veterans Administration. This will be a unified system which will be charged not only with operating existing cemeteries, but also with developing such new cemeteries as may be required to meet the needs of the veteran.

7. Court of Veterans Appeals

It has also been suggested that we establish an independent court of Veterans Appeals, rather than continuing the present system whereby the VA is the final arbitrator of their own decisions.

8. Conclusion

The term Veterans Affairs, encompasses a wide range of topics involving many different subjects, large amounts of money, and a host of pressing and complex issues. Clearly the Veterans Affairs Committee of the Senate has its work cut out for it in the year to come. I am pleased to serve on such a vital committee, which is striving to meet the changing needs of our veterans.

II. NATIONAL SECURITY

1. General

My friends, as veterans of our foreign wars, I recognize your great interest in the national security of this nation. Certainly the preservation of a viable military deterrent is necessary for not only the safety and well being of our people, but as a force to insure that other freedom-loving nations can also exist.

As you know, the Vietnam War and other factors have created a serious anti-military attitude in the country as well as a reawakening of the isolationist tendencies which left us so ill-prepared prior to World War II and the Korean War.

To counter this trend each of us, as an American citizen, must take an active interest in national security. As veterans we have a particular obligation. For these reasons I wish to include in my remarks the latest information I have received from my Armed Services Committee work.

In presenting this material I believe it could be best understood by covering the following areas of interest. The Threat; Defense Priorities; Present U.S. Posture; Reserve and Guard; and An Action Program.

2. The threat

First, it is a tragedy considering the high state of our society that men cannot exist on the same planet without having to spend billions on national defense and periodically killing tens of thousands of people in wars.

Nevertheless, until man can live at peace we must remain prepared because today we are faced with a military threat unparalleled in our history.

While we have been expending our resources in a no-win war in Vietnam the Soviets have engaged in a fantastic arms buildup. The Soviet Intercontinental Ballistic Missile force has now exceeded ours by approximately 1,550 to 1,054.

As a part of this force the Soviets have the huge SS–9 missiles which are over 10 stories high and can carry a 20 megaton warhead. There is no weapon in the U.S. arsenal anywhere near this size.

To give you an idea of the power in 20 megatons you will recall that the Hiroshima bomb was 20 kilotons. There are 1,000 kilotons in 1 megaton. Thus, in a 20 megaton warhead you have a force 1,000 times greater than that which hit Hiroshima.

Actually, the extent and effect of a nuclear blast does not increase directly in pro-

portion to an increase in the warhead. But 20 megatons is still beyond comprehension because a bomb of only 1 megaton, properly placed at the center of the target, would effectively destroy any of our larger cities, such as New York.

The increasing Soviet threat may also be seen in sub-launched missiles. In this area we have always had a clear superiority with our Polaris submarines but by next year the Soviets will match us in the number of missile firing subs.

These types of comparisons can go on and on. In megatonnage, the amount of explosive power contained in warheads, the Soviets have a 2 to 1 advantage over us. In attack submarines, they outnumber us more than 2 to 1 and the newer Soviet subs are the fastest in the world.

The U.S. does have a slight advantage in major surface ships and, of course, there are 17 attack and helicopter aircraft carriers in our Navy compared to two Soviet helicopter carriers.

In air defense the U.S. is way behind. The Soviets have a working anti-ballistic missile system whereas the U.S. is still building its Safeguard ABM system. Further, the Soviets have 10,000 surface-to-air missiles compared to 850 in the U.S. arsenal. They also have some 3,000 fighter-interceptor aircraft compared to 593 in the U.S. Air Force.

These figures clearly demonstrate the U.S. is faced with a serious threat. When all elements of national defense are considered I think we are still slightly ahead, but we will not remain ahead if the present trend continues.

3. Defense priorities

Next, I would like to speak for just a minute about defense priorities. In the Senate, the anti-military bloc keeps talking about reversing priorities from defense to domestic needs. If they would do some checking it would be clear such a reversal of priorities has already taken place.

For instance, defense outlays of $78 billion at the peak of the Vietnam War in Fiscal Year 1968 represented 42.5% of the Federal budget and 9.4% of the Gross National Product. In contrast, current outlays of $76.5 billion projected for Fiscal Year 1973 make up only 30% of the national budget and only 6.4% of the Gross National Product.

It should also be noted that all public spending (Federal, State and local) in social and economic programs, such as welfare and education has risen from $103.3 billion in Fiscal Year 1964 to a projected $275.6 billion in Fiscal Year 1973, an increase of 167%.

In the welfare, health and labor area alone public spending at the three levels of government has gone from $92.8 billion in 1969 to an estimated $179.7 billion in 1973. This clearly shows a change in public spending during the past few years which the anti-defense element refuses to talk about.

The budget deficits of recent years are closely related to non-essential spending since defense costs have remained fairly constant while outlays for welfare and social programs have spiraled. Further, the Congress last year cut the President's defense requests by some $3 billion and plowed most of this money into various social and economic programs.

It is apparent, then, that the sharp increases in welfare and other social service spending have far outpaced defense programs. If priorities are to be re-ordered, then to do it properly would require control of the non-defense portion of the budget.

4. Present U.S. posture

Today, steps are being taken by the Administration which will strengthen our national defense.

The President has kept his word and withdrawn American forces from Vietnam as fast as possible, consistent with safety. By May 1, U.S. forces in Vietnam will number no more than 69,000.

Our men are no longer engaged in combat except when attacked. The South Vietnamese are flying 80% of the air missions against the enemy. Vietnamization has worked to the extent that our allies there will have a fighting chance when our remaining men are withdrawn.

In Europe, the NATO alliance remains strong although Congress is threatening to cut the 185,000 U.S. Army force in that theater. I favor reducing our commitment in NATO but believe we should do this through negotiations with the Warsaw Pact nations and thus achieve a mutual troop reduction with the Eastern Bloc nations.

After this brief summary of our overseas commitments I would like to say that we must keep our forces modern and powerful if we are to survive in the 1970's and beyond.

The Nixon Doctrine calls for us to reduce our troop commitments abroad and reduce our regular forces while at the same time beefing up the Guard and Reserve. This can only be done if we provide our military personnel with the best weapon systems available.

In this regard, we must go forward with ULMS, the new Undersea Longrange Missile System, which will replace our present Polaris and Poseidon missile boats.

The Navy must also have a new attack aircraft carrier as our pullback from overseas areas means fewer air bases abroad. The Air Force needs the new B–1 bomber and the F–15 fighter. The Army is asking for a new tank and an advanced helicopter gunship.

All of these weapon systems cost money. However, they are vital to our national survival in the decades ahead.

5. Reserve and Guard

Finally, I would like to comment about the need to support the Reserve and Guard forces if these components are to adequately back up the regulars.

Presently, Guard and Reserve strength is 45,000 below minimum strength levels. As draft calls have dropped, Reserve enlistments have gone down. The reason is many of the young men who were formerly joining the Guard and Reserve were draft induced, meaning they chose this means to serve rather than active military duty.

One way to keep our Reserve forces strong is to provide better incentives and programs. Better pay will also help but higher salaries are worthless unless strong leadership is available to provide training that challenges these men.

We must remember that forty-five percent of our 90-Day Mobilization force will be Reservists and Guardsmen. Thus, it is essential we support these units in every way possible.

6. An action program

This leads me to my last point in national defense. At present only about 50% of the high schools in the nation allow armed services recruiters to come to the schools. This is a sad state of affairs, but it appears typical of the mood of the nation today.

Anti-military feelings are widespread in the country. Isolationism continues to rise. As American citizens we must counter this trend.

America is free and strong today because we went overseas to fight when it was necessary. In so doing we protected our homeland from the ravages of war.

As you all know an all-out war between the major powers in the 1970's would result in a nuclear wasteland. The only sure way to prevent it is to stay militarily strong.

Further, while I endorse President Nixon's trips to Peking and Moscow, I know that only our continued military strength will give any meaning to whatever agreements have been or may be reached. Communism continues to have as its goal the extension of its system throughout the world; and only in an atmosphere of assured security can we face the future with confidence.

As a program of action I suggest that you tell your elected leaders where you stand on the question of national defense. Talk to your school principals if they have a closed door policy for recruiters. Tell the story of how the man in uniform has made all of our freedoms possible.

In my judgment your voice will be a powerful one—perhaps it will have more influence on the Administration and the Congress than the counsel of our military leaders. Several years ago that might not have been the case, but in the present climate of U.S. opinion, I think that the voice of our veterans, who are concerned about our security, will be influential indeed.

In recognition of the outstanding service rendered by the VFW and as evidence of the high esteem in which I hold this great organization, I introduced legislation last Thursday to facilitate its great work overseas. This legislation would permit the Armed Services to provide VFW overseas posts with support. The support will include office space, transportation, and other services similar to those now given to the Red Cross, USO, and the United Seamans Service. It is my hope that this legislation will enable the VFW to continue its fine service and support to our servicemen overseas.

SENATOR EDMUND MUSKIE: A FORCEFUL AND EFFECTIVE ADVOCATE FOR OLDER AMERICANS

Mr. CHURCH. Mr. President, 1972 can be a banner year in terms of legislative achievements for older Americans.

A White House Conference on Aging has already provided momentum for far reaching action on several key fronts, including:

A $100 million funding level for the Older Americans Act, the largest appropriation in its history; and

Approval of legislation to establish a national hot meals program for the elderly.

And now there is also new impetus in other major areas. For example, the Senate recently approved overwhelmingly the 1972 Housing Act, which would continue and expand the popular section 202 housing for the elderly program. Additionally, this measure would establish an Assistant Secretary for Housing for the Elderly to provide a high level spokesman for the aged at HUD.

In the very near future, the Senate will act on the social security-welfare reform measure, H.R. 1. Several amendments—including a number which I have sponsored—have been introduced to perfect this much-needed measure.

There are also other key measures which call for early and favorable action, including:

Legislation to establish a national senior service corps for persons 55 and older;

The Middle-Aged and Older Workers Employment Act which would authorize training, counseling and special supportive services for unemployed or underemployed persons 45 and older; and

My action on Aging Act which would establish a new and effective advocate to represent the elderly in the highest councils of Government.

In practically every case, the present

administration has either resisted, blocked or opposed the passage of this urgently-needed legislation. Only because of congressional insistence has any progress been made in advancing the provisions in these bills.

One of the leading advocates for the Nation's aged and aging population is the Chairman of the Committee on Aging's Subcommittee on Health of the Elderly, the Senator from Maine (Mr. MUSKIE). As chairman of the full committee, I have had an opportunity to observe in a very personal way his deep and unstinting concern for older Americans.

When he became a member of the Committee in 1961, he said:

Our democracy may well be judged on the contributions it makes to those who have given so much during their active life in building the strength of our communities, States, and Nation.

Today that conviction is as firm as when he made those memorable remarks over a decade ago.

But even more important is Senator MUSKIE's strong and forceful leadership to make the later years a time for fulfillment, instead of despair. As a legislator he has been in the forefront on many key issues of direct concern to older Americans. He has, for example, sponsored legislation to eliminate poverty once and for all for the elderly. He is now calling for a 20 percent increase in social security benefits to provide greater economic security for the Nation's aged.

Equally important, Senator MUSKIE is a man who can get things done. His legislative achievements for the elderly can only be described as outstanding. He has sponsored proposals which helped pave the way for a 15-percent increase in social security benefits in 1970 and a 10-percent raise in 1971. The administration, on the other hand, was first willing to settle for a 7-percent increase in 1970 and then a 5-percent raise for 1971. But because of men like ED MUSKIE, social security recipients now receive $4 billion more in benefits than if the administration had its way. And about 1 million fewer older Americans are on the poverty rolls than would be the case if the administration had prevailed.

Additionally, numerous provisions in H.R. 1 are either identical or similar to proposals he has advanced, including:

Substantial increases in minimum monthly benefits for persons with long periods of covered employment;

Cost-of-living adjustments to make social security benefits inflation proof for the aged;

One hundred percent benefits for widows, instead of only 82½ percent as under present law;

Liberalization of the retirement test;

An age-62 computation point for men to provide higher benefits for early retirees as well as their dependents; and

Coverage of the disabled under social security.

These are just a few of the concrete legislative achievements of ED MUSKIE. But they provide solid evidence of his magnificent record for older Americans.

Mr. President, for these reasons I wish to pay special tribute to Senator MUSKIE for his lengthy and impressive accomplishments for the elderly and as a Member of the Committee on Aging.

TRIBUTE TO SENATOR ELLENDER

Mr. METCALF. Mr. President, as many of you know, Senator ELLENDER joined with the late Senator Wagner of New York and the late Senator Taft of Ohio in 1945 in sponsoring a housing bill which eventually became the famous, history-making Housing Act of 1949. Senator ELLENDER is known by many as the "middle man" since the bill was first known as the Wagner-Ellender-Taft bill and later, in 1949, when the Republicans won control of the Senate, it became known as the Taft-Ellender-Wagner bill.

This bill provided the original authority for Federal assistance for the elimination of slums and blight in the Nation's cities and for the financing of a broad program of public housing for the Nation's low-income families.

Most important, however, is its statement of national housing policy by which the Congress declared a goal of a decent home and suitable living environment for every American family.

I ask unanimous consent that a tribute, paid to the senior Senator from Louisiana (Mr. ELLENDER) at the 41st annual convention of the National Housing Conference, held in Washington on Monday, March 6, 1972, be inserted in the RECORD.

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

IN RECOGNITION OF SENATOR ALLEN J. ELLENDER

(By resolution of the membership of the National Housing Conference)

The National Housing Conference honors Senator Allen J. Ellender of Louisiana for his 35 years of dedicated service in the United States Senate and for his long-term unswerving support for the cause of decent housing for all Americans.

In 1945, Senator Ellender joined with the late Senator Robert Wagner and the late Senator Robert Taft in sponsoring the Wagner-Ellender-Taft Bill. After many vicissitudes this pioneering legislation emerged as the Housing Act of 1949, still the magna charta of the movement for good housing and community development and notable for its first enunciation of the national goal of a decent home in a suitable living environment for every American family.

During the ensuing years, Senator Ellender has maintained his support for this goal. In his present role as President pro-tempore of the United States Senate and Chairman of the Senate Committee on Appropriations, Senator Ellender will be a powerful voice in support of our objectives.

The National Housing Conference applauds his distinguished career and looks forward to his continued leadership.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business?

If not, morning business is closed.

NATIONAL VOTER REGISTRATION ACT

The ACTING PRESIDENT pro tempore. Pursuant to the previous order the Chair lays before the Senate the unfinished business, S. 2574, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (S. 2574) to amend title 13, United States Code, to establish within the Bureau of the Census a National Voter Registration Administration for the purpose of administering a voter registration program through the mail.

The Senate resumed the consideration of the bill.

Mr. GRIFFIN. Mr. President, what is the pending question?

The ACTING PRESIDENT pro tempore. The pending question is on agreeing to the motion of the Senator from North Carolina (Mr. ERVIN) to refer the bill to the Committee on the Judiciary.

Mr. GRIFFIN. I thank the Chair.

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. 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.

RELIEF OF DAVID J. CRUMB

Mr. MANSFIELD. Mr. President, notwithstanding the rule of germaneness, I ask unanimous consent that the Chair lay before the Senate a message from the House of Representatives on S. 888.

The ACTING PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 888) for the relief of David J. Crumb, which was, on page 2, lines 3 and 4, strike out "in excess of 10 per centum thereof".

Mr. MANSFIELD. Mr. President, would the clerk read the amendment of the House?

The ACTING PRESIDENT pro tempore. The clerk will read the amendment of the House.

The assistant legislative clerk read the amendment, as follows:

On page 2, lines 3 and 4, strike out "in excess of 10 per centum thereof".

Mr. MANSFIELD. Mr. President, this is a corrective amendment.

I move that the Senator concur in the amendment of the House.

The motion was agreed to.

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. McGEE. 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.

NATIONAL VOTER REGISTRATION ACT

The Senate continued with the consideration of the bill (S. 2574) to amend title 13, United States Code, to establish within the Bureau of the Census a Na-

tional Voter Registration Administration for the purpose of administering a voter registration program through the mail.

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

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

Mr. MANSFIELD. Mr. President, in an attempt to bring the pending amendment to a head and, if possible, to get on with our business concerning the pending legislation, I wish to announce that it is my intention, at approximately 4 p.m. today, to move to table the pending motion of the distinguished Senator from North Carolina (Mr. ERVIN).

I thank the Senator from Wyoming for yielding to me.

Mr. McGEE. Mr. President, I yield the floor.

Mr. GRIFFIN. Mr. President, I want to indicate that, insofar as I know, there is agreement on our side to vote, there is a willingness to vote on the motion to table, or even on the pending motion itself, which is the motion to refer this matter to the Committee on the Judiciary.

I know of no speakers at the moment, at least on our side.

Mr. FONG. Mr. President, we have nothing more to say on the amendment. We are ready to proceed on our side on the question, either up or down, or on tabling. We would prefer that the distinguished majority leader would make his motion now so that we can have a vote. We do not have any more people to speak on the motion.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. MANSFIELD. Mr. President, if no one is waiting to speak, I move that the Senate stand in recess, subject to the call of the Chair, but no later than 3 p.m. today.

The motion was agreed to; and at 1:05 p.m. the Senate took a recess, subject to the call of the Chair.

The Senate reassembled at 2:57 p.m. when called to order by the Presiding Officer (Mr. BUCKLEY).

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

S. 602. An act to provide for the disposition of judgments, when appropriated, recovered by the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, in paragraphs 7 and 10, docket numbered 50233, United States Court of Claims, and for other purposes;

S. 671. An act to provide for division and for the disposition of the funds appropriated to pay a judgment in favor of the Blackfeet Tribe of the Blackfeet Indian Reservation, Montana, and the Gros Ventre Tribe of the Fort Belknap Reservation, Montana, in Indian Claims Commission docket numbered 279–A, and for other purposes;

S. 996. An act relating to the transportation of mail by the United States Postal Service;

S. 1163. An act to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost meal projects, nutrition training and education projects, opportunity for social contacts, and for other purposes;

S. 2423. An act to amend the Federal Aviation Act of 1958 to provide for the suspension and rejection of rates and practices of air carriers and foreign air carriers in foreign air transportation, and for other purposes;

S. 3244. An act to amend the Military Construction Authorization Act, 1970, to authorize additional funds for the conduct of an international aeronautical exposition; and

H.R. 10834. An act authorizing the State of Alaska to operate a passenger vessel of foreign registry between ports in Alaska, and between ports in Alaska and ports in the State of Washington, for a limited period of time.

The PRESIDENT pro tempore subsequently signed the enrolled bills.

NATIONAL VOTER REGISTRATION ACT

The Senate continued with the consideration of the bill (S. 2574) to amend title 13, United States Code, to establish within the Bureau of the Census a National Voter Registration Administration for the purpose of administering a voter registration program through the mail.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time between now and 4 o'clock be equally divided between the manager of the bill, the distinguished Senator from Wyoming (Mr. McGEE), and the distinguished Senator from North Carolina (Mr. ERVIN).

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

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the time to be taken out of both sides.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McGEE. 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. McGEE. Mr. President, I want to address myself for just a moment to the question that is pending here at this time. While a bill on voter registration has been introduced, the pending matter is a proposal by the senior Senator from North Carolina to have the measure referred to the Judiciary Committee. The suggestion has been made, from time to time, that a matter such as this, involving voter registration, properly belongs in the Judiciary Committee.

I would hasten to point out, under the rules of the Senate, such is not the case; those matters generally are reserved, by definition under the rules, to the Committee on Rules and Administration; that only in cases in the past that have involved civil rights, for example, have related issues like this been referred to the Committee on the Judiciary under unanimous consent.

The question then arises about the present lodging of the bill in the Committee on Post Office and Civil Service. The Parliamentarian assigned the bill to the Committee on Post Office and Civil Service in large measure because the mechanism under the bill rested with the Bureau of the Census. Apparently the judgment was, this was not a matter of extending the right to vote to another class of citizens, or to a minority group or under circumstances of that type. It changed nothing in the determination of rights in the very broadest sense of that term. This was a recommendation for a simple procedure centered in the Bureau of the Census. Apparently for this reason, it was referred to the Post Office and Civil Service Committee, which has jurisdiction over affairs of the Bureau of the Census.

In all good faith, the Post Office and Civil Service Committee proceeded then to consider the bill, and we had several days of hearings, and many more days of close colloquy and advice-seeking and judgments to try to update the procedure.

Thus we have submitted to the Senate Chamber this measure, S. 2574, and the consequence is that we have a measure here about which there is an honest and genuine disagreement. However, it was appropriately and officially referred to the committee. The committee has acted. The vote in the committee was 6 to 3, a genuinely divided vote for deeply held reasons.

Thus, in my judgment, it would be a mistaken move in this body to refer the bill additionally to the Judiciary Committee, which did not have the original jurisdiction of the bill in the first place. Rather, we ought to let the Senate itself judge this matter. It is a very clear-cut matter on voter registration. Let the Senate work its will.

For that reason, it is obviously my position to support the majority leader of this body, the Senator from Montana (Mr. MANSFIELD), who, as we have been advised, will be moving at 4 o'clock to table the pending Ervin motion on the measure.

If the motion to table prevails, then the Senate will be voting directly on the measure itself, and the bill will then be open to amendment. At that point I am perfectly willing to go to an up and down vote. However, I would suspect that there are those in this body, including my colleague on the Committee on Post Office and Civil Service, the ranking minority member, who would have deep reservations at least to its present form and would have amendments to offer. But the point is we should move ahead to the point where we are trying to improve the measure and trying to upgrade it still further, if the collective judgment of the Senate will permit us to do so.

Therefore, the issue, in effect, is a

procedural one on this vote, and the tabling motion applies not to the registration proposal, but to the pending proposal of the senior Senator from North Carolina to refer the measure additionally to the Judiciary Committee.

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

The PRESIDING OFFICER. On whose time?

Mr. McGEE. On my time.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McGEE. 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. FONG. As I understand, Mr. President, the time on the majority side has been used up.

The PRESIDING OFFICER. It has expired.

Mr. FONG. If that is so, I am willing to give the Senator from Wyoming some of my time. How much time does he need?

Mr. McGEE. I do not need any, but we are waiting for 4 o'clock, when the rollcall has been ordered, and the majority leader would like 10 minutes, if he might have it.

Mr. MANSFIELD. Any time now.

Mr. McGEE. I just checked with the Senator from North Carolina, and he wants no special time. I have tried to touch all the bases.

Mr. FONG. I yield the majority leader whatever time he may require.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the motion to table which will be made.

The PRESIDING OFFICER. It would require unanimous consent to order the yeas and nays at this time.

Mr. MANSFIELD. I ask unanimous consent that it be in order to order the yeas and nays.

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

Mr. MANSFIELD. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, the pending motion does not deal with the merits of the legislation which is before us, but it does deal with the rules and regulations and the procedures of the Senate, and the authority and responsibility of the committees of this body.

Rule 25 of the Standing Rules of the Senate provides as follows:

Standing Committees

1. The following standing Committees shall be appointed at the commencement of each Congress, with leave to report by bill or otherwise:

* * * * *

(N) Committee on Post Office and Civil Service, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

3. The postal service generally. . . .

5. The Census and the collection of statistics generally.

Mr. President, for some time now the Senate, as an institution, has referred all bills containing the concept of voter registration by mail through the Bureau of the Census to the Senate Committee on Post Office and Civil Service.

On August 13, 1970, in the 91st Congress, S. 4238, introduced by Mr. INOUYE and others, was referred to the Post Office Committee. The title of that bill reads as follows:

Amending title 13 of the United States Code by authorizing the Secretary of Commerce through the Bureau of the Census to undertake a quadrennial enrollment of those persons to vote in elections of the President and Vice President that meet the qualifications of the various States other than residency.

On March 11, 1971—a year ago—S. 1199, was introduced and referred to the Committee on Post Office and Civil Service. The title of that bill reads as follows:

Amending title 13 of the United States Code by authorizing the Secretary of Commerce through the Bureau of the Census to undertake a quadrennial enrollment of those persons to vote in elections of the President and Vice President that meet the qualifications of the various States other than residency. This Act is to be known as the Universal Enrollment Act of 1971.

On August 5, 1971, more than 6 months ago, S. 2445, was introduced and referred to the Committee on Post Office and Civil Service. The title to that bill reads as follows:

To provide for the nationwide registration of voters for Federal elections.

On August 5, 1971, S. 2457 was also introduced and referred to the Committee on Post Office and Civil Service. The title to that bill reads as follows:

To establish a system of universal voter registration for Federal elections, and for other purposes.

And finally, on September 24, 1971, S. 2574, the pending measure, was introduced and referred to the Committee on Post Office and Civil Service. The title to this bill reads as follows:

To amend title 13, United States Code, to establish within the Bureau of the Census a National Voter Registration Administration for the purpose of administering a voter registration program through the mail.

Mr. President, all of these measures fall within the exclusive jurisdiction of the Committee on Post Office and Civil Service. All were considered by that Committee. Hearings were held. And, in time, one of the bills was reported back to the Senate—S. 2574, the pending business.

It is true that there have been past occasions when the subject of voter registration was considered by the Committee on the Judiciary and, indeed, the Committee on Rules and other Committees. It is my understanding, however, that these references were made simply because they involved other aspects; such as the question of civil liberties. At no time did the issue involve "the establishment of a Voter Registration Administration within the Bureau of the Census for the purpose of administering a voter registration program through the mail." That is what the pending issue is all about. And that is precisely what the pending proposal seeks to do. There is no question where the jurisdiction lies; the Senate Rule provides emphatically that matters affecting the "Census Bureau, and the collection of statistics generally" and matters affecting "the mail" shall be referred to the Committee on Post Office and Civil Service.

Indeed, the question of jurisdiction is whether or not the citizens of this Nation should be encouraged to participate in the election process. The real issue is whether or not a sensible registration procedure can be established.

Those are questions the Senate is quite capable of handling and deciding here on the floor. On these questions, the recommendations of a standing Committee of the Senate are now before us. I would hope the Senate would consider those recommendations on their merits. I therefore move to table the pending motion to refer.

The PRESIDING OFFICER. Has all time been yielded back?

Mr. MANSFIELD. I think we said approximately 4 o'clock.

Mr. FONG. I yield back my time.

The PRESIDING OFFICER. The pending question is on agreeing to the motion to table the motion of the Senator from North Carolina (Mr. ERVIN), to refer S. 2574 to the Committee on the Judiciary. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from Missouri (Mr. SYMINGTON), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Montana (Mr. METCALF), and the Senator from Virginia (Mr. SPONG) are necessarily absent.

I further announce that the Senator from Connecticut (Mr. RIBICOFF) is absent because of illness in the family.

On this vote, the Senator from Missouri (Mr. SYMINGTON) is paired with the Senator from Ohio (Mr. TAFT).

If present and voting, the Senator from Missouri would vote "yea" and the Senator from Ohio would vote "nay."

I further announce that, if present and voting, the Senator from Nevada (Mr. CANNON), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Washington (Mr. JACKSON) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Kansas (Mr. DOLE), the Senator from Illinois (Mr. PERCY), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

On this vote, the Senator from Ohio (Mr. TAFT) is paired with the Senator from Missouri (Mr. SYMINGTON). If pres-

ent and voting, the Senator from Ohio would vote "nay" and the Senator from Missouri would vote "yea."

The result was announced—yeas 37, nays 44, as follows:

[No. 95 Leg.]

YEAS—37

Anderson	Ellender	Mondale
Bayh	Fulbright	Moss
Bellmon	Hart	Nelson
Bentsen	Hartke	Pastore
Bible	Hollings	Pell
Brooke	Hughes	Proxmire
Burdick	Inouye	Randolph
Byrd, W. Va.	Javits	Schweiker
Case	Kennedy	Stevenson
Chiles	Long	Tunney
Church	Magnuson	Young
Cranston	Mansfield	
Eagleton	McGee	

NAYS—44

Aiken	Eastland	Packwood
Allen	Ervin	Pearson
Allott	Fannin	Roth
Baker	Fong	Saxbe
Beall	Gambrell	Scott
Bennett	Goldwater	Smith
Boggs	Griffin	Sparkman
Brock	Gurney	Stafford
Buckley	Hansen	Stennis
Byrd, Va.	Hatfield	Stevens
Cook	Hruska	Talmadge
Cooper	Jordan, N.C.	Thurmond
Cotton	Jordan, Idaho	Tower
Curtis	Mathias	Weicker
Dominick	Miller	

NOT VOTING—19

Cannon	McGovern	Ribicoff
Dole	McIntyre	Spong
Gravel	Metcalf	Symington
Harris	Montoya	Taft
Humphrey	Mundt	Williams
Jackson	Muskie	
McClellan	Percy	

So the motion to table the motion of the Senator from North Carolina (Mr. ERVIN) was rejected.

Several Senators addressed the Chair.

Mr. ERVIN. Mr. President, I move to reconsider the vote by which the motion was rejected.

Mr. COOK. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ERVIN. Mr. President, I ask for the yeas and nays on my motion.

The yeas and nays were ordered.

Mr. McGEE. Mr. President, as I understand it now, in the light of the defeat of the tabling motion, the pending business is the motion of the Senator from North Carolina that this measure be referred to the Committee on the Judiciary. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. McGEE. Mr. President, now that we have more Senators present, I think we ought to make clear again, as the majority leader just very eloquently made the case before the vote, that this matter was assigned by the Parliamentarian to this committee for proper reasons. This was done under the proper circumstances, with the proper jurisdiction, and that this committee held its prescribed hearings and marked up to the best of its talents the legislative matter now pending before the Senate as a substantive matter. The Committee on Post Office and Civil Service voted this bill out 6 to 3.

What we are seeking is an opportunity for the Senate to work its will on this procedure.

Therefore, in light of these circumstances, we would like to discuss at some considerable length this afternoon the implications of the pending motion of the Senator from North Carolina which would send this measure to the Judiciary Committee.

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

Mr. McGEE. I yield to the distinguished Senator from Montana.

Mr. MANSFIELD. Mr. President, what the chairman of the committee has just said is true. What the Senate has done is not to vote on the substance of the legislation which is the pending business, but on the responsibility and the authority of a standing committee of the Senate.

May I point out that what has happened this afternoon to the Committee on Post Office and Civil Service could, under similar circumstances, happen to any other standing committee. I would hope that at least the chairman of the committee and the ranking Republican members would understand what this means on the basis of the proposal which is now pending.

The Senate has not had the opportunity to work its will in any respect on this particular matter, but have done so with respect to the institution and the committees which make the institution function—and the committees are incidentally the handmaidens of the institution.

I would hope that we would all think seriously about the procedural change which is in the offing and recognize that what happens to one standing committee can happen to any of the standing committees under the appropriate circumstances.

I thank the distinguished Senator for yielding.

Mr. McGEE. Mr. President, as we now turn to the development of the issues in this question, I am prepared to speak at whatever necessary length the circumstances would require. And I am not prepared to yield the floor permanently on this question. I can yield for a question or can yield if it appears that the leadership finds some way to work out some kind of procedure. Otherwise, Mr. President, the Members here who believe that there be some merit in this, or those who have amendments that they would like to offer as perfecting amendments, might desire to proceed in that way.

I would envisage no particular up or down vote on this matter this afternoon, unless there is some wisdom collected here that I have not observed at this point.

Mr. ERVIN. Mr. President, will the Senator yield for a statement, with the understanding that he not lose his right to the floor?

Mr. McGEE. Yes, I am glad to yield to the distinguished Senator from North Carolina with the understanding that I not yield the floor.

Mr. ERVIN. Mr. President, the only reason why this bill was referred to the Committee on Post Office and Civil Service was that the bill provided that the administration should be housed in the Bureau of the Census. The bill could have provided as easily that they should be housed in the Department of Commerce or the Department of Labor. If the former course had been taken, it could have been referred to the Committee on Commerce; and if the latter course had been taken, the bill would have been referred to the Committee on Labor and Public Welfare. On the same strange theory the bill could have provided that the administration should be housed in the Department of the Treasury, and the bill could have been referred to the Committee on Finance. None of these committees have any jurisdiction under Senate Rules of bills relating to Federal elections.

This bill is nothing but an election proposal. It centralizes the registration of voters in Federal elections in the Federal Government. In the almost 18 years that I have been a Member of the Senate, every legislative proposal relating to elections has been sent either to the Committee on the Judiciary, which has express jurisdiction of proposals which would revise and improve the laws, on to the Committee on Rules and Administration, which has jurisdiction over matters relating to Federal elections.

This bill would revise all of the registration laws of all the States in the country. As I say, every comparable proposal has been sent either to the Committee on the Judiciary or to the Committee on Rules and Administration ever since I became a Member of the Senate.

The Committee on Rules and Administration has express jurisdiction of bills regulating Federal elections and bills relating to the election of presidential electors and other Federal officers.

Under Senate rules, bills of this kind go either to the Committee on the Judiciary or the Committee on Rules and Administration, and this bill should go to one of those committees, preferably the Judiciary Committee which is experienced in this field.

I have studied this bill. This bill affords very little protection against election frauds. It has virtually no provisions expressly preserving the power of the States to pass on the qualifications of voters in all elections, including Federal elections. That is where this power has always resided, and where it should continue to reside.

The bill has no provision recognizing the power of State election officials to take evidence to determine the qualification of voters. And there is grave danger that if this bill is enacted in its present form the courts will hold that it preempts this whole field and deprives the States of the powers they have always exercised in this field. It concentrates power in three bureaucrats housed in the Bureau of the Census on the banks of the Potomac River. These bureaucrats have no relation to the States, or even to the Bureau of the Census except for the fact that they happen to have offices in the Bureau of the Census.

That is virtually all the jurisdiction the Bureau of the Census has over this matter. This is a bill that ought to be sent to the Judiciary Committee where there would be an adequate opportunity to consider amendments that ought to be

placed in the bill to insure that the States retain the power to pass on the question of whether people applying for registration possess the qualifications for voting, as has always been the case, and to make certain all the State laws enacted prior to this bill now before the Senate still remain in full force and effect and can be used to prevent fraud and corruption in elections throughout the United States.

This bill would cover registration procedures for Federal elections in 184,000 separate precincts in the 50 States and place jurisdiction over such procedures, in three officials elected by nobody, responsible to nobody, who merely have offices in the Bureau of the Census.

I respectfully submit that the bill should go to the Committee on the Judiciary, which has had much experience with election laws, and which has much expertise in matters of this kind. If this is done, the Committee on the Judiciary could devise amendments which would make it certain that all laws which prevent fraud or punish fraud are still in effect and that the jurisdiction of the States to pass on the qualifications of voters still reside in the States.

This bill contemplates that a State or local official will merely receive a postal card purporting to come from an individual seeking to register. The bill does not even provide that the State or local official has the right to make inquiry as to whether there is any man on earth having the name signed on the postal card or whether the signature on the postal card is a forgery, or whether the facts recited on the postal card are true or false.

Mr. President, we should tighten up this bill in the Committee on the Judiciary which has had vast experience in this field, and which can make it clear that the doctrine of preexemption does not apply and that all civil and criminal laws applying to fraud remain in effect.

Mr McGEE. Mr. President, I yield to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I hope the Senate realizes the backward step it is taking today. By refusing to table the motion that has been made to send this measure back to the Committee on the Judiciary, in effect, we are attempting to kill this legislation.

Let us make no bones about it. All one has to do is to look over the period of the last 7 years, whether it be the Civil Rights Act of 1964, the Voting Rights Act of 1965, the Voting Rights Amendments of 1970, the 18-year-old vote, the poll tax legislation, or the congressional redistricting legislation. On each and every one of those measures, the Committee on the Judiciary, of which I am a member, attempted to prevent any kind of progressive action by the Senate.

By failing to table the motion, that is what the Senate is attempting to do today. There is not a Member of the Senate who does not realize and understand that, and the American people will also understand it.

What we are trying to do in this legislation, and what the Senator from Wyoming is trying to do, is to open up the area of voter registration to allow real participation by the people.

We talk about all the measures being sent to the Committee on the Judiciary, so that some supposed constitutional issues can be discussed. But when we had the 18-year-old vote legislation before the Senate in 1970, which was much more complex in terms of constitutionality, which the Supreme Court did not rule on two times overwhelmingly, as they have on registration, we did not send it to the Committee on the Judiciary We voted on it here on the floor of the Senate.

I hope the American people understand what is being done by those who are trying to send the matter to the Committee on the Judiciary. It is always interesting, as a younger Member, to see how the seniority system works. It is worked by senior Members who want to bottle up a measure, and it is being done on the floor of the Senate this afternoon.

We can talk about jurisdiction in other areas as well. I saw my good friend, the chairman of the Committee on Finance here. We know there have been hearings on the issue of health care, in connection with that committee's deliberations on H.R. 1. They are considering reforms in the organization and delivery of health care in medicare and medicaid. The Labor Committee also has an interest in that issue. We have a Subcommittee on Health. Do you think the Finance Committee wants to share those matters with the Labor Committee? Absolutely not. The precedent we are setting today raises a similar specter for every other committee, which may see its jurisdiction challenged some day on the Senate floor because of some supposed overlap.

The rules are very clear on this matter. The bill has been sent to the Post Office and Civil Service Committee, by the clear and unequivocal decision of the Parliamentarian. Senator McGEE held exhaustive hearings. They had an overwhelming vote in the committee to report this bill to the Senate. The result in the committee makes his case strong and compelling.

Why can we not vote on this measure? Why should the matter be sent to the Committee on the Judiciary? I support the position taken by the Senator from Wyoming. His committee held exhaustive hearings—they heard witnesses pro and con. The record has been made. Now, those who oppose this legislation want to send it to a committee notorious for its hostility to voting measures. They hope to use a parliamentary maneuver to kill the bill, so they will not have to vote against it or the merits.

I hope the Senate will come to its good sense and accept the position of the Senator from Wyoming. I think it is fair and right. I think it is time that we faced up to our responsibility, to decide whether we are really interested in good government and in improving our democracy.

Those who are most often concerned about what happens in the streets with respect to riots and demonstrations should realize that by refusing to open up the system, by refusing to permit people to participate in the system, they are doing to disservice to the Nation—a disservice to the basic freedoms on which this country was founded.

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

Mr. McGEE. I had promised to yield next to the ranking minority member, the Senator from Hawaii.

Mr. COOK. Mr. President, will the Senator yield to me for one moment so I may respond to the Senator from Massachusetts?

Mr. McGEE. I yield to the Senator from Kentucky for 1 minute without losing my right to the floor?

Mr. COOK. Mr. President, I would like to set the record straight relative to the constitutional amendment on 18-, 19-, and 20-year-olds. That was here before our Committee on Constitutional Amendments.

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

Mr. COOK. May I finish first? I waited for the Senator from Massachusetts to complete his remarks.

The statutory route we took, that the Senator from Montana (Mr. MANSFIELD), the Senator from Indiana (Mr. BAYH), and others and I were on the floor relative to, the record that had been obtained by reason of hearings before the Subcommittee on Constitutional Amendments was used as the basis for the statutory authority we secured on the floor of the Senate.

So having been a strong advocate of that, and a very strong advocate, because I come from a State that has extended that authority to 18-, 19-, and 20-year-olds since 1954, I only want to put the record straight when it is said that that difficult amendment was not sent before the Committee on the Judiciary. That is where it came from.

Mr. KENNEDY. Mr. President, will the Senator yield for 1 minute for a response?

The PRESIDING OFFICER. The Senator from Wyoming has the floor.

Mr. McGEE. Mr. President, if the Senator from Hawaii will yield momentarily, I yield to the Senator from Massachusetts so that he may respond to the Senator from Kentucky.

Mr. KENNEDY. Mr. President, the Senator from Kentucky is wrong on this matter. The 18-year-old vote constitutional amendment was before the Judiciary Subcommittee on Constitutional Amendments, but the statute lowering the voting age to 18 was not. The constitutional amendment was originally introduced by the Senator from West Virginia. He had been fighting for this amendment ever since he came to the Senate. But it was always bottled up by the committee. It was not until we offered a Senate floor amendment to lower the voting age by statute that we could get the issue to a vote.

I would suggest that the record already made in terms of this voter registration measure, no matter how one looks at it, is much more clear cut than the complicated legal questions raised by the 18-year-old vote statute. I know of no substantial constitutional objection to S. 2574, and there is no merit whatever

in the motion to refer it to the Judiciary Committee.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. McGEE. Mr. President, I yield the floor to the Senator from Hawaii with the understanding that I do not lose my right to the floor.

Mr. FONG. I thank the distinguished Senator from Wyoming for yielding to me.

Mr. President, I think the Senate made a very wise decision when it voted down the motion to table the motion to refer the bill to the Judiciary Committee. This bill should really go to the Judiciary Committee. The only reason it was sent to the Post Office and Civil Service Committee was that they wanted to tie the bill to the census. It was only because they wanted to give to the Census Bureau the broad power to establish within the Bureau a National Voter Registration Administration that it was sent to that committee. Actually, the substance of the bill goes far beyond just the jurisdiction of the Census Bureau. We have many, many problems in this bill which the Judiciary Committee has jurisdiction over, and to which the Judiciary Committee should apply its expertise and wisdom so we can refine the bill.

Many constitutional questions are involved. In the bill we have a definition of what is a Federal election. I should like to read what the bill says as far as a Federal election is concerned. A Federal election goes far beyond anything we have intended heretofore. It embraces the election of the President, the Vice President, Members of Congress—that is, the Senate and the House of Representatives—and it goes further than that. It says as follows:

"(4) 'Federal election' means any primary, special, general, or other election held for the purpose of nominating or electing candidates for any Federal office, including any election held for the purpose of expressing voter preference for the nomination of individuals for election to the Office of President and Vice President and any election held for the purpose of selecting delegates to a national political party nominating convention or to a caucus held for the purpose of selecting delegates to such a convention;

In re Green, it was held that the elections of presidential electors are actually the elections of State officials, and now in this bill we are going to change that. We are going to make them Federal officials so we can bring them under the purview of this act. This is a constitutional question. The Judiciary Committee should look at it.

Another question the Judiciary Committee should look into is the impact of this law on the State laws on registration. The question of registration has always been the province of local jurisdiction. A State has always taken care of the question of registration. Now we are going to inject the Federal system into local registration and we are going to tell the State, "We will pay you the cost of processing registration forms. Then if you establish registration by mail as provided in this bill, we will pay up to 15 percent of the costs of processing registration forms, and if you implement certain things and if you establish a residency requirement of no more than 30 days, we will give you an additional amount, 30 percent of the amount we paid you for processing registration forms." This is a matter which deals with the impact of this proposed Federal law on local law, and I think the Judiciary Committee should take a real look at it.

We have to recognize that the voting rights bill of 1970 and the voting rights bill of 1965 and, in fact, all the voting rights bills since the time I have been here, which is since 1959, have been referred to the Judiciary Committee, and to no other committee. This is the committee that has jurisdiction over that matter and that has taken precedence over that matter, and I believe the Judiciary Committee should take a look at this voting rights bill.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 8589) to amend the Healing Arts Practice Act, District of Columbia, 1928, to revise the composition of the Commission on Licensure to Practice the Healing Art, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STUCKEY, Mr. JACOBS, Mr. MIKVA, Mr. NELSEN, and Mr. BROYHILL of Virginia were appointed managers on the part of the House at the conference.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 860) relating to the Trust Territory of the Pacific Islands.

The bill (S. 860) was subsequently signed by the Acting President pro tempore (Mr. BENTSEN).

SENATOR McINTYRE IS DOING WELL

Mr. MANSFIELD. Mr. President, will the Senator yield so that I make an announcement?

Mr. FONG. I yield.

Mr. MANSFIELD. Mr. President, there used to be a radio commentator by the name of Gabriel Heater, whose opening remark was, "There's good news tonight."

Well, Mr. President, I have received a communication from the distinguished chairman of the Armed Services Committee (Mr. STENNIS), and I have also heard on the wire from the hospital, and I have also been informed by the distinguished Senator from New Hampshire (Mr. COTTON), and I would like to read, for the benefit of the Senate, the good news which the distinguished Senator from Mississippi handed to me.

U.S. Senator Thomas J. McIntyre is reported "doing extremely well" in Johns Hopkins Hospital after surgeons today removed a moderate aneurism from his abdominal aorta and replaced that part of the artery with a plastic graft.

"The operation proceeded without incident," attending surgeon Dr. Vincent Gott said. "Senator McIntyre tolerated the surgery very well, and there were no complications or negative after-effects. There is excellent circulation through the plastic graft."

Senator McIntyre entered the hospital Monday night after a routine physical examination had revealed the aneurism.

Mr. FONG. Mr. President, may I say, from this side of the aisle, we are very happy to hear the good news, and we all hope that Senator MCINTYRE will recover very shortly and rejoin us in the Senate.

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

Mr. FONG. I yield.

Mr. COTTON. As his friend and colleague from New Hampshire, I want to express my happiness over the good news just received from Baltimore. No man could ask for a finer colleague.

His many friends in New Hampshire will be reassured and happy to learn that the operation was entirely successful and we can look forward to his complete restoration to health.

NATIONAL VOTER REGISTRATION ACT

The Senate continued with the consideration of the bill (S. 2574) to amend title 13, United States Code, to establish within the Bureau of the Census a National Voter Registration Administration for the purpose of administering a voter registration program through the mail.

Mr. FONG. Mr. President, I have already spoken on the constitutional questions involved and why this bill should really go the Judiciary Committee because of the impact of this bill on State laws on registration and the fact that we have precedents referring voting rights bills which have come before the Senate to the Judiciary Committee.

Now I want to say that we have the question of criminal penalties in this bill, which are very, very severe. There is a criminal penalty of $10,000 fine and 5 years in jail, or both. Anyone who "knowingly or willfully gives false information as to his name, address, residence, age, or other information for the purposes of establishing his eligibility to register or vote under this chapter, or conspires with another individual for the purpose of encouraging his false registration to vote or illegal voting, or pays or offers to pay or accepts or offers to accept payment either for registration to vote or for voting shall be fined not more than $10,000, or imprisoned not more than 5 years, or both."

Criminal penalties come within the juridiction of the Judiciary Committee. We want to know whether these criminal penalties are in conformity with the other penalties we have imposed for violations of other laws, and whether this is the right penalty or whether it is the wrong penalty to impose.

We have another penalty here under section 408(b), as follows:

(b) Any person who deprives, or attempts to deprive, any other person of any right under this chapter shall be fined not more than $5,000, or imprisoned not more than five years, or both.

Here is another case in which criminal penalties are involved, and I think the Judiciary Committee should look into it to see whether this is too heavy, whether it conforms with other penalties we have, or whether we should come in with any other alternative to the penalties that are provided here.

Under subsection (c):

(c) The provisions of section 1001 of title 18, United States Code, are applicable to the registration form prepared under section 405 of this chapter.

Now, the question here is, if you receive this post card from the Census Bureau and you falsify it, if for example you put someone else's name on it, whether it is a Federal document or a local document. If it is a Federal document, it comes under the penalty provisions of this bill. If it is not a Federal document but a local or State document, it does not come within the penalties of this bill.

So here we have, Mr. President, many questions, questions dealing with constitutional law, questions dealing with the impact of State laws, questions dealing with voter registration bills which have preceded this measure to the Judiciary Committee, and the question of criminal penalties.

All of these tend to show that the Committee on the Judiciary really should be the primary committee for the referral of this bill, and I think the Senate, in voting today not to lay on the table the motion to refer it to that committee, made a very wise decision.

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

Mr. FONG. Yes.

The PRESIDING OFFICER. The Senator from Wyoming has the floor. Does the Senator yield to the Senator from Kentucky?

Mr. McGEE. Has the Senator from Hawaii finished?

Mr. FONG. I have finished, yes.

Mr. McGEE. Mr. President, I have agreed to yield to the Senator from California. I have put him off three times. If I may, I yield first to him, and then I shall be happy to yield to the distinguished Senator from Kentucky.

Mr. COOK. I thank the Senator.

Mr. McGEE. I yield to the Senator from California, without yielding my right to the floor.

Mr. CRANSTON. Mr. President, apart from the issue of jurisdiction over this bill—and that issue, I think, has been dealt with with great force and clarity by the distinguished chairman of the committee, who is handling the bill, the distinguished majority leader, the Senator from Montana, and the distinguished Senator from Massachusetts (Mr. KENNEDY)—apart from that issue, I think there are four main issues relating to the substance, leaving behind this jurisdictional issue. I should like very briefly to ask the chairman of the committee to state what he believes is the best answer to these four key questions that have been asked. I have not had an opportunity to hear the Senator state succinctly and briefly the reasons that convince him that there are positive answers to these questions, and I think it would benefit other Senators to have that briefly made a part of the RECORD at this point.

The first issue is the issue of cost. There are those who fear that this bill with a post card Federal registration system, would cost a good deal more to the people of our country than the present system. What is the Senator's answer to that question?

Mr. McGEE. The first answer, may I say to my colleague from California, and the best estimate we could make, was the estimate we received from the Census Bureau, which was that the cost would approach $20 million. But I would add that that ought to be set against what we are talking about here. We are talking about 47 million people who did not vote the last time. How you equate the cost of that in reverse is the figure we do not have available. How do you place a cost figure on a person who is not voting, does not vote, and could not vote because he was not registered? But the cost figure given us by the Bureau of the Census was that it would cost $20 million. Further, they suggested that they could get this ready and administer it under their own scheme, and that they could make it work; that it would be a problem for them administratively, but that is to be expected.

But the figure is not out of the ball park, considering what is going into elections these days.

Mr. CRANSTON. Is there not now a Federal register for presidential elections, already kept?

Mr. McGEE. Yes. That, of course, was suggested. They said, "Look, if you have only the right to vote in Federal elections involved in this, you have another set of registers."

The answer is, we have two sets now, because under the Voting Rights Act of 1970, it prescribes that for the election of President and Vice President, all citizens who met the requirements at that time, without a residence requirement, were entitled to vote for President and Vice President. That list already exists; all this measure does is add to that list the remaining Federal officers, the Members of the Senate and the House of Representatives, and this would seem to me to be in order, and to follow the logic and the wisdom already cumulatively exercised by this body.

For that reason, we think this is simply a procedural matter that is moving into the next stage of doing what this body has already enacted into the law of the land under the Voting Rights Act of 1970.

Mr. CRANSTON. Are there provisions in the bill for assisting States in the costs incurred under the circumstances, and if so, how does that work?

Mr. McGEE. Yes. As a matter of fact, the bill has been very carefully drawn to make sure of one thing, and that is that the jurisdiction of States, the role of the State in keeping the control of its own electoral rolls, is not called into question nor is it challenged. The process under the Census Bureau simply provides for mailing this out, through the Secretary of Commerce. They return their registration card to the State election authorities, and that is the only place the lists are kept. There is no Federal register, as it were, separately maintained by any central authority or by three men here on the banks of the Potomac. Once more, we are simply making it possible for more people who are otherwise entitled to vote to cast their ballots, or at least not have the excuse that they did not vote because of registration procedures.

Mr. CRANSTON. I thank the Senator.

The second major question that has been provoked in some minds by this legislation relates to the fear of fraud. What are the protections in this bill against fraud, under its provisions?

Mr. McGEE. Well, in the first place, the protection against fraud in this bill is present in every State in the Union. Every State is cognizant of the issue of fraud, and is the policeman of the practices within its borders. This measure introduces nothing into the procedure of voting at elections that the States are not already in command of, in terms of trying to control fraud.

None of us wants fraud, but you cannot legislate total perfection. Someone is always going to exploit it; they still do. We heard here on this floor yesterday from the distinguished Senator from North Carolina of frauds that have occurred in the past. They did not occur through post card registration, but under the present procedures. We are not going to eliminate that, but we certainly can minimize it.

The greatest fraud of all generally is not touched upon by the critics. That greatest fraud is that 47 million people in this country did not vote in the last election. They did not vote, although they were eligible to otherwise. That is the fraud that ought to concern every man and woman in this country.

It is not without point that some other countries like our own, that is, the western democracies with the representative governments, the French, the British, the German, the Scandinavian, have a much higher percentage of voter participation in their elections than we have, and yet we are the ones who hold out our system to the rest of the world and say, "Look at us; do as we do; we believe in free elections."

Well, our elections so far have invited only a 60-percent average participation, when the percentage in the other countries is 70 percent, 80 percent, or 90 percent.

I think we are entitled to ask whether it is the fear of fraud that prevents other Americans from voting. If we have an obsession in that direction, then we are denying a participation that other countries not only have found work but also have lived with very successfully in comparative terms to our own disadvantage.

I would say to the Senator from California that the fraud question, while an understandable one to raise, because it is so often associated with politics in our country's history, is something that we constantly work at, all of us, at every level, to contain and to eliminate, and we are indeed sophisticating our approaches on those matters.

But fraud is not one of the issues that lays at the root of this proposal of postcard registration. The bill provides that, if any State believes it to have got out of hand, it can ask the National Voter Registration Administration, under this legislation, for assistance to investigate and prosecute fraudulent practices. Until now, even with the Voting Rights Act of 1970, the States have been able to stay in command and keep under control the question of fraudulent practices.

So this is a red herring—if I may characterize it in those terms—in terms of its approach to trying to expand the base of the electorate.

Mr. CRANSTON. I understand that the Senator's committee has gained some knowledge about a system that presently is permitted to operate in Texas, where there is what amounts to a postcard registration. What occurs there, as I understand it, is that in newspapers they print a registration form, and one can clip it out and mail it in and thus become a registered voter. Have the committee's studies indicated that that has led to any fraud in the State of Texas, beyond what they already have, if any?

Mr. McGEE. Texas has a great many problems, as I have been reading in the papers, but it is not due to the fact that they register by newspaper coupon; and there has been no fraud traced there, to my knowledge, that derived from the coupon registration. That does not even have the dignity, if I may say so, of a postcard registration, in which a Government agency, the Census Bureau, mails it out and it is returned to the election official. They have had no complications on that.

We have some States, like North Dakota, where the only registration is at the time one votes. That is a rural area, and I think some of us rightfully have misgivings about the simultaneous registration and voting applying in some of the great urban sprawling areas in this country.

But this system permits the local authorities—in fact, it requires of them—that their voting lists be validated in exactly the same way they have been doing all these years, to the best ability that the State can do it.

Mr. CRANSTON. A third major issue that has given concern to some Members of this body over the proposed legislation relates to the role of the U.S. Government vis-a-vis the role of the States in conducting elections. I think it would be very helpful if the Senator would respond to that question, which has been asked by many people.

Mr. McGEE. We have been very careful to make clear in the drafting of the pending legislation that there be no seizing of the jurisdiction from the States. We simply followed the pattern already laid down by this body, that in Federal elections there should be no State barriers to the voting of individual citizens simply because they did not meet the local registration requirement for that State, the local residence requirement for that State, whatever it may be.

Thus, it is all the same as it was before under the States, except that we require that the elections for the Senate and the House of Representatives be added to those of the President of the United States and the Vice President, because they are Federal positions and should not be restricted and restrained by the variables that exist among the 50 States.

Mr. CRANSTON. A final issue that is deeply involved in all this relates to participation in the electoral process, the decisionmaking process, of our country. As I understand it—though I am not clear on this point—there was no registration in this country until when—1876?

Mr. McGEE. The late 1870's.

Mr. CRANSTON. What was the experience in terms of the number of people who voted prior to the time we had registration?

Mr. McGEE. Before registration was required in the 1870's, if I recall my history correctly, the participation of the eligible voters was approximately 80 percent. Once registration was required, which began in the latter part of the 19th century, the percentage of voter participation measurably declined—declined enough that in the last Presidential election, 1968, more people failed to vote than actually voted for the President of the United States, Mr. Nixon. I think he received approximately 43 million votes. Forty-seven million people did not vote. We never can be sure why all of them did not vote. Some people never will vote. They may be the ones who will not vote and who make the most speeches. They do not care to vote or they are professional bellyachers—whatever it may be. We cannot legislate human behavior.

But there are many millions of cases—as we know as a result of the hearings of the committee—of individuals who said that they went to register not once, not twice, but three times. As one woman said publicly, the third time she finally made it—that is, somebody was there who could register her. Thus, she was on the rolls. That was in Massachusetts. But she then raised the question which ought to bother the conscience of every Member of this body. She said:

> I'm not sure how many would be as patient as I, how many would be willing to go back two or three time to finally register, to succeed in registering.

Everybody ought to register. Everybody ought to vote. That is what representative democracy is all about. But some do not vote.

We are simply saying here, "Let us not give them an excuse not to vote because they were not registered." That is all this measure seeks to do. It is to broaden the base of voter participation. How we get the rest of them to vote is another matter. I do not know how we are going to do that. But there surely cannot be that much difference between the voters in Germany or the voters in France or the voters in Great Britain or the voters in Scandinavia from the American people. Are our people so bad that they cannot rise to the responsibility? Are our people so indifferent that they do not care? Are our people so doubtful that they do not believe? I do not think that is the case.

I think the answer will be found in the fact that in all those other areas there are not as many obstacles or variables to voting—that is, to registering to vote—as we have permitted to arise in our country because of the history of the emergence of the 50 semisovereign States. This is the complication.

We are simply trying to establish that this ought to be made a universal operation for Federal office; that is all. We try to help a State absorb whatever new costs might come in this. We provide that as the State prepares the new rolls with the addition of the postcard registrants, in addition to the newspaper coupons they have in Texas, and so forth, if the State requests it, they can receive Federal assistance to the tune of 15 percent of the additional cost that this may have loaded on them. We think those costs will be minimal, in any case; but this is an attempt to try to help them through the first time, because of the possibility that it might increase some of the burdens, but they are burdens of mechanism, rather than burdens of principle.

We would likewise offer the additional incentive, as this bill does, that for any State that makes the decision to go over to this system of registration for State offices as well and accepts the minimal limitations of residence and the registration requirement, the inducement will be a Federal sharing of 30 percent of the cost of the State's shifing over into that sphere. But this is not imposed by the Federal Government. This is simply available, should any State desire to go that route. Some of the States, incidentally, have manifested an interest in having a look at that possibility. So those are the elementary factors present in the questions that the Senator has raised and I appreciate his bringing them to the fore.

Mr. CRANSTON. Mr. President, I have seen some of these statistics on participation and nonparticipation as it relates to registration and I want to ask the Senator from Wyoming if the following are roughly accurate figures, that while nine out of 10 Americans are registered to vote, only six out of 10 Americans of voting age actually vote.

Mr. McGEE. That is correct. If the person is registered, nearly all of them manage to get to the polls—nearly 90 percent. But if they are not registered, that figure drops perceptibly. That is the gap we are trying to close somewhat.

Mr. CRANSTON. It seems to me that the Senator's answers are very convinc-

ing and have been based on solid research and knowledge of the subject. It is clear to the people of this country and to these Members of the Senate who look at the logic and the facts behind the responses of the Senator to the major questions asked by this legislation that the outcome will be the Senate will vote for it.

Mr. McGEE. I want to thank my colleague from California for his comments and his questions, but I will add that I would be the first one to admit there are a great many things and other approaches and many other ways to get at these questions, but no one has done it. We have tried to bring forth the best that men working together can produce. We are only asking here, and would ask again, for the privilege of letting the Senate work its will through the amending process, because I am certain that our colleagues will have constructive suggestions to make that will be helpful in turning out a wise bill. We have no fixation on this. We are not in any ruts on it. We want the best bill because that is the one that will stand the test of history. I would apologize in a sense, I guess, for the implied suggestion that the Post Office and Civil Service Committee is not very competent in doing this.

We think we acquired some real expertise, because we invited in the best brains that we could. I suspect that the Members of this body collectively have a great deal of expertise, too, that they could share and should have a chance to share in the development of this measure. I look to our colleagues and friends on the Judiciary Committee with the highest of respect. We all do the best we can. I always look to the distinguished Senator from North Carolina (Mr. ERVIN) for his great reservoir of knowledge and judgment in the field of constitutional law and history, for example. He is in a class by himself in that regard.

But here the issue is almost a procedural one, in the mechanism of broadening the base for voter participation in a way that will make it more meaningful than it is at the present time.

How many voters this will add to the rolls, we do not know until we try it, but if we add only 1 million out of the 47 million, or only 5 million out of the 47 million, then, it seems to me, we will have served the cause of our country well, as we seek to work to close this gap.

Mr. ERVIN. Mr. President, I should like to ask the Senator from Wyoming one question. The Senator has pointed out that registration as we now know it did not come into vogue until some time in the 1870's. I would like to ask the Senator if it is not true, that prior to that time, virtually every State had a law requiring the payment of a poll tax as a condition precedent to voting, that the individual who undertook to vote had to present his poll tax receipt to the election official and thus show that he had paid his poll tax before he could vote.

Mr. McGEE. I do not want to be absolute in this generalization, in response to the Senator's question, but my recollection of that interval of history, by reading about it, is that the poll tax was a device that was perfected in the immediate post-Civil War days. It was very often designed to keep people from voting, not validating voters in the attempt to broaden the base of the voting population or voter participation, but for other restrictive reasons. It is true, there was a lot of that.

Mr. ERVIN. My recollection of the history of that period is that the early laws required a man not only to pay his poll tax in order to vote but also to pay his property tax.

Mr. McGEE. The property tax preceded the poll tax concept, yes.

Mr. ERVIN. The poll tax was levied on men throughout the history of the country in practically every State. It was a tax levied to raise revenue and also as a prerequisite to voting. In those days, people had to exhibit poll tax receipts showing they had paid their poll taxes in the district in which they sought to vote before they were permitted to vote.

Mr. McGEE. I believe that history will further show the limitations on the basic requirement for voting started with the property tax and that was the beginning of the concept of Greek democracy, if I remember my political theory correctly; that is, that the landed gentlemen were those people entitled to vote. We started that way. The poll tax became more and more an ingredient to keep the black man from voting—and probably others; but it also had the other contributing factor of including income.

We have come a long, long way since the property tax was the basic requirement for voting, when no women were permitted to vote at all at the beginning of this Republic.

We have passed through the poll tax period for whatever purposes it was aimed at serving. We are now down to where we are seeking solutions to the question of why 47 million people—more than either candidate for President received himself in 1968—did not vote. We are convinced that a great many of those 47 million people did not vote because of the variance over registration.

Mr. ERVIN. It only takes about half an hour or so for a person to register. That should be no impediment to voting, if a person really wants to vote.

Mr. McGEE. That is very true. I wish all people were motivated like the Senator from North Carolina and the Senator from Wyoming and the Senator from Michigan. We think that the right to vote is perhaps the most sacred right and responsibility that our people have. We wish that more would rise to it. Many do not, for their own reasons. But we do believe that many do not because there are impediments placed in their way, and that, therefore, this is simply one small way to remove that kind of barrier. There will be other ways—education, and the like—to raise the awareness of this Government to a much higher level. That is long range, of course, but it was obvious that this body naturally could seek out what progressive steps it has taken over the past 15 years, to try to make more meaningful the participatory democracy voter registration in the system of government that we still hold up in the world as the ideal for others to look toward.

With that in mind, Mr. President, I am prepared to yield the floor, unless other matters are pending here. A unanimous-consent request has already been agreed to in terms of the reconvening of the Senate.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

SENATOR McINTYRE UNDERGOES SUCCESSFUL OPERATION

Mr. BYRD of West Virginia. Mr. President, I wish to share with my distinguished majority leader the pleasure and satisfaction that comes from a message which was read into the RECORD a little while ago by the majority leader stating that the distinguished junior Senator from New Hampshire (Mr. McINTYRE) had undergone a successful operation earlier today, that he is resting comfortably, and that the prognosis is very good.

May I say that TOM McINTYRE is my friend. He is well liked and highly respected by all of his colleagues on both sides of the aisle. We all recognize the diligence and the conscientious purpose with which TOM McINTYRE approaches his multifarious duties here in the Senate. He has done a very outstanding job in the Committee on Armed Services, and the chairman of that committee, the distinguished Senator from Mississippi (Mr. STENNIS), turns over to Senator McINTYRE many difficult assignments.

It has been with admiration that the rest of his colleagues have witnessed TOM McINTYRE's sincerity and his determination to do his job with respect to any assignments, no matter how tedious or how hard. He performs a great service to the people of his State and to the people of our country.

So, I join my majority leader in saying that TOM McINTYRE must not be concerned about his absence from this body, an absence which is justified. Of course, while he will be missed, the rest of us will carry on, knowing he is going to be back with us soon. As soon as his condition will permit, we look forward to seeing him return to this body, but we do not want him to return until the doctors say he is fully recovered from the operation. Meanwhile, he has our good wishes and prayers for a prompt and good recovery.

Mr. President, I yield the floor.

Mr. FANNIN. Mr. President. I wish to join my distinguished colleague, the Senator from West Virginia, in wishing our friend from New Hampshire the very best and I join in the commendations of the work of the Senator from New Hampshire which have been mentioned. I hope that he will be back with us soon.

Mr. BYRD of West Virginia. I thank the distinguished senior Senator from Arizona.

WATCHDOG JACK ANDERSON IS BARKING UP THE WRONG TREE

Mr. FANNIN. Mr. President, there are thousands of journalists reporting on what happens in our Government. For the most part these are hardworking, dedicated, and honest newsmen and newswomen who seek to inform the public and act as watchdogs for our citizens.

It is inevitable, I suppose, that when there is a great number of journalists—or watchdogs—at least one of them will be vicious and detrimental rather than beneficial to the public good.

A watchdog that barks continually, that barks at shadows when no one is there—such a watchdog is useless. It can protect nothing, because it lacks the intelligence or good sense to yelp only when there is something to yelp about.

One such "watchdog" is Jack Anderson.

His columns of trivia, innuendo and, many times, simple misstatement of fact, are carried by a number of newspapers.

Unfortunately, many people believe that Anderson is a reliable reporter who gives the real story on what is happening in Washington.

Those of us involved in the Congress know better. We know that he simply is what is known as a gossip columnist. His specialty is exploiting a meaningless foible or a figment of somebody's imagination for sensationalism. Anything to gain attention and sell another column.

I would expect that every person in this Senate has personal knowledge of instances in which Anderson has used distortion or untruth to make a headline.

Merry-go-rounds belong in carnivals, not in the U.S. Senate. I suggest it is time that we get off Mr. Anderson's merry-go-round and focus our attention on important business.

I think that we should stop giving Mr. Anderson a forum for his brand of yellow journalism.

It is quite evident that Richard Kleindienst has done nothing wrong in connection with the ITT settlement. We should act on the confirmation of Mr. Kleindienst as Attorney General of the United States.

The hearings we have been holding have wandered far from the original point. They are taking on the aspect of a witch hunt.

Mr. President, freedom of the press is a precious thing. Like all of our rights, it must be protected. But with rights come responsibilities. We have a free press because the vast majority of our journalists are responsible people who honestly seek to provide the truth. I applaud them.

Then there are a few others, with Mr. Anderson as the most notable example, who undermine confidence in the press, both among public officials and the public itself. This is a sad blemish on our press corps.

Mr. President, I wanted to make this statement today to bring this episode into perspective. Watchdog Anderson is running very true to form and is once again barking up the wrong tree. I do not see why we should join him in such canine behavior.

ORDER FOR ADJOURNMENT TO MONDAY, MARCH 13, 1972

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 12 o'clock noon on Monday next.

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

ORDER FOR RECOGNITION OF SENATORS KENNEDY, CRANSTON, BEALL ON MONDAY NEXT; AND ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS AND LAYING THE UNFINISHED BUSINESS BEFORE THE SENATE ON MONDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday next, March 13, 1972, after the two leaders have been recognized under the standing order, the distinguished Senator from Massachusetts, Mr. KENNEDY) be recognized for not to exceed 15 minutes; that he be followed by the distinguished Senator from California (Mr. CRANSTON) for not to exceed 15 minutes; that he be followed by the distinguished Senator from Maryland (Mr. BEALL) for not to exceed 15 minutes; and that at the conclusion of the remarks of the Senator from Maryland (Mr. BEALL) 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.

ORDER FOR RECOGNITION OF SENATOR COOPER ON TUESDAY, MARCH 14, 1972

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Tuesday next, immediately following the remarks of the two leaders under the standing order, the distinguished Senator from Kentucky (Mr. COOPER) be recognized for not to exceed 15 minutes.

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

ORDER FOR RECOGNITION OF SENATOR BAKER ON TUESDAY, MARCH 14, 1972

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Tuesday next, following the remarks of the distinguished Senator from Kentucky (Mr. COOPER), the distinguished Senator from Tennessee (Mr. BAKER) be recognized for not to exceed 15 minutes.

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

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the Senate will not be in session tomorrow. On Monday, the Senate will convene at 12 o'clock noon. After the two leaders have been recognized under the standing order, the distinguished Senator from Massachusetts (Mr. KENNEDY) will be recognized for not to exceed 15 minutes. He will be followed by the distinguished Senator from California (Mr. CRANSTON) for not to exceed 15 minutes.

He will be followed by the distinguished Senator from Maryland (Mr. BEALL) for not to exceed 15 minutes.

The Senate then will proceed to 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, S. 2574, a bill to establish a voter registration program through the mail. The leadership cannot state at this point whether or not there will be rollcall votes on Monday, but as Senators know, such votes can occur on tabling motions, conference reports, and so forth.

ADJOURNMENT TO MONDAY, MARCH 13, 1972

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 12 o'clock noon on Monday next.

The motion was agreed to; and at 5:29 p.m. the Senate adjourned until Monday, March 13, 1972, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 9, 1972:

IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

The nominations beginning Robert A. Ganse, to be commander, and ending William A. Pagano, to be ensign, which nominations were received by the Senate and appeared in the Congressional Record on March 7, 1972.

IN THE COAST GUARD

The nominations beginning William M. Alexander, to be commander, and ending Albert D. Wittman, to be commander, which nominations were received by the Senate and appeared in the Congressional Record on March 7, 1972.