By Mr. HEINZ:

H.R. 13794. A bill to amend titles II and XVIII of the Social Security Act to include qualified drugs, requiring a physician's prescription or certification and approved by a formulary committee, among the items and services covered under the hospital insurance program; to the Committee on Ways and Means.

By Mr. KEMP:

H.R. 13795. A bill to amend chapter 9 of title 44, United States Code, to require the use of recycled paper in the printing of the Congressional Record; to the Committee on House Administration.

By Mr. PIKE:

H.R. 13796. A bill to expand the membership of the Advisory Commission on Intergovernmental Relations to include elected school board officials; to the Committee on Government Operations.

By Mr. SAYLOR:

H.R. 13797. A bill to amend section 103 of title 23 of the United States Code relating to additional mileage for the Interstate System; to the Committee on Public Works.

By Mr. SCHERLE:

H.R. 13798. A bill for the relief of certain cities and towns in Iowa and the State of Iowa; to the Committee on the Judiciary.

By Mr. TEAGUE of Texas (by request) (for himself, Mr. TEAGUE of California, Mr. DORN, and Mr. HAMMERSCHMIDT):

H.R. 13799. A bill to amend title 38, United States Code, to increase the rates of compensation for disabled veterans; to the Committee on Veterans' Affairs.

By Mr. WHALLEY:

H.R. 13800. 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 residential construction industry; to the Committee on Education and Labor.

By Mr. WHITE:

H.R. 13801. A bill to authorize the coinage of 50-cent pieces and $1 pieces in commemoration of the bicentennial of the American Revolution; to the Committee on Banking and Currency.

By Mrs. ABZUG:

H.J. Res. 1105. Joint resolution to authorize the President to call a series of four White House Issue-Oriented Subconferences on Aging; to the Committee on Education and Labor.

By Mr. CONTE:

H.J. Res. 1106. Joint resolution proposing an amendment to the Constitution of the United States relating to the nomination of individuals for election to the offices of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. HALL:

H.J. Res. 1107. Joint resolution proposing an amendment to the Constitution of the United States to limit the tenure of office of Senators and Representatives and to provide an age limit for Senators and Representatives; to the Committee on the Judiciary.

By Mr. RUNNELS (for himself and Mr. THOMPSON of Georgia):

H.J. Res. 1108. Joint resolution proposing an amendment to the Constitution of the United States limiting deficit spending by the Federal Government; to the Committee on the Judiciary.

By Mr. BLATNIK:

H. Con. Res. 557. Concurrent resolution authorizing the printing of additional copies of House Report 92-911; to the Committee on House Administration.

By Mr. KEE:

H. Con. Res. 558. Concurrent resolution providing for the installation of security apparatus for the protection of the Capitol complex; to the Committee on House Administration.

By Mr. PATMAN:

H. Con. Res. 559. Concurrent resolution providing for the printing of the report entitled "Papers Submitted to Subcommittee on Housing Panels on Housing Production, Housing Demand, and Developing a Suitable Living Environment"; to the Committee on House Administration.

H. Con. Res. 560. Concurrent resolution providing for the printing of the report entitled "Housing and the Urban Environment, Report and Recommendations of Three Study Panels of the Subcommittee on Housing"; to the Committee on House Administration.

By Mr. BURKE of Massachusetts:

H. Res. 895. Resolution expressing the sense of the House with respect to the Soviet Union's violations of human rights and basic freedoms, in contravention of the United Nations Universal Declaration of Human Rights; to the Committee on Foreign Affairs.

By Mr. NIX:

H. Res. 896. Resolution expressing the sense of the House of Representatives that the President should suspend, in accordance with section 481 of the Foreign Assistance Act of 1961, economic and military assistance and certain sales to Thailand for its failure to take adequate steps to control the illegal traffic of opium through its borders; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

336. The SPEAKER presented a memorial of the Legislature of the State of Kansas, relative to the Federal highway trust fund, which was referred to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. PERKINS:

H.R. 13802. A bill for the relief of Appalachian Hospitals, Inc.; to the Committee on the Judiciary.

By Mr. YOUNG of Florida:

H.R. 13803. A bill for the relief of Roy E. Lindquist; to the Committee on the Judiciary.

SENATE—*Tuesday, March 14, 1972*

The Senate met at 12 meridian and was called to order by Hon. ADLAI E. STEVENSON III, a Senator from the State of Illinois.

PRAYER

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

God of our fathers and our God, amid the turmoil and tensions of our times we pause to place our lives in the light of Thy holy presence. Search out our inner beings. Look upon our motives, our longings, our aspirations, and our deepest needs. Forgive our sins and by Thy grace make us better than we have been.

O Lord, make us receptive to the truth Thou dost make known to us. Keep us firm in the right, magnanimous with others, thankful for every increase in righteousness and justice. Give us wisdom to be the instruments of Thy purpose for mankind. Through human hands and human minds give divine direction to the course of history.

In the Redeemer's name, we pray. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 14, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. ADLAI E. STEVENSON III, a Senator from the State of Illinois, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

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

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that the President had approved and signed the following acts and joint resolution:

On March 9, 1972:

S. 2896. An act to amend chapter 83 of title 5, United States Code, relating to adopted child.

On March 10, 1972:

S. 748. An act to authorize payment and appropriation of the second and third installments of the U.S. contributions to the Fund for Special Operations of the Inter-American Development Bank;

S. 749. An act to authorize U.S. contributions to the Special Funds of the Asian Development Bank;

S. 2010. An act to provide for increased participation by the United States in the International Development Association; and

S.J. Res. 189. Joint resolution to authorize the President to designate the period beginning March 26, 1972, as "National Week of Concern for Prisoners of War/Missing in Action" and to designate Sunday, March 26, 1972, as a national day of prayer for these Americans.

REPORT ON AERONAUTICS AND SPACE ACTIVITIES—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. STEVENSON) 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 Aeronautical and Space Sciences:

To the Congress of the United States:

I am pleased to transmit herewith a report of our national progress in aeronautics and space activities during 1971.

This report shows that we have made forward strides toward each of the six objectives which I set forth for a balanced space program in my statement of March 7, 1970.

Aided by the improvements we have made in mobility, our explorers on the moon last summer produced new, exciting and useful evidence on the structure and origin of the moon. Several phenomena which they uncovered are now under study. Our unmanned nearby observation of Mars is similarly valuable and significant for the advancement of science.

During 1971, we gave added emphasis to aeronautics activities which contribute substantially to improved travel conditions, safety and security, an we gained increasing recognition that space and aeronautical research serves in many ways to keep us in the forefront of man's technological achievements.

There can be little doubt that the investments we are now making in explorations of the unknown are but a prelude to the accomplishments of mankind in future generations.

RICHARD NIXON.

The WHITE HOUSE, *March 14, 1972.*

PROPOSED FOREIGN ASSISTANCE ACT OF 1972—MESSAGE FROM THE PRESIDENT (H. DOC. 92–190)

The ACTING PRESIDENT pro tempore (Mr. STEVENSON) laid before the Senate the following message from the President of the United States, which, with the accompanying papers, was referred to the Committee on Foreign Relations:

To the Congress of the United States:

Today I am transmitting to the Congress legislation which would authorize funding for my foreign aid proposals for the coming fiscal year. This draft bill, which is entitled the Foreign Assistance Act of 1972, also contains provisions to make our military assistance more effective.

As I have often indicated, our foreign assistance programs are a central element in our foreign policy for the 1970s. For it is as dangerous for this Nation to ignore the problems of poverty and hunger and the need for security in other nations as it is to ignore our own domestic needs.

The Congress, acting after two-thirds of the current fiscal year had already passed, drastically reduced my foreign assistance requests for fiscal year 1972. In my judgment, the amounts appropriated for both security and development assistance in fiscal year 1972 are below the minimum level required to attain our foreign policy and national security goals. These reductions have created difficult problems in essential programs and in our relations with several countries. A repetition of these reductions and delays in 1973 would call into serious question the firmness of our commitments abroad and could have a destabilizing effect at a time when calm confidence in our support and perseverance will be critically needed. I therefore urge the Congress to act promptly to authorize and appropriate the full amounts requested for foreign assistance in fiscal year 1973.

In forwarding the Foreign Assistance Act of 1972, I would also underscore the points I made in my message to the Congress on April 21, 1971. In that message I addressed the need for fundamental reform of foreign assistance and recommended a major reorganization of these programs. I hope that the Congress will give closer consideration to these proposals in this session, and that together we can develop the most effective program possible, one that truly merits the broad bipartisan support that foreign aid has enjoyed in the past.

SECURITY ASSISTANCE

As I pointed out in my annual report to the Congress on foreign policy last month: "Security assistance is a cornerstone of our foreign policy and of free world security * * *" We live today in a period of transition in world affairs, in a time in which the United States is taking bold initiatives to build a new structure of peace, while asking our friends and allies to assume a greater responsibility for their own defense.

As we begin to make adjustments in our international role, it is especially critical that we maintain a firm United States commitment to an adequate level of security assistance. For without such adequate levels, our friends and allies will lack the confidence required for successful international cooperation in an era of negotiations. And without adequate security assistance, we cannot safely reduce our military presence abroad.

I am therefore requesting authorizations for security assistance programs totalling $2,151 million in fiscal year 1973: $780 million for grant military assistance, $527 million for military credit sales, and $844 million for security supporting assistance, of which an estimated $50 million is intended for Israel.

NARCOTICS CONTROL

I am requesting that a separate appropriation of $42.5 million be authorized for the support of international narcotics control activities. Control of illicit drug production and trafficking is one of the highest priorities of my Administration. I believe the authorization and appropriation of funds specifically for this purpose is essential to clearly demonstrate the determination of the Administration, the Congress, and the American people to overcome this serious menace.

SOUTH ASIA RELIEF AND RECONSTRUCTION ASSISTANCE

I am also proposing the authorization of $100 million in fiscal year 1973 for refugee relief and humanitarian assistance in South Asia. This sum would be in addition to the $200 million appropriated for this purpose for the current fiscal year.

The damage and destruction growing out of the war between India and Pakistan has truly been immense. We have indicated our willingness to work with other donors under the auspices of the United Nations to provide relief and rehabilitation to those in need.

The Secretary General of the United Nations has issued an assessment of these needs and a special appeal for support. We have already made an initial contribution to this effort and will continue to contribute in the light of the efforts of others and further assessments of need. The $100 million which I am requesting would enable us to continue to participate generously, along with other nations, in this important work.

RICHARD NIXON.

The WHITE HOUSE, *March 14, 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. 1362) to authorize the Commissioner of the District of Columbia to enter into contracts for the payment of the District's equitable portions of the costs of reservoirs on the Potomac River and its tributaries, and for other purposes.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 11773. An act to amend section 389 of the Revised Statutes of the United States relating to the District of Columbia to exclude the personnel records, home addresses, and telephone numbers of the officers and members of the Metropolitan Police Department of the District of Columbia from the records open to public inspection;

H.R. 12410. An act to provide for the evidentiary use of prior inconsistent statements by witnesses in trials in the District of Columbia; and

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

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on the District of Columbia.

H.R. 11773. An act to amend section 389 of the Revised Statutes of the United States relating to the District of Columbia to exclude the personnel records, home addresses, and telephone numbers of the officers and members of the Metropolitan Police Department of the District of Columbia from the records open to public inspection;

H.R. 12410. An act to provide for the evidentiary use of prior inconsistent statements by witnesses in trials in the District of Columbia; and

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

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H.R. 8293) an act to continue until the close of September 30, 1973, the International Coffee Agreement Act of 1968.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. STEVENSON).

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, March 13, 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.

NATIONAL PRESIDENTIAL PRIMARY

Mr. MANSFIELD. Mr. President, yesterday, the distinguished Senator from Vermont (Mr. AIKEN) and I submitted a proposal to establish a national Presidential primary and thereby replace the hodgepodge, mishmash of State primaries that the candidates and the people of this Nation are compelled to undergo in the current elective process.

I have come across a number of editorials and commentaries published recently on this issue. Of particular note was the editorial in "The Missoulian" of Missoula, Mont., for last February 24, in which the following statement is made:

> Eventually the system will have to be modified and placed on a more uniform national basis.

I am happy indeed that this Montana newspaper, among others, has endorsed the concept of a national primary. It is only through the efforts of the press and other media that the issue will be truly discussed and dramatized before the American people. It is only in this way that sufficient support can be generated to make a national primary a reality and to end what has become little more than a circus with regard to this most critical aspect of our political process.

Mr. President, I ask unanimous consent to have printed in the RECORD some newspaper comments on the subject, including the one from the daily Missoulian, under date of February 24, 1972; the Helena, Mont., Independent Record, under date of March 8, 1972; the Christian Science Monitor under date of March 13, 1972; and one from the same newspaper under date March 14, 1972; an excerpt from Roll Call, written by Gayle Essary, under date of January 29, 1970; an editorial entitled "National Primary?" as published in the Washington Daily News for today; and an editorial published in the Boston Globe, of March 14, 1972.

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

[From the Missoulian, Feb. 24, 1972]

INTEREST IS UNDERMINED

This year there are more presidential preference primaries than ever.

There are so many, in fact, that cries are going up for a national preference primary.

In 1968 there were six major primaries, those of New Hampshire, Wisconsin, Indiana, Nebraska, Oregon and California.

This year the primaries are hard to count. No fewer than 21 states are having at least some kind of primary election between March 7 and June 27. The various primaries vary according to the various state laws. The variety means that some are regarded as more significant than others.

Some states permit candidates to enter voluntarily. Others designate the candidates, and allow candidates to withdraw if they so desire.

This year the Democrats face the major problems presented by the primaries. There are many Democratic candidates. The party is short of money. Yet any serious candidate must run hard and well in several primaries. The object is twofold: To gain national convention delegates and to gain winning prestige—the bandwagon aura that leads the uncommitted to commit themselves to a winner.

While the Democratic candidates are getting along together reasonably well, and with the exception of George Wallace there is little danger of such a split developing that the losers will refuse to support the nominee, there are complaints that the candidates are spending enormous time campaigning very early and are spending enormous sums to do it—money that will be badly needed next fall in the race against the Republican nominee.

In comparison the Republicans are sitting pretty. President Nixon will be the party's nominee, opposition from the party left and right notwithstanding.

Yet in 1964 the head-to-head primary competition between Goldwater and Rockefeller, and in 1968 the same competition between Nixon and Rockefeller, illustrate that the GOP faces the same problems facing the Democrats, despite a respite this year.

In 1976 Nixon, even if re-elected this year, will be unable to run again. The Republicans will face the same dizzying number of primary battles which the Democrats face now.

Presidential preference primaries are good because they take nominating power out of the hands of political brokers and give it to the people. Montana should have a presidential preference primary—it at least would bring some presidential candidates to the state. They never come during the fall campaign.

But eventually the system will have to be modified and placed on a more uniform, national basis. Either every state will have to participate in a single national primary, or a single primary date will have to be set for those states which want primaries.

Forcing candidates to campaign from January (or earlier) through June requires too much effort and expense from them, and undermines the public interest in every sense.

[From the Independent Record, Mar. 8, 1972]

ONE DOWN, 23 TO GO

As you read this the ballots will have been cast and counted in New Hampshire's presidential primary. Someone won and a few lost. We ask: So what?

New Hampshire, a state with 600,000 and some people, received partial credit for the downfall of President Lyndon Johnson in 1968 and the emergence of then Sen. Eugene McCarthy. Why? In our opinion it is because the election process has been de-humanized and relegated to trends, typical voters, ethnic groups and last but not least, the computer.

The dreadful thing about it all is that we will have to be submitted to this analyzation process 23 more times between now and the Democratic national convention in August. And then we'll hear more of the same between the conventions and the general election in November.

The apathy which this process is creating among the voters of America is now surfacing in Florida, site of the next presidential primary. The Democratic ticket is glutted with candidates and the big money men aren't digging very deep into their pockets to contribute. One Florida Democrat and multimillionaire who describes himself as a "country boy businessman who's real concerned about keeping America strong," said of the Florida primary: "It's a damn waste of time. I don't think anybody cares much and you're certainly not going to learn anything."

A prominent Palm Beach banker echoed the same sentiment: "Everybody's waiting around to see who the Democratic candidate is going to be. They don't give a hoot about the primary."

The Democratic big shots in Florida claim that there is no real power structure in that state. Nevertheless, the Florida votes will be dissected over and over—until the next primary.

In the meantime the analysts will look for the trends in the states which do not have presidential primary elections. Already we are being told that Sen. Edmund Muskie is Montana's man.

The pundits punch the cards, feed the computer, push the button and presto! It looks like Montana likes Muskie. It's that simple.

The tragedy of it all is that the constant theorizing and the space and time the news media devotes to it in a futile attempt to keep the public informed will do just the opposite. It's a sad commentary that our political system today is geared to speculating the electorate into boredom.

[From the Christian Science Monitor, Mar. 13, 1972]

WHAT PRICE PRIMARIES!

(By Erwin D. Canham)

Americans, it seems to me, are going to grow very weary of state presidential primaries before this spring and early summer are over. Of course, they won't be nearly as weary as the unfortunate candidates are likely to be. Nor so broke.

If the other state results are as inconclusive as New Hampshire's, we are likely to come up to the Miami convention with no really firm indications. Thus the way will be open for a nomination controlled by the power brokers, the boys in the smoke-filled rooms.

It has been suggested that perhaps they know the candidates better than the voters in the White Mountains or the Everglades, and so the decision should be left to them. That isn't the way we work. We still believe in voting, and democracy.

Therefore attention has turned again to the idea of a nationwide, state-by-state simultaneous presidential primary. Candidates would have to file to get on the ballot. Voters would cast their ballots in either the Republican or Democratic primary.

NOT A PANACEA

If it were desired to retain the institution of a national convention, then they would vote for a slate of delegates. Winner would not take all, state by state, as in the election, but would receive a number of votes or delegates proportionate to the total that voted for him.

Like other reforms, this is no panacea. It is asked, for example, if it is cruel and unusual punishment for candidates to run in 24 state primaries, why would it be all that much better to run in 50? But they wouldn't be doing that. They would be running in one single primary, in all the states on the same day. Nobody could possibly campaign in all 50 states, so candidates would have to concentrate their fire on the most important places, and do a lot of campaigning electronically. Perhaps that would send the costs up, perhaps not.

Quite possibly, a national nominating primary would not produce a candidate with over 50 percent of the vote. It would often be split among a number of minority candidates. That suggests the necessity of following the primary with an actual nominating convention.

POSSIBLE REDUNDANCE

There the values of a national party town meeting would continue to exist. There a concensus could be shaped, but on the basis of delegates all of whom had been chosen by voting methods, rather than caucuses or state conventions, and hence with enhanced legitimacy.

If a candidate had received a clear majority in the nationwide state-by-state primary, the nominating convention would be redundant except to focus the party's ideas and spirit.

The process in 1972 is beginning discouragingly. The Democratic candidates have expended fantastic amounts of energy and money. They are emphasizing the party's disunity. They are draining its potential resources for the ensuing campaign.

The "reforms" introduced in the Democratic Party's procedures are raising large questions of representativeness and balance. The media are having a field day, but I suspect they are exhausting the public's patience and interest.

HORSE-AND-BUGGY AGE

The hand-shaking type of campaign is as anachronistic as the horse and buggy. It gains a few votes, as Sen. George McGovern proved in New Hampshire, but it says little to the nation and to the large decisive pools of votes.

What will come of it all? After New Hampshire, Senator McGovern is more credible as a candidate but most unlikely to win the nomination. After Florida, Gov. George Wallace may prove himself to be some sort of power within the Democratic Party. But what kind of power? How will that power be exerted at the convention? What does Governor Wallace want when it becomes clear that he cannot be the nominee?

The process of nominating presidential candidates, the process of electing them through the Electoral College, stand revealed as highly imperfect. The American people and their political experts must do something about it.

[From the Christian Science Monitor, Mar. 14, 1972]

PRIMARIES, WHO NEEDS THEM?

(By Joseph C. Harsch)

The answer, of course, is that all citizens of the United States actually need the current presidential primaries although one is inclined at this stage, with only one out of the way another 24 (and three months) to go, to sigh and wish for a better way.

There is so much to be said against these primaries. They are costly in money and in wear and tear on candidates. They are unfair, often irrelevant. They bore the voters much of the time. They are subject to manipulation.

BRITISH MODEL

In theory the stranger from Mars would compare the American system with the British and conclude that the British model could and should be applied in the United States. But he would be mistaken.

Yes, the British system is quick, and relatively clean.

It lasts a month, not most of a year.

But the British system only picks the party which is to have the majority in the House of Commons. It does not select the single individual who is in effect to become a combination king-emperor-prime minister all rolled into one—for at least four years and more probably for eight years—to preside over the affairs of some 210 million people living on half a continent.

POLITICAL MEN/BOYS

How do so many and so diverse a people select such a person?

No political scientist would have dreamed up such a system as the one which now exists. Yet for all its manifold faults it does provide a sort of horrible gauntlet which separates the political men from the political boys. Somehow when this tedious process is over, people in the United States have acquired by invisible osmosis an appreciation of the differences among candidates in the areas which are the most important for the job—toughness and stamina.

Granted, some excellent presidents were chosen by the older method. Lincoln is a case in point. But there has been no really disastrous president since the primary system got really under way. The last real failure of the selection process in the United States was Warren G. Harding. He was literally picked by the party bosses in a "smoke filled room." It is highly doubtful that he could have survived the grueling exposure of the primaries process. The flaws in his character and record which came out quickly after he reached high office would surely be detected now in the primaries.

STAND THE HEAT

The strongest argument for these primaries and, I think, the convincing one, is that every man beginning with Franklin Delano Roosevelt who has survived them to become president has had one essential quality. Roosevelt, Truman, Eisenhower, Kennedy, Johnson, and Nixon all have had stamina and toughness in adversity. They could take disappointment and even defeat without collapse or panic or exhaustion.

Harry Truman said, "If you can't stand the heat get out of the kitchen." He and the others who survived primaries could all stand the heat. They had to.

[From the Roll Call, Washington, D.C., Jan. 29, 1972]

POLITICAL PRO'S IDEAS ON ELECTION REFORMS

(By Gayle Essary)

Politicians are going through an era of rethinking party structures and the methods of selecting delegates to conventions establishing party policy and selecting party nominees.

The McGovern Commission has lent an air of "officialdom" to the process, but the rethinking and restructuring is going on at every level of both major political parties.

It has been a natural result of this activity that new ideas have been formulated for the selection of the President and Vice President of the United States. The Electoral College itself has been the scene of recent "sit-ins" and changes in "Administration."

None of the changes or proposed changes actually return the selection of the Presidential nominees directly to the people, nor do they give the eventual nominee a hand in the writing of the party platform which becomes quite meaningless once the nominee begins compaigning on his own. Also the conventions are usually quite boring to the general public, and it's easy to see why.

Instead of what has happened in the past and what is proposed for the future, here are some changes that would make real sense and make the political system interesting again to the apathetic majority.

1. A nationwide presidential primary would enable all voters in all states to choose their favorite candidates without the benefit of switching parties or having the results of previous primaries to influence their votes.

Candidates would have to take themselves and their ideas directly to the people, and never again would delegates, largely rich or otherwise unqualified and controlled by the delegation leader, have the sole power to pick a President of the U.S.

(There are minor technicalities, such as the limitation of third parties, but third parties could prosper if their Presidential nominees are allowed on all ballots in the U.S. if they receive, say, 5% of the total vote on the day of the National Presidential Primaries, or they could be allowed on the ballots of individual states where they receive 5% or more of the total vote in that state while not receiving 5% of the vote nationwide. The latter provision would allow a party to gain renown and prominence in geographicaly areas of the U.S. even though it does not yet command national attention.)

2. Precinct conventions would be held nationally the evening of the Presidential Primary, and delegates would be selected to the county conventions, as is now the practice. At the end of this process, delegates are selected to attend the National Party Conventions, scheduled later the same year. It would be the job of the national conventions to write the platform of the nominee already chosen and to provide him a forum from which he can make his major campaign kick-off speech. Some drama would be retained for the convention in that it would also be the job of the delegates to select a Vice Presidential running mate for the Presidential candidate. This gives the nominee plenty of time to think about such an important choice, it gives the representatives of the people a voice or veto in the selection, and the convention-selection allows other candidates for the Presidential nomination to be considered.

3. In the general election year in which Presidents are not elected, the Congress of the United States would have a natural national forum with the addition of what would be known as the Congressional National Conventions of both parties. Delegates would be selected in the same manner, and the candidates and incumbents of both parties would have an opportunity to gain exposure, and to have the assistance of the delegates in writing a platform that would establish party position. Such a written document would often eliminate the need for candidates to take stands and continually establish "issues" which are so irrelevant to the real reasons people vote for them.

Why not go ahead at the same time and amend the Constitution so that a President and Vice President serve six years and are ineligible to succeed themselves?

[From the Washington Daily News, Mar. 14, 1972]

NATIONAL PRIMARY?

President Truman once said presidential primaries in the states were so much "eye-

wash." The late Adlai Stevenson, twice a candidate for President, called them "almost useless."

Sens. Mike Mansfield and George Aiken, two seniors in Congress, now say much the same thing. They are proposing a constitutional amendment to provide for a national presidential primary.

It was not until 1905, 116 years after the government was established, that the first state presidential primary was held—in Wisconsin.

The idea spread to 23 other states at one time, but fell off to 16 states in 1968. This year 23 states are holding primaries—the just-over Florida contest being the second of a series which will run thru June 27.

Under the Mansfield-Aiken plan, a single primary would be held in all 50 states on the same day in August. Candidates would get their names on the ballot by petition. If no candidate polled 40 per cent of the vote there would be a later runoff. Party conventions would be held, but the nominees for President would be chosen at the polls.

Woodrow Wilson urged a similar plan nearly 60 years ago, and it has cropped up several times since, never getting anywhere.

On its face, it sounds like a clean, democratic solution to the haphazard, inconclusive "circus" (Sen. Mansfield's term) now going on under different rules in only some of the states. Advocates argue that the cost of campaigns in scattered states on different dates is exorbitant and, as Sen. Mansfield said, "hard" on the candidates.

As it is, the candidates are selective about the states they enter. A clear-cut favorite doesn't always emerge. Moreover, state primary results are not necessarily influential on nominating conventions. A national primary, it is argued, would put all candidates on the same footing.

But there are some serious objections, too.

For instance, it is doubtful whether either Adlai Stevenson or President Eisenhower, both reluctant at first, could have been persuaded to run in the 1952 primaries, the year both were nominated by party conventions.

The plan also raises questions as to its effect on the two-party system, on minorities, and on such things as party unity. Whatever the evils of a convention system, would a national primary eliminate them? And it hardly would lessen the costs of a campaign for President.

In any event, it requires two-thirds of both houses of Congress just to submit the amendment to the states and 38 states to make it effective—plenty of time to examine all the angles.

[From the Boston Globe, Mar. 14, 1972]

DOING AWAY WITH PRIMARIES

Senator Mike Mansfield, the Montana Democrat, who teamed up with Rhode Island's Senator John Pastore to bring you the first major election reform since 1926 in the form of legislation to limit campaign spending, has now joined forces with Republican Senator George D. Aiken of Vermont in seeking a constitutional amendment that would replace the present round of presidential runoffs with a single national primary to be held in August. It's an interesting idea, particularly on this day when the voters of Florida go to the polls in the second of 23 presidential primaries to be held across the nation.

There is a legitimate argument that an increasing number of states hold presidential primaries less because of a valid potential input than because of a desire to bask briefly in the political limelight. New Hampshire, with its 100,000 Democrats and no great urban centers, is not Middle America. Nor is Florida with its deep tradition of conservatism and its aggregation of retirees, baseball players and space engineers from out of state. Yet, by holding early primaries, these states set candidates on a scale that is self-perpetuating and pin them to issues, such as busing, that might not have risen elsewhere.

There are those who argue that the wear and tear of the long campaign are a valid test of the man, as Senator Muskie may have learned to his sorrow in New Hampshire, and that without the local contest, candidates like George McGovern and Shirley Chisholm would have no chance to surface. The time, they say, is well spent. And the cost of running in sequential primaries is generally estimated to be less than the cost of running in what would amount to two or possibly three national elections, with a national primary and a possible run-off preceding the November election.

The Florida primary, in which nine Democratic liberals are pitted against two outright Democratic conservatives, stacks the deck in favor of the conservatives with the top conceded to Governor George Wallace and Washington Senator Henry Jackson aiming for fourth place on a platform of "metooism." Surely this has its bizarre side. But the hope is that all the tears and all the nonsense will be washed away or watered down as the contest moves later this month to Illinois and Wisconsin with 19 more primaries remained after that.

Without strict regulation a national primary could do more to curtail the democratic process than the system as it is presently constructed. The latter is something of a tribal orgy and the beholder is certainly struck by the possibility of improvement. But, appealing as the idea of direct elections may be, reform should probably be tried out first.

ADVICE TO A YOUNG READER

Mr. MANSFIELD. Mr. President, I ask unanimous consent that an article which was published in the St. Louis Post Dispatch, entitled "To a Young Reader," be printed in the RECORD.

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

TO A YOUNG READER

Dear M.R.W.: We have received your letter which begins:

I am 20 years old, to wit, one of the "newly franchised," that rabid political animal about which there has been so much recent (and rather erratic) speculation. Well, patria mia . . . please expect no miracles from me and my peers. No idealistic burdens, thank you.

The point is that I and the majority of my age group can only approach the Madison Avenue super-sell circus of American politics from the other side of despair, disgust, sorrow, and utter disillusionment, having had to crawl from beneath dunghills of human compassion like Chicago, Kent-Jackson and Mayday, just to mention a few. I repeat, give me no smiles and furtive peace signs, because I just may respond with a most Un-Gandhian belt in the mouth. Bitter? Yes indeed . . .

Let us say right off that we expect no miracles from you, your peers or anyone and, frankly, would be rather appalled if one happened. We have concluded after no little thought that a world without miracles is to be preferred to one with miracles, if only because a lot of people who might otherwise be spending their time waiting for the lightning to flash and the wonder to occur are forced instead, as you and your peers will be forced, to buckle down to the hard task of making decisions and acting on them. Some of the decisions will be wrong ones, like those which got us into Vietnam and kept us there, an obscene presence in someone else's country. We need your help to correct such mistakes and it won't be easy. And they won't be corrected by miracles.

"Despair" and "utter disillusionment" are terrible things when they are real, for they bespeak a loss of hope; and a country whose young do not hope is a country dead in spirit.

We wouldn't give a nickel for its chances—wouldn't have, either, when a nickel meant something. So you can see we hope you're wrong when you say a majority of your age group can only approach politics from such a position.

Don't think us condescending to say we think that despair is a lot like puppy love in that it afflicts the young in disproportionate numbers. If you remember it, drop us a note, say, in 10 years, after you've voted a few times, worked a bit more in your community and have done what you can to change the system. You may still be mad, and with good reason, but our guess is you won't still be despairing.

As for those smiles and furtive peace signs, don't be too harsh about them. The smiles may or may not be genuine. You'll have to distinguish between them. A lot of us are truly glad about your imminent presence, so to speak, in the voting booth and may express ourselves awkwardly. Those furtive peace signs may be someone's way of trying to con you. The best thing to do, we've found, is to let them know loud and clear you're not buying. They may also be a signal that some of the older folk have let the times catch up with them. If so, be gentle, M.R., because flexibility is a precious thing and should be encouraged.

Finally, please don't go belting somebody because of what he says. In fact, don't belt. Period. One of the things this country is learning to its shame and sorrow is that belting does not solve things. We've belted the hell out of the Vietnamese and we've belted the hell out of your generation in demonstrations and peace marches and you see what it's done, how much it's brutalized us.

Good luck this November and in all Novembers to come. All of us will be watching with interest what you and your peers will be doing. And as we said a little bit ago, don't forget to write.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order recognizing the distinguished Senator from Kentucky (Mr. COOPER) today be vacated.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent with respect to the order recognizing the distinguished Senator from Tennessee (Mr. BAKER), that the name of the distinguished Senator from New Hampshire (Mr. COTTON), be substituted in lieu thereof, and that that order follow the order recognizing the distinguished Senator from Missouri (Mr. EAGLETON).

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

Does the Senator from Michigan desire to be recognized?

Mr. GRIFFIN. No, Mr. President.

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair now recognizes the distinguished Senator from Missouri (Mr. EAGLETON) for not to exceed 15 minutes.

THE FLANIGAN FACTOR

Mr. EAGLETON. Mr. President, there is a "missing witness" in the ITT hearing—Mrs. Dita Beard.

But she is not the only missing witness.

There is one other, a man who works in the shadows—but only at the highest levels, only with the fattest cats.

That man is Peter Flanigan, called by Time magazine this week "Richard Nixon's 'Mr. Fixit' when it comes to powerful business interests."

The term "Mr. Fixit" can have a perfectly legitimate definition—that of a man skilled in making repairs.

I presume Time did not have that definition in mind when it applied the description to Mr. Flanigan.

For the evidence that has been mounting in the last few days—since his careful and smooth orchestrations suddenly became a cacophony as the press began delving into his affairs—shows Peter Flanigan to be no mere patcher of plaster, no apprentice applier of bandaids.

Rather, there is reason to believe that he is the mastermind, the possessor of the scuttling feet that are heard, faintly, retreating into the distance in the wake of a White House-ordered cave-in to some giant corporation.

Mrs. Beard's memo—and her testimony, whenever that might come—are important in the ITT hearing. More important is the propriety of ITT's donating $400,000 to help stage the Republican National Convention right after the administration granted ITT a favorable settlement in its antitrust case.

But most important, it seems to me, is the element of the ITT case I would call the "Flanigan Factor"—or the place where Mr. Flanigan's fine hand appeared.

The ITT case is not the only one of its kind where Mr. Flanigan's presence can be traced. There are at least four more I am listing today, and undoubtedly there are others—many others.

But, one might ask, is it not Mr. Flanigan's job to represent the point of view of big business in the innermost councils of the White House, and is it not legitimate that the voice of big business be heard there?

The answer is yes—but only as long as being a conduit for the position of big business does not lead to becoming "Mr. Fixit."

And Mr. Flanigan, in the wake of mounting evidence that he is, indeed, "Mr. Fixit," should be called before the Judiciary Committee and be closely questioned about his role in the ITT case. And this Congress should be looking into his role in the other cases I will relate.

What was the Flanigan factor in the ITT case?

We know that Mr. Flanigan managed to get Richard W. McLaren, then Assistant Attorney General in charge of the Justice Department's Antitrust Division, to accept a report on the case from an outside consultant—really a young Flanigan protege hired for the purpose, Richard J. Ramsden.

Richard J. Ramsden was an employee of Dillon, Reed from 1961 to 1965—the same investment banking firm of which Peter Flanigan was a senior vice president from 1954 to 1968. Ramsden was a White House fellow from September 1969 through part of 1970 working for—guess who—Peter Flanigan. Later in 1970, he was a consultant to the Commerce Department. After that he wrote an antitrust analysis in regard to the Ling-Temco-Vought case which resulted in the settlement of that case by the Antitrust Division. And next came his ITT report.

We know that this report, in 15 pages which took only 2 days to write, somehow was so convincing that it provided the solution for a case the Antitrust Division had been building for years—a solution favorable, of course, to ITT.

Was there intervention? If so, was it improper? Only Mr. Flanigan can clear the air—air poisoned, to me, by a very distinct and unpleasant aroma.

There is a Flanigan factor in other vital decisions that affected big business. Here are some examples gathered so far:

ANACONDA CASE

Late in 1971 the Montana State Board of Health held hearings on proposed new Montana air pollution regulations. An employee of the Environmental Protection Agency—EPA—testified there in favor of stringent air pollution control.

The president of Anaconda, Mr. John Place, hit the ceiling over the testimony of the EPA employee and fired off a blistering letter to EPA Administrator William Ruckelshaus.

Without even giving Ruckelshaus a chance to respond, Place and other moguls of the copper industry sat down with Peter Flanigan in the White House and told him of their dissatisfaction.

Place acknowledged this meeting with his "Dear Peter" letter of December 29, 1971, in which he concluded:

> Any assistance you can offer in having EPA acknowledge that it got overzealously involved in Montana's affairs will be appreciated.

Flanigan contacted EPA and interceded on behalf of Anaconda. EPA then decided to disavow the testimony of its own employee. The disavowal letter was flown in person from Denver to Helena, Mont., this being the most tailormade air mail delivery for special interest service in modern history.

ARMCO STEEL CASE

In September 1971, the Environmental Protection Agency won a court order preventing Armco from dumping highly toxic chemicals into the Houston ship channel. EPA had taken the position that the wastes in question—cyanide, phenol ammonia, and sulphide—could be burned off. Armco complained of the additional cost and threatened to lay off over 300 workers.

Armco President William Verity—whose executives had contributed at least $14,000 to the 1968 Nixon campaign—wrote to President Nixon complaining of the EPA suit. Enter the Flanigan factor.

According to House testimony, Peter Flanigan contacted EPA officials—who were told to "negotiate the case like any other," whatever that means. EPA and the Justice Department then entered into negotiations with Armco and reached an agreement whereby Armco could continue dumping its chemicals until the summer of 1972.

POSTAL SERVICE BONDS

In 1971 the newly restructured Postal Service announced its intention to issue $250 million worth of bonds. The Postal Service decided:

First, to sell the bonds on Wall Street rather than selling them to the U.S. Treasury,

Second, not to take advantage of Federal guarantees—which parenthetically meant the price of the bonds would be higher,

Third, that underwriters to float the bonds on the market would be selected through negotiations rather than competitive bidding, and

Fourth, that one of the underwriters would be none other than Dillon, Read.

In his September 21. 1971, report to the chairman of the House Committee on Post Office and Civil Service, Representative MORRIS UDALL stated two principal conclusions:

> (1) this important bond issue has been handled in such a way that the strong appearance of impropriety has arisen; and (2) that the method chosen for this financing may eventually and unnecessarily cost the taxpayers and the Postal Service large sums of money.

UDALL reported further:

> Peter Flanigan is a Special Assistant to the President and was formerly a Vice President of Dillon, Read and Company. There is ample evidence to indicate that the (sic) has been involved in discussions and meetings involving this issuance of the bonds by the Postal Service.

Add to this that the bond deal was negotiated by James Hargrove, senior Assistant Postmaster General, formerly a vice president of Texas Eastern Transmission—whose own issues had been handled for years by Peter Flanigan for Dillon, Read.

It is hardly surprising, perhaps, that this cozy exercise in public-private high finance was enriched by the appointment of none other than Mudge, Rose, Guthrie, and Alexander as counsel to the underwriters—counsel doubtlessly enhanced by the fact that two former senior partners are President Richard Nixon and then Attorney General John Mitchell.

OIL IMPORTS

The present oil import quota system is estimated to cost consumers up to $5 billion a year. The Treasury gets none of it; oil companies get it all. A Cabinet-level task force recommended in 1970 that the quota system be scrapped. Peter Flanigan is known to have shot down the original report and guided the work of a successor panel which brought in the opposite verdict.

Now in firm control of the oil import control system, Mr. Flanigan seems ready to embark on phase II. According to the Oil Daily, "orders have now gone down" to the Oil Policy Committee to report by April 1 on the import of new gas sources. The committee is expected to recommend

"large scale imports of LNG—liquefied natural gas—and oil for SNG—substitute natural gas—"to meet the increasing gas shortage.

Mr. Flanigan apparently finds no conflict of interest in the fact that Texas Eastern Transmission Corp., mentioned above, is planning an SNG facility which will require 125,000 barrels per day of imported naptha. It has also applied for permission to import LNG from Algeria—on a temporary basis, thus far—to a terminal facility on Staten Island. Dillon, Read underwrote the first offering of Tetco common stock in 1947 when it was formed, and it has underwritten every one of Tetco's public debt issues since that time. Tetco has been Dillon, Read's creation and, to a large degree, Peter Flanigan's. Now, in an oil market controlled by the White House, Peter Flanigan is in a position to insure the continued prosperity of his corporate ward.

And, of course, there was the Sansinena case. But perhaps I am only suspicious. Perhaps the Flanigan factor is just coincidence—coincidence every time.

Peter Flanigan is the real missing witness. It is time that he was called to testify.

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair recognizes the Senator from New Hampshire for 15 minutes.

PETER FLANIGAN

Mr. COTTON. Mr. President, I regret that I frequently find myself in the position of being compelled to speak in opposition to my friend from Missouri, with whom I have enjoyed a close and friendly relation since he has been in the Senate. I regret it especially, Mr. President, since I called his office because I heard what was going to be the subject of his 15-minute speech, and I tried to get in touch with him and I was unable to reach him by telephone and unable to get a return call from him. I regret especially that one for whom I have so much respect has approached this matter in quite the manner he has.

Peter Flanigan happens to be a personal friend of mine. I have had some dealings with him since he has been in the White House. I have not always agreed with him, particularly when New Englanders were communicating with him about oil.

I came to his defense in relation to the last matter that was touched upon by the Senator from Missouri, the so-called Sansinena case, and that defense was never answered. The Senator who then made that attack on Peter Flanigan on the floor of the Senate dropped the matter instantly and we heard no more about it, so no wonder the Senator from Missouri passed over that quickly.

Mr. President, I happen to know that Mr. Flanigan down at the White House is an old friend and acquaintance of the distinguished Senator from Missouri. I must say frankly that I am rather surprised that the Senator from Missouri would decide to make this attack on Mr. Flanigan at the White House and not inform Mr. Flanigan that he intended to do so; not ask one single question of Mr. Flanigan about whether his allegations are true or untrue, or listen to one word from Mr. Flanigan as to the truth or falsity of impressions which the Senator from Missouri, I am sure, quite sincerely entertains.

Mr. President, as was hinted by the Senator from Missouri, every administration in this country that I ever heard of, Democrat or Republican, has had to have experts assisting the President of the United States. President Nixon has his experts. He has his advisers on welfare, he has his advisers on ecology, and he has his advisers on every other subject. There never has been an administration in which it was not necessary for the President to have someone familiar with business in this country, with banking in this country, and the economic machinery that makes the backbone of this country and provides the taxes to support our Government. There never has been a President who has not needed someone well versed in those subjects. In this particular instance Mr. Flanigan happens to be one of those persons who advises the President on these subjects. Quite properly the President would want someone who had been successful himself and who had a thorough business background.

Now, Mr. President, most of what the Senator from Missouri has said has nothing more to do with the ITT situation which is before the Committee on the Judiciary and the question of the confirmation of Mr. Kleindienst as Attorney General of the United States than do the flowers that bloom in the springtime. What are the facts?

Well, the facts are that Mr. Richard Ramsden at some period some time ago served as a White House fellow and worked primarily with the Office of Economic Opportunity. It so happens that later Judge McLaren, who then, as Assistant Attorney General, was dealing with the LTV case, which has nothing to do with the present situation, nothing to do with ITT, and noting to do with the fitness of the President's designate as Attorney General, asked Mr. Flanigan to recommend someone to do some research for him and answer some questions for him in relation to the LTV case. Mr. Flanigan suggested Richard Ramsden as a competent financial analyst then in the employ of the Government; Richard Ramsden did some research and he did the job well. In fact, he did the job so much to the satisfaction of then Assistant Attorney General McLaren that he gained a good deal of confidence in the judgment of Mr. Ramsden.

So now, when the matter comes up and Judge McLaren is working on the ITT case and its settlement, Judge McLaren again calls Mr. Flanigan in the White House, and does he ask for someone to be recommended to him by Mr. Flanigan? No; he inquires about Richard Ramsden: "Where is he? Is he available, because he is the man I would like to have." This is the testimony.

Mr. Flanigan, knowing that Mr. Ramsden has returned to an investment management firm, which by the way was not Mr. Flanigan's old firm, informs Judge McLaren, and Judge McLaren is about to leave town and says to Mr. Flanigan, "Will you call him and propound these specific questions to him so that I may have his responses," and that Mr. Flanigan did.

Mr. President, to assert on the floor of the Senate without once approaching Peter Flanigan and even listening to the facts as he knows them or giving him the opportunity to inform the Senator from Missouri, and on these flimsy grounds to take 15 minutes to tell the press of this country that this man Flanigan is a sinister influence in the White House, and that he is involved in all kinds of manipulations, frankly smells to me of what years ago when I was first a Member of the Senate was called McCarthyism.

I refer to the making of attacks upon the character and integrity of a man who to date has not once had any valid charge made against him of any improper conduct whatsoever, in his duties personally, in his business life, and more particularly in his duties as adviser to the President.

The background of this whole matter was that Mr. McLaren had developed a respect for Mr. Flanigan's professional competence in financial matters during the course of their work together in Government, and in 1970 had asked him to recommend a financial analyst for the LTV merger. Mr. Flanigan was aware that Mr. Ramsden, a highly competent financial analyst, was serving as a White House fellow at the Office of Economic Opportunity and brought him to Mr. McLaren's attention, who asked for his detail to Justice for a financial analysis of the LTV merger.

That was when Judge McLaren, then Assistant Attorney General McLaren, formed an acquaintance with Mr. Ramsden, and he wanted Mr. Flanigan to contact Mr. Ramsden again to transmit the specific interrogatories, which request came not from Mr. Flanigan but from Mr. McLaren.

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

The ACTING PRESIDENT pro tempore. The Senator has 5 minutes remaining.

Mr. COTTON. Mr. President, the Senator from Missouri has gone on to resurrect and read into the RECORD several allegations that are completely immaterial to the matter in question.

The first of these allegations is that because of a visit from the presidents of Anaconda, Kennecott, and Phelps Dodge, Mr. Flanigan induced the Environmental Protection Agency to alter its position with regard to strict air pollution standards imposed by Montana.

The facts concerning this allegation are: State air pollution standards are a matter solely for decision by the State of Montana; Mr. Flanigan's only involvement was to agree to meet with copper company officials together with Richard

Fairbanks, assistant to White House environmental specialist John Whitaker. Mr. Fairbanks passed on to EPA, the copper companies' request that testimony by an EPA official in Montana be clarified to bring it in line with previously announced EPA policy that States were free to choose their own way of meeting Federal requirements.

The further background is that the State of Montana had under consideration a requirement that copper smelters, in addition to meeting the strong Federal standards, should achieve a 90-percent reduction in emissions of sulfur oxides. The only EPA involvement was through expert testimony at hearings before the relevant State officials.

The decision on EPA's position in the Montana hearings was made at EPA, not at the White House. An EPA official, George Walsh, had testified in Montana on December 15, 1971.

The copper company executives, believing his testimony to be inconsistent with prior EPA policy, addressed a letter to EPA. Receiving no response; realizing Montana was about to come to a decision; hoping for clarification of the EPA position; and unable to reach EPA Administrator William Ruckelshaus, who was out of the city; the copper executives visited Mr. Flanigan on December 28, 1971, to ask that their question be answered. Mr. Flanigan referred this question to EPA through Mr. Fairbanks.

There is nothing more natural than that Mr. Flanigan, with his business background, should be acquainted with these people in the copper industry, and there is nothing improper about his directing their question to the proper people in the Government to provide the answer.

So much for that.

Next, we have a second allegation that Mr. Flanigan induced EPA, represented by the Justice Department, to agree to a 6-month delay in ending Armco's discharges of pollutants into the Houston ship channel because of a letter to the President from William Verity, president of Armco Steel.

The facts are as follows: The lawsuit was settled by EPA on advantageous terms, requiring the companies to install pollution control equipment on a tight timetable in accordance with EPA's requirements and at the same time preserving 300 jobs. On receipt of Mr. Verity's letter to the President, it was entirely proper for Mr. Flanigan, as a Presidential assistant, to inform himself of the facts of the matter, and to insure that administration policy of protecting both the environment and jobs was being carried out. This he did by checking with John Quarles, general counsel of EPA, and with the Civil Division of the Department of Justice, which deferred to EPA on the policy question.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. COTTON. My time is expired. I recognize that the leadership——

Mr. MANSFIELD. Mr. President, if the Senator wants more time, I ask that the period for the transaction of routine morning business be laid before the Senate.

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 not to exceed 3 minutes, with a limitation of 3 minutes on each Senator recognized.

Mr. MANSFIELD. Mr. President, I ask for recognition at this time and yield my time to the Senator from New Hampshire.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. COTTON. I thank the distinguished majority leader for his courtesy and fairness.

PETER FLANIGAN

Mr. COTTON. Mr. President, Armco was one of many companies that had been emptying wastes into the Houston ship channel for many years. EPA, through the Justice Department, brought a landmark case against Armco under the 1899 Refuse Act to stop this practice and won it. As a result, Armco agreed to do, on a tight timetable, what EPA had wanted all along; namely, to incinerate the pollutants. This was a very advantageous settlement for all concerned, which both ended the pollution and preserved the 300 jobs while the required antipollution facilities were being installed.

Those were the facts. All this maze of information that has been dug up from somewhere, I repeat, has nothing to do with the present situation in hand. Not only that, it provides no foundation in fact for criticism of Mr. Flanigan.

The third allegation, which deals with the matter of postal bonds, is that Mr. Flanigan obtained for Dillon, Read & Co., Inc., a position as one of the five managing underwriters for the first bond issue by the Postal Service.

The facts are Mr. Flanigan was in no way involved in the choice of Dillon, Read as an underwriter—a fact attested to by James Hargrove, Assistant Postmaster General for Postal Affairs, who had this responsibility. Mr. Flanigan had no financial or other connection with Dillon, Read at the time it was selected as an underwriter, nor was or is there any explicit or implicit understanding of any future connection. Thus, Mr. Flanigan could not have profited from the Postal Service's choice, and furthermore, he was in no way involved in it.

The further background of this matter is that Mr. Flanigan did coordinate within the administration the development of legislation to create a Federal finance bank to bring greater unity to the financing activities of the Federal Government. Because of this activity and his general financial expertise, he was consulted on the question whether the newly reorganized Postal Service should sell its bonds direct to the public or to the Treasury, which options are provided for under the Postal Service Act. Mr. Flanigan requested a memorandum from the Postal Service regarding its views on the matter, and made that memorandum available to Treasury Under Secretary Volcker.

In short, these matters are all duties this man is expected to perform. That is what he is down there for. They do not pick someone who is an ignoramus or one who has had no connection with business to advise the administration, to advise the Postal Service, to advise other branches of the Government, on matters of policy.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. COTTON. Mr. President, I ask to be recognized for 3 minutes in my own right.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from New Hampshire.

Mr. COTTON. Mr. President, I have only 3 minutes, and I want to place in the RECORD the rest of this prepared statement, which covers Texas Eastern Transmission Corp. and which goes into the tried matter of the *Sansinena* case, which was once again exhumed by the Senator from Missouri, and which contains a direct statement issued by Mr. Flanigan in 1970.

TEXAS EASTERN TRANSMISSION CORP.

With regard to the Tetco situation the background is as follows: There are currently before the Oil Policy Committee 22 applications for the importation of liquified natural gas or products for the production of natural gas. The total of these imports would equal in 1975 the amount of petroleum currently being imported by the United States. Clearly it is necessary that the national security implications of these imports be considered by the Government. In connection with Mr. Flanigan's responsibilities in the oil and gas area he has urged the Office of Emergency Preparedness to make such a study.

Texas Eastern Transmission Corp. is among the applicants. Mr. Flanigan did not own at the time his assets were put into a blind trust and never had owned any common stock or other securities of Texas Eastern Transmission Corp. In April 1969 Mr. Flanigan severed all connections with Dillon, Read & Co., Inc., among whose clients Texas Eastern was included.

"SANSINENA"

With regard to the release of the *Sansinena* episode, the allegation is that Mr. Flanigan, because of his ownership of shares of the Barracuda Corp., procured and profited from a waiver from the Jones Act by the Treasury Department for one of Barracuda's tankers, the *Sansinena*, permitting the *Sansinena* to engage in coastwise trade between points in the United States.

The facts are as follows: Mr. Flanigan was in no way involved in Treasury's decision. Second, he could in no way have profited from it because first, he had severed all ties with Barracuda when the waiver was granted, and second, the *Sansinena* was a long-term, fixed price charter to Union Oil Co. and so its use in the coastwise trade would not affect its value to Barracuda, which could only have received its previously agreed-upon fixed rental regardless of the grant or denial of the waiver. Finally, all of these facts were fully set forth in a letter by Mr. Flanigan on May 22, 1970, to Chair-

men MAGNUSON and LONG and have been totally available since that time to any Senator who cared to ascertain the facts.

Further background: First, Mr. Flanigan was in no way involved in Treasury's decision on March 2, 1970, to grant such a waiver.

Second. At the time of the Treasury action on March 2, Mr. Flanigan owned no Barracuda stock; he had severed all ties with the corporation; his financial affairs were being handled in a blind trust; moreover, the waiver for the *Sansinena* had no effect on the value of Barracuda stock since the *Sansinena* was chartered at a fixed price to the Union Oil Co. Mr. Flanigan had acquired 308 shares of Barracuda in 1956, representing less than 4 percent of its equity ownership. He served as a director and as president of Barracuda until April 1, 1969, when he resigned because he was joining Government service. The 308 shares of stock were placed in a blind trust. The shares were sold by the trustee on February 25, 1970, at a price determined by a formula used in 1966. This sale occurred before the Treasury action; the price was calculated in a way which was entirely unrelated to any such action; and since the *Sansinena* was on a long term fixed price charter, the possibility it might be used in coastwise trade was irrelevant to the value of the Barracuda shares to its stockholders in any event.

Further, Mr. Flanigan said at the time the charges were made:

I took no part in any way, directly or indirectly, in anything relating to the Treasury's granting of a waiver from the prohibition of the Jones Act to permit the tanker Sansinena to engage in the U.S. coastal trade. Nothing in the memorandum of October 9, 1969, from Maritime Administrator Andrew Gibson to me, to which Senator Tydings refers, or in the circumstances leading up to it, in any way contradicts that.

He covered the rest of these points in a letter sent at the time to concerned committee chairmen. I ask unanimous consent to have once again this statement printed in the RECORD.

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

STATEMENT BY PETER M. FLANIGAN

I took no part in any way, directly or indirectly, in anything relating to the Treasury's granting of a waiver from the prohibition of the Jones Act to permit the tanker Sansinena to engage in the U.S. coastal trade. Nothing in the memorandum of October 9, 1969, from Maritime Administrator Andrew Gibson to me, to which Senator Tydings refers, or in the circumstances leading up to it, in any way contradicts that.

What happened was this: Prior to October 2, there had been discussion in the Cabinet Committee on Oil Import Policy of the means available to transport Alaskan crude oil from the North Slope to the continental United States. It was suggested that one company, having a refinery in the Virgin Islands (to which the Jones Act does not apply) was considering shipping crude oil in foreign flag ships to be refined there into products which foreign flag ships would then carry to the continental U.S. This possible threat to U.S. interests by inducing the construction outside the U.S., in either the Virgin Islands or Canada, of the refinery capacity required for Alaskan crude oil was of concern to me in my Presidential assignment with the Cabinet Committee mentioned above; and on October 2, I addressed a memorandum to Mr. Fanseen, Acting Chairman of the Maritime Commission, and to Mr. Gibson asking about this (copy attached).

On the following day I had a conference with Mr. Gibson on the Administration's maritime program. At the end of it, I mentioned to him my October 2 memorandum regarding this aspect of the Jones Act, which was then on its way to him, and asked the related question: what were the provisions of the Jones Act (with which I was not then as familiar as I am now) which prevented vessels like the Sansinena, built in American yards and registered under foreign flags, from returning to U.S. registry and engaging in the coastal trade. Mr. Gibson's memorandum of October 9, which quoted the relevant provisions of the law prohibiting this, was his reply to this oral inquiry.

At the time, I was aware of the failure of prior efforts to secure a waiver permitting the Sansinena to engage in coastal trade. I was not aware that another application for a waiver had been filed with the Treasury two months before, and did not become so until about the time the waiver was granted in March, 1970. My inquiry to Mr. Gibson was for information only, in the context I have described, which related to my official assignment for the President. It was not intended to produce, and did not in fact produce, any action by the Martitime Administration or the Commerce Department. Mr. Gibson confirms that his recollection and understanding of my inquiry are the same as mine.

Senator Tydings attempts also to find a significance that does not exist in minor changes that were made between the first and the final draft of the memorandum that I sent to Secretary Kennedy which was released by him on March 10, 1970. Apart from correcting an inaccuracy in the first draft (my financial statement, as is customary with members of the White House Staff was filed on the regular Civil Service form, but was filed with the Counsel to the President rather than with the Commission itself) the primary effect of the changes was to strengthen the points that I was making: that I had had nothing to do with the Sansinena waiver application, and in any event could not have profited in any way by the granting of it.

Mr. COTTON. Mr. President, I think I can speak with some authority on the Sansinena case. It was handled in our committee, and it was the Senator from New Hampshire who took the floor and thrashed the matter out in connection with that case.

Mr. President, in the moment I have left, I merely want to say that if I have spoken harshly about the Senator from Missouri, I certainly wish to soften those remarks. I hold him in high esteem. But it is not like him, I prefer to believe, to make these wild charges without once inquiring from the man whom he was attacking on this floor about any of the facts, or giving him any opportunity to respond.

I think that it should be borne in mind, first, that all these skeletons or alleged skeletons dug up from the past by the Senator from Missouri are not relevant to the matter before the Committee on the Judiciary at this time, and second—

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. BELLMON. Mr. President, I yield my 3 minutes to the Senator from New Hampshire.

Mr. COTTON. I thank the Senator from Oklahoma. I shall not use but 1 minute of it.

Most of these extraneous matters are subject to complete explanation. The matter at hand is this: In what sinister way has this man, who has served for years in the White House and has a stainless reputation, performed improperly in regard to the ITT matter?

None. His minimal participation has been explained completely. It was at the request of McLaren, who wanted to get in touch again with the man whom he had used before. This is making the greatest mountain out of the smallest mole hill that I have ever had the opportunity to hear.

I think that all these things will be thrashed out where they should be thrashed out, before the Committee on the Judiciary, and I think that it would behoove Senators to reserve their judgment, particularly when it is obviously an attempt to reach into the White House and strike at the President of the United States, until they know exactly what they are talking about.

I have tried to answer as many of the allegations made by my distinguished colleague from Missouri against Mr. Flanigan as time would allow. I now make my complete, if perhaps occasionally repetitious, rebuttal to the various attacks.

COPPER SMELTERS

ALLEGATION

That because of a visit from the presidents of Anaconda, Kennecott, and Phelps Dodge, Flanigan induced the Environmental Protection Agency to alter its position with regard to strict air pollution standards imposed by Montana.

FACTS

State air pollution standards are a matter solely for decision by the state of Montana; Flanigan's only involvement was to agree to meet with copper company officials together with Richard Fairbanks, assistant to White House environmental specialist John Whitaker. Fairbanks passed on to EPA, the copper companies' request that testimony by an EPA official in Montana be clarified to bring it in line with previously announced EPA policy that states were free to choose their own way of meeting federal requirements.

BACKGROUND

The state of Montana had under consideration a requirement that copper smelters, in addition to meeting the strong federal standards, should achieve a 90% reduction in emissions of sulphur oxides. The only EPA involvement was through expert testimony at hearings before the relevant state officials.

The decision on EPA's position in the Montana hearings was made at EPA, not at the White House. An EPA official, George Walsh, had testified in Montana on December 15, 1971.

The copper company executives, believing his testimony to be inconsistent with previous EPA policy, addressed a letter to EPA. Receiving no response; realizing Montana was about to come to a decision; hoping for clarification of the EPA position; and unable to reach EPA Administrator William Ruckelshaus, who was out of the city; the copper executives visited Flanigan on December 28, 1971, to ask that their question be answered. Flanigan referred this question to EPA through Richard Fairbanks, assistant to the White House specialist on environmental matters, John Whitaker, EPA determined that Mr. Walsh's testimony should be clarified,

and on January 6 John Green, a Regional Administrator of EPA, addressed a letter to Montana officials clarifying the testimony by indicating (1) that EPA had no official position on what the costs of imposing a 90% emissions reduction would be; (2) that a 90% reduction was not specifically required by the federal Clean Air Act; (3) that the states were free to impose a 90% reduction; and (4) that "significant reductions in emissions from smelters in Montana" will be required to meet the federal law. This letter reaffirmed the EPA position stated in Mr. Ruckelshaus' prior memorandum of November 12, 1971 that EPA would leave the method of meeting federal requirements, and any decision to go beyond them, entirely up to the states.

ARMCO; HOUSTON SHIP CHANNEL

ALLEGATION

That Flanigan induced EPA, represented by the Justice Department, to agree to a six month delay in ending Armco's discharges of cyanides and other pollutants into the Houston Ship Channel because of a letter to the President from William Verity, President of Armco Steel.

FACTS

The lawsuit was settled by EPA on advantageous terms, requiring the companies to install pollution control equipment on a tight timetable in accordance with EPA's request and at the same time preserving 300 jobs. On receipt of Verity's letter to the President, it was entirely proper for Flanigan, as a Presidential Assistant, to inform himself of the facts of the matter, and to ensure that Administration policy of protecting both the environment and jobs was being carried out, which he did by checking with Mr. John Quarles, General Counsel of EPA, and with the Civil Division of the Department of Justice, which deferred to EPA on the policy question.

BACKGROUND

1. The Administration is concerned with keeping people employed, as well as with ending pollution. If the delay referred to above had not been agreed to, 300 people would have lost their jobs, because part of the Armco plant in Houston would have remained closed. Mr. Quarles, General Counsel of EPA, informed Mr. Flanigan that this was never EPA's objective; EPA wanted only to end pollution on a tight timetable and not to close the plant. This desired solution was negotiated between the lawyers of EPA, the Justice Department and Armco.

Armco is one of those many companies who have been emptying wastes into the Houston Ship Channel for many years. EPA, through the Justice Department, brought a landmark case against Armco under the 1899 Refuse Act to stop this practice and won it; as a result, Armco agreed to do, on a tight timetable, what EPA had wanted all along—namely to incinerate the pollutants. This was a very advantageous settlement for all concerned, which both ended the pollution and preserved the 300 jobs while the required anti-pollution facilities were being installed.

POSTAL BONDS

ALLLEGATIONS

That Flanigan obtained for Dillon, Read & Co., Inc. a position as one of the five managing underwriters for the first bond issue by the Postal Service.

FACTS

Flanigan was in no way involved in the choice of Dillon, Read as an underwriter—a fact attested to by James Hargrove, Assistant Postmaster General for Finance and Administration, who had this responsibility. Flanigan had no financial or other connection with Dillon, Read at the time it was selected as an underwriter, nor was or is there any explicit or implicit understanding of any future connection. Thus, Flanigan could not have profited from the Post Office's choice, even though he was in no way involved in it.

BACKGROUND

1. Flanigan was not involved in the Postal Service's choice of Dillon, Read as one of the five bankers for the bond issue.

Flanigan coordinated within the Administration the development of legislation to create a Federal Finance Bank to bring greater unity to the financing activities of the Federal Government. Because of this activity and his general financial expertise, he *was* consulted on the question whether the newly reorganized Postal Service should sell its bonds direct to the public or to the Treasury, which options are provided for under the Postal Service Act. Flanigan requested a memorandum from the Postal Service regarding its views on the matter, and made that memorandum available to Treasury Under Secretary Volcker.

As for the choice of the managing underwriters, this decision was made by the Postal Service alone. The only question put to Flanigan on this subject came when Mr. James Hargrove, Assistant Postmaster for Finance and Administration, called Flanigan, for whose financial expertise he had developed respect in previous associations in the private sector, to ask: (1) whether as a matter of sound practice a commercial bank should be included in the managing group and (2) whether Morgan Guaranty Bank would be a good choice. Flanigan replied in the affirmative to both questions. However, he did not learn of the actual decisions on these subjects on the underwriters until they were publicly announced by the Postal Service.

TEXAS EASTERN TRANSMISSION CORP.

There are currently before the Oil Policy Committee 22 applications for the importation of liquified natural gas or products for the production of natural gas. The total of these imports would equal in 1975 the amount of petroleum currently being imported by the United States. Clearly it is necessary that the national security implications of these imports be considered by the government. In connection with Mr. Flanigan's responsibilities in the oil and gas area he has urged the Office of Emergency Preparedness to make such a study.

Texas Eastern Transmission Corporation is among the applicants. Mr. Flanigan did not own at the time his assets were put into a blind trust and never had owned any common stock or other securities of Texas Eastern Transmission Corporation. In April 1969 Mr. Flanigan severed all connections with Dillon, Read & Co. Inc. among whose clients Texas Eastern was included.

"SANSINENA"

ALLEGATION

That Flanigan, because of his ownership of shares of the Barracuda Corporation, procured and profited from a waiver from the Jones Act by the Treasury Department for one of Barracuda's tankers, the Sansinena, permitting the Sansinena to engage in coastwise trade between points in the United States.

FACTS

Flanigan was in no way involved in Treasury's decision. Second, he could in no way have profited from it because (1) he had severed all ties with Barracuda when the waiver was granted, and (2) the Sansinena was on a long-term, *fixed price* charter to Union Oil Co. and so its use in the coastwise trade would not affect its value to Barracuda, which could only have received its previously agreed-upon fixed rental regardless of the grant or denial of the waiver. Finally, the facts were fully set forth in a letter by Flanigan on May 22, 1970 to Chairmen Magnuson and Long and have been totally available since that time to any Senator who cared to ascertain the facts. (Attached)

BACKGROUND

1. Flanigan was in no way involved in Treasury's decision on March 2, 1970, to grant such a waiver.

2. At the time of the Treasury action on March 2, PMF owned no Barracuda stock; he had severed all ties with the corporation; his financial affairs were being handled in a blind trust; moreover, the waiver for the Sansinena had no effect on the value of Barracuda stock since the Sansinena was chartered at a fixed price to the Union Oil Company. PMF had acquired 308 shares of Barracuda in 1956, representing less than 4% of its equity ownership. He served as a director and as President of Barracuda until April 1, 1969, when he resigned because he was joining Government service. The 308 shares of stock were placed in a blind trust. The shares were sold by the trustee on February 25, 1970, at a price determined by a formula used in 1966. This sale occurred before the Treasury action; the price was calculated in a way which was entirely unrelated to any such action; and since the Sansinena was on a long-term fixed price charter, the possibility it might be used in coastwise trade was irrelevant to the value of the Barracuda shares to its stockholders in any event.

Mr. EAGLETON. Mr. President, I have a few brief remarks I should like to make in response to the statement of the distinguished senior Senator from New Hampshire. It is true that the Senator did call my office and did seek to reach me on the telephone. I was presiding at a hearing of the Air and Water Pollution Subcommittee, of which I am vice chairman, from 9:30 this morning until 20 minutes to 12, at which time I returned to my office to get copies of my speech and otherwise prepare for this presentation, and I did not return the Senator's call.

We both, I believe, have mutual respect and regard for each other, although on occasions we may disagree, as I am sure we do in this particular instance.

The Senator from New Hampshire made reference to the fact that Peter Flanigan is "my old friend and acquaintance." In the past 3 years, I have seen Peter Flanigan once and talked to him twice on the telephone; and in the preceding 40 years, I talked to Mr. Flanigan twice in person. One time I remember was at Tampa, Fla., and I cannot recall when the other was. So three in-person meetings and two telephonic communications, I think, mean that my friendship with Peter Flanigan is highly overrated—as indeed I think his cleanliness—that of Peter Flanigan—is highly inflated.

What this boils down to, Mr. President, is, In what manner should Flanigan be contacted to give his side of the story? Through the Senator from New Hampshire here this morning, indirectly, Peter Flanigan has responded. But if, as the Senator from New Hampshire says, "These matters are all subject to clarification," there is an appropraite time and there is an appropriate place that this clarification should take place. I suggest, first, that Peter Flanigan should volunteer to come before the Senate Committee on the Judiciary to give his version of his intermeddling in the IT&T case.

Once having done that, I assure Peter Flanigan that I will reconvene the Subcommittee on Air and Water Pollution of the Senate Public Works Committee, and will give him an opportunity to come before that subcommittee to explain his role in the Anaconda case and the Armco case.

Finally, I will intercede with the chairman of the Post Office and Civil Service Committee, the Senator from Wyoming (Mr. McGEE), that after those hearings before the Subcommittee of the Public Works Committee are concluded, his committee hold public hearings and give Peter Flanigan an opportunity to explain his role in the matter of the post office bonds.

That is the place for Flanigan to appear. That is the place for Flanigan to appear under oath, not indirectly through another Senator.

I do not retract my speech. I do not retract the charges that are made therein.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. BYRD of West Virginia. Mr. President, I yield my 3 minutes to the Senator from Missouri.

Mr. EAGLETON. I thank the Senator from West Virginia.

Those charges stand, as far as I am concerned, unrebutted and unchallenged. There is a proper forum—indeed, there are a multitude of fori, if that be the plural of forum—where Peter Flanigan can come, raise his right hand and swear to tell the truth, the whole truth, and nothing but the truth, and lay before this Congress, and thus this Nation, what his role was in these various matters heretofore mentioned.

That is where it is binding. That is where it is on the line. And anything short of that, by taking refuge in executive privilege or some other too widely construed concept will at least convince me, as one citizen of the United States, that these charges are undenied and that they are true.

So the ball is now in Flanigan's court. He has the means to come before these appropriate committees—the Judiciary Committee on the ITT case, Public Works on both the Anaconda and Armco cases, and I am sure that Senator McGEE will invite him to appear before the Post Office and Civil Service Committee.

So the jury is out; and while they are deliberating on that verdict, I think this country is waiting for Mr. Flanigan to testify under oath.

Mr. President, I yield the floor.

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

Mr. EAGLETON. I yield the Senator such time as I have left from the time yielded me by the Senator from West Virginia.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Missouri (Mr. SYMINGTON).

Mr. SYMINGTON. Mr. President, I have listened with interest to the remarks of my able and distinguished colleague, and hope that in due course the lady who apparently was involved in some way in the ITT case, who is currently giving out statements from the hospital, will come before the Judiciary Committee when the time comes and her health justifies her testifying. Taking a deposition in a hospital room is one thing. But it would be well, when the time came, that she have the chance to answer the personal attacks that have been made upon her, and also the criticism she has received in this matter.

Mr. COTTON. Mr. President, I ask unanimous consent for 1 minute.

Mr. EAGLETON. I yield such time to the Senator from New Hampshire as I have remaining from the time yielded to me by the Senator from West Virginia.

Mr. COTTON. I merely want to respond to the closing remarks of the junior Senator from Missouri. They were quite revealing. They reveal the fact that he is not primarily interested in what may be brought out about Peter Flanigan with respect to the ITT matter. What he is very naturally interested in—we who have been in the Senate many years have seen this happen before, on both sides of the aisle—is, at the opening of this presidential campaign, the wild allegations that anybody can make on the floor of the Senate with impunity.

He wants a chance to break down the long established executive privilege and to go on a fishing expedition by three, four, or five committees searching into the White House, to try to find something with which to distract the attention of the American people from the constructive achievements of this administration. We shall not fall for that obvious kind of partisan political activity.

Mr. BENNETT subsequently said: Mr. President, earlier today the distinguished Senator from New Hampshire (Mr. COTTON) answered the speech of the Senator from Missouri (Mr. EAGLETON) regarding Mr. Peter Flanigan, a member of the President's White House staff.

I have known Mr. Flanigan for many years, and I wish to take this opportunity to associate myself with the remarks of the Senator from New Hampshire. I believe he has very clearly and carefully placed the matter in perspective.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, informed the Senate that, pursuant to the provisions of section 1, Public Law 86–420, the Speaker had appointed Mr. BOGGS as a member of the U.S. Delegation of the Mexico-United States Interparliamentary Group, to fill an existing vacancy thereon.

The message announced that the House had agreed to the concurrent resolution (S. Con. Res. 67) to authorize the Secretary of the Senate to make a technical correction in the enrollment of the bill (S. 888) providing for the relief of David J. Crumb.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider four nominations which were reported earlier today.

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

The ACTING PRESIDENT pro tempore. The nominations will be stated.

COUNCIL OF THE NORTH ATLANTIC TREATY ORGANIZATION

The assistant legislative clerk read the nomination of David M. Kennedy, of Illinois, to be the U.S. permanent representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

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

AGENCY FOR INTERNATIONAL DEVELOPMENT

The assistant legislative clerk read the nomination of Philip Birnbaum, of Maryland, to be an Assistant Administrator of the Agency for International Development.

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

DISTRICT OF COLUMBIA REDEVELOPMENT LAND AGENCY

The assistant legislative clerk read the nomination of John J. Gunther to be a member of the Board of Directors of the District of Columbia Redevelopment Land Agency.

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

DISTRICT OF COLUMBIA COUNCIL

The assistant legislative clerk read the nomination of Tedson J. Meyers, of the District of Columbia, to be a member of the District of Columbia Council.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominations.

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

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. 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.

TREASURY RULING PROHIBITING REDUCTION OF PENSIONS TO RETIREES DUE TO SOCIAL SECURITY INCREASES

Mr. JAVITS. Mr. President, I direct attention to a recently issued Treasury Department ruling, Revenue Ruling 71–446, which, among other things, specifically prohibits tax-qualified private

pension plans integrated with social security from reducing pension benefits paid by the plan to retired employees by the amount of social security increases voted by the Congress. The effective date of the ruling is March 31, 1972, and I ask unanimous consent that the pertinent ruling be printed at the end of my statement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 1.)

Mr. JAVITS. It will be recalled that in December of 1970, the Senate passed by a voice vote my amendment to the then pending social security increase bill, which would have accomplished precisely what the Treasury ruling now does, but the amendment died with the then pending social security measure.

At that time, I indicated the substantial number of complaints that were being received from retired persons, disclosing that their pension benefits were being watered down by reason of the increased amount of social security benefits they were to receive. It was appalling to me and other Senators that in these inflationary times, the result of voting social security measures was to deprive many retired employees, by reduction of his other pension income, of the very money needed to cope with the rising costs of living. In other words, what Congress gave with one hand, the pension plan took away with the other.

During the course of my inquiry into this procedure I was informed by former Deputy Assistant Secretary of the Treasury John S. Nolan, that under the regulations of the Treasury then existing, the social security "offset" practice to which I objected would not be permitted, and that any amendment to the Internal Revenue Code was unnecessary. Mr. President, I ask unanimous consent that Deputy Secretary Nolan's letter of December 18, 1970, to me be printed in the RECORD at this point.

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

THE DEPARTMENT OF THE TREASURY,
Washington, D.C., December 16, 1970.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: This is in reply to the request of Mr. Gordon of your office for the present position of the Treasury Department concerning the effect of increases in Social Security benefits upon benefits paid to retired employees under so-called offset plans.

Revenue Rulings 69–4 and 69–5, copies of which are attached, provide specific rules for determining whether a pension, annuity, profit-sharing or stock bonus plan is properly integrated with Social Security benefits. Section 7 of Revenue Ruling 69–4 provides that an offset plan (i.e., a plan under which an employee's retirement benefit is reduced by a stated percentage of his Social Security benefit) is properly integrated only if the rate at which the offset is computed does not exceed (1) 83⅓ percent, if the offset is computed on the basis of the benefit to which the employee would be entitled under the Social Security Act as in effect in 1968, or (2) 75 percent, if the offset is computed on the basis of the benefit to which the employee is or would upon application be entitled under the Social Security Act as in effect at the time at which the offset is first applied. Thus, increases in Social Security benefits cannot result in an increase of the amount of the Social Security offset. This represents a change from the position in former Assistant Secretary Surrey's letter of April 28, 1967, to the Honorable Jennings Randolph, Chairman of the Subcommittee on Employment and Retirement Incomes of the Senate Special Committee on Aging.

In light of the foregoing, I believe that the amendment you have proposed to the pending Social Security bill is unnecessary. As you may have been informed, we have submitted to the Office of Management and Budget a proposed report opposing the amendment.

Sincerely yours,

JOHN S. NOLAN,
Deputy Assistant Secretary.

Mr. JAVITS. Subsequently, a newspaper article concerning this subject appeared which indicated that the Treasury Department had modified its position and that the objectionable "offset" practice would be permitted for a certain period longer and within the integration limits. This position was confirmed by another letter from former Deputy Assistant Secretary Nolan, and I ask unanimous consent that his second letter be printed in the RECORD at this point.

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

THE DEPARTMENT OF THE TREASURY,
Washington, D.C., December 29, 1970.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: This is in reply to your letter of December 28, 1970, concerning pension and annuity plans that are integrated with the Social Security system. In your letter, you referred to a news story in the Washington Post which attributed to a Treasury source a statement to the effect that the rules promulgated in 1969 would not apply to employees retiring before 1972, and you requested a clarification of the position taken in my previous letter that we believed your proposed amendment is unnecessary.

As a result of the amendments to the Income Tax Regulations adopted in 1968 and Revenue Ruling 69–4, a copy of which was attached to my previous letter, the following situation exists: Offset plans that were established after July 5, 1968, cannot provide that the amount of the Social Security offset to any employee's benefit will be decreased by virtue of a post-retirement increase in his Social Security benefit. Offset plans that were in effect on July 5, 1968, and that contained such a benefit formula must be amended so that benefits paid to employees retiring after December 31, 1971, will not be decreased by virtue of post-retirement increases in Social Security benefits. However, if an offset benefit formula of this type were contained in a qualified plan as in effect on July 5, 1968, it may be continued to be applied to employees who have retired or will retire before January 1, 1972, and all subsequent Social Security benefit increases may be taken into account.

We believe that these rules are an adequate means of achieving the objective of your proposed amendment and that your proposed amendment is unnecessary. While it is true that employees who have retired or who will retire before 1972 may suffer decreases in their benefits under private pension or annuity plans by reason of Social Security benefit increases, it is our opinion that this is a reasonable and necessary transitional relief provision. Requiring elimination of this type of offset benefit formula with respect to present retirees could conceivably result in substantial increases in the past service liabilities under affected plans and place their financial soundness in jeopardy. Persons commenting on the proposed regulations in 1968 stressed the importance of adequate transitional rules to prevent the occurrence of these unfortunate results. As a result of these comments, the regulations adopted in 1968 and Revenue Ruling 69–4 provide a reasonable degree of transitional relief. Your proposed amendment could possibly have the effect of upsetting this balance.

Moreover, it should not be concluded that this type of offset benefit formula always works to the disadvantage of retired employees. In this regard, it is reasonable to assume that employers utilizing these benefit formulas took anticipated Social Security benefit increases and resulting decreases in private plan benefits into account in setting benefit levels under their private plans. Had they known that they would be prohibited from taking account of post-retirement increases in Social Security benefits or that they would be penalized for doing so, they might well have set benefits at a lower level in order to keep plan costs within the limits they were willing to bear. Thus, for example an employer whose plan provides a benefit of 60 percent of final average pay less 50 percent of actual Social Security benefits might have established at approximately the same cost a plan providing a benefit of 40 or 50 percent of final average pay less 50 percent of Social Security benefits when the employee retires. The advantage of the former benefit formula to the employee is that it produces a considerably larger pension than the latter formula in the period immediately following his retirement. It is important to note that employees who are now retired under plans using the former type of offset benefit formula have already enjoyed the advantage of the higher benefit rate under the employer's private plan; to provide, directly or indirectly, that their plan benefits may not be reduced by reason of future Social Security benefit increases would give them another arguable unwarranted advantage.

In light of the foregoing, we believe that the existing situation reflects a reasonable and realistic balance between the desirability of eliminating this type of offset benefit formula and the need for caution in imposing new requirements or altering old requirements in the private pension area. Accordingly, we continue to believe that your proposed amendment is unnecessary.

Sincerely yours,

JOHN S. NOLAN,
Deputy Assistant Secretary.

Mr. JAVITS. Because of this apparent reversal, I pressed for the adoption of my amendment and I was gratified that the Senate saw things in the same light that I did. It now appears that the final chapter on this subject has been written by the new Treasury ruling, and that any further amendment truly is unnecessary. I commend the Treasury Department highly for having taken this step. While, as we know, much more needs to be done to provide adequate pension protection to the workers of this country, it is heartening to see the attitude of growing concern on the part of our Government officials.

EXHIBIT 1

REV. RULING 71–446

* * * * *

SEC. 7. OFFSET PLANS.

An offset plan is integrated if the rate at which the offset to any employee's benefit is computed does not exceed:

.01 83⅓%, if the amount of the offset to an employee's benefit is computed on the basis of the Social Security Act as in effect at the time at which the offset is first applied.

.02 92%, if the amount of the offset to an employee's benefit is computed on the basis of the Social Security Act Amendments of 1969.

.03 105%, if the amount of the offset to an employee's benefit is computed on the basis of the Social Security Act Amendments of 1967, P.L. 90–248, C.B. 1968–1, 648.

.04 117%, if the amount of the offset to an employee's benefit is computed on the basis of the Social Security Act Amendments of 1958, P.L. 85–840, P.L. 1958–3, 85, or 1965, P.L. 89–97, C.B. 1065–2, 601.

However, the dollar amount of the offset to any employee's benefit shall not be increased after the time at which the offset is first applied due to subsequent changes in the Social Security Act.

QUORUM CALL

The ACTING PRESIDENT pro tempore. Is there further morning business?

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 legislative clerk proceeded to call the roll.

Mr. BIBLE. 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.

ESTABLISHMENT OF OREGON DUNES NATIONAL RECREATION AREA

Mr. BIBLE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1977.

The ACTING PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1977) to establish the Oregon Dunes National Recreation Area in the State of Oregon, and for other purposes, which was to strike out all after the enacting clause and insert:

That, in order to provide for the public outdoor recreation use and enjoyment of certain ocean shorelines and dunes, forested areas, fresh water lakes, and recreational facilities in the State of Oregon by present and future generations and the conservation of scenic, scientific, historic, and other values contributing to public enjoyment of such lands and waters, there is hereby established, subject to valid existing rights, the Oregon Dunes National Recreation Area (hereinafter referred to as the "recreation area").

SEC. 2. The administration, protection, and development of the recreation area shall be by the Secretary of Agriculture (hereinafter called the "Secretary") in accordance with the laws, rules, and regulations applicable to national forests, in such manner as in his judgment will best contribute the attainment of the purposes set forth in section 1 of this Act.

SEC. 3. The portion of the recreation area delineated as the "Inland Sector" on the map referenced in section 4 of this Act is hereby established as an inland buffer sector in order to promote such management and use of the lands, waters, and other properties within such sector as will best protect the values which contribute to the purposes set forth in section 1 of this Act.

SEC. 4. The boundaries of the recreation area, as well as the boundaries of the inland sector included therein, shall be as shown on a map entitled "Proposed Oregon Dunes National Recreation Area" dated May 1971, which is on file and available for public inspection in the Office of the Chief, Forest Service, Department of Agriculture, and to which is attached and hereby made a part thereof a detailed description by metes and bounds of the exterior boundaries of the recreation area and of the inland sector. The Secretary may by publication of a revised map or description in the Federal Register correct clerical or typographical errors in said map or descriptions.

SEC. 5. Notwithstanding any other provision of law, any Federal property located within the boundaries of the recreation area is hereby transferred without consideration to the administrative jurisdiction of the Secretary for use by him in implementing the purposes of this Act, but lands presently administered by the United States Coast Guard or the United States Corps of Engineers may continue to be used by such agencies to the extent required.

SEC. 6. The boundaries of the Siuslaw National Forest are hereby extended to include all of the lands not at present within such boundaries lying within the recreation area as described in accordance with section 4 of this Act.

SEC. 7. Within the inland sector established by section 3 of this Act the Secretary may acquire the following classes of property only with the consent of the owner:

(a) improved property as hereinafter defined;

(b) property used for commercial or industrial purposes if such commercial or industrial purposes are the same such purposes for which the property was being used on December 31, 1970, or such commercial or industrial purposes have been certified by the Secretary or his designee as compatible with or furthering the purposes of this Act;

(c) timberlands under sustained yield management so long as the Secretary determines that such management is being conducted in accordance with standards for timber production, including but not limited to harvesting reforestation, and debris cleanup, not less stringent than management standards imposed by the Secretary on comparable national forest lands: *Provided*, That the Secretary may acquire such lands or interests therein without the consent of the owner if he determines that such lands or interests are essential for recreation use or for access to or protection of recreation developments within the purposes of this Act. In any acquisition of such lands or interests the Secretary shall, to the extent practicable, minimize the impact of such acquisition on access to or the reasonable economic use for sustained yield forestry of adjoining lands not acquired; and

(d) property used on December 31, 1970, primarily for private, noncommercial recreational purposes if any improvements made to such property after said date are certified by the Secretary of Agriculture or his designee as compatible with the purposes of this Act.

SEC. 8. (a) Within the boundaries of the recreation area lands, waters, and interests therein owned by or under the control of the State of Oregon or any political subdivision thereof may be acquired only by donation or exchange.

(b) No part of the Southern Pacific Railway right-of-way within the boundaries of the recreation area may be acquired without the consent of the railway, so long as it is used for railway purposes: *Provided*, That the Secretary may condemn such easements across said right-of-way as he deems necessary for ingress and egress.

(c) Any person owning an improved property, as hereafter defined, within the recreation area may reserve for himself and his assigns, as a condition of the acquisition of such property, a right of use and occupancy of the residence and not in excess of three acres of land on which such residence is situated. Such reservation shall be for a term ending at the death of the owner, or the death of his spouse, whichever occurs later, or, in lieu thereof, for a definite term not to exceed twenty-five years: *Provided*, That the Secretary may exclude from such reserved property any lands or waters which he deems necessary for public use, access, or development. The owner shall elect, at the time of conveyance, the term of the right to be reserved. Where any such owner retains a right of use and occupancy as herein provided, such right may during its existence be conveyed or leased in whole, but not in part, for noncommercial residential purposes. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner. At any time subsequent to the acquisition of such property, the Secretary may, with the consent of the owner of the retained right of use and occupancy, acquire such right, in which event he shall pay to such owner the fair market value of the remaining portion of such right.

(d) The term "improved property" wherever used in this Act shall mean a detached one-family dwelling the construction of which was begun before December 31, 1970, together with any structures accessory to it and the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary finds necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use.

SEC. 9. The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the boundaries of the recreation area in accordance wtih applicable laws of the United States and the State of Oregon, except that the Secretary may designate zones where, and establish periods when, no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, or public use and enjoyment. Except in emergencies, any regulation of the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State fish and game department.

SEC. 10. The lands within the recreation area, subject to valid existing rights, are hereby withdrawn from location, entry, and patent under the United States mining laws and from disposition under all laws pertaining to mineral leasing and all amendments thereto.

SEC. 11. (a) The Secretary is authorized and directed, subject to applicable water quality standards now or hereafter established, to permit, subject to reasonable rules and regulations, the investigation for, appropriation, storage, and withdrawal of ground water, surface water, and lake, stream, and river water from the recreation area and the conveyance thereof outside the boundaries of the recreation area for beneficial use in accordance with applicable laws of the United States and of the State of Oregon if permission therefor has been obtained from the State of Oregon before the effective date of this Act: *Provided*, That nothing herein shall prohibit or authorize the prohibition of the use of water from Tahkenitch or Siltcoo Lakes in accordance with permission granted by the State of Oregon prior to the effective date hereof in connection with certain industrial plants developed or being developed at or near Gardiner, Oregon.

(b) The Secretary is authorized and directed, subject to applicable water quality standards now or hereafter established, to permit, subject to reasonable rules and regulations, transportation and storage in pipe-

lines within and through the recreation area of domestic and industrial wastes in accordance with applicable laws of the United States and of the State of Oregon if permission therefor has been obtained from the State of Oregon before the effective date of this Act.

(c) The Secretary is further authorized, subject to applicable water quality standards now or hereafter established, to grant such additional easements and rights, in terms up to perpetuity, as in his judgment would be appropriate and desirable for the effective use of the rights to water and the disposal of waste provided for herein and for other utility and private purposes if permission therefor has been obtained from the State of Oregon, subject to such reasonable terms and conditions as he deems necessary for the protection of the scenic, scientific, historic, and recreational features of the recreation area.

SEC. 12. (a) The Secretary shall establish an advisory council for the Oregon Dunes National Recreation Area, and shall consult on a periodic and regular basis with such council with respect to matters relating to management and development of the recreation area. The members of the advisory council, who shall not exceed fifteen in number, shall serve for individual staggered terms of three years each and shall be appointed by the Secretary as follows:

(i) a member to represent each county in which a portion of the recreation area is located, each such appointee to be designated by the respective governing body of the county involved;

(ii) a member appointed to represent the State of Oregon, who shall be designated by the Governor of Oregon;

(iii) not to exceed eleven members appointed by the Secretary from among persons who, individually or through association with national or local organizations, have an interest in the administration of the recreation area; and

(iv) the Secretary shall designate one member to be Chairman and shall fill vacancies in the same manner as the original appointment.

(b) The Secretary shall, in addition to his consultation with the advisory council, seek the views of other private groups and individuals with respect to administration of the recreation area.

(c) The members shall not receive any compensation for their services as members of the council, as such, but the Secretary is authorized to pay expenses reasonably incurred by the council in carrying out its responsibilities.

SEC. 13. Within three years from the date of enactment of this Act, the Secretary shall review the area within the boundaries of the recreation area and shall report to the President, in accordance with subsections 3(b) and 3(d) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132(b) and (d)), his recommendation as to the suitability or nonsuitability of any area within the recreation area for preservation as a wilderness, and any designation of any such area as a wilderness shall be accomplished in accordance with said subsection of the Wilderness Act.

SEC. 14. The Secretary shall cooperate with the State of Oregon or any political subdivision thereof in the administration of the recreation area and in the administration and protection of lands within or adjacent to the recreation area owned or controlled by the State or political subdivision thereof. Nothing in this Act shall deprive the State of Oregon or any political subdivision thereof of its right to exercise civil and criminal jurisdiction within the recreation area consistent with the provisions of this Act, or of its right to tax persons, corporations, franchises, or other non-Federal property, including mineral or other interests, in or on lands or waters within the recreation area.

SEC. 15. Money appropriated from the Land and Water Conservation Fund shall be available for the acquisition of lands, waters, and interests therein within the recreation area, but not more than $2,500,000 is authorized to be appropriated for such purposes. For development of the recreation area, not more than $12,700,000 is authorized to be appropriated.

Mr. BIBLE. Mr. President, the amendment adopted by the House is entirely consistent with the policy of the Committee on Interior and Insular Affairs with respect to the establishment of this type of unit of our National Park System.

I have been advised that the senior Senator from Oregon, who is a member of the Committee on Interior and Insular Affairs, is in concurrence with the amendment adopted by the House and that the proposal has been cleared with the ranking leadership on both sides of the aisle.

Therefore, Mr. President, I move that the Senate concur in the amendment of the House.

Mr. HATFIELD. Mr. President, I am pleased to support the approval of my bill to create the Oregon Dunes National Recreation Area. As I have said in the past, this has been before the Congress for over a decade, and today's action represents the final hurdle for legislation to protect this beautiful and unique area along Oregon's central coast.

I cannot mention this proposal without paying tribute to the support I have received from my distinguished subcommittee chairman, ALAN BIBLE, who has been a key factor in seeing that this bill was approved with dispatch by the Senate last year. All Oregonians are in his debt, and, on behalf of the people of my State, I want to thank him for his invaluable assistance in securing passage of this legislation.

Oregon's Congressman from the local area, JOHN DELLENBACK, has been a moving force behind this bill in recent years, and today's action represents credit to his efforts to protect this area from further commercial exploitation. As a member of the House Interior Committee, Congressman DELLENBACK arranged field hearings in the last Congress, and secured hearings here on the bill, and then steered it through the House. Congressman WENDELL WYATT was a cosponsor of the bill in the House.

I also want to thank my colleague, Senator PACKWOOD, who cosponsored the bill here in the Senate, and who gave his support to the bill. I am sure he shares my pleasure in today's actions.

It was in 1958 that the first legislation was introduced to protect this valuable area. Over the years, various proposals were debated. I am pleased that "the saga of the Oregon Dunes" has drawn to a close.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Nevada.

The motion was agreed to.

CHANGES IN CERTAIN UNITS OF NATIONAL PARK SYSTEM

Mr. BIBLE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2601.

The ACTING PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 2601) "to provide for increases in appropriation ceilings and boundary changes in certain units of the national park system and for other purposes", which was to strike out all after the enacting clause, and insert:

TITLE I—ACQUISITION CEILING INCREASES

SEC. 101. The limitation on appropriations for the acquisition of lands and interests therein within units of the national park system contained in the following Acts are amended as follows:

(1) Assateague Island National Seashore, Maryland: section 11 of the Act of September 21, 1965 (79 Stat. 824, 827) is amended by changing "$16,250,000" to "$21,050,00 (including such sums, together with interest, as may be necessary to satisfy final judgments rendered against the United States)";

(2) Big Hole National Battlefield, Montana: section 5 of the Act of May 17, 1963 (77 Stat. 18), is amended by changing "$20,000" to "$42,500";

(3) Bighorn Canyon National Recreation Area, Wyoming and Montana: section 5 of the Act of October 15, 1966 (80 Stat. 913) is amended by changing "$355,000" to "$780,000";

(4) Effigy Mounds National Monument, Iowa: section 5 of the Act of May 27, 1961 (75 Stat. 88), is amended by changing "$2,000" to "$14,000";

(5) Fort Donelson National Military Park Tennessee: section 3 of the Act of September 8, 1960 (74 Stat. 875), is amended by changing "$226,000" to "$454,000";

(6) Lincoln Boyhood National Memorial, Indiana: section 4 of the Act of February 19, 1962 (76 Stat. 9), is amended by changing "$1,000,000" to "$1,320,000" and "$75,000" to "$395,000";

(7) Ozark National Scenic Riverways Missouri: section 8 of the Act of August 27, 1964 (78 Stat. 608), is amended by changing "$7,000,000" to "$10,804,000";

(8) Piscataway Park Maryland: section 4 of the Act of October 4, 1961 (75 Stat. 780, 782), as amended by section 2 of the Act of July 19, 1966 (80 Stat. 319), is amended by changing "$4,132,000" to "$6,972,000"; and

(9) Shiloh National Military Park, Tennessee: section 1 of the Act of July 3, 1926 (44 Stat. 826), is amended by changing "$57,100" to "$150,100".

TITLE II—DEVELOPMENT CEILING INCREASES

SEC. 201. The limitations on appropriations for acquisition and development of units of the national park system contained in the following Acts are amended as follows:

(1) Herbert Hoover National Historic Site, Iowa: section 4 of the Act of August 12, 1965 (79 Stat. 510), is amended by changing "$1,650,000" to "$3,500,000";

(2) Booker T. Washington National Monument, Virginia; section 4 of the Act of April 2, 1956 (70 Stat. 86), is amended by changing "$200,000" to "$600,000";

(3) Johnstown Flood National Memorial, Pennsylvania: section 5 of the Act of August 31, 1964 (78 Stat. 752), is amended by changing "$2,000,000" to "$2,244,600"; and

(4) Wolf Trap Farm Park, Virginia; section 3 of the Act of October 15, 1966 (80 Stat. 950) is amended by changing "$600,000" to "$5,473,000".

SEC. 202. The additional sums authorized to be appropriated for development in the Acts as amended in section 201 are based on March 1971 prices and may be increased or decreased in appropriation Acts by such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved for each area.

TITLE III—BOUNDARY CHANGES

SEC. 301. The Secretary of the Interior is authorized to revise the boundaries of the following units of the national park system:

(1) Adams National Historic Site, Massachusetts: to add approximately 3.68 acres;

(2) Cowpens National Battleground Site, South Carolina: to add approximately 845 acres;

(3) Fort Caroline National Memorial, Florida: to add approximately 12.5 acres;

(4) George Washington Birthplace National Monument, Virginia: to add approximately 62.3 acres;

(5) Glacier National Park, Montana: to add approximately 267.90 acres and to exclude approximately 68.47 acres;

(6) Isle Royale National Park, Michigan: to add approximately 0.52 acre;

(7) Johnstown Flood National Memorial, Pennsylvania: to add approximately 53.6 acres;

(8) Lassen Volcanic National Park, California: to exclude approximately 482 acres;

(9) Muir Woods National Monument, California: to add approximately 49.7 acres;

(10) Ozark National Scenic Riverways, Missouri: to add approximately 1,670 acres; and

(11) Petersburg National Battlefield, Virginia: to exclude approximately 257.53 acres.

SEC. 302. The boundary revisions authorized in section 301 shall become effective upon publication in the Federal Register of a map or other description of the lands added or excluded by the Secretary of the Interior.

SEC. 303. Within the boundaries of the areas as revised in accordance with section 301, the Secretary of the Interior is authorized to acquire lands and interest therein by donation, purchase with donated or appropriated funds, exchange, or transfer from any other Federal agency. Lands and interests therein so acquired shall become part of the area to which they are added, and shall be subject to all laws, rules, and regulations applicable thereto. When acquiring any land pursuant to this Act, the Secretary (1) may tender, to the owner or owners of record on the date of enactment of this Act, a revocable permit for the continued use and occupancy of such land or any portion thereof subject to such terms and conditions as he deems necessary or (11) may acquire any land pursuant to this Act subject to the retention of a right of use and occupancy for a term not to exceed 25 years or for the life of the owner or owners. Lands and interests therein excluded from the areas pursuant to section 301 may be exchanged for non-Federal lands within the boundaries as revised, or they may be transferred to the jurisdiction of any other Federal agency or to a State or political subdivision thereof, without monetary consideration, as the Secretary of the Interior may deem appropriate. In exercising the authority in this section with respect to lands and interests therein excluded from the areas, the Secretary of the Interior may, on behalf of the United States, retrocede to the appropriate State exclusive or concurrent legislative jurisdiction subject to such terms and conditions as he may deem appropriate, over such lands, to be effective upon acceptance thereof by the State. Any such lands not so exchanged or transferred may be disposed of in accordance with the Federal Property and Administrative Services Act of 1949, as amended.

SEC. 304. For the acquisition of lands and interests in lands which are added to the areas referred to in section 301, there are authorized to be appropriated such sums as may be necessary, but not more than the following amounts:

(1) Adams National Historic Site, $122,000;

(2) George Washington Birthplace National Monument, $57,000;

(3) Glacier National Park, $6,000;

(4) Isle Royale National Park, $31,500;

(5) Johnstown Flood National Memorial, $10,000; and

(6) Muir Woods National Monument, $950,000.

SEC. 305. The authorities in this title are supplementary to any other authorities available to the Secretary of the Interior with respect to the acquisition, development, and administration of the areas referred to in section 301.

TITLE IV—MISCELLANEOUS CHANGES

SEC. 401. The third sentence of section 2 of the Act of August 27, 1964 (78 Stat. 608) is amended to read as follows: "Lands and waters owned by the State of Missouri within such area may be acquired with the consent of the State and, notwithstanding any other provision of law, subject to provision for reversion to such State conditioned upon continued use of the property for National Scenic Riverway."

SEC. 402. For the purposes of the Cowpens National Battleground Site, which is hereby redesignated as the Cowpens National Battlefield, there are authorized to be appropriated not more than $2,363,900 for the acquisition of lands and interests in lands and not more than $3,108,000 for development.

Mr. BIBLE. Mr. President, the amendment of the House contains three additions to the bill which were not in the Senate-approved measure. All of the areas added have been heard by the Subcommittee on Parks and Recreation, and two have been approved by the ranking leadership of the committee. The two approved areas added are contained in provisions to increase funds for development at the Wolf Trap Farm Park in Virginia by $4,873,000 and for expansion of Cowpens National Battleground Site in South Carolina. The latter involves new acquisition costs of $2,943,000 and development costs of $3,108,000. As I stated, the committee has conducted hearings on both of these measures, and no objections have been raised to their approval.

However, there is one addition which the committee feels should be considered separately from an omnibus approach such as S. 2601. That area deals with the Piscataway National Park in Maryland.

The subcommittee heard testimony from Assistant Secretary of the Interior for Parks Nathaniel P. Reed, wherein he stated that no further action should be taken on this project until certain litigation now in process could be resolved.

The Interior Committee was under the impression that the National Park Service had resolved the major problems and had agreed to exchange certain lands under its jurisdiction for privately-owned lands in and near the park which have caused a considerable amount of controversy since the park was established. Assistant Secretary Reed has not approved that exchange, and thus we have reached a new stalemate. Therefore, it is the feeling of the committee that this legislation relating to Piscataway should be considered by itself and not as a part of any overall omnibus measure.

Therefore, Mr. President, I move that the Senate concur in the amendment to S. 2601 with an amendment, as follows:

In title I, section 101, page 2, strike all of paragraph (8) and redesignate paragraph (9) as (8).

The ACTING PRESIDENT pro tempore. Will the Senator please send the amendment to the desk.

Mr. BIBLE. Yes, Mr. President; it is simply to strike out title I, section 101, on page 2, strike all of paragraph (8) and redesignate paragraph (9) as (8). I send the amendment to the desk.

Mr. President, that is merely to take out the provision that the House had for the Piscataway area which, as I have just stated, in my judgment, requires some hearings because the matter simply has not been resolved.

I, therefore, move that the Senate concur in the amendment of the House with this amendment.

The motion was agreed to.

HONORING THE 102D BIRTHDAY OF MRS. SYBIL HUNTINGTON, A PAINTER OF NEVADA LANDSCAPES

Mr. BIBLE. Mr. President, yesterday, a grand Nevada lady, who gained national renown for her paintings of Nevada desert scenes and who saw life in the early boom mining camps of my State, reached a milestone in her life that does not come to many. Mrs. John R. "Sybil" Huntington, a Reno, Nev., resident for many years and now residing with her son, Morgan, on the shores of Maryland's Chesapeake Bay, is 102 years old, or young, as she chooses to call it.

Mrs. Huntington, now confined to a wheelchair more than she believes she should be has numerous ambitions but her greatest is to reach 113 years old on March 13, 1983 because thirteens have been lucky for her. She was born in Effingham, Ill., on March 13, 1870, and she has 13 letters in her name. Her father was a county judge in Illinois and her brother a mayor of Effingham.

She was graduated from Washington University in St. Louis as an art major, later studying at the San Francisco School of Fine Arts. She was honored while in college with nine of her paintings chosen for a personal showing at the 1893 Columbian Exposition in Chicago. Later, her Nevada landscape paintings—one still hangs in her son's Galesville, Md., home—were exhibited at the 1939 World's Fair in New York City.

Mrs. Huntington moved to Nevada in 1906 after she and her late husband, John G., were married in Denver, Colo., in 1901. The family lived at the Nevada mining camps of Bullfrog, Rhyolite, Searchlight, Black Canyon on Star Peak, Seven Troughs, Rochester, Weepah, and at the Awakening gold boom at the Austin-Wadley-Hunt Jumbo mine north of Winnemucca in the late 1930's. Her husband, who died 13 years ago, was Reno Rotary Club president in 1920, grand chancellor of the Knights of Pythias in Nevada in 1917–18 and held membership in the Shrine Kerak Temple in Reno.

Her son, Morgan, an only child, is presently an official with the U.S. Bureau of Mines in Washingon, D.C. A graduate of

the Mackay School of Mines at the University of Nevada, he was a mining engineer and manager for operations in Nevada, Colorado, California, Arizona, and Yugoslavia—interrupted by the German invasion. Later, he moved into the construction of nuclear facilities in Massachusetts, Ohio, Italy, Holland, and Sweden.

Her three grandsons—Richard Gordon is a senior engineer for Convair, General Dynamics, in San Diego, Calif.; John Herman is a senior scientist for Physics International in San Lorenzo, Calif., and a doctor of physical chemistry; and James Robert is a writer in New York.

Mr. President, it is a pleasure for me to join today in wishing a happy 102d birthday to a gracious Nevada lady, Mrs. Sybil Huntington. Obviously, many of us in this Chamber have had ambitions or we would not be in this body today but whether our ambitions ever focused on being 102 years old, or the greater one of Mrs. Huntington's, a 113th birthday, would be doubtful. But we honor you for it.

Mr. President, I ask unanimous consent that excerpts of a feature article appearing in the Anne Arundel Times, Annapolis, Md., of March 2, telling about Mrs. Huntington, be printed in the RECORD.

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

ARTIST, 102, IS BRIGHT AND WITTY

(By Elmer M. Jackson, Jr.)

A former professional artist whose scenes of the Nevada desert brought her fame and a teaching position at the University of St. Louis, is a resident of Galesville here in Anne Arundel County, and she will be 102 years old on Monday, March 13.

Mrs. John R. (Sybil) Huntington is the mother of Morgan Huntington, an official of the U.S. Department of Mines, but it is his wife, Alberta who is Mrs. Huntington's constant companion and closest friend. Morgan Huntington is his mother's only child . . .

All the Huntingtons are transplants from Nevada, New Mexico.

Morgan Huntington a mining, chemical and civil engineer came to Washington years ago, and his first job was to supervise installation of the reflection pool in front of the Capitol. His work was acclaimed. During this period the Huntingtons lived in the D.C. and raised 3 sons and sent them off to college.

Mrs. Sybil Huntington, following her husband's death 13-years ago acquired a cottage in Palm Springs. Meanwhile, Morgan and Alberta Huntington in Washington missed fishing which they did with great regularity in rocky mountain streams back in Nevada and in lakes in Mexico. They began looking around Chesapeake Bay country for a summer home on the water and found it at Galesvile. "The house we found was a stroke of good fortune. My husband has built three boats with his own hands and we fish a great deal and jumped around a lot for most of our years here," says Alberta Huntington. "We now live here fulltime with great pleasure. My husband commutes to his work."

But, Sybil Huntington yearned to be with her son when the weather was warm in Maryland and each Spring she hopped a plane and came to Galesville to stay until November when chilly breezes sent her back to Palm Springs. She was active until eight months ago when Dr. Charles H. Wirth of Lothian told her to slow down and take it easy. . . .

It was my pleasure to visit with the Huntingtons last Saturday at their home on Woodfield Road. We were greeted at the door by big Morgan Huntington and the family's three registered handsome Lweyln dogs.

Soon the 102 year old lady was wheeled into the room and she was charming indeed. Truly a lovely, bright and witty woman for her age Mrs. Sybil Huntington said; "Life has been good to me and I hope to live to be 113. Thirteen has always been her lucky number. I was born on the thirteenth day of the month and have thirteen letters in my name. That may be the reason.

The 5-foot-2, eyes of blue, white haired charmer celebrated her 100th anniversary in California with a party, and 20 friends have been invited for her 102d birthday celebration though not more than six can be present at any one time. Doctor's orders.

On her centennial celebration she received greetings from President and Mrs. Nixon and from California Governor and Mrs. Ronald Reagan.

After graduating from Washington University where she was an art major Sybil Huntington was honored when nine of her paintings were selected by the School of Fine Arts for the 1893 World's Fair in Chicago. Art was her profession from then on and her oil portraits of Western type girls appeared on the covers of many publications including Sunset Magazine. As she emigrated to the western frontier in search of new subjects in Colorado's San Luis Valley she met and married John Huntington, a surveyor and gold prospector. She also exhibited oil paintings at the 1939 World's Fair.

She lived in and out of boom camps, reared her only son Morgan who later designed the way to place most of the electric lines in Washington, D.C., underground. Along the way she fought flash floods, dust storms and unbearable heat but she says, "I never lost my cool." Even today it is her remarkable tranquility that radiates like an aura around her that is her most captivating feature.

She loves, and knows that she is loved in return.

Jumping back to the past Mrs. Huntington said "when I was ten I drew my first picture with a piece of burnt cork on the lid of a hat box. When my son Morgan was six I did my favorite picture of him. I had to bribe him to sit still with the promise of 50 cents an hour, plus my willingness to hold his pet rabbit while he read a book." The picture is still with her though she no longer can see it well. She mentioned a whale's oil lamp that she had hanging in the living room. It was used in mining camps.

During the course of the years Mrs. Huntington sold most of her paintings but her family has some thirty of them left.

The ancient lady says, "I have had some ups and downs. I was operated on for cancer when I was 60, and at 86 cured myself of arthritis by reading the right book. It was called 'Arthritis and Common Sense.' Its contents cured me because I believed. You've got to believe, and you have to have will power. Though I can no longer see I find excitement in every new day."

Proud of her genealogy which traces her family back to the Magna Carta Barons who lived in Briton in the 700's, and to Coleus, the old King Cole of British legend, the 102-year old says "My daughter-in-law is now my eyes. Her ever tender care is beautiful and inspiring. She gives me the incentive to want to live and reach my goal of 113.

Remembering my name Mrs. Huntington asked her son to show me her painting of Jackson Range in northern Nevada which occupies a place of honor in the Galesville home living room.

But, it is quickly obvious that mother Huntington, daughter of Ben and Mary Crooker Rinehart of Effingham, Illinois, is the center attraction in the Galesville household. And, she deserves this attention. One of nine children she was quick to tell me that her grandson, Richard Gurdon Huntington produced the first girl to be born in the family in 123 years. Karen Illene Huntington broke the chain of all male children.

Morgan and Alberta Huntington are proud of their three sons, Richard, John and James all highly successful in business.

The Huntington home is a warm, and kind place and we must hope that a delightful lady reaches her goal of living 11 more years. She certainly has a zest to keep going.

ORDER FOR RECOGNITION OF SENATOR PERCY ON THURSDAY, MARCH 16, 1972

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Thursday next, immediately following the remarks of the two leaders under the standing order, the distinguished Senator from Illinois (Mr. PERCY) be recognized for not to exceed 15 minutes.

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

AUTHORIZATION FOR JUDICIARY COMMITTEE TO HAVE UNTIL MIDNIGHT TO FILE ITS REPORT ON EQUAL RIGHTS FOR WOMEN

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Committee on the Judiciary may have until midnight tonight to file its report on the equal rights for women amendment.

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

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be extended an additional 3 minutes.

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

The Senator from California is recognized.

(The remarks of Mr. TUNNEY on the introduction of S. 3342 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

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

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

ORDER FOR ADJOURNMENT

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 tomorrow.

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

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

PLANS FOR WORKS OF IMPROVEMENT IN KANSAS, KENTUCKY, AND NEBRASKA

A letter from the Acting Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, plans for works of improvement on Big Creek, Kans., Red Lick Creek, Ky., and Winnebago-Bean Creek, Neb. (with accompanying papers); to the Committee on Agriculture and Forestry.

REPORT ON MILITARY CONSTRUCTION CONTRACTS AWARDED ON OTHER THAN A COMPETITIVE BID BASIS

A letter from the Commander, Naval Facilities Engineering Command, Washington, D.C., transmitting, pursuant to law, a report on military construction contracts awarded on other than a competitive bid basis, to the lowest responsible bidder, for the 6-month period ended December 31, 1971 (with an accompanying report); to the Committee on Armed Services.

REPORT ON INDEPENDENT RESEARCH AND DEVELOPMENT

A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report on independent research and development and bid and proposal costs, for the year 1971 (with an accompanying report); to the Committee on Armed Services.

REPORT ON DEFERMENT OF CERTAIN REPAYMENT INSTALLATIONS

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, on the deferment of 1971 and 1972 repayment installments due on a small reclamation projects loan repayment contract with the Roosevelt Irrigation District, Buckeye, Ariz.; to the Committee on Interior and Insular Affairs.

REPORT OF GIRL SCOUTS OF THE UNITED STATES OF AMERICA

A letter from the president, and national executive director, Girl Scouts of the United States of America, transmitting, pursuant to law, a report of that organization, for the fiscal year ended September 30, 1971 (with an accompanying report); to the Committee on Labor and Public Welfare.

PLANS FOR WORKS OF IMPROVEMENT IN NEBRASKA, NEW HAMPSHIRE, AND SOUTH CAROLINA

A letter from the Acting Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, plans for works of improvement on Tekemah-Mud Creek, Nebr., Sugar River, N.H., and Eighteen Mile Creek, S.C. (with accompanying papers); to the Committee on Public Works.

REPORT ON STATUS OF CERTAIN PUBLIC BUILDING PROJECTS

A letter from the Acting Administrator, General Services Administration, transmitting, pursuant to law, a report of status of public building projects authorized for construction and alteration, for the year 1971 (with an accompanying report); to the Committee on Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ELLENDER, from the Committee on Appropriations, without amendment:

H.J. Res. 1097. Joint resolution making certain urgent supplemental appropriations for the fiscal year 1972, and for other purposes (Rept. No. 92-688).

By Mr. MANSFIELD, from the Committee on Foreign Relations, without amendment:

S. 2700. A bill to extend diplomatic privileges and immunities to the Mission to the United States of America of the Commission of the European Communities and to members thereof (Rept. No. 92-687).

By Mr. BAYH, from the Committee on the Judiciary, without amendment; together with individual views:

S.J. Res, 8, S.J. Res. 9, H.J. Res. 208. Joint resolutions proposing an amendment to the Constitution relative to equal rights for men and women (Rept. No. 92-689).

By Mr. GRAVEL (for Mr. ANDERSON) from the Committee on Interior and Insular Affairs, without amendment:

S. 2674. A bill to remove a cloud on the title to certain lands located in the State of New Mexico (Rept. No. 92-690).

EXECUTIVE REPORTS OF COMMITTEES

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

By Mr. MANSFIELD, from the Committee on Foreign Relations:

David M. Kennedy, of Illinois, to be the U.S. permanent representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador Extraordinary and Plenipotentiary; and

Philip Birnbaum, of Maryland, to be an Assistant Administrator of the Agency for International Development.

Executive C, 92d Congress, second session, amendment to paragraphs A, B, C, and D of article VI of the Statute of the International Atomic Energy Agency, approved by the General Conference of the Agency on September 28, 1970; reported without reservation (Exec. Rept. No. 92-20).

By Mr. EAGLETON, from the Committee on the District of Columbia:

Tedson J. Meyers, of the District of Columbia, to be a member of the District of Columbia Council; and

John J. Gunther, Esq., for appointment as a member of the board of directors of the District of Columbia Redevelopment Land Agency.

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. BEALL:

S. 3336. A bill to prohibit the exclusion of dog guides for the blind from certain public carriers, transport terminals, and other places of business which operate in interstate commerce. Referred to the Committee on Commerce.

By Mr. GRIFFIN (for Mr. TOWER):

S. 3337. A bill to amend the Small Business Investment Act of 1958, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. TALMADGE (for himself, Mr. HARTKE, Mr. THURMOND, Mr. RANDOLPH, Mr. HUGHES, Mr. CRANSTON, Mr. HANSEN, Mr. STAFFORD, and Mr. SAXBE):

S. 3338. A bill to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes. Referred to the Committee on Veterans' Affairs.

By Mr. SCHWEIKER (for himself and Mr. SCOTT):

S. 3339. A bill to designate the portion of the project for flood control protection on Chartiers Creek that is within Allegheny County, Pa., as the "James G. Fulton Flood Protection Project." Referred to the Committee on Public Works.

By Mr. JAVITS:

S. 3340. A bill for the relief of Branka Mardessich and Sonia S. Silvani. Referred to the Committee on the Judiciary.

By Mr. MONDALE:

S. 3341. A bill for the relief of Randolph Bradford. Referred to the Committee on the Judiciary.

By Mr. TUNNEY (for himself and Mr. MUSKIE):

S. 3342. A bill to amend title IV of the Clean Air Act, and for other purposes. Referred to the Committee on Public Works.

By Mr. HARTKE (for himself and Mr. THURMOND):

S. 3343. A bill to amend chapter 21 of title 38, United States Code, to increase the maximum amount of the grant payable for specially adapted housing for disabled veterans. Referred to the Committee on Veterans' Affairs.

By Mr. HARTKE (for himself and Mr. THURMOND) (by request):

S. 3344. A bill to amend title 38, United States Code, to increase the rates of compensation for disabled veterans; and

S. 3345. A bill to amend title 38, United States Code, to increase payments of vocational rehabilitation subsistence under chapter 31, to provide for the payment of tuition, subsistence, and educational assistance allowances on behalf of or to certain eligible veterans pursuing programs of education under chapter 34 of such title, and for other purposes. Referred to the Committee on Veterans' Affairs.

By Mr. DOMINICK:

S. 3346. A bill to assure opportunities for employment and training to unemployed and underemployed men and women, to assist States and local communities in providing needed public services, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. WILLIAMS:

S. 3347. A bill relating to the authority of the Securities and Exchange Commission to limit membership on national securities exchanges. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. GRAVEL:

S. 3348. A bill for the relief of Sara Oberti Zumaran. Referred to the Committee on the Judiciary.

By Mr. COOPER (for himself, Mr. BAKER, Mr. BROCK, and Mr. COOK):

S. 3349. A bill to authorize the establishment of the Big South Fork National River and Recreation Area in the States of Kentucky and Tennessee, and for other purposes. Referred to the Committee on Public Works.

By Mr. HATFIELD:

S. 3350. A bill to authorize the Secretary of the Interior to perform certain work to replace or relocate structures or facilities owned by governmental agencies. Referred to the Committee on Interior and Insular Affairs.

By Mr. BROCK:

S. 3351. A bill to establish a council on International Economic Policy, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. BENTSEN:

S. 3352. A bill to amend section 2039 of the Internal Revenue Code of 1954 (relating to estate tax treatment of annuities). Referred to the Committee on Finance.

By Mr. WILLIAMS (for himself, Mr. CASE, Mr. MATHIAS, Mr. GRAVEL, Mr. CRANSTON, Mr. MOSS, Mr. HUGHES, Mr. COOPER, Mr. MUSKIE, Mr. HARTKE, Mr. PELL, Mr. HARRIS, Mr. TUNNEY, Mr. HART, and Mr. JAVITS):

S.J. Res. 216. A joint resolution establishing a Commission on United States Participation in the United Nations. Referred to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BEALL:

S. 3336. A bill to prohibit the exclusion of dog guides for the blind from certain public carriers, transport terminals, and other places of business which operate in interstate commerce. Referred to the Committee on Commerce.

Mr. BEALL. Mr. President, I introduce legislation today designed to ease the burdens of day-to-day living for the some 450,000 blind citizens of our Nation. Although in many cases greatly aided by the mutual dedication and close companionship of expertly trained dog guides, these people are often unable to utilize the necessary help of these amazing animals in such places as airports, train stations, and bus terminals. This bill will correct this regrettable problem.

This legislation is designed to prohibit the exclusion of dog guides for the blind from certain public carriers, transport terminals, and other places of business which operate in interstate commerce. It will allow the blind to more easily use the facilities that were built for all Americans. Mr. President, the present situation places unnecessary barriers before the blind persons of this country. This bill will remove that roadblock, so that they can better assume the benefits of normal life that those of us blessed with the miracle of sight too often take for granted. I urge its speedy consideration.

By Mr. GRIFFIN (for Mr. TOWER):

S. 3337. A bill to amend the Small Business Investment Act of 1958, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. GRIFFIN. Mr. President, on behalf of the distinguished senior Senator from Texas (Mr. TOWER), I introduce a bill and I ask unanimous consent that a statement prepared by him in connection with the bill be printed at this point in the RECORD.

The ACTING PRESIDENT pro tempore (Mr. STEVENSON). Without objection, it is so ordered.

STATEMENT BY SENATOR TOWER

Mr. President, I am introducing today the Administration's Minority Enterprise Small Business Investment Act of 1972, which would expand the programs of governmental assistance to the Minority Enterprise Small Business Investment Company (MESBIC).

The MESBIC program has been in existence since 1969 to channel investment funds into small business creation and expansion by minorities, as a quasi-private-sector method of building up decent incomes and employment among traditionally economically disadvantaged groups. I favor utilizing such private-sector oriented programs to help the disadvantaged wherever possible, rather than the outright grant of welfare-type assistance, because the former approach contains the elements of capital formation needed to break the poverty cycle permanently, while the latter is a never-ending treadmill of dependency and inadequate income. Ultimately a successful capital formation program in the minority communities will not only make them economically viable but will substantially increase aggregate demand and the efficiency of productive resource allocation in the U.S., leading to higher incomes and more jobs for Americans everywhere.

By Mr. TALMADGE (for himself, Mr. HARTKE, Mr. THURMOND, Mr. RANDOLPH, Mr. HUGHES, Mr. CRANSTON, Mr. HANSEN, Mr. STAFFORD, and Mr. SAXBE):

S. 3338. A bill to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes. Referred to the Committee on Veterans' Affairs.

Mr. TALMADGE. Mr. President, in recent years, it has been fashionable for various interest groups to demand that the Government do more for them.

Therefore, it is a refreshing experience for me to introduce legislation for a group of American citizens which makes no demands—but which deserves more than the Government is giving them. The group to which I refer is the disabled American veterans.

I am introducing today, on behalf of myself and every member of the Senate Committee on Veterans' Affairs, a bill to increase compensation payments to the veterans whose disabilities are related to their military service.

It goes without saying that there is no way to adequately compensate a veteran who has lost a limb or an eye, or a veteran who has suffered irreparable psychological damage in the service of his country. The Congress has never sought to repay the disabled veteran for his pain and suffering, physical and mental, which a disability oftentimes brings. Who can place a price tag on the value of one's eyesight? Who can attach a dollar value to a man's ability to be a working, productive member of society?

The compensation payments for disabled veterans have never done more than a bare minimum. The purpose is to compensate the veteran for the average economic loss resulting from the disease or injury sustained during his military service. Thus, compensation payments are based not on need, but on the degree of disability of the veteran. I wish to emphasize that the compensation payments are based only on the average economic loss resulting from the disability. While disability payments might, in a few cases, be higher than the disabled veteran would ever earn, this loss of a hand, for example, would hardly be compensated by the payments available to a man who would have enjoyed a prosperous career as a dentist or a skilled carpenter.

Since disability compensation can never be more than a bare minimum under the standards we now use, I feel that it is the duty of the Congress to at least insure that we are truly compensating our veterans for their average economic loss resulting from a disease or injury.

Unfortunately, I am not convinced that our present method of computing compensation payments actually reflects the average economic loss suffered by a veteran as a result of his disability. The Veterans' Administration is currently undertaking an intensive study to determine whether the compensation payments in the law are a true measure of average economic loss. Also, the VA is looking into the question of compensation for losses or impairments that cannot be expressed in economic terms.

The results of this long-awaited study have not been compiled, and probably will not be available in the foreseeable future. Therefore, I believe that the Congress should act to increase compensation payments this year.

The bill which I am introducing today increases by 10 percent the compensation payments for all veterans with service-connected disabilities.

This figure represent a larger increase than the increase in the cost of living since July 1, 1970, when disability compensation rates were last adjusted by Public Law 91–376, legislation which I sponsored in the 91st Congress.

It is estimated that between July 1, 1970, and the end of calendar year 1972, the cost of living will have increased by 9 percent.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD first, data showing the need and justification for the compensation increases called for under my bill; second, a historical summary of compensation increases; and third, general statistical information concerning the number and characteristics of those receiving compensation payments.

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

DATA TO SUPPORT DISABILITY COMPENSATION INCREASES

MARCH 2, 1972.

Since July 1, 1970, when disability compensation rates were last adjusted by P.L. 91–376, the following increases have occurred:

CONSUMER PRICE INDEX

C.P.I. July 1970	116.7
C.P.I. Jan. 1972	123.3

(In percent)

Increase	5.6
Predicted for 1972	3.4
Total	9.0

NON-SERVICE-CONNECTED PENSION INCREASES

(In percent)

P.L. 91-588 (1/1/71)	9.5
P.L. 92-198 (1/1/72)	6.5
Total	16.0

SOCIAL SECURITY BENEFIT INCREASES

(In percent)

P.L. 92-5 (1/1/71)	10

FEDERAL PAY INCREASES (GEN. SCHEDULE)

(In percent)

1/1/71	5.96
1/1/72	6.0
Total	11.96

MILITARY PAY INCREASES

(In percent)

1/1/71	7.9
P.L. 92-129 10/1/71 (basic pay for draftees & other enlisted personnel with less than two years service)	68.6
1/1/72	6.0
Total	82.5

SPENDABLE AVERAGE WEEKLY EARNINGS OF PRODUCTION OR NONSUPERVISORY WORKERS IN PRIVATE MANUFACTURING INDUSTRIES

Average Wage, July, 1970	$116.48
Average Wage, Dec., 1971	$130.25
Increase (percent)	11.8

DATA FOR COMPARISON WITH TOTAL DISABILITY COMPENSATION

100 percent compensation equals $450 per month or $5,400 per year.

MEDIAN INCOME OF MALE VETERANS IN THE CIVILIAN NONINSTITUTIONAL POPULATION FOR CALENDAR YEAR 1970—

$8,660

AVERAGE ANNUAL GENERAL SCHEDULE WAGE OF FEDERAL EMPLOYEES—

G.S. 7.9 equals $11,809.

AVERAGE GROSS ANNUAL EARNINGS OF PRODUCTION OR NONSUPERVISORY WORKERS ON PRIVATE NONAGRICULTURAL PAYROLLS—

Manufacturing Industries in Dec., 1971—$7,809.36.

HISTORICAL SUMMARY—COMPENSATION INCREASES

Percent	312—78th June 1, 1944	662—79th Sept. 1, 1946	339—81st Dec. 1, 1949	356—82d July 1, 1952	695—83d Oct. 1, 1954	85-209 Oct. 1, 1957	87-645 Oct. 1, 1962	89-311 Dec. 1, 1965	90-493 Jan. 1, 1969	91-376 July 1, 1970	Talmadge bill
10	11.50	13.80	15	15.75	17	19	20	21	23	25	28
20	23	27.60	30	31.50	33	36	38	40	43	46	51
30	34.50	41.40	45	47.25	50	55	58	60	65	70	77
40	46	55.20	60	63.00	66	73	77	82	89	96	106
50	57.50	69.00	75	86.25	91	100	107	113	122	135	149
60	69	82.80	90	103.50	109	120	128	136	147	163	179
70	80.50	96.60	105	120.75	127	140	149	161	174	193	212
80	92	110.40	120	138.00	145	160	170	186	201	223	245
90	103.50	124.20	135	155.25	163	179	191	209	226	250	275
100	115	138	150	172.50	181	225	250	300	400	450	495

COMPENSATION AND PENSION

In 1971 the Veterans Administration administered a $5.8 billion compensation and pension program which benefited almost 5.6 million veterans and dependents of deceased veterans. To show the dramatic increase in this program during the last five years, 1.3 million additional beneficiaries have been added to the rolls, with an increase in total benefit payments of $1.2 billion. The program continues to account for almost 60 percent of the agency's monetary expenditures.

The number of beneficiaries receiving compensation and pension continued to vary, as in the past years, depending upon whether the particular beneficiary group served during the Vietnam era, the Korean conflict, World War II, World War I, or earlier. The beneficiary status of each group is discussed below.

VIETNAM ERA

Compensation continued to accelerate in fiscal year 1971. In 1970, 167,300 veterans had received compensation, while in 1971 the number increased to 244,500. Death benefits were being paid to 80,340 dependents of these deceased veterans at the end of 1970, but by June 30, 1971, 91,500 dependents were on the rolls. Although the tempo of military involvement in Vietnam wound down in 1971, a continuing increase in the number of compensation beneficiaries is expected for a number of years.

As for pension benefits, Vietnam era veterans and their dependents are only a small segment of the group receiving them. In 1970, only 1,400 Vietnam era veterans and 7,040 dependents of deceased veterans had received pensions. By June 30, 1971, the respective totals had risen to 2,298 and 11,864. Pension is generally paid to elderly or severely non-service-disabled veterans in need. The young Vietnam era veteran, with certain exceptions, cannot meet these criteria. However, increasing numbers of such veterans, and their surviving dependents, can be expected to seek benefits as the group grows older.

Thus far, the qualifying service eligibility period has extended from August 5, 1964 to date—longer than any qualifying period of service heretofore. In years to come Vietnam era veterans and their survivors will represent an increasingly significant proportion of the compensation and pension recipients.

KOREAN CONFLICT

The number of veterans of the Korean conflict receiving compensation rose again in 1971 over 1970 as it had in 1970 over 1969. On June 30, 1971 the total was 239,606 whereas it had been 238,646 a year earlier. The uptrend appears likely to continue for some years to come. The number of Korean conflict pension beneficiaries also has continued to increase over the years as these veterans become older, although comprising only a small proportion of all pension beneficiaries. On June 30, 1971, only 30,446 Korean conflict veterans were receiving pensions, compared with 1,075,643 total recipients.

The number of dependents of deceased Korean conflict veterans receiving compensation again showed a decline in 1971 as it had in 1970. The rolls showed 56,632 dependents as of June 30, 1971—a decline of 929 from the previous year. However, the number of dependents receiving pensions reflected an opposite trend. Here, there has been an increase each year to date. On June 30, 1971, the total was 196,733 compared with 174,598 on June 30, 1970.

WORLD WAR II

In 1971, this group continued to comprise the largest percentage of all veterans receiving compensation. On June 30, 1971, they represented 65 percent of the 2,146,085 on the compensation rolls; however, their numbers declined with the years. Since 1952, a yearly decrease has been visible. Pension, on the other hand, is an ever-expanding program for this group. The average age of the World War II veteran is now 51.6, and as they grow older the number added to the pension rolls climbs. Present estimates indicate that the peak will be reached about 1990. On June 30, 1971, a total of 415,718 World War II veterans were receiving pension benefits, as compared to 371,000 a year earlier.

In 1971, $645.3 million in compensation benefits was paid to 256,026 dependents of those World War II veterans who had died of service-related causes. The total number receiving these benefits has been declining over the years, and will continue to drop although past experience has shown that some dependents remain on the compensation rolls up to one-hundred years after the end of the war in which the deceased veteran served. The number of pension payments made to deceased World War II veterans' dependents on the other hand, has sharply increased over the years. For example, in 1966 only 772,359 received benefits, while by June 30, 1971, the number had risen to 932,379. This growth is expected to continue for many years as the mortality rate of World War II veterans increases.

WORLD WAR I

The average age of this group continued to rise, from 75.7 in 1970 to 76.6 in 1971, and the number receiving compensation continued to decline. On June 30, 1971, only about 78 thousand were still alive and receiving compensation benefits. More than fifty years have passed since the end of World War I, and the ranks of these surviving veterans receiving compensation are being depleted at the rate of about 6,000 a year. The number of World War I veterans receiving pensions has declined also. The fiscal year 1971 figure of 623,762 represented 62,103 less than the previous year.

EARLIER PERIODS

The remaining service periods include surviving veterans, and their dependents, from the Civil War, Indian Wars, Spanish-American War, Mexican War and intervening peacetime periods of the various wars. As might be expected, all of these groups show declining numbers of beneficiaries.

GUARDIANSHIP

This program is administered by Chief Attorney Offices located in all 50 States, the District of Columbia, Puerto Rico, and the Philippines. Through the respective American Consular Offices and VA counterparts in the English-speaking countries, supervision and assistance is provided beneficiaries residing in some 90 countries.

To protect the beneficiaries' interests, and to assure that VA benefits payable on behalf of these minors or the mentally ill are administered properly, two types of fiduciaries are utilized: state court-appointed fiduciaries, when the trust powers of a guardian are needed, or federal fiduciaries, responsible solely to the VA.

While the program's mission is essentially protective, the approach in minor beneficiary cases is primarily directed toward assurance of accommodation for immediate needs and continuation of education through and beyond high school. For the mentally ill, closer

supervision is given to estate administration, coupled with interim personal contacts to assure the beneficiary's well-being.

For the first time since 1963, there has been a reduction in the total number of beneficiaries served. This is partly attributable to several states lowering the age of majority to 18—in anticipation of the right-to-vote amendment to the United States Constitution—and to the revision of policies and procedures pertaining to supervision of minor beneficiaries.

A total of 770,972 beneficiaries were served in fiscal year 1971. This number is about 15,000 below a year ago.

TABLE 48.—DISABILITY, DEGREE OF IMPAIRMENT, TYPE OF MAJOR DISABILITY, PERIOD OF SERVICE—JUNE 1971

	Total				Tuberculosis (lungs and pleura)				Psychiatric and neurological diseases				General medical and surgical conditions			
	Number	Percent of total	Monthly value	Average monthly value	Number	Percent of total tuberculosis	Percent of degree of impairment	Average monthly value	Number	Percent of total psychiatric and neurological diseases	Percent of degree of impairment	Average monthly value	Number	Percent of total general medical and surgical conditions	Percent of degree of impairment	Average monthly value
Degree of impairment: Total	2,146,085	100.0	$226,113,336	$105.36	65,541	100.0	3.1	$121.46	466,987	100.0	21.8	$174.95	1,613,557	100.0	75.1	$84.57
No disability	29,211	1.4	1,889,154	64.67	27,289	41.6	93.4	66.04					1,922	.1	6.6	45.73
10 percent	846,834	39.5	21,135,993	24.96	1,187	1.8	.1	57.47	147,660	31.6	17.4	24.84	697,987	43.3	82.5	24.93
20 percent	332,651	15.5	15,421,774	46.36	9,113	13.9	2.7	65.45	26,221	5.6	7.9	46.82	297,317	18.4	89.4	45.71
30 percent	307,508	14.3	21,628,837	70.34	12,500	19.1	4.1	68.33	80,915	17.3	26.3	69.33	214,093	13.3	69.6	70.83
40 percent	173,405	8.1	17,036,678	98.25	1,690	2.6	1.0	98.49	25,877	5.6	14.9	96.74	145,838	9.0	84.1	98.51
50 percent	110,399	5.1	17,326,556	156.94	3,118	4.8	2.8	153.57	40,254	8.6	36.5	152.50	67,027	4.2	60.7	159.77
60 percent	107,507	5.0	27,420,311	255.06	1,698	2.6	1.6	242.57	18,241	3.9	17.0	223.69	87,568	5.4	81.4	261.83
70 percent	65,152	3.0	20,490,279	314.50	1,362	2.1	2.1	247.90	30,669	6.6	47.1	334.26	33,121	2.1	50.8	298.94
80 percent	34,001	1.6	11,649,669	342.63	2,092	3.2	6.2	286.51	9,029	1.9	26.6	349.91	22,880	1.4	67.2	344.76
90 percent	11,634	.5	4,525,436	388.98	151	.2	1.3	372.13	3,013	.7	25.9	395.07	8,470	.5	72.8	387.12
100 percent	127,783	6.0	67,588,649	528.93	5,341	8.1	4.2	406.73	85,108	18.2	66.6	515.49	37,334	2.3	29.2	566.14
Degree of impairment, World War I: Total	78,261	100.0	12,721,698	162.55	12,100	100.0	15.5	124.89	16,032	100.0	20.5	242.00	50,129	100.0	64.0	146.24
No disability	967	1.2	56,829	58.77	569	4.7	58.8	67.00					398	.8	41.2	47.00
10 percent	11,715	15.0	362,898	30.98	34	.3	.3	59.74	774	4.8	6.6	31.88	10,907	21.8	93.1	30.82
20 percent	18,670	23.9	1,125,686	60.29	8,486	70.1	45.5	66.38	2,146	13.4	11.5	59.94	8,038	16.0	43.0	53.96
30 percent	10,106	12.9	777,502	76.93	738	6.1	7.3	80.07	1,842	11.5	18.2	77.81	7,526	15.0	74.5	76.41
40 percent	7,774	9.9	818,488	105.29	420	3.5	5.4	107.69	1,315	8.2	16.9	107.48	6,039	12.0	77.7	104.64
50 percent	6,709	8.6	1,020,380	152.09	125	1.0	1.9	151.32	2,373	14.8	35.4	152.19	4,211	8.4	62.7	152.06
60 percent	6,677	8.5	1,840,332	275.62	141	1.2	2.1	340.13	1,065	6.7	16.0	202.05	5,471	10.9	81.9	288.28
70 percent	3,063	3.9	898,062	293.20	49	.4	1.6	270.53	1,093	6.8	35.7	294.33	1,921	3.8	62.7	293.13
80 percent	1,876	2.4	608,583	324.40	23	.2	1.2	320.70	519	3.2	27.7	291.05	1,334	2.7	71.1	337.42
90 percent	411	.5	156,434	380.62	10	.1	2.4	322.70	51	.3	12.4	369.29	350	.7	85.2	383.95
100 percent	10,293	13.2	5,056,504	491.26	1,505	12.4	14.6	473.53	4,854	30.3	47.2	489.06	3,934	7.9	38.2	500.75
Degree of impairment World War II: Total	1,395,911	100.0	136,989,397	98.14	33,920	100.0	2.4	124.17	317,650	100.0	22.8	154.29	1,044,341	100.0	74.8	80.21
No disability	18,194	1.3	1,202,110	66.07	17,349	51.1	95.4	67.00					845	.1	4.5	47.00
10 percent	577,561	41.4	14,598,216	25.28	749	2.2	.1	59.10	115,148	36.3	20.0	25.10	461,664	44.3	79.9	25.27
20 percent	210,107	15.0	9,727,147	46.30	425	1.3	.2	66.70	17,882	5.6	8.5	46.18	191,800	18.4	91.3	46.26
30 percent	206,164	14.8	14,675,855	71.19	7,039	20.8	3.4	70.14	58,781	18.6	28.5	70.15	140,344	13.5	68.1	71.67
40 percent	114,401	8.2	11,307,261	98.84	807	2.4	.7	98.20	18,268	5.8	16.0	96.88	95,326	9.1	83.3	99.22
50 percent	70,076	5.0	11,213,598	160.02	1,274	3.7	1.8	163.22	25,515	8.0	36.4	155.96	43,287	4.1	61.8	162.32
60 percent	68,276	4.9	17,601,093	257.79	1,098	3.2	1.6	242.26	11,580	3.6	17.0	222.72	55,598	5.3	81.4	265.41
70 percent	40,166	2.9	12,973,079	322.99	1,104	3.3	2.7	248.32	18,784	5.9	46.8	352.78	20,278	1.9	50.5	299.45
80 percent	21,431	1.5	7,265,946	339.04	1,880	5.5	8.8	289.05	5,462	1.7	25.5	350.99	14,089	1.3	65.7	341.08
90 percent	6,801	.5	2,600,169	382.32	126	.4	1.9	377.77	1,606	.5	23.6	386.35	5,069	.5	74.5	381.16
100 percent	62,734	4.5	33,824,923	539.18	2,069	6.1	3.3	514.62	44,624	14.0	71.1	530.64	16,041	1.5	25.6	566.11
Degree of impairment, Korean conflict: Total	239,606	100.0	28,559,686	119.19	11,452	100.0	4.8	87.91	45,345	100.0	18.9	258.63	182,809	100.0	76.3	89.40
No disability	7,552	3.2	499,890	66.19	248	63.3	96.0	67.00					304	.2	4.0	47.00
10 percent	86,703	36.2	2,223,330	25.64	244	2.1	.3	64.16	10,521	23.1	12.1	25.35	75,938	41.4	87.6	25.56
20 percent	37,186	15.5	1,728,389	46.48	102	.9	.3	66.43	2,063	4.5	5.5	46.35	35,021	19.1	94.2	46.43
30 percent	33,101	13.8	2,377,708	71.83	2,530	22.1	7.6	70.16	6,519	14.4	19.7	70.31	24,052	13.2	72.7	72.42
40 percent	20,215	8.4	2,017,876	99.82	278	2.4	1.4	96.85	2,371	5.2	11.7	98.01	17,566	9.6	86.0	100.11
50 percent	11,732	4.9	1,955,616	166.69	398	3.5	3.4	160.63	3,746	8.3	31.9	163.35	7,588	4.2	64.7	168.66
60 percent	12,656	5.3	3,362,586	265.69	211	1.8	1.7	228.43	2,171	4.8	17.2	248.48	10,274	5.6	81.1	270.09
70 percent	8,416	3.5	2,838,129	337.23	105	.9	1.2	270.00	3,924	8.7	46.7	356.28	4,387	2.4	52.1	321.80
80 percent	4,046	1.7	1,518,384	375.28	78	.7	1.9	320.36	1,104	2.4	37.3	389.67	2,864	1.6	70.8	371.23
90 percent	1,497	.6	610,617	407.89	7	.1	.5	423.00	428	.9	28.6	416.46	1,062	.6	70.9	404.34
100 percent	16,502	6.9	9,427,161	571.27	251	2.2	1.5	501.38	12,498	27.6	75.7	560.02	3,753	2.1	22.8	613.42
Degree of impairment, Vietnam era: Total	244,567	100.0	29,972,703	122.55	2,095	100.0	0.9	297.81	48,391	100.0	19.8	204.00	194,081	100.0	79.3	100.35
No disability	121	.0	5,807	47.99	6	.3	2.5	67.00					115	.1	95.0	47.00
10 percent	94,223	38.5	2,382,511	25.29	56	2.7	.1	25.00	11,612	24.0	12.3	25.13	82,555	42.5	87.6	25.31
20 percent	38,305	15.7	1,773,985	46.31	10	.5	.0	46.00	2,634	5.4	6.9	46.20	35,661	18.4	93.1	46.32
30 percent	30,736	12.6	2,196,534	71.46	42	2.0	.1	70.00	7,626	15.8	24.9	70.42	23,068	11.9	75.1	71.81
40 percent	18,722	7.7	1,882,220	100.54	30	1.4	.2	96.00	2,529	5.2	13.5	98.71	16,163	8.3	86.3	100.83
50 percent	14,511	5.9	2,190,883	150.98	854	40.8	5.9	151.75	5,142	10.6	35.4	146.05	8,515	4.4	58.7	153.88
60 percent	11,194	4.6	2,642,153	236.03	103	4.9	.9	195.84	2,197	4.5	19.6	219.53	8,894	4.6	79.5	240.58
70 percent	8,082	3.3	2,374,979	290.52	30	1.4	.4	234.10	3,524	7.3	43.6	286.80	4,528	2.3	56.0	293.78
80 percent	4,450	1.8	1,594,460	358.31	11	.5	.3	325.18	1,296	2.7	29.1	356.20	3,143	1.6	70.6	359.29
90 percent	2,275	.9	938,307	412.44	1	.0	.0	293.00	752	1.6	33.1	417.65	1,522	.8	66.9	409.95
100 percent	21,948	9.0	12,017,864	547.56	952	45.5	4.3	478.11	11,079	22.9	50.5	510.17	9,917	5.1	45.2	596.00
Degree of impairment, regular establishment: Total	187,712	100.0	17,857,906	95.13	5,973	100.0	3.2	101.49	39,564	100.0	21.1	195.29	142,175	100.0	75.7	67.00
No disability	2,377	1.3	124,518	52.38	2,117	35.5	89.1	54.23					260	.2	10.9	37.60
10 percent	76,631	40.9	1,569,013	20.47	104	1.8	.1	46.78	9,605	24.4	12.5	20.23	66,922	47.1	87.4	20.47
20 percent	28,383	15.1	1,066,567	37.58	90	1.5	.3	52.82	1,496	3.8	5.3	37.36	26,797	18.8	94.4	37.54
30 percent	27,401	14.6	1,601,237	58.44	2,151	36.0	7.9	56.20	6,147	15.5	22.4	56.52	19,103	13.4	69.7	59.31
40 percent	12,293	6.5	1,010,834	82.23	155	2.6	1.3	78.47	1,394	3.5	11.3	79.16	10,744	7.6	87.4	82.68
50 percent	7,369	3.9	945,795	128.35	467	7.8	6.3	125.14	3,478	8.8	47.2	125.18	3,424	2.4	46.5	132.00
60 percent	8,701	4.6	1,973,085	226.77	145	2.4	1.7	203.75	1,228	3.1	14.1	215.31	7,328	5.2	84.2	229.14
70 percent	5,423	2.9	1,432,578	264.17	74	1.2	1.4	200.96	3,343	8.4	61.6	267.46	2,006	1.4	37.0	261.02
80 percent	2,196	1.2	661,554	301.25	100	1.7	4.6	228.71	648	1.6	29.5	307.62	1,448	1.0	65.9	303.42
90 percent	650	.3	219,909	338.32	7	.1	1.1	301.71	176	.4	27.1	333.59	467	.3	71.8	340.66
100 percent	16,288	8.7	7,252,816	445.29	563	9.4	3.5	392.45	12,049	30.5	74.0	428.78	3,676	2.6	22.5	507.47

TABLE 48.—DIS ABILITY, DEGREE OF IMPAIRMENT, TYPE OF MAJOR DISABILITY, PERIOD OF SERVICE—JUNE 1971—Continued

	Total				Tuberculosis (lungs and pleura)				Psychiatric and neurological diseases				General medical and surgical conditions			
	Number	Percent of total	Monthly value	Average monthly value	Number	Percent of total tuberculosis	Percent of degree of impairment	Average monthly value	Number	Percent of total psychiatric and neurological diseases	Percent of degree of impairment	Average monthly value	Number	Percent of total general medical and surgical conditions	Percent of degree of impairment	Average monthly value
Degree of impairment, Spanish-American War:																
Total	28	100.0	$11,946	$426.64	1	100.0	3.6	$478.00	5	100.0	17.9	$413.80	22	100.0	78.5	$427.23
No disability																
10 percent	1	3.6	25	25.00									1	4.5	100.0	25.00
20 percent																
30 percent																
40 percent																
50 percent	2	7.1	284	142.00									2	9.1	100.0	142.00
60 percent	3	10.7	1,063	354.33									3	13.6	100.0	354.33
70 percent	2	7.1	453	226.50					1	20.0	50.0	213.00	1	4.5	50.0	240.00
80 percent	2	7.1	742	371.00									2	9.1	100.0	371.00
90 percent																
100 percent	18	64.4	9,379	521.06	1	100.0	5.6	478.00	4	80.0	22.2	464.00	13	59.2	72.2	549.12

TABLE 49.—DISABILITY, CLASS OF DEPENDENT, PERIOD OF SERVICE—JUNE 1971

	Total			World War II		World War I		Korean conflict		Vietnam era		Regular Establishment		Spanish-American War	
Class of dependent	Number	Monthly value	Average monthly value	Number	Average monthly value	Number	Average monthly value	Number	Average monthly value	Number	Average monthly value	Number	Average monthly value	Number	Average monthly value
Total veterans	2,146,085	$226,113,336	$105.36	1,395,911	$98.14	78,261	$162.55	239,606	$119.19	244,567	$122.55	187,712	$95.13	28	$426.64
Veterans less than 50 percent disabled (no dependency benefits)	1,687,955	76,913,137	45.57	1,126,426	45.73	47,578	61.82	184,758	47.89	182,108	45.26	147,084	36.52	1	25.00
Veterans 50 percent or more disabled	458,130	149,200,199	325.67	269,485	317.19	30,683	318.76	54,848	359.41	62,459	347.92	40,628	307.32	27	441.52
Without dependents	121,869	39,490,265	324.04	57,431	322.40	11,993	304.50	10,843	353.89	29,367	332.34	12,220	304.34	15	441.73
With dependents	336,261	109,709,934	326.26	212,054	315.78	18,690	327.91	44,005	360.76	33,092	361.75	28,408	308.60	12	441.25
Wife only	135,742	43,250,093	318.62	89,691	312.82	18,093	327.00	8,624	354.93	10,928	341.16	8,394	295.68	12	441.25
Wife, child or children	168,173	54,086,024	321.61	103,918	307.98	474	354.67	28,803	350.50	19,049	365.51	15,929	304.77		
Wife, child or children, and parent or parents	4,038	1,731,854	428.89	2,422	409.14	1	784.00	956	477.90	282	448.33	377	416.00		
Wife, parent or parents	1,857	768,535	413.86	1,344	406.19	5	316.80	218	453.96	175	432.05	115	404.00		
Child or children only	16,523	5,529,482	334.65	8,942	320.95	104	343.91	3,456	360.92	1,734	383.57	2,287	311.03		
Child or children and parent or parents	680	302,390	444.69	325	428.86			193	485.54	63	469.81	99	401.01		
Parent or parents only	9,248	4,041,556	437.02	5,412	434.97	13	462.46	1,755	468.40	861	445.42	1,207	394.32		
Total dependents on whose account additional compensation was being paid	759,968			457,483		19,391		137,822		71,788		73,473		12	
Wives	309,810			197,375		18,573		38,601		30,434		24,815		12	
Children	431,971			249,589		799		95,532		39,518		46,533			
Parents	18,187			10,518		19		3,689		1,836		2,125			

TABLE 50.—DEATH, TOTAL, CLASS OF BENEFICIARY, PERIOD OF SERVICE—JUNE 1971

	Total			World War II		World War I		Korean conflict	
Class of beneficiary	Number	Monthly value	Average monthly value	Number	Average monthly value	Number	Average monthly value	Number	Average monthly value
Total cases	372,729	$55,376,410	$148.57	207,252	$129.90	37,068	$175.78	39,471	$140.95
Compensation	125,788	9,553,423	75.95	100,787	75.86	1,283	79.58	18,090	76.65
Dependency and indemnity compensation	240,590	44,262,253	183.97	101,942	177.96	35,759	179.18	20,050	192.54
Dependency and indemnity compensation and compensation	6,351	1,560,734	245.75	4,523	250.51	26	243.85	1,331	237.97
Widow alone	131,749	25,890,224	196.51	62,681	197.09	34,995	177.91	9,874	221.55
Widow and children	33,620	8,583,351	255.30	9,009	234.15	562	257.05	3,305	257.37
Widow, children and mother	3,433	1,165,002	339.35	481	323.29			254	322.89
Widow, children and father	473	156,965	331.85	60	317.27			45	319.91
Widow, children, mother and father	1,211	433,692	358.13	76	336.17			73	333.05
Widow and mother	7,859	1,954,002	248.63	5,207	262.16	41	256.54	900	276.01
Widow and father	1,352	351,225	257.78	995	259.59	2	257.50	112	266.08
Widow, mother and father	1,576	441,051	279.85	878	277.09			207	271.30
Children alone	22,966	2,573,280	112.05	4,568	115.70	499	118.37	2,862	113.04
Children and mother	2,703	526,137	194.65	358	181.51			367	182.96
Children and father	394	76,687	194.64	50	203.88			54	182.20
Children, mother and father	1,120	237,906	212.42	55	213.78			147	193.64
Mother alone	115,144	8,768,084	76.15	88,389	77.95	920	77.73	13,964	77.00
Father alone	18,541	1,443,407	77.85	14,825	79.31	45	77.80	2,017	75.62
Mother and father	30,588	2,775,397	90.73	19,620	89.70	4	94.25	5,290	86.50
Total dependents	525,948			256,206		37,833		56,646	
Widows	181,273			79,387		35,600		14,770	
Children	125,785			25,195		1,217		12,729	
Mothers	163,635			115,065		965		21,202	
Fathers	55,255			36,559		51		7,945	

	Vietnam era		Regular Establishment		Spanish-American War		Civil War		Indian wars	
	Number	Average monthly value	Number	Average monthly value	Number	Average monthly value	Number	Average monthly value	Number	Average monthly value
Total cases	39,972	$191.06	48,581	$178.46	363	$180.93	20	$152.75	2	$143.50
Compensation	230	152.02	5,394	71.09	4	87.00				
Dependency and indemnity compensation	89,738	191.28	42,720	191.54	359	181.97	20	152.75	2	143.50
Dependency and indemnity compensation and compensation	4	270.25	467	221.61						
Widow alone	6,309	205.84	17,536	214.39	343	182.36	10	185.50	1	167.00
Widow and children	12,680	268.99	8,060	256.44	4	301.50				
Widow, children and mother	1,729	350.39	969	331.95						
Widow, children and father	252	336.45	116	334.03						
Widow, children, mother and father	788	364.80	274	351.69						
Widow and mother	708	268.42	1,003	287.35						
Widow and father	108	268.19	135	269.63						
Widow, mother and father	318	288.97	173	287.36						
Children alone	6,704	120.59	8,306	117.11	16	120.00	10	120.00	1	120.00
Children and mother	852	205.04	1,126	194.77						
Children and father	139	200.78	151	190.36						
Children, mother and father	515	218.45	403	211.36						
Mother alone	4,862	75.78	7,009	75.14						
Father alone	680	65.83	974	68.63						
Mother and father	3,328	102.62	2,346	92.03						
Total dependents	91,659		83,213		369		20		2	
Widows	22,892		28,266		347		10		1	
Children	49,539		37,072		22		10		1	
Mothers	13,100		13,303							
Fathers	6,128		4,572							

Mr. TALMADGE. Mr. President, I feel it is worthy to note that since disability compensation payments were last adjusted, social security benefits were increased 10 percent, and will be increased further by at least 5 percent in the near future, the pay of Federal employees was increased by almost 12 percent, the pay of military personnel was increased by 82.5 percent, and the average weekly take-home pay of workers in the manufacturing industries increased 11.8 percent.

Mr. President, another provision of my bill would establish a $150 annual clothing allowance for disabled veterans who wear prosthetic devices. The Congress has long recognized that the use of artificial limbs results in unusual wear and tear on ordinary clothing, and since 1948 the Veterans' Administration has authorized its field stations to furnish repairs to clothing damaged by prosthetic appliances.

Unfortunately, since the repairs provided by the VA have proven to be unsatisfactory and short lived, veterans have ceased to use this service and now pay for needed repairs out of their own pockets. This is reflected by the fact that in the year 1970 the Veterans' Administration expended only $4,000 for veterans' clothing repairs. My bill, by establishing an annual clothing allowance, will provide these seriously disabled veterans with a very necessary, relatively low-cost benefit.

Finally, Mr. President, for the first full year, the cost of the adjustment in compensation payments is estimated to be $283 million, and the cost of the new clothing allowance is estimated to be $6.6 million.

The Subcommittee on Compensation and Pensions, which I have the honor and privilege to chair, will make my bill and other proposals to improve the disability compensation program its top priority item this year, and will expedite hearings on these measures.

By Mr. SCHWEIKER (for himself and Mr. SCOTT):

S. 3339. A bill to designate the portion of the project for flood control protection on Chartiers Creek that is within Allegheny County, Pa., as the "James G. Fulton Flood Protection Project." Referred to the Committee on Public Works.

Mr. SCHWEIKER. Mr. President, on behalf of Senator SCOTT and myself, I introduce a bill to designate the portion of the project for flood control protection on Chartiers Creek that is within Allegheny County, Pa., as the "James G. Fulton Flood Protection Project."

This bill would name the Carnegie-Bridgeville reach of the Chartiers Creek Local Flood Protection Project in Pennsylvania in honor of our late and respected colleague, James G. Fulton.

Chartiers Creek is located in Allegheny and Washington Counties, southwestern Pennsylvania. It is 52 miles long from its source which is about 6 miles south of Washington, Pa. The Chartiers Creek Basin is approximately 24 miles long and has an average width of about 12 miles. The total drainage area above the mouth is 277 square miles.

Serious annual flooding occurred in the basin annually, with major floods about every 5 or 6 years. After the devastation caused by Hurricane Hazel in 1954, Congressman Fulton led efforts to designate the region as a disaster area, and the President did so shortly after the request was made. In 1955, Congressman Fulton introduced a resolution requesting a survey of the Chartiers Creek area and from then on worked for many years on the project to obtain the necessary authorization and appropriation. Another flood occurred in 1956.

Finally, in February 1963, the survey was completed. In June 1968, a construction contract was awarded and on July 26, 1968, Congressman Fulton initiated the groundbreaking ceremony on the project.

Our beloved friend and colleague, Jim Fulton, died October 6, 1971. We think it is entirely fitting that we dedicate this important flood protection project in memory of Congressman James G. Fulton, who for so many years loaned his considerable energies to making this project a reality.

By Mr. TUNNEY (for himself and Mr. MUSKIE):

S. 3342. A bill to amend title IV of the Clean Air Act, and for other purposes. Referred to the Committee on Public Works.

NOISE POLLUTION CONTROL ACT OF 1972

Mr. TUNNEY. Mr. President, on behalf of myself and the distinguished Senator from Maine (Mr. MUSKIE) I send to the desk for appropriate reference a bill, the Noise Pollution Control Act of 1972, to establish a national policy for the control of noise pollution in order to protect the Public Health and Welfare.

There can be no doubt that noise, unwanted sound, is a polluter of our environment. We hear the rasp of engines, the whine of machinery, the rumble of vehicles on highways and streets.

There can be no doubt, either, that noise, unwanted sound, is a threat to public health and welfare. Recent tests of 7,000 students, for example, showed progressive damage to their hearing between the grade school and college years. In addition to hearing damage, noise can disturb sleep, reduce the opportunity for privacy, adversely influence mood, and can interfere with the performance of complicated tasks—especially when speech communication or auditory signals is demanded.

And there can be no doubt that the amount of noise, unwanted sound, is increasing in this country. Noise pollution appears to have a significant impact on 80 million Americans. About half that number, 40 million, are literally listening to a health hazard.

But noise, unwanted sound, differs radically from other forms of environmental pollution. As I say, it affects directly only those who hear it. Whereas the waste products, known as mass residuals, associated with air and water pollution remain in the environment for extended periods of time, the waste energy residual from noise dissipates into the environment as sound in a short period of time. Noise pollution is subtle; the physiological and psychological effects appear slowly, perhaps years later.

In a way, our ears are to blame. If they

were not so sensitive to energy carried by sound waves, small amounts of noise pollution would not cause so much damage. Paradoxically, a person whose hearing is already damaged may not consider noise a problem.

How then, should we proceed to deal with the problems posed by ambient noise pollution, by unwanted sound?

More than a year ago, the Congress in the clean air amendments of 1970 set up an office of noise abatement and control in the Environmental Protection Agency. A 1-year study of noise pollution and its effect upon public health and welfare was authorized.

Two months ago, a report of the study was received by the Congress. Although much of the research compiled in the EPA report is exhaustive, the report's recommendation for new legislation appears in a single sentence, as follows:

> Legislation proposed by the administration in February, 1971, would provide the authority that is needed to meet the problems revealed in the studies leading to this report.

Mr. President, I cannot agree. The recommendation is hesitant; it reflects a passive approach to the problems discussed in considerable detail in the report. We must have a bolder approach, a broader effort. The bill I offer for introduction today, which is similar in some respects to legislation offered by Representative PAUL G. ROGERS, of Florida, and passed in the House would:

Include a national policy to encourage and support the formulation by States and municipalities of programs to control ambient noise levels. Such standards may be more stringent than standards for specific products promulgated by the EPA Administrator pursuant to the act;

Expand the list of products for which the EPA Administrator is authorized to set noise standards. Civilian aircraft is included in the definition of "product" and added to the list of major sources of noise are turbines and compressors, and percussion and explosive equipment.

Authorize public participation at every stage of rulemaking in addition to citizen suits in Federal district courts for enforcement of violations of the act and to compel the EPA Administrator to perform nondiscretionary duties under the act;

Provide criminal penalties, including fines of up to $25,000 per day of violation and imprisonment for 1 year, for violators convicted of noise pollution offenses under the act;

Authorize Federal grants of $22½ million over 3 years to State and local noise pollution control agencies for planning and program activities. The Federal share would be increased for interstate and intermunicipal agencies. An additional $26 million is provided to carry out other purposes of the act such as manpower training and educational assistance programs.

Forbid commercial flights of supersonic aircraft over the United States, the territorial waters, and the contiguous zone.

My bill retains several of the major provisions of the administration's noise pollution bill introduced a year ago. These provisions would:

Authorize the EPA Administrator to publish criteria establishing minimum levels of ambient noise necessary to protect public health and welfare;

Provide for the labeling of the noise emission properties of products;

Transfer to the EPA Administrator the authority to provide and amend regulations pursuant to the Federal Aviation Act for the control of noise of aircraft and aircraft engines. All future aircraft and aircraft engines would be designed to meet noise standards set to protect public health and welfare;

Require the EPA Administrator to compile and publish reports on methods and techniques for controlling noise pollution. Such methods might be product use controls, land use regulations, and construction and building codes.

In conclusion, Mr. President, I am encouraged by four sentences which appear early in the EPA report on the noise pollution study. They read as follows:

> The scientific community has already accumulated considerable knowledge concerning noise, its effects, and its abatement and control. In that regard, noise differs from most other environmental pollutants. Generally, the technology exists to control most indoor and outdoor noise. As a matter of fact, this is one instance in which knowledge control techniques exceeds the knowledge of biological and physical effects of the pollutant.

Where control technology exists, and where suspected biological and physical effects will take time to prove absolutely, it is unwise to hesitate. Noise is not something we have to take. We can move now to cut down noise pollution in our neighborhoods and work places, and we should do so.

Mr. President, a summary of the provisions of my bill is as follows:

SUMMARY OF PROVISIONS—NOISE POLLUTION CONTROL ACT OF 1972

Section 401. Short Title. This section designates the Act as the "Noise Pollution Control Act of 1972."

Section 402. Statement of Congressional Finding and Policy. This section expresses Congress' concern with the growing danger to health and welfare of ambient noise. States retain primary responsibility to control ambient noise, but Federal action is declared necessary to deal with major sources of noise emission which enter interstate commerce and to encourage and support State and municipal programs to control ambient noise levels. A national policy for protection of public health and welfare from effects of noise is declared and public participation in all procedures and activities under the Act is required.

Section 403. Office of Noise Pollution Control and Abatement. This section amends existing law to continue the authority of the Office of Noise Pollution Control and Abatement in the Environmental Protection Agency. The Office's authority is extended to implementation of the provisions of this Act. Basic rulemaking and administrative authority are provided to the Administrator.

Section 404. Definitions. This section defines terms for purposes of administering and interpreting the Act.

Section 405. Research, Investigation, Training, and Other Activities. This section authorizes the Administrator to conduct basic and applied research and development programs related to noise pollution. The Administrator also is authorized to provide technical and financial assistance, to disseminate information, to cooperate with relevant agencies and to contract with other public agencies in carrying out research and development. The Administrator also is authorized to provide manpower training assistance and educational assistance programs.

Section 406. Federal Program. This section requires all Federal agencies to operate all programs under Federal law in a manner consistent with the programs and policy of this Act. The Administrator also is authorized to coordinate all Federal agency programs related to noise pollution research and control. The Administrator is required to comment publicly on noise control programs and regulations established by other Federal agencies.

Section 407. Noise Criteria and Control Technology. This section requires the Administrator to develop and publish criteria for ambient levels of noise which will protect public health and welfare. The Administrator also is required to compile and publish reports identifying products which are major sources of noise and providing information on techniques to control the noise from these products. The Administrator also is required to compile and publish information on methods and techniques for controlling noise pollution by means other than controls on noise emissions of new products.

Section 408. Noise Emission Control Standards for New Products. This section authorizes the Administrator to promulgate regulations establishing noise emission control standards for categories of new products which he finds to be major sources of noise pollution. These sources include construction equipment, transportation equipment, any motor or engine, turbines and compressors, electrical and electronic equipment and percussion and explosive equipment. The Administrator is required to promulgate additional regulations as he adds new products to the list of major sources of noise pollution. The Administrator is required to establish noise pollution control standards at levels necessary to protect public health and welfare. New products must be designed and manufactured to meet the standards. The entry of non-conforming products into commerce is prohibited.

Section 409. Labeling. This section authorizes the Administrator to establish labeling requirements for any product which he finds to be a major source of noise pollution.

Section 410. Imports. This section authorizes the Secretary of the Treasury, in consultation with the Administrator, to issue regulations to carry out the purposes of the Act with respect to products imported into the United States.

Section 411. Prohibited Acts. This section describes the activities for which enforcement is authorized under the Act.

Section 412. Enforcement. This section authorizes criminal penalties for manufacture, introduction into commerce and import of products in violation of Federal standards, and civil penalties for violations of any prohibited activity by users of products. Criminal sanctions parallel to those of the Clean Air Act of 1970 are included with fines up to $25,000 and imprisonment for one year. Civil penalties are limited to $5,000.

Section 413. Citizen Suits. This section authorizes citizens to sue in the Federal courts for violation established under the Act, and to compel the EPA Administrator to perform non-discretionary duties. This section conforms with the citizen suit provision enacted in the Clean Air Amendments of 1970.

Section 414. Records, Reports and Information. This section authorizes the Administrator to require information, records and other access to information concerning the establishment of, and compliance with, noise pollution control standards. Protection of proprietary information is provided only after a

showing satisfactory to the Administrator that the information is entitled to such protection. Noise emission data are not entitled to proprietary protection under any circumstances. Criminal penalties for violations of requirements are included.

Section 415. Grants for Support of Noise Pollution Planning and Programs. This section authorizes the Administrator to make planning and program grants to State and local noise pollution control agencies. Before making program grants, the Administrator is required to determine that the State or local agency program includes authority to regulate noise levels and includes opportunity for citizen participation in the enforcement of noise control laws and ordinances. Authorizations of $22.5 million for three years are provided for this section.

Section 416. Development of Low-Noise-Emission Products. The development of low noise products would be encouraged by requiring such products to be purchased for use by agencies of the Federal Government at an incentive price.

Section 417. Authorization of Appropriations. This section authorizes a total of $26 million for the next three fiscal years to implement provisions of the Act for other than State and municipal grants.

Section 3. Aircraft Noise Standards. This section amends Section 611 of the Federal Aviation Act of 1958 to substitute the Administrator of the Environmental Protection Agency for the Administrator of the Federal Aviation Agency with authority to establish noise emission control standards for aircraft and aircraft engines. The EPA Administrator is authorized to establish such noise emission standards at levels necessary to protect public health and welfare. In applying such standards to existing aircraft or aircraft engines, the Administrator is required to take into account the cost of compliance and the safe operation of aircraft. All future aircraft and aircraft engines must be designed and manufactured to meet the standards established to protect public health and welfare.

Section 4. Civil Aircraft Sonic Boom. This section forbids commercial flights of supersonic aircraft over the United States and its territorial waters or the contiguous zone, but would permit research and development flights of supersonic aircraft.

Enforcement of this ban under Section 413 of this Act is authorized.

By Mr. DOMINICK:

S. 3346. A bill to assure opportunities for employment and training to unemployed and underemployed men and women, to assist States and local communities in providing needed public services, and for other purposes. Referred to the Committee on Labor and Public Welfare.

COMPREHENSIVE MANPOWER AND EMPLOYMENT ACT OF 1972

Mr. DOMINICK. Mr. President, I am introducing today the Comprehensive Manpower and Employment Act of 1972 at the request of the National Governors' Conference. This legislation is the result of several months work by the Committee on Human Resources of the National Governors' Conference and represents a consensus of thought as to manpower reform by that group. In view of this and the current manpower hearings in the Senate I introduce this bill in the hope that it will be carefully considered by the committee prior to a final decision on this issue.

Under the bill, $3.25 billion would be available for fiscal 1973 and $5 billion for the following 2 fiscal years. Consistent with current manpower reform thought, the bill calls for a complete decategorization of manpower programs with a provision for public service employment. State and regional manpower councils would be established, with revenue sharing funds channeled through State and local sponsors. In addition, the bill structures a triggering mechanism for emergency manpower funds utilizing both national and State unemployment rates.

Mr. President, H.R. 13461 is identical to the bill which I am introducing, and earlier this month, the House Select Subcommittee on Manpower conducted hearings on manpower reform with Gov. John A. Love, of Colorado, appearing as a witness. I am attaching an edited version of his statement for a fuller explanation of the bill. Governor Love's testimony is an excellent reference for Congress for the current thinking at the State level on the issue of manpower reform.

Mr. President, I ask unanimous consent that the bill and Governor Love's statement be printed in the RECORD.

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

S. 3346

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

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. The Congress finds and declares that—

(1) It is recognized that the prime responsibility for the economic policies guiding the growth and development of States, with particular emphasis in manpower and employment, rests upon the Governors working in close partnership with the local governments in their States.

(2) Experience has reaffirmed that the administration and delivery of effective manpower and employment programs require a more comprehensive, unified, and flexible approach and that State and local governments are in the best position to assure the active cooperation of employers, employees, and other public and private agencies, individuals and organizations.

(3) The effectiveness of manpower programs would be improved by making resources for such purposes available to State and local governments to use with broad discretion in evaluating the needs of individual participants and allocating resources to meet those needs.

(4) State and local administration of manpower programs will provide greater flexibility and will allow for more effective programs directed to the following needs:

(a) additional education and training to allow unemployed and underemployed men and women to make a greater contribution to the national economy and share more fully in its benefits;

(b) adequate academic and vocational skills to new workers in the national labor force which will allow them to work at the level of their full potential;

(c) assistance to returning veterans in finding employment and appropriate manpower services;

(d) the development of better entry-level opportunities;

(e) assistance to workers to upgrade their skills and advance to more rewarding employment;

(f) the retraining of men and women whose skills have been rendered obsolete by dislocations in the economy;

(g) manpower services to public assistance recipients and the handicapped;

(h) the provision of manpower services in languages other than English, where appropriate by virtue of the presence of population groups which otherwise would not be effectively served.

(5) It is an appropriate part of a comprehensive national manpower policy to create jobs for the unemployed and the underemployed through public and private employers in order to fill unmet needs for public services in such fields as environmental quality, health care, housing and neighborhood improvements, recreation, education, public safety, maintenance of streets, parks, and other public facilities, rural development, transportation, beautification, conservation, crime prevention and control, prison rehabilitation, and other fields of human betterment and public improvement.

(6) It is recognized that many unmet needs for services to the public in the fields described in subparagraph (5) can be performed by the private sector as well as by units of government; that effective transitional employment opportunities can be created in many cases without substantially adding to payrolls of government.

(7) The rural areas of the Nation have experienced particularly severe manpower problems as the skills of many agricultural workers have been rendered obsolete by technological developments in agriculture. These displaced workers are facing formidable barriers to continued employment due to the different skill levels demanded in the labor markets they turn to and the presently inadequate delivery systems for manpower services in rural areas. With services designed to meet these and other special problems, the Nation's rural areas could share more fully in the benefits of the national economy.

(8) A lack of prompt and adequate information regarding manpower needs and availability contributes to unemployment, underemployment, and the inefficient utilization of the Nation's manpower resources, and the development of electronic data processing and telecommunications systems should create new opportunities for dealing with this difficult problem.

TITLE I—COMPREHENSIVE MANPOWER PROGRAMS

USES OF MANPOWER FUNDS

SEC. 101. State manpower agents and local manpower sponsors shall have broad discretion as to the various uses of funds under this Act for manpower program purposes. Manpower programs shall constitute a developmental process, essentially transitional for each participant, consisting of whatever sequence or combination of manpower services, institutional training, on-the-job training, occupational upgrading, supported employment, and ancillary services which are needed by unemployed and underemployed persons, to prepare for, secure, and hold self-sustaining public and private employment not supported by funds under this Act. The activities authorized under this title, among which funds may be used at the discretion of State manpower agents and local manpower sponsors, are—

(1) services to refer and place persons into employment, outreach, intake, counseling, testing, work experience and work evaluation and work sampling, employability development planning, job coaching, job development (including job redesign and occupational restructuring), orientation, and follow-up services;

(2) institutional training, including basic and remedial education, improvement in communications skills, and occupational skill training: *Provided,* That the State manpower agent or local manpower sponsor must make

a finding prior to enrollment of individuals in training under this subsection that there is an existing or anticipated labor market for the type of job for which training is received;

(3) on-the-job training for both entry and upgraded employees, providing for reimbursement of public and private employers for bona fide training and associated costs, such as where applicable, to compensate for the temporary reduction in employee productivity in the course of such training;

(4) supported employment, pursuant to the provisions of title II of this Act, which shall consist of—

(A) public service employment in Federal, State, and local government which within the period of support, will enable transitional participants to move onto the employer's regular payroll or obtain other suitable public or private employment, not supported by funds under this Act;

(B) transitional employment through job creation in the private sector to perform unmet needs for public services, which within the period of support, will enable participants to move onto the employer's regular payroll or obtain suitable public or private employment, not supported by funds under this Act;

(5) ancillary services, residential support, minor health services (including the furnishing of prosthetic devices), voluntarily received family counseling and planning, child care, bonding, and other special services. All services provided under this paragraph shall be directly related to enhancing the employability of participants and shall not duplicate services available under other Federal or State law or available without charge;

(6) grants to public and private employers and labor organizations who present applications to carry out programs to provide the necessary education and skill training to prepare employees for positions of greater skill, responsibility, and remuneration in the employ of such employers; provided, that applications submitted for such grants contain assurances that—

(A) the positions for which employees will be trained are positions that cannot with reasonable effort be filled by the employer with unemployed or underemployed workers already possessing such skills and willing to accept such employment;

(B) the selection of trainees shall be based upon merit, ability, and length of service, and that no person shall be selected as a trainee until such person has been in the employe of the employer for a period of not less than six months;

(C) the training content of the program is adequate, involves reasonable progression, and will result in the qualification of trainees for suitable employment in a recognized skill or occupation in the service of that employer or of other employers in the same industry;

(D) the training period is reasonable and consistent with periods customarily required for comparable training;

(E) adequate and safe facilities and adequate personnel and records of attendance and progress are provided;

(F) successful completion of the employee's training program can reasonably be expected to result in an offer of employment in the employer's own enterprise in the occupation for which he will be trained at wage rates not less than those prevailing for the same or similar occupations in that industry;

(G) the training and placement of such employees is part of a program that can reasonably be expected to lead directly to the employment of an equivalent number of new employees in entry level employment; and

(H) the trainees are compensated by the employer at such rates, including periodic increases, as may be deemed reasonable, considering such factors as industry practice and trainee proficiency, and that in no event shall the wages or employment benefits of any trainee be less than those received by him immediately before his starting such training program.

(7) retraining and refresher programs of education, training, and supportive services for persons, including professionals, paraprofessionals, and others, who are unemployed or will be unemployed because of the specialized nature of their previous employment, because of technological, economic, or other changes in the economy and who need such programs and services to prepare them for employment for an occupation compatible with their previous education and skills;

(8) the provision of the services or programs described in paragraphs (1), (2), (5), and (7) in languages other than English, were appropriate;

(9) development of broad and diversified training programs by public, nonprofit, and private employers designed to improve the skills and thereby the promotion and employment opportunities of employed workers;

(10) adoption of employment practices by public agencies, nonprofit agencies, labor organizations, and private first that will remove unreasonable barriers to employment and advancement, without reducing productivity, and expand opportunities for upward mobility;

(11) development of an early warning system and standby capability that will assure a timely and adequate response to major economic dislocations arising from changing agricultural and industrial markets, rapid technological change, plant shutdowns, or business failure;

(12) part-time training for employed persons where such training would lead to improved employment opportunities.

(13) skill training centers wherever a consolidation of occupational training and related manpower services would promote efficiency and provide improved services;

(14) systems for the prompt matching of skills and jobs and referral of unemployed or underemployed persons who are qualified and are seeking to work to suitable employment opportunities;

(15) appropriate training and related manpower services for persons under institutional care to assist them in obtaining suitable employment upon return to the community;

(16) appropriate training and related manpower services for persons who have recently been or will shortly be separated from military services;

(17) incentives to public or private employers including reimbursements for a limited period when an employee newly hired or being upgraded might not be fully productive;

(18) programs to provide part-time employment, on-the-job training, and useful work experience in public and private nonprofit agencies, for students in ninth through twelfth grades (and youths of equivalent ages who are out of school) to assist them in remaining in or returning to school; and with such employment opportunities developed in consultation with educational authorities to enhance, to the extent feasible, the educational growth of such students;

(19) work expenses and financial incentives for recipients of public assistance for whom there is no other training or employment available, to perform socially useful work in public and private agencies or organizations in the fields of health, public safety, education, recreation, streets, parks, and municipal maintenance, housing and neighborhood improvement, conservation and rural development, beautification, and other fields of human betterment and community improvement;

(20) actual relocation expenses, and other needed special services, to assist unemployed individuals and their families to relocate voluntarily from a labor surplus area to another area with expanding employment opportunities where a suitable job has been located. Preference for such assistance shall be provided those who have been provided training before relocation or have been accepted for on-the-job and other types of employer-directed training

(21) programs to provide unemployed or low-income persons with jobs leading to career opportunities including new types of careers, and which give promise of contributing to new methods of structuring jobs and of providing career ladder opportunities and provide opportunities for further career advancement;

(22) programs which involves work activities directed to the needs of chronically unemployed people who have poor employment prospects and are unable to secure appropriate employment and training assistance under other programs;

(23) programs to provide comprehensive employment services and job opportunities for low-income persons, in consultation with the business community in the area to be served;

(24) programs to provide methods to reduce serious unemployment and economics disadvantage problems existing among members of Indian, American Samoan, Hawaiian, and Alaskan native communities;

(25) migrant and seasonal farmworker manpower programs in order to overcome chronic seasonal unemployment and underemployment in the agricultural industry;

(26) programs which will afford the middle-aged and older worker a range of real and reasonable opportunities for employment, eliminate arbitrary discriminatory practices which deny work to qualified persons solely on account of age, increase the availability of jobs by finding new work opportunities, including part-time employment to supplement income and to facilitate the transition to full retirement or the return to full-time work by the middle-aged and older worker, and assist middle-aged and older workers, employers, labor unions, and educational institutions to prepare for and adjust to anticipated changes in technology in jobs, in educational requirements, and in personnel practices;

(27) programs to provide job and recreation opportunities in urban and rural areas for young persons during the summer months;

(28) vocational education grants to local manpower sponsors or other public or private organizations to enable them to provide vocational education services as a component of other programs;

(29) job counseling, guidance and placement activity grants to local manpower sponsors or other public or private organizations for

(A) short-term or full-year institutes for training personnel to provide job counseling, guidance, and placement services, with such personnel being trained for the provision of these services in languages other than English, where appropriate;

(B) preparation of circular, informational or other materials, in languages other than English where appropriate, designed to prepare individuals to assist in job counseling, guidance and placement activities or to assist nonprofessional personnel in these fields to provide more effective assistance to persons in need of job counseling, guidance, and placement services;

(30) supportive services to families residing in rural areas provided that such services are necessary to (i) participate in education and training programs authorized under this Act or (ii) obtain employment. Such supportive services may include but are not limited to:

(A) a program of mobile employment service units to provide recruitment, counseling, and referral to education and training programs or employment for persons residing in rural areas;

(B) residential support for those persons referred to education and training programs when such programs are offered beyond a reasonable commuting distance from the person's home;

(C) a program of follow-up services of up to one year, to heads of households who have participated in programs authorized under this Act and who have relocated in order to obtain full-time employment; such services shall be established to assist families in adjusting to a new socio-economic environment and may include, but are not limited to problems of a health, education, housing, or family financial nature.

SEC. 102. A State manpower agent or local manpower sponsor may contract with any public entity or private organization to deliver any of the services authorized under section 101.

SEC. 103. The Secretary of Labor (hereinafter referred to as the "Secretary") shall be responsible for the coordination of the activities of other Federal agencies that may contribute to the accomplishment of the purposes of this Act, for promoting the maximum possible coordination of State and local public agencies and private agencies, and for recommending to the President and to the Congress combinations of programs or shifts in responsibility that facilitate the achievement of the purposes of this Act.

ELIGIBLE INDIVIDUALS

SEC. 104. (a) Assistance provided under this Act shall be addressed toward the problems of unemployed or underemployed persons who cannot reasonably be expected to secure full-time employment without education and training or who otherwise meet the criteria of disadvantagement as set forth by the Department of Labor, the Office of Economic Opportunity, and the Department of Health, Education, and Welfare.

(b) Special emphasis shall be placed in selection and provision of services on Veterans of the Indo-China Conflict since August of 1964, public assistance recipients, and heads of households.

SEC. 105. Sponsors shall have broad discretion as to the allocation of funds among categories of eligible persons designated under section 104.

COMPENSATION AND ALLOWANCES

SEC. 106. (a) A person who is actually employed shall receive the usual wage for such employment notwithstanding the fact that he is receiving training or service under this Act.

(b) A person who is receiving unemployment compensation shall be eligible to receive compensation while he is receiving training and other services under this Act.

(c) A person who is receiving public assistance but is not receiving any other benefits, allowances, expenses or other incentives under any provision of State law shall be eligible to receive an incentive allowance under this Act not to exceed $20 per week: *Provided,* That if he is receiving an incentive allowance under any other provision of Federal law, he shall receive an allowance under this Act only to the extent that his total incentive allowance does not exceed $20 per week while he is receiving training or other services under this Act.

(d) A person who is receiving public assistance and benefits, allowances, expenses, or other incentives under any provision of State law shall not be eligible for any incentive allowance under this Act while he is receiving training or other services under this Act.

(e) A person who is not receiving unemployment compensation or public assistance shall be paid an allowance not to exceed the average payment under the unemployment compensation program while he is receiving training and services under this Act: *Provided,* That where work is being performed, the allowance shall not be less than the higher of the Federal or State minimum wage for hours actually worked.

(f) A participant who is under eighteen years of age, unless such participant is the head of a household, as defined by the Secretary, shall receive a suitable weekly allowance determined in accordance with the rules prescribed by the Secretary, but not to exceed the basic allowance prescribed in subsection (e).

(g) For the purposes of this Act no person shall receive an allowance for any week in which he has not worked a minimum of half the usual work week: *Provided,* That upon medical evidence satisfactory to the sponsor such allowance may be paid for a lesser number of hours for a period not to exceed two weeks.

(h) The State manpower agent or local manpower sponsor shall provide for the determination and payment of weekly allowances to individuals receiving services under this title.

(i) No allowance under subsection (c), (e), or (f) of this section may be paid for any portion of a training period which extends beyond one hundred and four weeks.

(j) A participant who has successfully completed a program of full-time participation, of not less than fifteen weeks' duration, in institutional training or other manpower development activities described in subsection (c) shall receive, upon completion of his period of participation, a completion bonus which shall be equal to twice the allowance to which he is entitled under subsection (c), (e), or (f) for his last week of full-time participation during such period.

COMPREHENSIVE MANPOWER PLANNING

Manpower Planning Areas

SEC. 107. As a condition to the receipt of funds under this Act, the Governor shall designate manpower planning areas which shall incorporate all areas of a State. Each manpower planning area shall be reasonable and appropriate for planning the delivery of manpower services.

SEC. 108. In designating manpower planning areas the Governor shall seek to have them encompass cohesive labor markets. For this purpose the Governor shall consider existing Standard Metropolitan Statistical Areas; existing multijurisdictional alinements and/or multicounty regional planning entities; or other multijurisdictional arrangements which have the capability to plan manpower services. Prior to the designation of such areas, the Governor shall provide opportunity for comments regarding the proposed areas from local chief elected officials.

STATE MANPOWER AGENT

SEC. 109. The Governor shall be the "State manpower agent", and may delegate all or part of the responsibilities of that role to an agency created by State statute or by other appropriate action. The State manpower agent's responsibilities shall include but not be limited to fiscal administration of funds made available under this Act, title IV–C of the Social Security Act, and the Wagner-Peyser Act, and such program monitoring and reporting tasks as are necessary to provide the Governor, the State manpower planning council, local manpower sponsors, and the Secretary with information suitable for the assessment and evaluation of program operations pursuant to the annual multiyear State comprehensive manpower plan prepared pursuant to the provisions of section 115 of this title.

LOCAL MANPOWER SPONSOR

SEC. 110. Within each manpower planning area established pursuant to section 107 of this title, a local manpower sponsor shall be selected by agreement of the chief elected officials of all cities, counties, or other units of local general government within the manpower planning areas, who represent seventy-five per centum of the population within all local units of government in the manpower planning area. In the event no agreement is reached within a reasonable time as the Governor may prescribe, then the Governor shall select the local manpower sponsor: *Provided, however,* That if the unit or units of local general government representing fifty per centum or more of the manpower planning area population refuse to accept the decision of the Governor, then the Governor shall select another local manpower sponsor.

SEC. 111. The local manpower sponsor may delegate all or part of the responsibilities of that role to an agency created by local statute or by other appropriate action. The local manpower sponsors' responsibilities shall include but not be limited to fiscal administration of funds made available under this Act to the manpower planning area, the design and administration of the delivery system for manpower services in the manpower planning area, and such program monitoring and reporting tasks as are necessary to provide the local manpower sponsor, the State manpower planning council and the Secretary with information suitable for the assessment and evaluation of program operations pursuant to the annual multiyear area manpower plan prepared pursuant to the provisions of section 114 of this title.

SEC. 112. In such circumstances as the chief elected officials of all cities, counties, or other units of local general government within a manpower planning area who represent seventy-five per centum of the population within all local units of government in the manpower planning area conclude that they do not wish to assume any or part of the responsibilities of the local manpower sponsor as specified in section 111 of this title, they may delegate all or part of said responsibilities to the state manpower agent: *Provided, however,* That the State manpower agent retains the option at any time to provide for and administer manpower services for public assistance recipients in the manpower planning area from funds made available under this Act to the manpower planning area.

MANPOWER PLANNING COUNCILS

SEC. 113. The Governor and local manpower sponsors established pursuant to section 110 of this title shall, prior to the receipt of any funds under this Act, respectively appoint manpower planning councils at the State and manpower planning area level and designate their chairmen. Such councils shall be advisory to the Governor and local manpower sponsors, respectively, regarding the preparation and development of their respectively annual multiyear comprehensive manpower plans. Membership of the State and area manpower planning councils shall include but not be limited to representatives of agencies with manpower responsibilities, client groups, business, labor, the public, and elected officials.

ANNUAL MULTIYEAR AREA MANPOWER PLANS

SEC. 114. Prior to each Federal fiscal year, within a reasonable time after notice is received from the Governor, local manpower sponsors established under section 110 of this title shall prepare annual multiyear area manpower plans for the areas designated under section 107 of this title. Such plans shall—

(1) provide for the conduct of manpower programs and services funded by the area's allocation under this Act;

(2) provide for services to public assistance recipients in number and in kind of service in accordance with standards developed by the State manpower agent;

(3) establish criteria designed to achieve an equitable distribution among special population groups of funds authorized to provide manpower programs and services, such criteria taking into account, among other relevant factors, the ratios of population, un-

employment, and income levels of these special population groups;

(4) provide for the implementation of those standards established by the State manpower agent for evaluating the effectiveness of programs or services carried out under the area plan, with adequate assurances that such standards will be considered in determining whether to renew, reduce, or supplement assistance to local agencies administering or operating programs or services pursuant to this Act; and

(5) be submitted to the State manpower planning council established under the provisions of section 113 of this title.

ANNUAL MULTIYEAR STATE COMPREHENSIVE MANPOWER PLANS

SEC. 115. (a) a unified annual multiyear State comprehensive manpower plan shall be prepared by the State manpower planning council. Such plan shall—

(1) integrate the annual multiyear plans submitted by local manpower sponsors under the provisions of section 114 of this title;

(2) provide for the conduct of programs funded under this Act, title IV–C of the Social Security Act and the Wagner-Peyser Act: *Provided*, That notwithstanding any other provision of law, any State plan or plan of service or portions thereof which are required to be submitted to any Federal agency pertaining to manpower programs or directly related employability development services aimed at qualifying individuals for employment, shall be reviewed by the State manpower planning council prior to being submitted to a Federal agency for funding;

(3) provide for the development of standards for evaluating the effectiveness of programs and services carried out under the plan in achieving the objectives of this Act, title IV–C of the Social Security Act and the Wagner-Peyser Act, with adequate assurances that such standards will be considered in determining whether to renew, reduce, or supplement assistance to agencies administering programs or services pursuant to this Act; and

(4) establish standards for the delivery of all programs and services under this Act in order to achieve coordinated planning of such programs and services to be provided to public assistance recipients under this Act and other State or Federal legislation.

(b) Following preparation of an annual multiyear State comprehensive manpower plan, the State manpower planning council shall submit it and any other related State plans of service, along with its recommendations, to the Governor for his review and approval. In his review the Governor shall assure himself that the comprehensive plan and related plans of service are complementary and that the allocation of resources provided within the manpower program and program components of the comprehensive plan or related plans of service best meet the State and area needs.

(c) Prior to approving the annual multiyear State comprehensive manpower plan and related plans of service, the Governor shall provide a reasonable time for review and comment on the comprehensive plan or related plans of service by all local manpower sponsors. In the event that a local manpower sponsor finds the annual multiyear State comprehensive manpower plan, or any portion thereof, unacceptable, the local manpower sponsor may appeal to the Governor, and failing resolution of any differences, may appeal to the regional intergovernmental advisory committee established under section 118 of this title. The regional intergovernmental advisory committee shall provide its findings within a reasonable time to the Governor and local manpower sponsor. If the Governor or the local manpower sponsor fail to accept these findings within a reasonable time as prescribed by the regional intergovernmental advisory committee, then the national intergovernmental advisory council established under section 119 of this title shall make the final determination and appropriate adjustments, if required, shall be made in the annual multiyear State comprehensive manpower plan.

REVIEW OF STATE COMPREHENSIVE MANPOWER PLANS

SEC. 116. Upon approval by the Governor, the annual multiyear State comprehensive manpower plan shall be forwarded within a reasonable period of time as prescribed by the Secretary for the information of and review by the Secretary. If the Secretary establishes that the annual multiyear State comprehensive manpower plan fails to meet the general purposes of this Act, he shall request the regional intergovernmental advisory committee established under section 118 of this title to review the annual multiyear State comprehensive manpower plan and present their findings. If the regional intergovernmental advisory committee does not find that the annual multiyear State comprehensive manpower plan fails to meet the general purposes of this Act, then the Secretary shall fund the plan. In the event the regional intergovernmental advisory committee finds that the annual multiyear State comprehensive manpower plan does fail to meet the general purposes of this Act, then the Secretary shall consider these findings and may refuse to fund the plan. The Governor may then appeal the Secretary's action in the appropriate court of jurisdiction.

SEC. 117. (a) If a Governor, following an opportunity for hearing after reasonable notice, determines that the delivery of services under a funded annual multiyear area manpower plan in his State is carried out contrary to the approved annual multiyear State comprehensive manpower plan developed in accordance with the procedures provided in this title, he may notify the local manpower sponsor that if corrective action is not taken within sixty days from the date of such notification, he may refer the matter to the attorney general of the State with a recommendation that appropriate civil action be instituted to reduce, terminate, or reallocate funds allocated to the local manpower sponsor pursuant to this Act for use in accordance with the approved annual multiyear State comprehensive manpower plan.

(b) If the Secretary, following an opportunity for hearing after reasonable notice, determines that the delivery of services under a funded annual multiyear State comprehensive manpower plan is contrary to the general purposes of this Act, he may notify the recipient unit of government that if corrective action is not taken within sixty days from the date of such notification, he will refer the matter to the Attorney General of the United States with a recommendation that an appropriate civil action be instituted to reduce, terminate, or reallocate funds allocated to the State manpower agent or local manpower sponsor pursuant to this Act.

(c) In cases in which a court determines that a State or local manpower sponsor has violated the intent and purposes of this Act, the court may direct that in the case of a local manpower sponsor, the State manpower agent shall operate the local manpower sponsors' program for the balance of the fiscal year in which the court made its finding, and the succeeding fiscal year; and, in the case of a State, the Secretary shall perform its functions for the balance of that fiscal year and the succeeding fiscal year. The Court may take such other action as it deems appropriate.

REGIONAL INTERGOVERNMENTAL ADVISORY COMMITTEE ON MANPOWER

SEC. 118. The Secretary of Labor, in consultation with the Secretary of Health, Education, and Welfare, the Secretary of Housing and Urban Development, and the Director of the Office of Economic Opportunity, shall establish ten regional intergovernmental advisory committees on manpower to examine such appeals as may be brought to their attention as prescribed by section 115 (c) of this title and to advise him with regard to matters involving intergovernmental relationships within each respective region in the development and conduct of programs under this Act, including, but not limited to, the assignment and coordination of manpower responsibilities among Federal, State, and local governmental units and apportionment of funds. Members of the committees shall be the Governors of the States within the designated regions, and other elected officials of local general governments within each respective region selected by the Secretary. In selecting the elected officials of local general governments for each regional committee, the Secretary shall assure an equitable balance in the political affiliation of such local general government elected officials. Members of the committee shall designate a chairman of the committee, and shall receive no compensation and shall not be Federal employees for any purpose. They shall be allowed travel expenses and per diem in lieu of subsistence as authorized by section 5703, title 5, of the United States Code for persons in the Government service employed intermittently and receiving compensation on a per diem, when actually employed basis.

NATIONAL INTERGOVERNMENTAL ADVISORY COUNCIL ON MANPOWER

SEC. 119. The Secretary of Labor, in consultation with the Secretary of Health, Education, and Welfare, the Secretary of Housing and Urban Development, and the Director of the Office of Economic Opportunity, shall establish a national intergovernmental advisory council on manpower to make such determinations as may be necessary under the procedures prescribed by section 115(c) of this title and to advise him with regard to matters involving intergovernmental relationships in the development and conduct of programs under this Act, including, but not limited to the assignment of manpower responsibilities among Federal, State, and local governmental units, apportionment of funds, and State and area compliance with provisions of this Act. Members of the council shall be selected by the Secretary from among Governors, Mayors, and other elected State or local public officials, including at least six Governors, six Mayors, and twelve elected State or local public officials. In selecting members of the council, the Secretary shall assure an equitable balance in the political affiliation of its members. Members of the council shall designate a chairman of the council, and shall receive no compensation and shall not be Federal employees for any purpose. They shall be allowed travel expenses and per diem in lieu of subsistence as authorized by section 5703, title 5, of the United States Code for persons in the Government service employed intermittently and receiving compensation on a per diem, when actually employed basis. Prior to prescribing any rules, regulations, guidelines, and other published interpretations or orders under this Act, the Secretary shall confer with members of the national intergovernmental advisory council to secure their advice in the development of such rules, regulations, guidelines, or other published interpretations or orders.

TITLE II—PUBLIC SERVICE EMPLOYMENT

AUTHORIZATION OF PROGRAM

SEC. 201. (a) State manpower agents or local manpower sponsors designated pursuant to the provisions of title I of this Act may carry out a program under which Federal, State, and local governments will provide useful public service employment to un-

employed and underemployed persons. Financial asistance under this title may be provided by the Secretary only pursuant to an annual multiyear State comprehensive manpower plan approved pursuant to the provisions of title I.

(b) State manpower agents and local manpower sponsors designated pursuant to the provisions of title I of this Act may carry out a program under which the agent or sponsor may contract with any private organization to fill unmet needs for services to the public in fields defined in section 203. The contract shall require that the private organization employ individuals pursuant to the provisions of this title.

(c) Programs assisted under this title shall, to the extent feasible, be designed with a view toward—

(1) developing new careers, or

(2) providing opportunities for career advancement, or

(3) providing opportunities for continued training, including on-the-job training, or

(4) providing transitional public service employment which will enable the individuals so employed to move into public or private employment or training not supported by this Act.

(d) The State comprehensive manpower plan submitted pursuant to title I may include a public service employment program provided the plan sets forth—

(1) assurances that the activities and services for which assistance is sought under this title will be administered by or under the supervision of the manpower sponsor designated under title I of this Act;

(2) a description of the area to be served by such programs and a plan for effectively serving on an equitable basis the significant segments of the population to be served, including data indicating the number of potential eligible participants and their income and employment status;

(3) assurances that special consideration will be given to the filling of jobs which provide sufficient prospects for advancement or suitable continued employment by providing complementary training and manpower services designed to (A) promote the advancement of participants to employment or training opportunities suitable to the individuals involved, whether in the public or private sector of the economy, (B) provide participants with skills for which there is an anticipated big demand, or (C) provide participants with self-development skills but nothing contained in this paragraph shall be construed to preclude persons or programs for whom the foregoing goals are not feasible or appropriate;

(4) assurances that, to the extent feasible, public service jobs shall be provided in occupational fields which are most likely to expand within the public or private sector as the unemployment rate recedes;

(5) assurance that due consideration be given to persons who have participated in manpower training programs for whom employment opportunities would not be otherwise immediately available;

(6) a descrition of the methods to be used to recruit, select, and orient participants, including specific eligibility criteria, and programs to prepare the participants for their job responsibilities;

(7) a description off unmet public service needs and a statement of priorities among such needs;

(8) a description of jobs to be filled, a listing of the major kinds of work to be performed and skills to be acquired, and the approximate duration for which participants would be assigned to such jobs;

(9) the wages or salaries to be paid persons employed in public service jobs under this title and a comparison with the wages paid for similar public occupations by the same employer;

(10) where appropriate, the education, training, and supportive services (including counseling and health care services) which complement the work performed;

(11) the planning for and training of supervisory personnel in working with participants;

(12) a description of career opportunities and job advancement potentialities for participants;

(13) assurances that agencies and institutions to whom financial assistance will be made available under this title will undertake analysis of job descriptions and a reevaluation of skill requirements at all levels of employment, including civil service requirements and practices relating thereto, in accordance with regulations promulgated by the Secretary;

(14) assurances that the applicant will, where appropriate, maintain or provide linkages with upgrading and other manpower programs for the purpose of (A) providing those persons employed in public service jobs under this title who want to pursue work with the employer, in the same or similar work, with opportunities to do so and to find permanent, upwardly mobile careers in that field, and (B) providing those persons so employed, who do not wish to pursue permanent careers in such field, with opportunities to seek, prepare for, and obtain work in other fields;

(15) assurances that all persons employed under any such program, other than necessary technical, supervisory, and administrative personnel, will be selected from among unemployed and underemployed persons;

(16) assurances that the program will, to the maximum extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement, including civil service requirements which restrict employment opportunities for the disadvantaged;

(17) assurances that not more than one-third of the participants in the program will be employed in a bona fide professional capacity (as such term is used in section 13(a) of the Fair Labor Standards Act of 1938), except that this paragraph shall not be applicable in the case of participants employed as classroom teachers, and the Secretary may waive this limitation in exceptional circumstances; and

(18) such other assurances, arrangements, and conditions, consistent with the provisions of this Act, as the Secretary deems necessary, in accordance with such regulations as he shall prescribe.

SPECIAL PROVISIONS

SEC. 202. (a) Financial assistance for any program or activity under this title shall not be provided unless it is determined, in accordance with such regulations as the Secretary shall prescribe, that—

(1) the program (A) will result in an increase in employment opportunities over those which would otherwise be available, (B) will not result in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of nonovertime work or wages or employment benefits), (C) will not impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed, and (D) will not substitute public service jobs for existing federally assisted jobs;

(2) persons employed in public service jobs under this Act shall be paid wages which shall not be lower than whichever is the highest of (A) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938, if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (B) the State or local minimum wage for the most nearly comparable covered employment, or (C) the prevailing rates of pay for persons employed in similar public occupations by the same employer;

(3) funds under this Act will not be used to pay persons employed in public service jobs under this Act at a rate in excess of $12,000 per year;

(4) all persons employed in public service jobs under this Act will be assured of workmen's compensation, health insurance, unemployment insurance, and other benefits at the same levels and to the same extent as other employees of the employer and to working conditions and promotional opportunities neither more nor less favorable than such other employees enjoy;

(5) the provisions of section 2(a)(3) of Public Law 89-286 (relating to health and safety conditions) shall apply to such program or activity;

(6) the program will, to the maximum extent feasible, contribute to the occupational development or upward mobility of individual participants;

(7) no funds for programs authorized under this title will be used for the acquisition of, or for the rental or leasing of supplies, equipment, materials, or real property; and

(8) every participant shall be advised, prior to entering upon employment, of his rights and benefits in connection with such employment.

(b) Consistent with the provisions of this Act, financial assistance under this Act shall be made available in such a manner that, to the extent practicable, public service employment opportunities will be available on an equitable basis in accordance with the purposes of this Act among significant segments of the population of unemployed persons, giving consideration to the relative numbers of unemployed persons in each segment.

(c) Where a labor organization represents employees who are engaged in similar work in the same area to that proposed to be performed under any program for which an application is being developed for submission under this Act, such organization shall be notified and afforded a reasonable period of time in which to make comments to the applicant and to the Secretary.

(d) The Secretary shall prescribe regulations to assure that programs under this title have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, and other policies as may be necessary to promote the effective use of funds.

(e) The Secretary shall not provide financial assistance for any program authorized under this title unless he determines, in accordance with regulations which he shall prescribe, that periodic reports will be submitted to him containing data designed to enable the Secretary and the Congress to measure the relative, and where progress can be compared appropriately, comparative effectiveness of the programs authorized under this Act and other federally supported manpower programs. Such data shall include information on—

(1) characteristics of participants, including age, sex, race, health, education level, and previous wage and employment experience;

(2) duration in employment situations, including information on the duration of employment of program participants for at least a year following the termination of participation in federally assisted programs and comparable information on other employees or trainees of participating employers; and

(3) total dollar cost per participant, including breakdown between wages, training, and supportive services, all fringe benefits, and administrative costs.

The Secretary shall compile such information on a State, regional, and national basis.

DEFINITIONS

SEC. 203. (a) As used in this title, the term—

(1) "public service" include, but is not limited to, work in such fields as environmental quality, health care, education, public safety, crime prevention and control, prison rehabilitation, transportation, recreation, maintenance of parks, streets, and other public facilities, solid waste removal, pollution control, housing and neighborhood improvements, rural development, conservation, beautification, and other fields of human betterment and community improvement.

(2) "health care" includes, but is not limited to, preventive and clinical medical treatment, voluntary family planning services, nutrition services, and appropirate pyschiatric, psychological, and prosthetic services.

TITLE III—SPECIAL FEDERAL RESPONSIBILITIES

INFORMATION, RESEARCH, AND DEVELOPMENT

SEC. 301. (a) To assist the Nation in expanding work opportunities and assuring access to those opportunities for all who desire it, the Secretary shall establish a comprehensive program of manpower research utilizing the methods, techniques, and knowledge of the behavioral and social sciences and such other methods, techniques and knowledge as will aid in the solution of the Nation's manpower problems. This program will include, but not be limited to, studies the findings of which may contribute to the formulation of manpower policy; development or improvement of manpower programs; increased knowledge about labor market processes; reduction of unemployment and its relationships to price stability; promotion of more effective manpower development, training and utilization; improved national, regional, and local means of measuring future labor demand and supply; enhancement of job opportunities; up-grading of skills; meeting of manpower shortages; easing of the transition from school to work, from one job to another, and from work to retirement; and improvement of opportunities for employment and advancement through the reduction of discrimination and disadvantage arising from poverty, ignorance, or prejudice.

(b) Prior to undertaking any studies under this section, the Secretary shall provide adequate time for any State manpower agent and/or local manpower sponsor to review and comment on the proposed studies wherein the problems peculiar to a particular State manpower agent and/or local manpower sponsor are to be researched.

(c) The Secretary may, through grants to or contracts with State manpower agents and/or local manpower sponsors provided for the purpose of experimental, demonstration, and pilot projects with public or private nonprofit organizations, or through contracts with other private organizations, establish programs for the purpose of improving techniques and demonstrating the effectiveness of specialized methods in meeting the manpower, employment and training, and related labor market problems. The Secretary shall, prior to entering into contracts with other public, private nonprofit, or private organizations, provide all concerned State manpower agents and/or local manpower sponsors adequate time for review and comment on any project or program proposals. The findings and results of such projects or programs shall be transmitted to all State manpower agents and local manpower sponsors.

(d) In carrying out the provisions of subsection (c), the Secretary shall, where appropriate, consult with the Secretaries of Health, Education, and Welfare, Commerce, Agriculture, Housing and Urban Development, and the Chairman of the Civil Service Commission, and such other agencies as may be appropriate. Where programs under this paragraph require institutional training, appropriate arrangements for such training shall be agreed to by the Secretary of Labor and the Secretary of Health, Education, and Welfare.

LABOR MARKET INFORMATION

SEC. 302. (a) The Secretary of Labor shall develop a comprehensive system of labor market information collection on a National, State, local, or other appropriate basis, including but not limited to information regarding—

(1) current and project employment trends by industry and by occupations;

(2) job opportunities and skill requirements by various labor markets;

(3) supply of labor available in various labor markets;

(4) business development and location trends, in cooperation with the Secretary of Commerce;

(5) the number and characteristics of all persons requiring manpower services, including identification by age, sex, and racial or other pertinent minority group;

(6) a periodic index of underemployment;

(7) a periodic index of the incidence of poverty adjusted for differences in costs of living between various geographical areas.

(b) Information collected under subsection (a) shall be developed and disseminated in a usable form and on a timely basis to meet the needs of decentralized comprehensive manpower planning at the State and local level and the need of public and private users. In addition the Secretary shall collect and disseminate information on recruitment, counseling, education, training, placement, job development, evaluation, and other appropriate activities under this Act and under the Economic Opportunity Act, the Social Security Act, the Public Works and Economic Development Act of 1965, the Wagner-Peyser Act, the Vocational Education Act of 1963, the Vocational Rehabilitation Act, the Demonstration Cities and Metropolitan Development Act of 1966, and other relevant Federal statutes.

NATIONAL COMPUTERIZED JOB BANK PROGRAM

SEC. 303. The Secretary shall develop and establish a computerized job bank program for the purpose of—

(1) identifying sources of available manpower supply and job vacancies;

(2) providing an expeditious means of matching the qualifications of unemployed, underemployed, and disadvantaged persons with employer requirements and job opportunities on a National, State, local, or other appropriate basis;

(3) referring and placing such persons in jobs; and

(4) distributing and assuring the prompt and ready availability of information concerning manpower needs and resources to employers, employees, public and private job placement agencies, and other interested individuals and agencies as provided by the Secretary's regulations.

Maximum effective use shall be made of electronic data processing and telecommunications systems in the development and administration of the program. The program established under this title shall be coordinated with the comprehensive manpower program established under title I of this Act.

CONDUCT OF THE PROGRAM

SEC. 304. For the purpose of carrying out the program established in section 303 of this title, the Secretary is authorized to make grants to State manpower agents to establish or contract for the planning and administration of the program, including the purchase or other acquisition of necessary equipment. The Secretary may conduct the program on a regional or interstate basis through grants, contracts, or other arrangements. He may also conduct the program when he finds that a State program will not adequately serve the purposes of this title. The Secretary may require that any information concerning manpower resources or job vacancies utilized in the operation of job-bank programs financed under this title be furnished to him at his request. He may, in addition, require the integration of any information concerning job vacancies or applicants into a job-bank system assisted under this title.

MANPOWER UTILIZATION

SEC. 305. The Secretary shall establish a demonstration program for the improvement of manpower utilization in sectors of the economy experiencing persistent manpower shortages, or in other situations requiring maximum utilization of existing manpower. The Secretary shall conduct this program through State manpower planning councils.

SEC. 306. The Secretary shall, upon receipt of the findings and recommendations for the implementation of a model early warning system for the National Institute for Manpower Policy as prescribed by clause 4 of section 504 of title V, initiate an experimental and demonstration project to test the practicality of the model provided.

EVALUATION

SEC. 307. (a) The Secretary, in cooperation with Governors, State manpower agents, and local manpower sponsors, shall provide for a system of continuing evaluation of all programs and activities conducted pursuant to this Act, including their cost in relation to their effectiveness in achieving stated goals, their impact on communities and participants, their implication for related programs, the extent to which they meet the needs of persons of various ages, and the adequacy of their mechanism for the delivery of services. He shall also arrange for obtaining the opinions of participants about the strengths and weaknesses of the programs.

(b) As a part of his activities under subsection (a), the Secretary shall measure the relative and, where programs can be compared appropriately, comparative effectiveness of the programs authorized under this Act. The data so developed shall include information on—

(1) enrollee characteristics, including age, sex, race, health, education level, and previout wage and employment experience;

(2) duration in training and employment situations, including information on the duration of employment of program participants for at least a year following the termination of participation in federally assisted programs and comparable information on other employees or trainees of participating employers; and

(3) total dollar cost per trainee, including breakdown between salary or stipend, training and supportive services, and administrative costs.

TRAINING AND TECHNICAL ASSISTANCE

SEC. 308. In carrying out his responsibilities under this Act, the Secretary, in consultation with the Secretary of Health, Education, and Welfare where appropriate, shall provide directly or through grants, contracts, or other arrangements, training for specialized or other personnel and technical assistance which is needed in connection with the programs established under this Act or which otherwise petrains to the purposes of this Act. Upon request of a Governor, State manpower agent, or local manpower sponsor, the Secretary may make special assignments of personnel to public or private agencies, institutions, or employers to carry out the purposes of this section; but no such special assignments shall be for a period of more than two years.

EMPLOYMENT IMPACT OF FEDERAL ASSISTANCE PROGRAMS

SEC. 309. The Secretary is hereby authorized to undertake studies of the contribution of Federal grants-in-aid and other Federal assistance programs to the overall employment level. Such studies may include but are not limited to collection and analysis of information on the number of positions wholly or partially supported by Federal assistance programs, their occupational structure, wage, and salary levels, projections for future growth, requirements and qualifications for entry into such positions, promotional and career development opportunities, the educational, vocational, and other relevant characteristics of those who occupy such positions, and the effects of such employment on employment generally. The heads of all Federal departments and agencies administering grants-in-aid or other Federal assistance programs are hereby directed to cooperate fully with the Secretary in the conduct of such studies. They shall transmit to the Secretary annually estimates of the employment increases or decreases expected to result from the planned expansion or reduction of such programs, and as conditions warrant, on call from the Secretary, contingency plans and estimates relating to the increase in employment which would be created if such programs are expanded under conditions of persistent high unemployment and underemployment.

JOB CORPS

SEC. 310. (a) All functions of the Director under part A of title I of the Economic Opportunity Act of 1964 are hereby transferred to the Secretary of Labor and part A of title I shall, without regard to the expiration date specified in section 171, become a part of section 301 of this title. Any reference to part A of title I of the Economic Opportunity Act or any provisions thereof in any other law of the United States shall be deemed to be a reference to title III of this Act or the corresponding provision thereof.

(b) Effective with respect to the fiscal years ending after June 30, 1972, title I of the Economic Opportunity Act is amended by striking out part A of title I and by redesignating the remaining parts of title I accordingly.

(c) Effective with respect to fiscal years beginning after June 30, 1972, section 810(a) of the Economic Opportunity Act of 1964 is amended by striking out the word "and" at the end of paragraph (a) thereof, and by inserting in lieu of the period at the end of paragraph (3) a semicolon and the word "and", and by adding the following new paragraph:

"(4) with the approval of the Secretary of Labor, in Job Corps centers operated under title III of the Manpower and Employment Act of 1972."

(d) Grants and contracts entered into pursuant to the provisions of title I of the Economic Opportunity Act of 1964, and the Manpower Development and Training Act of 1962 prior to the effective date set forth in subsections (a) and (b) of this section shall not be affected by the provisions of this section.

TITLE IV—MISCELLANEOUS

AUTHORIZED APPROPRIATIONS

SEC. 401. (a) For the purposes of carrying out this Act, there are authorized to be appropriated $3,250,000,000 for the fiscal year ending June 30, 1973, $5,000,000,000 for the fiscal year ending June 30, 1974, and $5,000,000,000 for the fiscal year ending June 30, 1975.

(b) Notwithstanding any other provision of law, unless enacted in specific limitation of the provisions of this subsection, any funds appropriated to carry out this Act which are not obligated prior to the end of the fiscal year for which such funds were appropriated shall remain available for obligation during the succeeding fiscal year, and any funds obligated in any fiscal year may be expended during a period of two years from the date of obligation.

ADDITIONAL FUNDS AUTHORIZED

SEC. 402. (a) For any fiscal year including the last of any three consecutive months in which the national rate of unemployment (seasonally adjusted)—

(1) equals or exceeds 4.5 per centum there is authorized to be appropriated for programs authorized under titles I and II an amount equal to 10 per centum of the amount authorized for such fiscal year under section 401;

(2) equals or exceeds 5 per centum there is authorized to be appropriated for such programs an amount equal to 15 per centum of the amount authorized for such fiscal year under section 401;

(3) equals or exceeds 5½ per centum there is authorized to be appropriated for such programs an amount equal to 15 per centum of the amount authorized for such fiscal year under section 401; or

(4) equals or exceeds 6 per centum there is hereby authorized to be appropriated for such programs an amount equal to 25 per centum of the amount authorized for such fiscal year under section 401.

(b) For any fiscal year including the last of any three consecutive months in which the unemployment rate in one or more States exceeds 6 per centum (seasonally adjusted) but the national rate of unemployment does not exceed 4.5 per centum (seasonally adjusted), there is authorized to be appropriated for distribution among such State or States an amount equal to 25 per centum of the amount apportioned to such State or States under this Act for that fiscal year only.

(c) If more than one paragraph under subsection (a) is applicable in any one fiscal year, the cumulative additional authorization for that fiscal year shall not exceed the largest authorization specified in any one of such applicable paragraphs.

ALLOCATION OF FUNDS

SEC. 403. (a) The amounts appropriated to carry out this Act in sections 401 and 402 (except for amounts otherwise reserved in accordance with this Act or expressly limited in an appropriation Act to a specific purpose under this Act) shall be allocated among the titles of this Act as follows: for the fiscal year ending June 30, 1973, 95 per centum for title I and 5 per centum for title III; for the fiscal years ending June 30, 1974, and June 30, 1975, 95 per centum for titles I and II and 5 per centum for title III.

(b) The amount available for title I for the fiscal year ending June 30, 1973, and for titles I and II for the fiscal years ending June 30, 1974, and June 30, 1975, shall be allocated in such a manner that of such amounts—

(1) not less than 90 per centum shall be apportioned among the States in an equitable manner, taking into consideration (a) the number of unemployed and the severity of that unemployment in a State relative to the number of unemployed and severity of unemployment in the Nation; (b) the estimated number of underemployed in a State relative to the total number of underemployed in the Nation; (c) the population of the State relative to the total population of the Nation; and (d) the number of persons of any age in poverty in a State relative to the number of persons of any age in poverty in the Nation;

(2) the remainder shall be made available to the Secretary to carry out the purpose of title I for the fiscal year ending June 30, 1973, and of titles I and II for the fiscal years ending June 30, 1974, and June 30, 1975, except that where the apportionment under clause (1) for any State or the Commonwealth of Puerto Rico for a fiscal year is less than $1,500,000 (or $150,000 for the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands) the Secretary shall use the sums available under this paragraph to increase the amount so apportioned to such States to $1,500,000 or $150,000, as the case may be.

(c) The amount apportioned to each State under clause (1) of subsection (b) shall be apportioned among the manpower planning areas within each such State in such a manner that of such amounts—

(1) not less than 90 per centum shall be apportioned among the areas in the same manner as provided in clause (1) of subsection (b);

(2) not more than 5 per centum shall be at the discretion of the Governor for the purpose of providing incentives for the development of comprehensive areawide and statewide manpower planning. In no case however, may the Governor increase the apportionment to a manpower planning area by more than 10 per centum of the sum allocated under clause (1) of subsection (c).

(d) The amount apportioned to each manpower planning area within a State under clause (1) of subsection (c) shall be apportioned in such a manner that of such amounts—

(1) not less than 90 per centum shall be for the operation of manpower programs and services by the local sponsor;

(2) not more than 5 per centum shall be reserved at the discretion of the local sponsor for the purpose of providing incentives for the development of local program linkages.

(e) For the purposes of title II, the apportionment of funds to planning areas in the manner as provided in clause (1) of subsection (a) shall represent the total funds to be expended in that district by the local sponsor and by the Governor or his agent. When the total to be expended in each planning area has been determined, the ratio of State to local government full-time equivalent employment in that area will be computed and the funds will be disbursed to the local sponsor and to the Governor or his agent according to that ratio.

(f) To the extent necessary to enable the Secretary to make funds available to carry out any grant or contract entered into prior to the effective date of this Act under the Manpower Development and Training Act of 1962 amended, or title I of the Economic Opportunity Act of 1964, as amended, the Secretary may transfer funds from amounts allocated for newly authorized programs under this Act.

ADVANCE FUNDING

SEC. 404. (a) For the purpose of affording adequate notice of funding available under this Act, appropriations under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

(b) In order to permit planning on a long-range basis and thereby to encourage the most effective use of funds appropriated under this Act, the Secretary shall, as a minimum, obligate funds to the States a year in advance.

(c) In order to affect a transition to the advance funding method of timing appropriation action, the amendment made by subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

CONDITIONS APPLICABLE TO ALL PROGRAMS

SEC. 405. The Secretary shall not provide financial assistance for any program under this Act unless—

(1) the grant, contract, or agreement with respect thereto specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any program participant or any applicant for participation in such program because of race, creed, color, national origin, sex, or political affiliation.

(2) such program does not involve partisan political activities; and neither the program, the funds provided therefor, nor personnel employed in the administration thereof, shall be, in any way or to any extent, engaged in the conduct of political activities in contravention of chapter 15 of title 5, United States Code.

(3) he determines that participants in the program will not be employed on the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship;

(4) conditions of employment or training will be appropriate and reasonable in the light of such factors as the type of work, geographical region, and proficiency of the participant:

(5) appropriate standards for the health, safety, and other conditions applicable to the performance of work and training on any project are established and will be maintained;

(6) appropriate workmen's compensation protection will be provided to all participants;

(7) the program will not result in the displacement of employed workers or impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed;

(8) persons shall not be referred for training in an occupation which requires less than two weeks of preemployment training unless there are immediate employment opportunities available in that occupation;

(9) funds will be used to supplement, to the extent practicable, the level of funds that would otherwise be made available from non-Federal sources for the purpose of planning and administration of programs within the scope of this Act and not to supplant such other funds;

(10) the applicant will make such reports, in such form and containing such information as the Secretary may from time to time require, and will keep such records and afford such access thereto as the Secretary may find necessary to assure that funds are being expended in accordance with the provisions of this Act;

(11) the program will, to the maximum extent feasible, contribute to the occupational development or upward mobility of individual participants;

(12) the program has adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, availability of inservice training and technical assistance programs, and other polices as may be necessary to promote the effective use of funds.

SPECIAL LIMITATIONS

SEC. 406. (a) No authority conferred by this Act shall be used to enter into arrangements for, or otherwise establish, any training programs in the lower wage industries in jobs where prior skill or training is typically not a prerequisite to hiring and where labor turnover is high, or to assist in relocating establishments from one area to another. Such limitations on relocation shall not prohibit assistance to a business entity in the establishment of a new branch, affiliate, or subsidiary of such entity if the Secretary of Labor finds that assistance will not result in an increase in unemployment in the area of original location or in any other area where such entity conducts business operations, unless he has reason to believe that such branch, affiliate, or subsidiary is being established with the intention of closing down the operations of the existing business entity in the area of its original location or in any other area where it conducts such operations.

(b) Any amounts received under chapters 11, 13, 31, 34, 35 of title 38, United States Code, by any veteran of any war, as defined by section 101 of title 38, United States Code, who served on active duty for a period of more than one hundred and eighty days or was discharged or released from active duty for a service-connected disability or any eligible person as defined in section 1701 of such title, if otherwise eligible to participate in programs under this Act, shall not be considered for purposes of determining the needs or qualifications of participants in programs under this Act.

(c) Acceptance of family planning service provided to trainees shall be voluntary on the part of the individual to whom such services are offered and shall not be prerequisite to eligibility for or receipt of any benefit under the program.

(d) No contract shall be let to any individual, institution, or organization to evaluate any program under this Act if that individual or any member of such institution or organization is associated with the program as a consultant, technical adviser, or in any other capacity.

(e) Any contract under section 101(4)(B) between a sponsor and private organization shall be based on a finding by the sponsor that the jobs to be performed fill a public need and are for the public benefit. Any such contract shall be subject to competitive bidding procedures and standards for allowable percentage of overhead and profit as prescribed by the State manpower council.

(f) Payments to an employer undertaking a training program under section 10(6) of title I of this Act shall be in an amount equal to—

(1) ninety per centum of the instruction expense, other ordinary and necessary training costs, and trainee wage payments for the time spent in training less the value of productive services rendered by such trainee, plus

(2) a bonus payment to reward the efforts of employers whose programs under this title have resulted in substantial upgrading and high retention, to be computed as follows:

(A) at the end of the first twelve months following the completion of a program authorized under this title, 20 per centum of the sum arrived at by multiplying the number of employees upgraded under such program by the average increase in annual earnings of these upgraded employees still employed by the employer; and

(B) at the end of the second twelve months following the completion of a program authorized under this title, 10 per centum of the sum arrived at by multiplying the number of employees upgraded under such program by the average increase in annual earnings of these upgraded employees still employed by the employer.

LABOR STANDARDS

SEC. 407. All laborers and mechanics employed by contractors or subcontractors in any construction, alteration, or repair, including painting and decorating of projects, buildings, and works which are federally assisted under this Act, shall be paid wages at rates not less than those prevailing on similar costruction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5), or at such other rates as may be allowed for trainees. The Secretary of Labor shall have, with respect to such labor standards. the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 1, 1934, as amended (48 Stat. 948, as amended; 40 U.S.C. 276(c)).

ACCEPTANCE OF GIFTS

SEC. 408. The Secretary is authorized in carrying out his functions and responsibilities Department, and employ or dispose of in under this Act, to accept in the name of the furtherance of the purposes of this Act, or any title thereof, an unconditional gift of any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise; and to accept voluntary and uncompensated services, not withstanding the provisions of section 3679(b) of the Revised Statutes of the United States.

UTILIZATION OF SERVICES AND FACILITIES

SEC. 409. I addition to such other authority as he may have, the Secretary is authorized, in carrying out his functions under this Act, to utilize, with their assent, the services and facilities of Federal agencies without reimbursement, and with the consent of any State or political subdivision of a State, to accept and utilize the services and facilities of the agencies of such State or subdivision with or without reimbursement.

INTERSTATE AGREEMENTS

SEC. 410. In the event that compliance with provisions of this Act requires cooperation or agreements between States, the consent of Congress is hereby given to such States to enter into such compacts and agreements to facilitate such compliance, subject to the approval of the Secretary.

ADVISORY COMMITTEES

SEC. 411. If members of an advisory committee or council authorized under this Act who are not officers or employees of the Federal Government are reimbursed, they shall not receive an amount greater than the maximum daily rate prescribed for GS-18 under section 5332 of title 5, United States Code, for each day on which they are engaged in the actual performance of their duties (including travel-time) as a member of the committee. All members shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently and receiving compensation on a per diem, when actually employed, basis.

REPEAL OF MANPOWER DEVELOPMENT AND TRAINING ACT OF 1962

SEC. 412. Effective with respect to fiscal years after June 30, 1972, the Manpower Development and Training Act of 1962 is repealed. Unexpended appropriations for carrying out such Act may be made available to carry out this Act, as directed by the President.

REPEAL OF EMERGENCY EMPLOYMENT ACT OF 1971

SEC. 413. Effective with respect to fiscal years after June 30, 1973, the Emergency Employment Act of 1971 is repealed. Unexpended appropriations for carrying out such Act may be made available to carry out this Act, as directed by the President.

HATCH ACT

SEC. 414. Persons engaged in programs assisted under this Act shall be considered for purposes of section 1501(4) of title 5, United States Code, to be the individuals whose principal employment is in connection with an activity financed by grants made by the United States.

CRIMINAL PROVISIONS

SEC. 415. (a) Chapter 31 of title 18, United States Code, is amended by adding a new section 665 to read as follows:

"THEFT OR EMBEZZLEMENT FROM MANPOWER FUNDS; IMPROPER INDUCEMENT

"SEC. 665. (a) Whoever, being an officer, director, agent, or employee of, or connected in any capacity with, any agency receiving financial assistance under the Employment and Manpower Act, embezzles, willfully misapplies, steals, or obtains by fraud any of the moneys, funds, assets, or property which are the subject of a grant or contract of assistance pursuant to this Act shall be fined not more than two years, or both; but if the amount so embezzled, misapplied, stolen, or obtained by fraud does not exceed $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(b) Whoever, by threat of procuring dismissal of any person from employment or of refusal to employ or refusal to renew a contract of employment in connection with a grant or contract of assistance under the Manpower and Employment Act induces any person to give up any money or thing of any value to any person (including such grantee agency) shall be fined not more than $1,000, or imprisoned not more than one year, or both."

TITLE V—NATIONAL INSTITUTE FOR MANPOWER POLICY

FINDINGS AND DECLARATION OF PURPOSE

SEC. 501. The Congress hereby finds and declares that the responsibility for the development, administration, and coordination of programs of education, training, and manpower development generally is so diffused and fragmented at all levels of government that it has been impossible to develop rational priorities in these fields, with the result that even good programs have proved to be far less effective than could reasonably be expected and billions of dollars in both tax funds and private funds have been applied far less effectively than the national interest requires. The Congress further finds that education and manpower development programs are nowhere more fragmented than in the Federal Government, with the result that we have not developed a coherent national manpower policy as the basis for Federal action in these fields, and that the continued lack of a coherent, flexible, national manpower policy dangerously reduces our prospects for solving economic and social problems which threaten fundamental national interests and objectives. Accordingly, the purpose of this title is to establish an Institute for Manpower Policy which will have the responsibility for examining these issues, for suggesting ways and means of dealing with them, and for developing a national manpower policy.

ESTABLISHMENT OF NATIONAL INSTITUTE FOR MANPOWER POLICY

SEC. 502. (a) There is hereby established in the Executive Office of the President a National Institute for Manpower Policy. The Institute shall be governed by a Board compose of twenty-five members selected as follows:

(1) ten members, as follows, serving ex officio: the Secretary of Labor, the Secretary of Health, Education, and Welfare, the Secretary of Defense, the Secretary of Commerce, the Secretary of Housing and Urban Development, the Administrator of the Veterans' Administration, the Director of the Office of Economic Opportunity, the Chairman of the Council of Economic Advisers, the Chairman of the Federal Reserve Board, and the Director of the Office of Management and Budget;

(2) two Members of the House of Representatives designated by the Speaker of the House;

(3) two Members of the Senate designated by the President of the Senate; and

(4) eleven members broadly representative of labor, industry and commerce, education, manpower training, counseling and placement programs, and of the general public appointed by the President with the advice and consent of the Senate. At least three of the eleven shall be Governors or local manpower sponsors or their designees, which shall be selected in such a manner as shall assure an equitable balance in the political affiliation of such officials.

(b) The Board shall not meet fewer than three times a year and during its first meeting it shall elect a Chairman who shall be one of the eleven public members appointed by the President.

(c)(1) The two Members of the House of Representatives and the two Members of the Senate shall serve on the Board for a length of time determined by, and at the pleasure of, the Speaker of the House and the President of the Senate, respectively.

(2) The terms of the eleven public members shall be for four years, except that, of the original members, three shall be appointed for one-year terms, three for two-year terms, three for three-year terms, and the remaining two for a term of four years.

(d) Vacancies on the Board will be filled in the same manner as the original appointment, except that 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.

APPOINTMENT OF DIRECTOR

SEC. 503. (a) The Chairman (with the concurrence of the Board) shall appoint a Director, who shall be the chief executive officer of the Institute and shall perform such duties as are prescribed by the Chairman.

(b) Section 5315 of title 5, United States Code, relating to positions in level IV of the Executive Schedule, is amended by adding the following paragraph at the end thereof:

"(95) Director, National Institute for Manpower Policy, Executive Office of the President."

FUNCTIONS OF THE INSTITUTE

SEC. 504. The Board, through the Institute, shall—

(1) conduct, such studies, hearings, research, or other activities as it deems necessary to enable it to formulate recommendations for a coherent national manpower policy;

(2) examine and evaluate the effectiveness of any federally assisted education training, or manpower development programs (including those assisted under this Act), with particular reference to the contribution of such programs to the achievement of objectives sought by the national manpower policy recommended under clause (1) of this subsection;

(3) examine and evaluate major Federal programs which are intended to (or potentially could) contribute to achieving major objectives of existing manpower and related legislation or those set forth in the recommendations of the Board for a national manpower policy, and particularly the program of the Departments of Labor and of Health, Education, and Welfare which are designed (or could be designed) to develop information and knowledge about manpower problems through research and demonstration projects or to train personnel in fields (such as occupational counseling, guidance, and placement) which are vital to the success of education and manpower programs;

(4) develop a model early warning system which will function on a National, State, and local basis and thus allow manpower planners at all levels of government the opportunity for timely and adequate responses to economic dislocations; and present, within a year of its establishment, its findings and recommendations for the implementation of such a system to the Secretary; and

(5) make such other evaluations, investigations, or inquiries as it considers appropriate for carrying out the purposes of this title and for helping to make effective the programs authorized by this Act.

ANNUAL REPORT

SEC. 505. The Board shall annually issue a report to the President and the Congress of its proceedings, findings, and recommendations which shall be made upon such date in the initial and each succeeding year as the Board shall determine (but not later than March 1 in any year following the initial year), and may if the Board so determines, be included as a separate part of the Manpower Report of the President.

APPOINTMENT OF PERSONNEL; COMPENSATION

SEC. 506. (a) The Director, with the approval of the Chairman of the Board, may appoint and compensate without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and chapter 51 and subchapter III of chapter 53 of such title, relating to classification and general schedule rates, such technical and professional personnel as he deems necessary to carry out the functions of the Institute.

(b) Members of the Board who are not regular full-time employees of the United States shall, while serving on the business of the Board, be entitled to receive compensation at the per diem equivalent for GS–18 for each day so engaged, including travel-time and, while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

GENERAL PROVISIONS

SEC. 507. (a) In carrying out the functions of the Institute, the Director is authorized to carry out programs directly, or through grants to or contracts with any public or private agency, organization, or institution, and payments under this title may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on accounts of overpayments or underpayments.

(b) The Director is authorized to accept gifts to the Institute and to apply them to carry out his functions under this title, and is similarly authorized to accept voluntary and uncompensated services, notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

AUTHORIZATION OF APPROPRIATIONS; EFFECTIVE DATE

SEC. 508. (a) There is hereby authorized to be appropriated for the year ending June 30, 1972, and for each succeeding fiscal year, such sums as may be necessary to carry out the purposes of this title.

(b) The provisions of this title shall become effective upon the enactment thereof.

STATEMENT OF GOV. JOHN A. LOVE, OF COLORADO ON BEHALF OF THE COMMITTEE ON HUMAN RESOURCES OF THE NATIONAL GOVERNORS' CONFERENCE ON MANPOWER REFORM LEGISLATION

At the outset I would like to stress that the views I will be expressing are clearly and distinctly those of Governors. As such, my remarks reflect the views of those concerned with a broad perspective of state government as opposed to a narrow one. These views were arrived at through a process which involved their initial drafting by a coalition of Governors' manpower planners and policy advisors, their review by the Committee on Human Resources of the National Governors' Conference, their endorsement by the Committee in a report to all of the Governors, and their acceptance—through favorable reception of the Committee's report—by the National Governors'

Conference in plenary session here in Washington last week.

I realize that the very existence of a "Governors" bill and my presence here today on behalf of the National Governors' Conference will surprise a number of people. There has been a growing belief, I understand, that, with a few individual exceptions, Governors just have not been sufficiently involved with the issues of manpower reform.

While there continues to be a range of degrees of interest and involvement in manpower reform among Governors, I can today report a sizeable shift among our number toward the "high interest" end of the spectrum. While we have always been aware of our responsibility to provide leadership in the forging of economic policies to bring about the growth and development of our States, we are now more conscious of the key role manpower policies do play in achieving—or frustrating—economic growth. We have a keen interest in welfare reform, a subject on which we have as a group been quite vocal before Congress. We are now aware, however, of the close linkages between welfare reform and manpower reform. We are becoming increasingly aware of the opportunity we would have to take a giant step in the direction of comprehensive human resources planning through the experience we would gain through comprehensive manpower planning. The National Governors' Conference has recently entered into an arrangement with the Department of Labor whereby we will obtain the same technical assistance and policy advisory capability which has allowed local government officials to assume an active role in manpower policy discussions. I feel I can safely predict, therefore, that the degree of interest and activity of Governors in this vital area of public policy will be greatly increased.

In a message to Congress early last month, the President reminded us that the enactment of new manpower legislation ranked high among our national priorities. As he reviewed the arguments in support of the Administration's own legislative proposal for manpower reform, the President stressed that what truly mattered was the preservation of the basic concepts or principles embodied in the Manpower Revenue Sharing Act. He identified these as the decategorization of manpower programs so as to allow for flexible and responsive planning, a decentralization of authority which would allow State and local governments to manage major manpower activities, and a consolidation of legislative and funding authority for manpower activities. As long as these were preserved, the President added, he understood that reasonable men could suggest additional legislative proposals which differed in detail from his.

As I move to a discussion of H.R. 13461, Mr. Chairman, I shall not undertake a detailed description of the Bill in my prepared statement. Rather, I will attempt to single out those features of the Bill which we believe offer our unique contributions and responses to the current debate on manpower policy.

The Bill before you calls for a consolidation of legislation and funding authority for manpower activities.

Our bill adheres to the objective of complete decategorization of manpower programs with one single minor exception: the operation of the Job Corps program, which remains in the hands of the Secretary of Labor. Otherwise. the Bill seeks to provide State and local manpower planners with an extremely comprehensive listing of optional manpower program components which would include an occupational upgrading program as well as a public service employment program.

An additional comment on the public service employment program we propose. We view it as a *permanent* program with *transitional employment slots* modeled on the current PEP program. It would not only allow transitional employment in the public and private, non-profit sector, but would permit government sponsors the *option* of contracting with private organizations providing public services for the purpose of creating jobs, temporarily placing PSE participants in such jobs, and then having those PSE participants absorbed in the regular payroll of the private organization.

As for "target groups" for manpower programs and services, the proposed Bill addresses its programs and services to the unemployed or underemployed generally, and provides that Vietnam veterans, public assistance recipients and heads of households shall be given "special emphasis" in receiving the benefits of the Bill. I might add that we, too, recognize that special concern should be present for particular categories of citizens who have training or employment problems peculiar to their circumstances. We do not feel, however, that the proper response to these concerns is to establish separate, national programs for these groups which would be conducted by the Secretary of Labor. This course of action would only serve to continue the myth that Governors and local government officials are unresponsive to the special problems of some of their citizens. We must be given—rather than denied—the opportunity to design programs for, and then deliver services to these groups. Our Bill provides for advisory councils for Governors and chief elected officials of local governments composed of representatives of a broad cross-section of all concerned parties, and these councils would have a responsibility to prepare plans for the review and approval of their respective chief elected official. This would provide a ready avenue for the expression of these concerns. We have added a number of special items to our comprehensive listing of authorized manpower activities which would allow responses to special needs; for example, an option to deliver manpower services—or train staff to deliver such services—in languages other than English.

Our Bill very definitely provides for a decentralization of authority which would allow State and local governments to plan for and administer manpower activities. We have, however, retained that provision of the Esch-Steiger Bill whereby the Secretary of Labor has the authority to constantly monitor programs and, if it becomes necessary, step in and operate them directly where a State or a Local Manpower Sponsor failed to comply with the Act.

The main objective which guided the drafting of H.R. 13461 was to attempt to define a mechanism for State and local planning and delivery systems which would:

(1) Take account of all levels of government in a state, reserving to each its appropriate powers and responsibilities, and allow each to support the others in providing needed services to citizens;

(2) Enable a truly comprehensive planning and delivery of services by tightening rather than ignoring the ties between manpower activities, employability services provided in the Wagner-Peyser Act, the WIN program provided under Title IV–C of the Social Security Act, and the manpower program aspects present in all of the current proposals for welfare reform.

These objectives led to our suggestions to locate statewide planning, fiscal responsibility, and accountability in the Governor as "State Manpower Agent", provide for the planning and delivery of services according to the wishes of local elected officials who could themselves designate their Local Manpower Sponsor, and—by not allocating presumptive program or service delivery roles to specified agencies or organizations—allow for the operation of programs or the provision of services by such diverse groups as unions, community action agencies, tribal units or (through contracts) private companies.

We also gave a great deal of thought to our view that Governors should designate manpower planning areas within their states following consultations on the proposed areas with local chief elected officials. Certainly you are aware of the trend to multi-county district planning and delivery of services within states which has been fostered both by legislation in other policy areas and by Federal administrative requirements. Given this trend, we find it difficult to understand why a different approach should be advocated for manpower activities.

It was our view that the legislative proposals previously presented to the Subcommittee did not address themselves to the need to forge strong linkages among the various human resource activities I previously cited. You will note that our Bill calls for a state comprehensive manpower plan which provides for the *conduct* not only of programs or activities funded under manpower legislation, but also for those funded under Title IV-C of the Social Security Act and the Wagner-Peyser Act. In addition, we propose that any state plan or plan of service which pertains to manpower programs or directly related employability development services must be reviewed by the State Manpower Planning Council before it is submitted to a federal agency for funding.

It would be our expectation that the provision of such a comprehensive state planning process would allow us as Governors to be in a better position to channel those services provided by state agencies into manpower planning areas within our states in such a way that they would be more responsive to locally perceived needs.

Looking ahead to the future, we have provided for relationships between incentive systems under manpower and welfare legislation, and have inserted provisions which would assure the delivery of manpower services to public assistance recipients on a statewide basis in accordance with uniform standards.

In addition to the features I have already described, our Bill provides for:

No requirement for state or area matching of Federal manpower monies either in cash or in kind;

The establishment of a requirement for the preparation of statewide comprehensive manpower plans and area plans on a multi-year basis;

Regional and national advisory commissions, whose membership is composed of state and local chief elected officials, which also settle differences which might arise between manpower planning jurisdictions;

An increase by 25% of the allocations for any state or states in which the unemployment rate exceeds 6% even while the national rate of unemployment does not exceed 4.5%;

Apportionment to the states of not less than 90% of Federal manpower monies following a set-aside of 5% of the total appropriation for the Secretary of Labor's conduct of the Department of Labor and specially assigned federal responsibilities;

A pass through of not less than 90% of a state's allocation of Federal manpower monies to Local Manpower Sponsors;

Set-asides of not more than 5% of their respective allocations for Governors and Local Manpower Sponsors to use on a discretionary basis for the purposes of providing incentives for the development of comprehensive statewide or area-wide manpower planning or for the development of more effective linkages in service delivery systems;

A National Institute for Manpower Policy such as that envisioned in Title V of the Esch-Steiger Bill.

In summary, what we propose is a "debureaucratization" of the manpower planning process that will allow Governors, Mayors and county officials to work coopera-

tively in a common system. It is the conviction of most Governors, I believe, that the various units of government within a state can and do work cooperatively to a greater extent than Congress realizes. We will continue to do so and strengthen our intergovernmental processes so long as Federal legislation does not create arbitrary jurisdictional lines or impose an authority outside of the political framework and process within which elected officials work every day of their lives.

By Mr. WILLIAMS:

S. 3347. A bill relating to the authority of the Securities and Exchange Commission to limit membership on national securities exchanges. Referred to the Committee on Banking, Housing and Urban Affairs.

INSTITUTIONAL ACCESS TO NATIONAL SECURITIES EXCHANGES

Mr. WILLIAMS. Mr. President, I am today introducing legislation which for the present time would confirm the right of National Securities Exchanges to admit institutional affiliates to membership.

Last June, the Subcommittee on Securities, of which I am chairman, commenced a study of the securities industry and securities—markets pursuant to Senate Resolution 109. That study is to be completed by the end of this year.

Shortly after the subcommittee commenced its work, the Securities and Exchange Commission announced that it intended to conduct its own hearings into the structure of the securities markets and industry, with particular reference to the question of institutional access to stock exchange markets. At that time, I felt this issue was of such great importance and had such far reaching implications as to the ultimate structure of our Nation's securities markets that it should ultimately be decided by the Congress. However, I deferred detailed consideration of the subject matter by my subcommittee in order to avoid duplicating the SEC's hearings. I also hoped that the SEC might come up with a resolution of the problem that would produce an equitable adjustment of conflicting interests and would merit congressional endorsement.

Early last month, the SEC released its "Statement of Policy" on market structure. In my opinion, the SEC failed in its statement to deal effectively with the underlying cause of most of the distortion and fragmentation of our securities markets—the fixed minimum commission rate and its supporting restrictions. Instead, the SEC turned its fire on the institutions which had sought to reduce the excessive commission costs levied on their beneficiaries by obtaining memberships on securities exchanges.

Two weeks later, the SEC wrote to all exchanges, urging them to submit proposed rule changes designed to prohibit institutional membership. This was not a formal request pursuant to the SEC's statutory authority under section 19(b) of the Securities Exchange Act of 1934, but an informal suggestion that all exchanges adopt identical rules on the subject of institutional membership. On February 18, 1972, in a letter to the Chairman of the SEC, I expressed my concern that no "public interest or need has been shown which would justify this drastic action at this time," and announced my intention to introduce legislation on the subject. Mr. President, I now ask unanimous consent for the full text of my February 18, 1972, letter to the Honorable William J. Casey, Chairman, Securities and Exchange Commission, be included in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore (Mr. STEVENSON). Without objection, it is so ordered.

(See exhibit 1.)

Mr. WILLIAMS. Mr. President, the SEC has offered no persuasive analysis in support of its request. It asserts that institutions should not be allowed to join stock exchanges for the "private purpose" of obtaining rebates. But this simply begs the question. Institutions join stock exchanges to save commissions. The question is what policy reasons are there for prohibiting such action. The Commission has not answered this question. In fact, until very recently, the Commission took the opposite position. It told institutions that they were under a fiduciary obligation to explore the possibility of obtaining an exchange membership for the purpose of reducing commission costs to their beneficiaries.

As long as commission charges remain fixed, institutions will have an artificial incentive to join stock exchanges. The incentive is not really to become members or to assume the obligation of members or to serve the public as members. The incentive to join is simply to reduce costs by avoiding fixed, monopoly prices. That may be a "private purpose" in one sense. But the beneficiaries of mutual funds, pension funds, and other institutions are "public" investors, many of whom are far less sophisticated and affluent than those members of the general public who invest through brokerage firms.

For these reasons, I am introducing today a bill which would suspend the authority of the SEC to force national securities exchanges to impose restrictions on member firms which are institutional affiliates. The suspension would remain in effect until 1 year after fixed commission rates had been eliminated on all stock exchange orders in excess of $100,000.

There are two reasons for trying this suspension to the resolution of the commission rate question.

First, the managers of many leading institutions have stated that they have no interest in engaging in a general brokerage business and that they would probably not consider joining an exchange except for the purpose of avoiding the high commission costs imposed on them by fixed rates. In addition, there is general agreement that on transactions below $100,000 the potential savings available through exchange membership is much less significant. And I, for one, am hopeful that within the next 2 years fixed commission rates will have been eliminated on all transactions in excess of $100,000.

With the benefit of a full year's experience with competitive rates on such transactions, we should be in a far better position to determine whether there is an "institutional membership problem" or whether it is simply a symptom of the "fixed commission rate problem."

Second, the suspension will give time for the Congress to deal with the entire range of questions arising from the concept of "membership" on national securities exchanges. While the subcommittee's study will be completed this year, it is quite possible that a definitive legislative resolution of this complex of issues by both the House and Senate will have to wait until the next Congress. I do not believe that millions of beneficiaries of pension funds, mutual funds, and other institutions should be subjected to increased costs by action of a Government agency while these complex determinations are being made.

I firmly believe that the bill I am introducing today, together with the bill on commission rates—S. 3169—which I introduced on February 14, 1972, offers an orderly and constructive approach to the resolution of problems which have vexed our Nation's securities industry. With the enactment of this legislation, investor confidence will be fully restored and we will have moved a long way toward fulfilling our goal of a true central marketplace.

Mr. President, I ask unanimous consent that the full text of the legislation be printed in the RECORD.

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

S. 3347

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 19(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78s (b)) is amended by adding at the end thereof the following: "Until one year after the date on which all national securities exchanges have ceased to maintain or enforce any rule fixing minimum commission rates with respect to any portion of a transaction in excess of $100,000, the Commission shall have no authority, under this subsection or otherwise, to alter or supplement the rules of any such exchange to impose limitations on (i) the types of businesses in which a member of such exchange, or any affiliate of such a member, may engage, or (ii) the ability of a member of such exchange to do business as a broker or dealer with or for any affiliate of such member. For purposes of this subsection, an 'affiliate' of a member is a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by or is under common control with, such member."

EXHIBIT 1

U.S. SENATE,
Washington, D.C., February 18, 1972.

Hon. WILLIAM J. CASEY,
Chairman, Securities and Exchange Commission, Washington, D.C.

DEAR MR. CHAIRMAN: I have read with some concern your letter of February 15, to the several national securities exchanges, calling for prompt action to terminate the exchange membership of institutional affiliates formed for the purpose of reducing commission costs on transactions in listed stocks.

Reviewing the Commission's recent statement of policy on market structure, I do not believe a public interest or need has been shown which would justify this drastic action at this time. Furthermore, a change of this magnitude in the economics of exchange

operations, particularly in the absence of the elimination of fixed commission charges on institutional size orders, should not be made without full Congressional consideration.

Accordingly, I will shortly introduce a bill confirming the right of national securities exchanges to admit institutional affiliates to membership. The hearings on this bill will afford an opportunity to those who oppose and those who support institutional membership to make their respective arguments. In the meantime, I would hope that no final action will be taken which would prejudice Congressional consideration of this important question.

Sincerely,

HARRISON A. WILLIAMS, Jr.,

By Mr. COOPER (for himself, Mr. BAKER, Mr. BROCK, and Mr. COOK):

S. 3349. A bill to authorize the establishment of the Big South Fork National River and Recreation Area in the States of Kentucky and Tennessee, and for other purposes. Referred to the Committee on Public Works.

BIG SOUTH FORK NATIONAL RIVER AND RECREATION AREA

Mr. COOPER. Mr. President, I am introducing for myself, the senior Senator from Tennessee (Mr. BAKER), and the junior Senators from Tennessee (Mr. BROCK) and Kentucky (Mr. COOK), a bill to establish the Big South Fork National River and Recreational Area in Kentucky and Tennessee.

Within the Big South Fork River Basin lie some of the most scenic wild areas remaining in the eastern half of our country. The Big South Fork of the Cumberland River flows free for 77 miles, creating a magnificent gorge through much of its course and offering a great diversity of recreational and scenic opportunities to visitors.

The basin—in southeastern Kentucky and northeastern Tennessee—is within 250 miles of major cities in eight other States. It thus offers an area of unspoiled beauty within a reasonable distance of population centers. Our proposal would make the riches of the area more easily available to visitors, while preserving the natural and historical features of the region.

The bill authorizes the Secretary of the Army, through the Corps of Engineers, to acquire land within the designated region, up to a total of 125,000 acres. It prohibits any project, such as dams, powerlines, or reservoirs, which would have an adverse effect on the scenic or other values of the area. It proscribes extraction of minerals or petroleum from within the gorge, itself, and places stringent requirements on mining and petroleum recovery outside the gorge. Commercial removal of timber is prohibited within the whole recreation area, and strict limits are set on roads and structures allowed within the gorge.

The bill provides for construction or reconstruction of facilities—trails, campgrounds, and two lodges, one in Kentucky and one in Tennessee—and for restoration of Blue Heron, Ky., an old coal mine and mining village, and of Rugby, Tenn.

The Secretary is to study transportation facilities in the region and make recommendations to relevant governmental bodies—State and Federal—on ways to improve public access to the river and recreation area.

The estimated cost of the entire project is $30 million.

Mr. President, not only would this bill make an area of great natural beauty more accessible to a large segment of our population, it would also provide economic benefits to people in an area where per capita income is low and unemployment high. The expected increase in tourists to the area should mean increased employment. Food and lodging facilities outside the recreation area, as well as concessions within the area, such as rental of horses and recreational equipment, would provide opportunities for local residents.

I have, for many years, been concerned about the economic condition of this area. In 1962 and four times since then, I have worked for congressional approval of a dam on the Big South Fork at Devil's Jump. Such a facility would have provided power and benefits to the area. Each time the question came before Congress, however, opposition from various sources combined to prevent passage. Finally, in 1968, I moved to break the impasse with a proposal to authorize an interagency study, by the Bureau of Outdoor Recreation, the Forest Service, and the Corps of Engineers, which had studied the area extensively for the earlier dam proposals—of alternative ways to take advantage of the area's natural value. The resulting report, submitted to the Congress and printed as a document of the Senate Committee on Public Works, proposed six alternatives.

I have discussed the various possibilities since that time on many occasions, and as recently as last month in Whitley City with local officials and residents of the area. Before my recent trip to Kentucky, I also discussed this matter with Dr. Tim Lee Carter, Congressman from the fifth district, who is introducing a similar bill in the House of Representatives. I believe Congressman JOE EVINS may be sponsoring it, also. Senator BAKER—who is very familiar with the area's problems and potential—and I believe that this proposal offers the hope for making the best use of the region's natural quality, while at the same time permitting orderly development of this recreational resource for the benefit of the people of the area.

Mr. BAKER. Mr. President, I would like to extend to the senior Senator from Kentucky my deep appreciation for his patient and tireless dedication to the development of the Big South Fork River area. The counties in the States of Kentucky and Tennessee in which the Big South Fork National River and Recreation Area will be located are among the poorest in the Nation. There is a wealth of scenery in their mountains and rivers, but for generations this wealth has contributed little to the reduction of their poverty and suffering. This proposal, which I am pleased to cosponsor, will preserve and protect the natural beauty of one of the most outstanding river gorges in the United States and will provide the impetus for economic growth in these impoverished communities.

The Big South Fork lies in southeastern Kentucky and northeastern Tennessee in the rugged terrain of central Appalachia. Its gorge, and tributaries constitute an outstanding recreation resource. The river area is truly wild and scenic in character. It flows through a narrow, almost uninhabited valley lined by stately multicolored sandstone cliffs, shrouded with forests. Surprisingly here in the eastern half of the United States, the setting retains an unusual feeling of naturalness and, in some places, the quality of wilderness. There are numerous interesting geologic formations throughout the area, including small caves, natural bridges and arches, waterfalls, scenic side canyons, and palisades. Complementing these features are a wide variety of flora and fauna, and a diverse range of calm and turbulent waters. A significant characteristic of the area's appeal is associated with its ever-changing mood.

Visitors already come from far and near to enjoy the majestic beauty of this region. National canoe races have been held on the Big South Fork. Millions of our citizens now and in the future should be privileged to enjoy these natural river gorges and to share these outstanding beauties of nature.

In 1968, as a result of controversy which had arisen over the desirability of constructing a hydroelectric dam on this river, Senator COOPER of Kentucky sponsored a provision in the Flood Control Act to require a study of alternative recreation and development concepts for the Big South Fork. An interdepartmental study was prepared and submitted to the President and to Congress. This report was printed by the Public Works Committee of the Senate. The interagency report contained six possible alternatives, including among them a national recreation area. Of all the concepts included in the report, this one offered the most flexibility to deal with the unique recreational, scenic, and historic values of the gorge area and promised the most valuable contribution to the local economy.

Mr. President, the bill we are presenting to you would assure the preservation of the scenic river gorges and the wilderness character of portions of the upland region of the Big South Fork, as well as permit appropriate development of the area. Recreation developments in the national recreation area would be in keeping with the concept of preserving the natural values which make the Big South Fork a resource unparalleled in the Eastern United States.

At this stage in the planning, the proposal defines the national river and recreation area concept. Definitive boundaries have not yet been delineated but our proposal would include more than 105 miles of the Big South Fork and its tributaries. The total acreage within the boundary would be restricted to a maximum of 125,000 acres. Within 1 year from enactment of this proposal, the Corps of Engineers would establish detailed boundaries for the area and prepare a management and development plan showing how this beautiful area can best be protected for the use and enjoyment of present and future generations.

In order to minimize siltation and acid mine drainage, and to enhance the environment and conserve and develop natural resources, this proposal includes a comprehensive plan for the New River watershed, an important tributary of the Big South Fork. The plan would be prepared by the corps in cooperation with the Secretary of Agriculture, the Secretary of the Interior, other concerned Federal agencies, and the State of Tennessee and its political subdivisions.

Mr. President, we urge early consideration of this bill to preserve, yet make available to the people of this Nation, the impressive gorges and selected upland areas of the Big South Fork. The area, when made more available to the public, will not only be a model for conservation of the region but will do much to aid in the economic development of the area through the stimulation of tourism.

Mr. BROCK. Mr. President, today, I join with Senators BAKER, COOPER, and COOK in sponsoring legislation to preserve the Big South Fork of the Cumberland River as a National Recreation Area.

This proposal represents the combined efforts of many groups and individuals in Kentucky, Tennessee and throughout the Nation who seek to provide protection for our dwindling wild heritage.

I am particularly pleased with the proposals which have been advocated for this scenic area. Ever since 1962, the Army Corps of Engineers sought to gain congressional authorization to build a $200 million 483-foot high hydroelectric dam on the Big South Fork at Devils Jump pass in Kentucky. The resulting impoundment would have created an enormous lake quieting the rapids, covering the huge boulders and magnificent precipices for 29 miles upstream.

This project was approved five times in the Senate and defeated five times in the House Public Works Committee. For years a battle of economic powers successfully held off full congressional approval of the dam and reservoir.

In 1968, through the efforts of the distinguished senior Senator from Kentucky who has always championed this area, the Army Corps, the Department of the Interior, and the Department of Agriculture undertook a joint study report of the alternative uses for the river. Without recommending any of the six proposals, these agencies did an excellent job of laying before the public the wide range of uses to which the area could be put. I feel such studies should be included in reports on any major public works project.

The six alternatives listed as feasible and appropriate were the establishment of a national park, national recreation area, a national scenic river, and a national forest, constructions of the Devils Jump structure, and leaving the area untouched.

The legislation, being introduced today, would establish a modified version of the interagency study's recommendation for a national recreation area. This designation was chosen for the wide degree of flexibility available under the original act in establishing specific criteria for the proposed Federal reserve. Such flexibility was either not possible or feasible under the other prospective designations.

The bill also names the Army Corps of Engineers to develop and administer this recreation area. I am satisfied with this and feel the corps will have a unique opportunity to make the Big South Fork of the Cumberland a model park for the enjoyment of all Americans.

The United States is now the most completed dammed country on earth. Only a few rivers, such as the Big South Fork, have been able to withstand the intrusions of man and his desire to force his inventiveness on nature's handiwork. I am pleased that the once-certain reservoir at Devils Jump Pass has now been transformed to a national recreation area. I believe it a wise decision and close with a quote from the noted conservationist, Michael Frome.

Harnessing natural features and "improving" rivers represents man's splendid ingenuity, beyond a doubt. The greater ingenuity is to show that man can survive while leaving some few features of the earth to their own devices. This is the true test of our mechanical, intellectual, and moral skills.

By Mr. BROCK:

S. 3351. A bill to establish a council on International Economic Policy, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

INTERNATIONAL ECONOMIC POLICY ACT OF 1971

Mr. BROCK. Mr. President, there is no vital area that has been so greatly neglected by Congress as foreign economic policy.

From the end of World War II until very recently, American predominance in the world markets was so overwhelming that no need was felt for a coordinated foreign economic policy position. Instead, American decisionmaking authority in the foreign economic area was scattered among some 60 agencies and departments of Government. The chief concern of the State Department, in the tradition of the Marshall plan and foreign aid, was to encourage concessions to our trading partners in the interest of promoting friendly relations and a flourishing world economy dominated by the United States.

In the past decades, we have experienced numerous foreign economic crises. Since the early 1950's the current international monetary problems have pointed to the need for reform of the system. But it was not until the middle of 1971 that the rapid and drastic deterioration of the American balance of payments, trade and reserve assets galvanized the administration into action. The President suspended the convertibility of the dollar into gold, placed a 10-percent surcharge on imports, and initiated talks with our major trading partners, aimed at the realinement of exchange rates and the lowering of interest barriers to American imports. It was Treasury Secretary John Connally who negotiated these matters.

Although I feel that Secretary Connally and the administration did a heroic job in handling the trade and international monetary revaluation, this crisis illustrates the need for a more efficient governmental machinery for handling and coordinating our foreign economic affairs.

A first step in this direction was taken in January of 1971 when the President created the Council on International Economic Policy within the Executive Office of the President. The purpose of the Council is to provide a clear, top-level focus on international economic issues, to achieve consistency between international and domestic policy, and to maintain close coordination of international economic policy with basic foreign policy objectives.

By creating this Council, the President recognized that the formulation and administration of foreign economic policy is plainly a complex task. It invariably affects other aspects of our foreign relations. National security is often involved, and domestic economic policy always is. As a consequence virtually every Government department participates in developing and administering some facet of our foreign economic policy. All of these strands eventually converge at the Executive Office of the President, posing a formidable problem of coordination and leadership. Until the creation of the Council on International Economic Policy, there was no mechanism that could assume this vital responsibility.

Last August, I called to the attention of the body the need to establish and improve international economic policy structure in the Federal Government and introduced on behalf of myself and the Senator from Minnesota (Mr. HUMPHREY), the Senator from Pennsylvania (Mr. SCHWEIKER), and the Senator from Alaska (Mr. STEVENS), S. 2394, the International Economic Policy Act of 1971. Our legislation recognized the importance of the Council on International Economic Policy by placing it on a statutory basis.

I feel that it is essential that the work of the Council be continued and am today introducing a modified version of that earlier legislation, for review in connection with the present consideration of the Banking Committee of the Export Administration Act. The new bill reflects improvements suggested by various governmental and business parties.

I ask unanimous consent that the text of the bill be printed in the RECORD at the conclusion of my remarks.

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

S. 3351

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 "International Economic Policy Act of 1971".

STATEMENT OF PURPOSES

SEC. 2. It is the purpose of this Act to provide for closer Federal interagency coordination in the development of a more rational and orderly international economic policy for the United States.

TITLE I—COUNCIL ON INTERNATIONAL ECONOMIC POLICY

FINDINGS AND PURPOSE

SEC. 101. The Congress finds that there are many activities undertaken by various de-

partments, agencies, and instrumentalities of the Federal Government which, in the aggregate, constitute the domestic and international economic policy of the United States. The Congress further finds that the objectives of the United States with respect to a sound and purposeful international economic policy can be better accomplished through the closer coordination of (A) domestic and foreign economic activity, and (B) in particular, that economic behavior which, taken together, constitutes United States international economic policy. It is therefore the purpose of this title to establish a Council on International Economic Policy which will provide for (A) a clear top level focus for the full range of international economic issues; deal with international economic policies including trade, investment, balance of payments, and finance as a coherent whole; (B) consistency between domestic and foreign economic policy; and (C) close coordination with basic foreign policy objectives. It is the further purpose of Congress to provide the Council with the opportunity to (A) investigate problems with respect to the coordination, implementation, and long-range development of international economic policy and (B) make appropriate findings and recommendations for the purpose of assisting in the development of a rational and orderly international economic policy for the United States.

CREATION OF COUNCIL ON INTERNATIONAL ECONOMIC POLICY

SEC. 102. There is created in the Executive Office of the President a Council on International Economic Policy (hereinafter referred to in this title as the "Council").

MEMBERSHIP

SEC. 103. The Council shall be composed of the following members and such additional members as the President may designate:

(1) The President.
(2) The Secretary of State.
(3) The Secretary of the Treasury.
(4) The Secretary of Defense.
(5) The Secretary of Agriculture.
(6) The Secretary of Commerce.
(7) The Secretary of Labor.
(8) The Director of the Office of Management and Budget.
(9) The Chairman of the Council of Economic Advisers.
(10) The Special Representative for Trade Negotiations.

The President shall be the Chairman of the Council and shall preside over the meetings of the Council; in his absence he may designate a member of the council to preside in his place.

DUTIES OF THE COUNCIL

SEC. 104. Subject to the direction of the President, and in addition to performing such other functions as he may direct, it shall be the duty of the Council to—

(1) assist and advise the President in the preparation of the International Economic Report;

(2) review the activities and the policies of the U.S. Government which indirectly or directly relate to international economics and, for the purpose of making recommendations to the President in connection therewith, consider with some degree of specificity the substance and scope of the international economic policy of the United States, which consideration shall include examination of the economic activities of (A) the various agencies, departments, and instrumentalities of the Federal Government, (B) the several States, and (C) private industry;

(3) collect, analyze, and evaluate authoritative information, current and prospective, concerning international economic matters;

(4) consider policies and programs for coordinating the activities of all the departments and agencies of the United States with one another for the purpose of accomplishing a more consistent international economic policy, and make recommendations to the President in connection therewith.

(5) continuously assess the progress and effectiveness of Federal efforts to carry out a consistent international economic policy; and

(6) make recommendations to the President for domestic and foreign programs which will promote a more consistent international economic policy on the part of the United States and private industry. Recommendations under this paragraph shall include, but shall not be limited to, policy proposals relating to monetary mechanisms, foreign investment, trade, the balance of payments, foreign aid, taxes, international tourism and aviation, and international treaties and agreements relating to all such matters. In addition to other appropriate objectives, such policy proposals should be developed with a view toward—

(A) strengthening the United States competitive position in world trade;

(B) achieving equilibrium in international payment accounts of the United States;

(C) increasing exports of goods and services;

(D) protecting and improving the earnings of foreign investments;

(E) achieving freedom of movement of people, goods, capital, information, and technology on a reciprocal and worldwide basis; and

(F) increasing the real employment and income of workers and consumers on the basis of international economic activity.

REPORT

SEC. 105. (a) The President shall transmit to Congress within 60 days after the beginning of each regular session (commencing with the year 1973) a report on the international economic position of the United States. (Hereinafter called the "International Economic Report") which shall include—

(1) information and statistics describing characteristics of international economic activity and identifying significant current and foreseeable trends and developments;

(2) a review of the international economic program of the Federal Government and a review of domestic and foreign economic conditions and other significant matters affecting the balance of international payments of the United States and of their effect on the international trade, investment, financial, and monetary position of the United States; and

(3) a program for carrying out the policy declared in Section 101, together with such recommendations for legislation as he may deem necessary or desirable.

(b) The President may transmit from time to time to the Congress reports supplementary to the International Economic Report, each of which may include such supplementary or revised recommendations as he may deem necessary or desirable to achieve the purposes and policy objectives set forth in section 101.

EXECUTIVE DIRECTOR AND STAFF OF THE COUNCIL

SEC. 106. (a) The staff of the Council shall be headed by an Executive Director who shall be appointed by the President. It shall be the duty of the Executive Director to—

(1) direct the activities of the Council staff,

(2) develop the agenda and supporting materials for Council meetings and review all matters before the Council,

(3) establish a work program, including topics and the selection of individuals to carry out particular assignments.

(b) (1) With the approval of the Council, the Executive Director may appoint and fix the compensation of such staff as he deems necessary, provided, however, that he may fix the compensation of one officer at a rate of basic compensation not to exceed the rate now or hereafter provided for level IV of the Federal Executive Salary Schedule; and fix the compensation of two officers at rates of basic compensation not to exceed the rate now or hereafter provided for level V of the Federal Executive Salary Schedule;

(2) The staff of the Council shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(c) With the approval of the Council, the Executive Director may procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, at rates not to exceed the daily equivalent of the rate now or hereafter provided for GS–18.

(d) Upon request of the Executive Director, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of its personnel to the Council to assist it in carrying out its duties under this title.

AUTHORIZATION FOR APPROPIATIONS

SEC. 107. There is authorized to be appropriated each fiscal year such sums as may be necessary to carry out the purposes of this title.

By Mr. WILLIAMS (for himself, Mr. CASE, Mr. MATHIAS, Mr. GRAVEL, Mr. CRANSTON, Mr. MOSS, Mr. HUGHES, Mr. COOPER, Mr. MUSKIE, Mr. HARTKE, Mr. PELL, Mr. HARRIS, Mr. TUNNEY, Mr. HART, and Mr. JAVITS):

S.J. Res. 216. A joint resolution establishing a Commission on United States Participation in the United Nations. Referred to the Committee on Foreign Relations.

Mr. WILLIAMS. Mr. President, on behalf of myself, Senators CASE, MATHIAS, GRAVEL, CRANSTON, MOSS, HUGHES, COOPER, MUSKIE, HARTKE, PELL, HARRIS, TUNNEY, HART, and JAVITS, I introduce a joint resolution creating the Commission on United States Participation in the United Nations.

We introduce this measure because we feel that now, more than ever before in the 26 years since the founding of the United Nations, it is imperative that we be fully aware of the developments taking place and of the still unrealized potential of this organization to which the peoples of the world look for a better future. Only then can we accurately and fairly assess the job being done by the United Nations and our own implementation of the commitments we assumed under the Charter of the U.N., which we were the first to ratify following an overwhelming 89 to 2 approval by this body.

On July 9, 1970, in observance of the 25th anniversary of the United Nations, President Nixon established the President's Commission for the Observance of the 25th Anniversary of the United Nations. He called upon the Honorable Henry Cabot Lodge and a group of distinguished Americans to hold hearings across the country and to report to him on their findings. The Congress was well and ably represented on the Commission by Senators AIKEN, COOPER, FULBRIGHT, and SPARKMAN and by Representatives GALLAGHER, LLOYD, and MORGAN, as well as our former colleague, the Honorable Bourke B. Hickenlooper.

Their report, which has become known as the Lodge Commission report, was submitted on April 28, 1971. It dealt with a broad spectrum of issues of vital importance to this country and to the United Nations and its member states. It made a total of 96 specific recommendations under the broad headings of "Peace, Security, and Strengthening International Law," "Economic, Social, and Environmental Issues," and "Organizational and Structural Reforms; U.S. and UN."

The Commission held hearings in many parts of the country to which many organizations and individuals presented testimony at great effort and no little cost. A working group of the Commission, under the very able leadership of Dean Francis O. Wilcox of the School of Advanced International Studies of the Johns Hopkins University, spent long hours assessing the testimony and formulating recommendations. Dr. Gerard J. Mangone, Executive Director, and Miss Anne P. Simons, Director of Research, contributed their unique qualifications to heading up a small staff which worked long hours in their State Department headquarters.

My point, Mr. President, is that the expectations engendered by the hearings of the Lodge Commission and the 96 recommendations which it made must not be permitted to die for lack of continuing attention and concern. We all know too well that the reports of commissions, no matter how well they work and how worthwhile their findings, are too often forgotten in the press of other concerns. This must not be allowed to happen to the impressive and constructive recommendations of this Commission on the United Nations. The world is too small, its problems too interrelated, and the hope for world order and justice under law too precious to neglect any avenue that may add to the growing effectiveness of the United Nations—the one organization that most embodies the hopes of the family of man.

Mr. President, during future consideration of the joint resolution which I am introducing for myself and my colleagues, I urge that the words of the remarkable report "To Save Succeeding Generations," submitted by Representative DANTE B. FASCELL and J. IRVING WHALLEY to the 91st Congress, second session, following their service as delegates to the 24th U.N. General Assembly, be kept firmly in mind:

> As of now, the United Nations is neither the conscience of mankind, nor its spokesman. Rather, it serves as a mirror of the complex, disjointed, at times unpleasant reality which exists outside of it.
>
> The fault, here, lies not with the institution but with those who made it what it is: the sovereign nations of this world, each governed by its own ambitions and fears, each jealous of the prerogatives of its independence.
>
> The United Nations is uniquely their creature. It is neither more nor less than they have been willing to make of it.
>
> The United States is one of the UN's members, partly responsible for this state of affairs. For although we have played a major role in founding this organization, and its subsequent experience, our policies have encouraged little real growth in the United Nations.
>
> We have extolled the virtues of international cooperation and paid our assessments while withholding from the United Nations the full measure of political support which the organization needed in order to become an effective instrument of peace and progress in the world community.
>
> We have supported the organization's right to express opinions on world problems but have not insisted that such declarations reflect a sense of responsibility, and have been guided by them only when it suited our purpose.
>
> We have lectured the United Nations about fiscal responsibility while imposing on it burdens it was too young to bear and failing to establish, within our own government, a workable system of priorities to govern our participation in the international community.
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> We have done things which, in the perspective of the past 25 years, do not seem either very foresighted or consistent with the importance which we have publicly assigned to this organization.

Mr. President, if this Nation and its leaders are truly and forthrightly to participate in the improvement and modernization of the United Nations and to help it realize its untapped potential for peace and the lessening of tensions and the establishment of a worldwide rule of law and justice and freedom, we should be doing all we can to dramatize and to expand the American role in the organization and in its specialized agencies and in the International Court of Justice. We have a vast stake in the UN. It is in our highest national interest to firmly establish through the United Nations effective machinery which will guarantee justice and enforcement of contract in international obligations, justice in the peaceful settlement of disputes, justice in the enforcement of human rights, justice in the distribution and usage of the world's dwindling resources, and enduring peace through the impartial enforcement of disarmament agreements and the employment of disarmament agreements and the employment of United Nations peacekeeping forces against any violator.

The sponsors of this joint resolution believe that it will serve a very useful purpose to have an independent, permanent congressional-citizens commission to focus attention on the UN, on the specialized agencies, and on the World Court and our our participation or lack thereof in these vital multinational organizations. It is simply stating a fact of life to say that the Members of Congress and the appropriate committees of Congress and agencies of the executive branch are too often forced to deal with these organizations piecemeal and on an issue-by-issue basis as problems arise. We urgently need an agency which is removed from the inevitable pressures of decisionmaking and legislating and which can take a more dispassionate and detached approach to the broad picture and provide guidance and recommendations to those responsible for implementing U.S. policies and programs in this absolutely vital area.

The Commission on U.S. Participation in the United Nations, which this joint resolution will establish, should, with a modest annual expenditure, provide such an independent body. An identical joint resolution will be introduced in the other body shortly. It is my hope that both the Congress and the President will act promptly to establish and man this Commission.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 582

At the request of Mr. HOLLINGS, the Senator from Georgia (Mr. GAMBRELL) was added as a cosponsor of S. 582, a bill to establish a national policy to develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal and estuarine zones.

S. 2871

At the request of Mr. WILLIAMS, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2871, the Marine Mammal Protection Act of 1971.

S. 3070

At the request of Mr. THURMOND, the Senator from Oklahoma (Mr. BELLMON) was added as a cosponsor of S. 3070, a bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions to World War I veterans and their widows, subject to $3,000 and $4,200 annual income limitations, to provide for such veterans a certain priority in entitlement to hospitalization and medical care; and for other purposes.

S. 3158 AND SENATE JOINT RESOLUTION 202

Mr. WILLIAMS. Mr. President, on February 9, I introduced S. 3158, to create an Office of the Handicapped in the Department of Health, Education, and Welfare; and Senate Joint Resolution 202, a resolution calling for a White House Conference on the Handicapped. The response to these bills has been overwhelming, and I am pleased today to announce the addition of several of my colleagues as additional cosponsors of these important proposals.

As cosponsors of S. 3158: the Senator from Minnesota (Mr. HUMPHREY), the Senator from Florida (Mr. CHILES), the Senator from Kansas (Mr. DOLE), the Senator from Maine (Mr. MUSKIE), the Senator from North Dakota (Mr. BURDICK), the Senator from Alaska (Mr. STEVENS), the Senator from New Mexico (Mr. MONTOYA), the Senator from Nevada (Mr. CANNON), the Senator from Michigan (Mr. HART), the Senator from Illinois (Mr. PERCY), the Senator from Indiana (Mr. HARTKE), the Senator from Rhode Island (Mr. PASTORE), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Utah (Mr. MOSS).

As cosponsors of Senate Joint Resolution 202: the Senator from Minnesota (Mr. HUMPHREY), the Senator from Colorado (Mr. DOMINICK), the Senator from Florida (Mr. CHILES), the Senator from Maine (Mr. MUSKIE), the Senator from North Dakota (Mr. BURDICK), the Senator from Alaska (Mr. STEVENS), the Senator from Georgia (Mr. GAMBRELL), the Senator from New Mexico (Mr. MONTOYA), the Senator from Nevada (Mr. CANNON), the Senator from Michigan (Mr. HART), the Senator from Illinois (Mr. PERCY), the Senator from Indiana (Mr. HARTKE), the Senator from Rhode

Island (Mr. PASTORE), the Senator from South Dakota (Mr. MCGOVERN) and the Senator from Utah (Mr. Moss).

S. 3293

At the request of Mr. MONDALE, the Senator from Montana (Mr. METCALF) and the Senator from Maine (Mr. MUSKIE) were added as cosponsors of S. 3293, a bill to amend the Agricultural Act of 1949, as amended, to require the Secretary of Agriculture to make advance payments to producers participating in wheat and feed grain programs.

S. 3326

At the request of Mr. COOPER, the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 3326, a bill for the relief of the Appalachian Regional Hospitals, Inc.

SENATE JOINT RESOLUTION 180

At the request of Mr. ROTH, the Senator from Missouri (Mr. EAGLETON) and the Senator from Illinois (Mr. PERCY) were added as cosponsors of Senate Joint Resolution 180, to authorize the President to issue annually a proclamation designating the month of May in each year as "National Arthritis Month."

SENATE JOINT RESOLUTION 215

At the request of Mr. MANSFIELD, the Senator from Rhode Island (Mr. PASTORE), the Senator from Wyoming (Mr. MCGEE), the Senator from Tennessee (Mr. BAKER), and the Senator from Oregon (Mr. HATFIELD) were added as cosponsors of Senate Joint Resolution 215, proposing an amendment to the Constitution of the United States relating to the nomination of individuals for election to the offices of President and Vice President of the United States.

SENATE RESOLUTION 277—SUBMISSION OF A RESOLUTION REFERRING A BILL TO THE COURT OF CLAIMS

(Referred to the Committee on the Judiciary.)

Mr. JAVITS submitted the following resolution:

S. RES. 277

Resolved, That the bill (S. 3340) entitled "A bill for the relief of Branka Mardessich and Sonia S. Silvani," together with all accompanying papers, is hereby referred to the chief commissioner of the Court of Claims pursuant to sections 1492 and 2509 of title 28, United States Code, for further proceedings in accordance with applicable law.

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 230

At the request of Mr. KENNEDY, the Senator from Alaska (Mr. GRAVEL) was added as a cosponsor of Senate Resolution 230, relating to underground nuclear weapons testing.

ADDITIONAL STATEMENTS

COMPENSATION TO VICTIMS OF CRIME

Mr. MONDALE. Mr. President, I am delighted that the prospects for acting on legislation to provide for compensation to victims of crime are now so bright. Surely, this is a step which a civilized nation should be prepared to take.

An editorial in the Richfield Sun and in other Sun newspapers in Minnesota points out the inevitability of violent crime and calls for action on Federal legislation. As the editorial so rightly indicates:

Any nation which spends millions to rehabilitate criminals ought to be able to ease the agonies of their victims.

Mr. President, I believe the editorial is worth noting by all Senators, so I ask unanimous consent that it be printed in the RECORD.

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

RESTITUTION

Among other priorities which this nation has confused, our society really fails to recognize its responsibility to the victims of violent crime.

Generally, we prohibit citizens from carrying weapons to protect themselves, relying instead on the modern centurions in squad cars and fire trucks to provide succor. But no public safety crew can do it all—people are going to get mugged in dark alleys off Hennepin Avenue after an evening's revelry, arsonists are going to succeed in their unreasoning destruction from time to time in spite of the best efforts of all the police and fire personnel tax money can buy.

The idea of restitution to victims of violent crime was entailed in the Mosaic Law of the Old Testament ("an eye for an eye") and even in the ancient code of Hammurabi. But where does it say, anywhere in Minnesota or federal law, that society must pay, in some measure, for the evil done by the human animals which a free nation must, by its nature, allow among us?

Sen. Walter Mondale of Minnesota has introduced legislation, and is hopeful of passage, which would pay, up to specified maximums, those individuals damaged by criminal violence. His plan goes farther—it provides substantial death benefits to public servants or their survivors in the event of injury or death in line of duty.

The Senator is on the right track. Any nation which spends millions to rehabilitate criminals ought to be able to ease the agonies of their victims.

SMOKING SECTIONS SET UP BY NEW CALIFORNIA LAW

Mr. SCHWEIKER. Mr. President, on Saturday, March 4, a significant new legislation went into effect in the State of California. The legislation requires that land and air passenger carriers with trips originating in the State of California provide designated space for nonsmoking passengers.

It seems to me this is an important step in the right direction. Just recently, on February 28, I introduced S. 3249, the Public Transportation Smoking Section Act. The purpose of this legislation is to require that specific areas be set up in public transportation facilities for smokers.

The Surgeon General's report this year indicated that nonsmokers are subject to health hazards as a result of breathing smoke. As a result of the Surgeon General's report, the importance of setting up smoking and nonsmoking sections has become more than a matter of simple convenience. It has become a matter of health. Nonsmokers should not be made to suffer from these health hazards involuntarily.

Mr. President, I ask unanimous consent that an article describing the new California legislation, published in the Los Angeles Times of March 3, 1972, be printed in the RECORD.

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

SECOND-HAND SMOKE—A NEW FIGHT FOR RIGHTS

(By Dorothy Townsend)

Back when men did their smoking on the porch or in cloudy rooms segregated from nonsmoking society, nobody questioned the right of the majority not to have to breathe second-hand tobacco fumes.

But the cigaret, its acceptance by women and the convulsive casting off of old conventions after World War I, changed all of that.

Today there is hardly anywhere the nonsmoker can go and not inhale along with the smokers—at work, in elevators and restaurants, at choir rehearsals, in his own home.

Even in a hospital bed, the nonsmoker can't be sure he won't have a smoking roommate.

"I think they feel it is difficult enough to be a patient," a spokesman at the Los Angeles County-USC Medical Center said, "without having to quit smoking too."

Despite evidence that tobacco fumes can be harmful to bystanders as well as to the smokers—and the latest U.S. surgeon general's report saying so—the cause of nonsmokers' rights still has few champions.

LAW GOING INTO EFFECT

But clearer days may lie ahead.

Saturday a law will go into effect in California demanding that land and air passenger carriers with trips originating in the state "provide designated space for nonsmoking passengers."

"I wonder how they will like riding in the bathrooms" quipped one railway company official when he heard about the new law. An Amtrak executive, however, did not treat it as a laughing matter.

"We just have a new policy on that," said R. T. Edgar, general manager of Amtrak West. "Ticket envelopes are being printed with the smoking areas indicated and there are signs on the trains."

Asked if the signs designating no-smoking areas would come down when trains crossed state lines, Edgar said no, "these are permanent decals we are putting up."

Amtrak, a federal corporation and not considered under jurisdiction of the California law, is instituting smoking segregation, Edgar said, "as a courtesy to the passengers."

RAILWAY REGULATIONS

Henceforth, smokers may light up in the diner but not on the dome cars nor on overnight sleeping coaches nor in any cars posted as off limits, he said.

In the past year a number of airlines bowed to pressures from anti-smoking advocates and provided nonsmoking sections. The holdouts are falling into line this week, at least on their California runs, to comply with the new state law authored by State Sen. James R. Mills (D-San Diego).

Smokers already had been ordered to the back of the bus on long distance runs of nonmunicipal lines by the California Public Utilities Commission.

A similar ruling was handed down to interstate Commerce Commission which noted that "second-hand smoke is an extreme irritant with humans within its range." The order has been held up, however, by appeal of the National Assn. of Motorbus Owners.

In a land where nonsmokers outnumber smokers 164 million to 44 million, it is curi-

ous that the majority is so meek when it comes to smoking manners. They would rather choke on another man's smoke than ask him to abstain.

Even in the presence of a no-smoking sign, the typical nonsmoker is not likely to infringe on the other person's violation of it.

Because of this noncomplaining self-effactment, antismoking legislation has been difficult to enact and even harder to enforce.

It is the smoker who gets militant when challenged.

"They won't get away with this!" said a woman shopper angrily as she ground out her cigaret in a department store upon being told of the company's new no-smoking policy (for fire safety purposes). "It won't last," she prophesied.

Cross-country bus companies have learned that smokers object to being asked to sit apart.

REPERCUSSIONS NOTED

"We are having some repercussions," a man at Continental Trailways admitted. "They don't like to be told to go to the rear.

"The question that crosses our mind," he said, "is what do we do if they refuse? Throw them off the bus?"

The people at Greyhound have pondered the same question.

"It's a very difficult thing because we do not have conductors," a spokesman for the line said, "and we can't expect the driver to throw people off the bus."

A young Washington lawyer named John F. Banzhaf III, perhaps the nation's most effective smoking foe, said he knows what to do about it.

"Bans on smoking on buses in New Jersey and New York City are being violated," he said in an interview. "We plan to go up there and make some citizen arrests."

LED TO BAN

Banzhaf is the man who prodded the Federal Communications Commission into its 1967 ruling giving free air time to antismoking commercials on television and radio stations using cigaret advertising.

It was an astonishing victory and the harbinger of the more drastic ruling to come—an outright ban on the broadcasting of cigaret commercials.

At the time of his initial complaint to the FCC, Banzhaf was working for a New York law firm. One of the firm's clients was Philip Morris, Inc.

Now a law professor at George Washington University, he is better known as the man from ASH—the antismoking organization, Action on Smoking and Health.

One Banzhaf tactic has been to send teams of his law students out to find an unfair trade practice and then "go out and sue."

His antismoking lobby has won a few and lost a few and periodically has sprouted branches, such as LASH—Legislative Action on Smoking and Health—and CRASH—Citizens to Restrict Airline Smoking Hazards.

Last October ASH elicited from Health, Education, and Welfare Secretary Elliot Richardson, a pipe smoker, an agreement to provide nonsmoking sections in HEW cafeterias, conference rooms, auditoriums and certain working areas.

UP TO HEW

"We feel if anybody does anything," Branzhaf said, "it should be HEW. We're zeroing in on the federal government."

While consumer advocate Ralph Nader asked the FAA to ban smoking on airlines altogether for safety reasons, Banzhaf asked that smokers be physically segregated on flights, a request he felt had a better chance.

Although more and more airlines are cooperating voluntarily, ASH has been on the FAA's back for months "trying to expedite a ruling," Banzhaf said, "before we have to take it to court."

One of Banzhaf's aims is to get the nonsmoker to stand up and fight for his rights. ASH distributes buttons which say what the wearer may be too meek to say:

"Your smoking may be hazardous to MY health," "Smoking pays—the tobacco company, the hospital, the undertaker."

We also have a number of radio spot ads and two video tapes stressing the theme," said Banzhaf.

One of the anticommercials shows a crowded elevator. A man lights up a cigaret and everyone glares at him. He becomes aware of the hostile looks and, a little uncomfortably, asks: "Do you mind if I smoke." As they all make it clear they do mind, an overvoice says, "For too long the nonsmoker hasn't said anything."

Nonsmokers, although traditionally nonviolent, may have a breaking point. Last month sheriff's deputies in Duarte sought a complaint against a 73-year-old emphysema victim who allegedly became so incensed at cigaret smoke being blown in his face at a pinochle party that he shot two persons.

Many persons, not so seriously afflicted, suffer physical discomfort, irritation or allergic reaction when smoke is blown in their faces. Some have have changed jobs or even occupations because they couldn't get away from smoke at work.

Surgeon Gen. Jesse L. Steinfeld's 1972 report singled out carbon monoxide, nicotine and tobacco tar as the most likely contributors to health hazards in cigaret smoke. Six other probable contributors included nitric oxide and nitrogen dioxide and 23 suspected contributors include ammonia, benzene carbon dioxide, DDT, formaldehyde and methyl alcohol, according to the report.

HEALTH HAZARDS

There was enough evidence, Steinfeld said after issuing the report, to "support action to give the nonsmoker relief" from having to breathe smoke in public places.

Lung cancer, emphysema, bronchitis, heart disease and other deadly ailments have been linked to smoking.

Some recent medical tests have shown that the average smoker spends only 20 to 24 seconds inhaling a cigaret. While it is idling in the ash tray its output of tar and nicotine is up to four times greater than during the time it is being puffed, according to the testers.

Smoke in a room, they concluded, holds not only irritants but possible hazards for smokers and nonsmokers alike.

"Lawsuits open the doors initially," Banzhaf said, "but in the long run it's the people who have to go out and press for change who will benefit."

[Statutes and Code Amendments]

PUBLIC UTILITIES—FACILITIES FOR NONSMOKERS

CHAPTER 125—SENATE BILL NO. 206

An act to add Section 561 to the Public Utilities Code, relating to smoking

The people of the State of California do enact as follows:

SECTION 1. Section 561 is added to the Public Utilities Code, to read:

561

Every railroad corporation, passenger stage corporation, passenger air carrier, and street railway corporation providing departures originating in this state shall provide designated space for their nonsmoking passengers.

Approved and filed June 8, 1971.

THE VALUE-ADDED TAX

Mr. BYRD of Virginia. Mr. President, the March 11 issue of Human Events contains an analysis of the value-added tax, written by Prof. Murray N. Rothbard. Mr. Rothbard is professor of economics at Brooklyn Polytechnic Institute; author of "America's Great Depressions"; "Man, Economy, and State"; "Power and Market"; and editor of Libertarian Forum.

I do not myself take a position on the value-aded tax and intend to keep an open mind until such time as it may come before the Committee on Finance.

However, Mr. Rothbard makes some interesting points, and I think his analysis should be published in the RECORD.

I ask unanimous consent that the article, captioned "The Value-Added Tax Is Not the Answer," be printed in the RECORD.

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

THE VALUE-ADDED TAX IS NOT THE ANSWER

(By Murray N. Rothbard)

"There went out a decree from Caesar Augustus that all the world should be taxed."—Luke II: 1.

One of the great and striking facts of recent months is the growing resistance to further taxes on the part of the long-suffering American public. Every individual, business, or organization in American society acquires its revenue by the peaceful and voluntary sale of productive goods and services to the consumer, or by voluntary donations from people who wish to further whatever the group or organization is doing. Only government acquires its income by the coercive imposition of taxes. The welcome new element is the growing resistance to further tax exactions by the American people.

In its endless quest for more and better booty, the government has contrived to tax everything it can find, and in countless ways. Its motto can almost be said to be: "If it moves, tax it!"

Every income, every activity, every piece of property, every person in the land is subject to a battery of tax extortions, direct and indirect, visible and invisible. There is of course nothing new about this; what is new is that the accelerating drive of the government to tax has begun to run into determined resistance on the part of the American citizenry.

It is no secret that the income tax, the favorite of government for its ability to reach in and openly extract funds from everyone's income, has reached its political limit in this country. The poor and the middle class are not taxed so heavily that the federal government, in particular, dares not try to extort even more ruinous levies.

The outraged taxpayer, after all, can easily become the outraged voter. How outraged the voters can be was brought home to the politicians last November, when locality after locality throughout the country rose in wrath to vote down proposed bond issues, even for the long-sacrosanct purpose of expanding public schools.

DEFEAT IN NEW YORK

The most heartening example—and one that can only give us all hope for a free America—was in New York City, where every leading politician of both parties, aided and abetted by a heavily financed and demagogic TV campaign, urged the voters to support a transportation bond issue. Yet the bond issue was overwhelmingly defeated—and this lesson for all of our politicians was a sharp and salutary one.

Finally, the property tax, the mainstay of local government as the income tax is at the federal level, is new generally acknowledged to have a devastating effect on the nation's housing. The property tax discourages improvements and investments in housing, has driven countless Americans out of their

homes, and has led to spiralling tax abandonments in, for example, New York City, with a resulting deterioration of blighted slum housing.

Government, in short, has reached its tax limit; the people were finally saying an emphatic "No!" to any further rise in their tax burden. What was ever-encroaching government going to do? The nation's economists, most of whom are ever eager to serve as technicians for the expansion of state power, were at hand with an answer, a new rabbit out of the hat to save the day for Big Government.

They pointed out that the income tax and the property tax were too evident, too visible, and that so are the generally hated sales tax and excise taxes on specific commodities. But how about a tax that remains totally hidden, that the consumer or average American cannot identify and pinpoint as the object of his wrath? It was this deliciously hidden quality that brought forth the rapt attention of the Nixon Administration, the "Value Added Tax" (VAT).

The great individualist Frank Chodorov, once an editor of Human Events, explained clearly the hankering of government for hidden taxation: "It is not the size of the yield, nor the certainty of collection, which gives indirect taxation [read: VAT] preeminence in the state's scheme of appropriation. Its most commendable quality is that of being surreptitious. It is taking, so to speak, while the victim is not looking.

"Those who strain themselves to give taxation a moral character are under obligation to explain the state's preoccupation with hiding taxes in the price of goods." (Frank Chodorov, Out of Step, Devin-Adair, 1962, p. 220.)

The VAT is essentially a national sales tax, levied in proportion to the goods and services produced and sold. But its delightful concealment comes from the fact that the VAT is levied at each step of the way in the production process: on farmer, manufacturer, jobber and wholesaler, and only slightly on the retailer.

The difference is that when a consumer pays a 7 per cent sales tax on every purchase, his indignation rises and he points the finger of resentment at the politicians in charge of government; but if the 7 per cent tax is hidden and paid by every firm rather than just at retail, the inevitably higher prices will be charged, not to the government where it belongs, but to grasping businessmen and avaricious trade unions.

While consumers, businessmen and unions all blame each other for inflation like Kilkenny cats, Papa government is able to preserve its lofty moral purity, and to join in denouncing all of these groups for "causing inflation."

It is now easy to see the enthusiasm of the federal government and its economic advisers for the new scheme for a VAT. It allows the government to extract many more funds from the public—to bring about higher prices, lower production and lower incomes—and yet totally escape the blame, which can easily be loaded on business, unions, or the consumer as the particular administration sees fit.

The VAT is, in short, a looming gigantic swindle upon the American public, and it is therefore vitally important that it shall not pass. For if it does, the encroaching menace of Big Government will get another, and prolonged, lease on life.

One of the selling points for VAT is that it is supposed only to *replace* the property tax for its prime task of financing local public schools. Any relief of the onerous burden of the property tax sounds good to many Americans.

But anyone familiar with the history of government or taxation should know the trap in this sort of promise. For we should all know by now that taxes *never* go down. Government, in its insatiable quest for new funds, never relaxes its grip on any source of revenue.

You know and I know that the property tax, even if replaced for school financing, will not really go down; it will simply be shifted to other expensive boondoggles of local government. And we also know full well that the VAT will not long be limited to financing the schools; its vast potential (a 10 per cent VAT would bring in about $60 billion in revenue) is just too tempting for the government not to use it to the hilt, and, in the famous words of New Dealer Harry Hopkins: "to tax and tax, spend and spend, elect and elect."

Let us now delve more deeply into the specific nature of the VAT. A given percentage (the Nixon Administration proposal is 3 per cent) is levied, not on retail sales, but on the sales of each stage of production, with the business firm deducting from its liability the tax embodied in the purchases that he makes from previous stages. It is thus a sales tax hidden at each stage of production, from the farmer or miner down to the retailer.

A "REGRESSIVE" TAX

The most common criticism is that the VAT, like the sales tax, is a "regressive" tax falling largely on the poor and the middle class, who pay a greater percentage of their income than the rich. This is a proper and important criticism, especially coming at a time when the middle class is already suffering from an excruciating tax burden.

The Nixon Administration proposes to alleviate the burden on the poor by rebating the taxes through the income tax. While this may alleviate the tax burden on the poor, the middle class, which pays most of our taxes anyway, will hardly be benefited.

Furthermore, there is a more sinister element in the rebate plan: for some of the poor will get cash payments from the IRS, thereby bringing in the disastrous principle of the guaranteed annual income (FAP) through the back door.

But the VAT is in many ways far worse than a sales tax, apart from its hidden and clandestine nature. In the first place, the VAT advocates claim that since each firm and stage of production will pay in proportion to its "value added" to production, there will be no misallocation effects along the way.

But this ignores the fact that every business firm will be burdened by the cost of innumerable record-keeping and collection for the government. The result will be an inexorable push of the business system toward "vertical mergers" and the reduction of competition.

Suppose, for example, that a crude oil producer adds the value of $1,000, and that an oil refiner adds another $1,000, and suppose for simplicity that the VAT is 10 percent. Theoretically, it should make no difference if the firms are separate or "integrated"; in the former case, each firm would pay $100 to the government; in the latter, the integrated firm would pay $200. But since this comforting theory ignores the substantial costs of record-keeping and collection, in practice if the crude oil firm and the oil refiner were integrated into one firm, making only one payment, their costs would be lower.

VERTICAL MERGERS

Hence, vertical mergers will be induced by the VAT, after which the Antitrust Division of the Department of Justice would begin to clamor that the free market is producing "monopoly" and that the merger must be broken by government fiat.

The costs of record-keeping and payment pose another grave problem for the market economy. Obviously, small firms are less able to bear these costs than big ones, and so the VAT will be a powerful burden on small business, and hamper it gravely in the competitive struggle. It is no wonder that some big businesses look with favor on the VAT!

There is another grave problem with VAT, a problem that the Western European countries which have adopted VAT are already struggling with.

In the VAT, every firm fiends its invoices to the federal government, and gets credit for the VAT embodied in its invoices for goods bought from other firms. The result is an irresistible opening for cheating, and in Western Europe there are special firms whose business is to write out fake invoices which can reduce the tax liabilities of their "customers." Those businesses more willing to cheat will then be favored in the competitive struggle of the market.

A further crucial law exists in the VAT, a flaw which will bring much grief to our economic system. Most people assume that such a tax will simply be passed on in higher prices to the consumer. But the process is not that simple. While, in the long run, prices to consumers will undoubtedly rise, there will be two other important effects: a large short-run reduction in business profits, and a long-run fall in wage incomes.

The critical blow to profits, while perhaps only "short-run," will take place at a time of business recession, when many firms and industries are suffering from low profits and even from business losses. The low-profit firms and industries will be severely hit by the imposition of VAT, and the result will be to cripple any possible recovery and plunge us deeper into recession. Furthermore, new and creative firms, which usually begin small and with low profits, will be similarly crippled before they have scarcely begun.

The VAT will also have a severe, and so far unacknowledged, effect in aggravating unemployment, which is already at a high recession rate. The grievous impact on unemployment will be two-fold. In the first place, any firm that buys, say, machinery, can deduct the embodied VAT from its own tax liability; but if it hires workers, it can make no such deduction. The result will be to spur over-mechanization and the firing of laborers.

Secondly, part of the long-run effect of VAT will be to lower the demand for labor and wage incomes; but since unions and the minimum wage laws are able to keep wage rates up indefinitely, the impact will be a rise in unemployment. Thus, from two separate and compounding directions, VAT will aggravate an already serious unemployment problem.

Hence, the American public will pay a high price indeed for the clandestine nature of the VAT. We will be mulcted of a large and increasing amount of funds, extracted in a hidden but no less burdensome manner, just at a time when the government seemed to have reached the limit of the tax burden that the people will allow. It will be funds that will aggravate the burdens on the already long-suffering average middle-class American. And to top it off, the VAT will cripple profits, injure competition, small business and new creative firms, raise prices, and greatly aggravate unemployment. It will pit consumers against business, and intensify conflicts within society.

One of Parkinson's justly famous "laws" is that, for government, "expenditure rises to meet income." If we allow the government to find and exploit new sources of tax funds, it will simply use those funds to spend more and more, and aggravate the already fearsome burden of Big Government on the American economy and the American citizen.

The only way to reduce Big Government is to cut its tax revenue, and to force it to stay within its more limited means. We must see to it that government has *less* tax funds to play with, not more. The first step on this road to lesser government and greater freedom is to see the VAT for the swindle that it is, and to send it down to defeat.

CONNECTICUT'S MIKE CONNOLLY SELECTED FOR ALL-STAR PREP SCHOOL TEAM

Mr. WEICKER. Mr. President, on March 4 the Washington Star published this year's "All Washington" basketball teams, and I was delighted to see Connecticut's Mike Connolly among those selected for the all-star prep school team.

All of us in 342 are extremely proud of the job Mike has done both with his Senate duties and his athletic challenges. He is a great credit to young America and particularly to his parents and friends in Norwalk, Conn.

REORGANIZATION OF THE DEPARTMENT OF AGRICULTURE

Mr. MONDALE. Mr. President, the administration has pulled back, for the present at least, from its intention to abolish totally the U.S. Department of Agriculture and to scatter its functions among four new departments.

But the administration persists in pushing bills that would strip the Agriculture Department of several important nonfarm rural programs. This could easily by Phase 1 of an eventual abolishment of the Department, since the Department now administers not only farm programs but also nonfarm rural programs involving 55 million residents of rural areas.

The House Government Operations Committee is currently holding hearings on H.R. 6962, to create a Department of Community Development, to which would be transferred the Rural Electrification Administration 2-percent loan programs for electrical and telephone systems, Farmers Home Administration grant and loan programs for rural housing and community water and waste treatment facilities, the Rural Development Service, and certain Economic Research Service programs—all from the Department of Agriculture.

Logical arguments against the removal of such rural programs from the Agriculture Department are thoroughly spelled out in a statement presented by Weldon V. Barton, assistant legislative director of National Farmers Union, to the House Government Operations Committee on March 9. Barton pointed out that the transfer is unjustifiable for at least two reasons:

First. Coordination and management of rural development programs can be achieved more efficiently and effectively within the Department of Agriculture than within a department devoted generally to community development.

Second. Rural development, if it is to be effective, requires the emphasis and political support that can only come from the Department of Agriculture.

Mr. President, agriculture is basic to the economy and to many thousands of communities. Most communities of this Nation developed as a result of and as a service to agricultural activity. Community development will continue to be closely interrelated to argicultural development. For this reason, the U.S. Department of Agriculture must be strengthened, not diminished.

Mr. President, I ask unanimous consent that the Farmers Union's testimony be printed in the RECORD.

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

H.R. 6962, THE DEPARTMENT OF COMMUNITY DEVELOPMENT BILL

(Statement of National Farmers Union, presented by Weldon V. Barton, Assistant Director of Legislative Services)

Mr. Chairman, Members of the Committee: I am Weldon V. Barton, Assistant Director of Legislative Services, National Farmers Union.

I am pleased with the opportunity to testify today on H.R. 6962, the Administration's bill that would create a department of community development and transfer agencies and functions from existing departments to this new department.

We are especially concerned about the programs and agencies that would be transferred by H.R. 6962 from the Department of Agriculture to the community development department. Those that would be transferred from the USDA include:

1. Rural Development Service;
2. Farmers Home Administration grant and loan programs for rural housing and community water and waste treatment facilities;
3. Rural Electrification Administration 2% loan programs for electrical and telephone systems, as well as the Rural Telephone Bank established last year;
4. Economic Research Service programs of research on rural community development.

Farmers Union strongly opposes transfer of these agencies and programs out of the Agriculture Department, because such changes would be detrimental to both rural people and the nation generally.

The delegates to National Farmers Union's 1972 Convention, held last week in Houston, Texas, adopted the following statement of policy on reorganization of the USDA:

REORGANIZATION OF THE U.S. DEPARTMENT OF AGRICULTURE

"We oppose the Administration's reorganization proposal that would strip the U.S. Department of Agriculture of non-farm programs and functions. Human, economic, natural, and community resources in rural America are administratively inseparable. Agricultural programs and other programs that serve rural people and rural areas are closely related and are often administered through single agencies and field offices within the U.S. Department of Agriculture.

"We recommend that farm and rural programs, including rural electrification, housing, water and waste disposal, and soil conservation be kept in the Department of Agriculture where they can be closely coordinated with farm commodity and credit programs."

A joint statement in opposition to H.R. 6962 as it would affect the Department of Agriculture, signed by nine farm and rural groups, has been submitted to this Committee. In addition to National Farmers Union, the statement was signed by the Cooperative League of the USA, Midcontinent Farmers Association, National Catholic Rural Life Conference, National Council of Farmer Cooperatives, National Farmers Organization, National Grange, National Rural Electric Cooperative Association, and National Telephone Cooperative Association. Before presenting our specific reasons for opposing H.R. 6962, I want to endorse fully the views expressed in that joint statement.

Farmers Union's opposition to H.R. 6962 as presently drafted is based upon the following considerations: (1) Coordination and management of rural development programs can be achieved more efficiently and effectively within the Department of Agriculture than within a department devoted generally to community development; and (2) Rural development, if it is to be effective, requires the emphasis and political support that can come from the Department of Agriculture—which is the Cabinet-level agency responsible for farm and rural programs.

COORDINATION AND MANAGEMENT

A primary argument of the Administration for a department of community development is to streamline administration by placing related functions in a single department and under a single Cabinet-level Secretary. The contention is that this would result in improved program coordination and management.

Actually, transfer of the Rural Electrification Administration, Farmers Home Administration, and other agencies from the Department of Agriculture would disrupt a highly successful network for coordination that has evolved within the Agriculture Department. The Agriculture Department now administers most non-farm programs that are essential for rural development: rural housing loans, water and waste treatment loans and grants, telephone and electrical loans, and research and outreach services through the Economic Research Service and Extension Service. H.R. 12391, which passed the House February 23, would authorize the Farmers Home Administration to make industrial development loans in rural areas.

The Department of Agriculture also has an elaborate delivery system for rural community development programs, primarily through Farmers Home Administration local offices. The Farmers Home Administration has 1,700 local offices, located in virtually every rural county.

Of major importance in terms of overall coordination, the Department of Agriculture currently has jurisdiction over both farm and non-farm rural programs. This allows integrated planning and management of agricultural and other rural programs, which is essential to any realistic rural community development effort.

Farming is the number one business in rural America, and farming generates most of the purchasing power that sustains the bankers, grocers, implement dealers, and other businesses in rural communities. Because of the crucial importance of agriculture as the consumer of goods and services in rural towns, "rural" community development probably has more in common with agriculture than with the development of "urban" communities. If so, it makes more sense in terms of administrative coordination to retain rural community-development programs in the Department of Agriculture, rather than to throw them together with programs for larger cities and urban places where the labor force is sustained by industrial and other non-farm jobs.

An example of the disruption in coordination of farm and non-farm rural development programs under H.R. 6962 involves the Farmers Home Administration. The 1,700 Farmers Home Administration field offices would be transferred to the department of community development, where they would administer the housing and water and waste treatment facility programs. The farm operating and ownership loan programs of the Farmers Home Administration would remain in the Agriculture Department, however. It would be necessary for the Secretary of Agriculture to contract with the Secretary of the community development department for the field offices to administer farm operating and ownership loans.

This procedure would be not only inefficient; it would also make it virtually impossible for ownership and operating loans to be administered in such a way (i.e., with "soft" loans, technical assistance, etc.) that marginal farmers are given the best chance of strengthening their farming operations into truly viable economic units, enabling them to remain in farming.

The Secretary of Agriculture under the Nixon Administration has done little to interrelate the independent, family-farm pattern of agriculture and the broader network of rural revitalization policies. However, the Department of Agriculture provides the structure within which to integrate farm and rural policies to encourage and assist farmers to remain on the farm and thus to encourage better population balance among urban and rural areas.

Increasingly, there is public support for these kinds of programs as the need for better geographical distribution of population becomes more apparent. We must not destroy the structure for coordination at the very time that it can be most effective.

POLITICAL SUPPORT FOR RURAL DEVELOPMENT

Improved coordination and management is important. But political support for rural community development is equally or more important, and the way that programs are organized within the Federal bureaucracy determines to a large extent the political muscle behind the programs.

At least since the Administration of Franklin Roosevelt, Presidents have tried to increase or decrease support for particular government programs by raising or lowering them in the bureaucratic hierarchy. The rule followed in this: If you *raise* a program closer to the President in the hierarchy, you increase the access to the President and increase the strength of that program. If you lower the program in the hierarchy, you make access to the President more difficult, and you lower the voice of that program in the bureaucracy as a whole.

Mr. Chairman, your Committee is well aware of this phenomenon, in view of the vast number of administration reorganizational plans that you have considered since the Administration Reorganization Act of 1939.

Clearly, electrification, telephone, housing, and other rural programs would be lowered at least one rung on the hierarchical ladder by H.R. 6962. Rural people have enough difficulty with the Office of Management and Budget, which now stands between the Department of Agriculture and the President, in getting adequate funding for rural programs. Under H.R. 6962, we would have to go through not only OMB but also the Secretary of Community Development in getting funds budgeted for programs.

Furthermore, because under H.R. 6962 rural development programs would be thrown into direct competition with urban programs for funding even before budget requests reach the level of the Secretary, it would be impossible for rural programs to get the level of funding that is warranted by the compelling need for improved population distribution.

Good access to the President in the governmental hierarchy is very important, for the nation has not yet made the commitment to strong rural programs that could assure the continuation of strong programs on a routine basis regardless of where the programs are located organizationally.

When Professor Robert Weaver, the first Secretary of HUD, testified before this committee on H.R. 6962, he noted that he had resisted transfer of OEO's community action program to HUD until the program was well established. He justified retention of the direction of the community action program in the Executive Office of the President while the program was building its power base, so that adequate funding could be secured.

Farmers Union still opposes spinning off the CAA's to the Department of Community Development. We feel that both the OEO and the CAA will lose power and direction if this is done.

The same loss of power is likely to occur for rural development programs if they are removed from the Department of Agriculture and placed in the community development department.

We still need additional means of educating the people that rural development and improved population balance serve the direction interest of all Americans. Only when this message gets across to the people will we be able to get the kind of funding that is required for successful renewal of rural America.

To help to get this message across, I would urge this Subcommittee not only to retain rural programs within the USDA, but also to consider for favorable action another bill that has been referred to your Subcommittee: the Rural Development and Population Dispersion Act (H.R. 11138).

H.R. 11138 would create a Council on Rural Development and Population Dispersion in the Executive Office of the President, comparable to the President's Council on Environmental Quality and Council of Economic Advisers. Similar to these existing units in the environmental protection and employment areas, the Council on Rural Development and Population Dispersion would advise the President on rural development and population balance and would assist the President in drawing up an annual report to the Congress containing recommendations for legislation to carry out farm and nonfarm rural development programs.

As I understand the bill, a primary function of the Council on Population Density and Rural Development would be to publicize and crystallize public support for policies and programs to bring about rural development and population dispersion. Its role would be mostly advocacy, rather than research.

By encouraging public awareness of the need for geographical balance of population and support for rural revitalization, the Council could provide the climate of opinion and the general framework within which to achieve *specific* programs to serve rural areas and people.

The argument for better water and waste treatment facilities in rural areas, for example, will take on real meaning if it is made within the general context of rebuilding the less populated areas of the United States. The same kind of added impetus would be given to policies to strengthen independent-farmer agriculture, for better housing in the countryside and small towns, for improved transportation networks linking rural communities with each other and with more populated centers, and other programs.

The Council on Rural Development and Population Dispersion, to be created by H.R. 11138, would in no way infringe upon the Department of Agriculture's status as the primary agency in the Federal Government for coordination and operation of agricultural and rural programs. The relationship between the Council and the Department would be roughly comparable to the existing relationship, for environmental protection, between the Council on Environmental Quality (in the President's office) and the Environmental Protection Agency (the operating agency). The EPA, I think, clearly exercises the dominant coordination as well as operating functions in the environmental protection field.

In summary, Mr. Chairman, we think that farm and non-farm rural development programs require more, not less, political muscle within the government. For this reason, as well as to improve coordination and management within the bureaucracy, we recommend that you disapprove the transfers of agencies and programs from the Agriculture Department that are proposed in H.R. 6962. We further recommend that this committee approve H.R. 11138 as a step in the right direction both to accomplish rural development and to ease the pressures on urban areas caused by the continued migration of persons into the cities.

EMPIRE BUILDING— CONGRESSIONAL STYLE

Mr. PROXMIRE. Mr. President, at a time when we are asking the American people to fight inflation by forgoing salary increases, the Congress, or rather a small group of Senators and Congressmen, has given the go-ahead for a palatial extension of the west front of the Capitol so that legislators can luxuriate in extra office suites and hideaways that have a lovely view of the Mall as well as the Washington Monument.

This, truly, can be the only justification for the recent decision of the Commission for the Extension of the Capitol to throw into the trash can a study that shows the last original wall of the Capitol can be restored at a fraction of the cost of extending the west front of the Capitol.

This morning's Washington Post calls it obstinate vandalism. But it is far more than that. It is a deliberate affront to the American people. The Commission is, in effect, telling the American people:

To the devil with historical significance. Who cares about cost, we want bigger, more ornate, offices.

The saddest part of this decision by a miniscule but powerful minority of the Congress is that it treats a national monument as a private preserve. The Commission for the Extension of the Capitol acts as though this building belongs to them—not the people of the United States.

In the final analysis I feel certain that the Congress would veto the wasteful spending of tax dollars on a $2 million extension plan if there were a vote on this matter. However, the decision has been taken away from us for the time being. I ask unanimous consent that an editorial appearing in this morning's Washington Post on the subject be inserted in the RECORD at this point:

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

OBSTINATE VANDALISM ON CAPITOL HILL

Obstinate vandalism has once again triumphed on Capitol Hill. We cannot conceive that it will ultimately prevail.

In an arrogant maneuver of dubious legality and in the face of clear opposition on the part of the nation's architects and architectural historians, not to speak of a contrary recommendation by its own expert consultants, the ruling congressional establishment has decided to proceed with its old plan to extend the west front of the United States Capitol. Seven men—House Speaker Carl Albert, Vice President Spiro T. Agnew, House majority and minority leaders Hale Boggs and Gerald R. Ford, Senate majority and minority leaders Mike Mansfield and Hugh Scott and the Architect of the Capitol, George M. White, who are ex officio members of a commission created for the purpose in 1955—would build the most prominent part of the Nation's First Building in the image of (declining) Roman imperialism so that it would be physically and spiritually akin to that pompous disaster, the Sam Rayburn House Office Building. It makes not a shred of sense in terms of history, function, finance or aesthetics.

Historically, or rather anti-historically, what the extenders would do, is to bury the last remaining external vestiges of the Capitol as it was originally designed and built. William Thornton's softly elegant sandstone

facade is the only visible link to the Capitol's beginnings in the early years of the Republic. It is the last remnant of an architecture that was at once inspired by and expressive of the Jeffersonian concept of civilization, a concept that believed in gentle manners, the virtues of classical beauty and the pursuit of happiness. This part of our history would be irretrievably obscured behind a glossy, new marble facade, some 70 feet further out, which, far from expressing our own time, fakes classic architecture in a clumsy way. To make matters worse, the extension of the building into a massive box will ruin the commodious terraces designed by Frederick Law Olmsted, America's greatest landscape architect, reducing them to a narrow strip. It would puncture Olmsted's blank terrace walls with windows, destroy his landscaping with a service road and spoil the present sight of the dome by setting it much too far back on the building, much as a brazen drunk pushes back his hat.

All this, ironically, could well turn the Capitol into a messy construction site during the summer of 1976, just when millions of Americans will flock to Washington to celebrate the 200th anniversary of the nation and pay their respects to our historic traditions.

Functionally, the extension folly was to be justified by the need to rebuild the "crumbling" west front walls. The alleged crumbling, which so frightened the last Architect of the Capitol, George Stewart, has been proven a myth in an extensive study by Praeger-Kavanagh-Waterbury, a reputable architectural engineering firm, selected under Mr. Stewart's regime and retained by Congress under Public Law 91-145 of 1971. The present Capitol Architect, George M. White, called it "a careful and diligent open-minded study." It concluded, in sum, that there was nothing wrong with the west front that careful restoration could not fix under all five conditions set down by Congress two years ago. The conditions were, in sum, that restoration could, without undue hazard, make the building safe, sound, durable and beautiful for the foreseeable future and that restoration would be no more disrupting than extension and wouldn't take any more time.

Now the argument is made, that Congress needs more space *within the Capitol* and that is only a little less spurious. Under the Stewart plan most of the 4½ acres of expended space was to be used for tourist cafeterias, "a giant Howard Johnson," as one Congressman put it. The new architect has thought better of duplicating the tourist services which the proposed Visitors' Center in the remodeled Union Station will provide a few hundred yards away. Mr. White talks of 285 offices and conference rooms. But he does not give any reason why these offices must be built *inside* the Capitol.

Nor does Mr. White say anything about a recent report by a task force of the American Institute of Architects which found the present space within the Capitol "crowded, misused and underused" all at the same time. It noted that many functions now located within the building have no reason for being there. And it urged a rational space utilization and development plan outside the old building since the proposed extension "will not begin to meet present, least of all projected, space needs."

Financially, the extension plan is as illogical as it is shocking. The extenders imply that they are not bound by Public Law 91-145 because restoration would cost more than $15 million. What with the rise in building costs and the contingencies of all careful restoration work, it probably will. But is that any reason to spend an estimated $60 million on the extension? A few years ago the extension was to cost only $45 million—no less than $166.95 a square foot which was five times more than the Rayburn Building, at the time the most expensive office building in the world (since eclipsed by the Federal Bureau of Investigation building). Why should we believe that the cost will not go up by another $15 million or more in another few years?

But apparently nothing can be done to stop this fiat until Mr. White has drawn up the $2 million worth of extension plans for which Congress appropriated the funds in 1969. This will assure him a place in history as the Architect of the Great Capitol Boondoggle. But when he comes back to Congress with this folly and an appropriation request for $60 or $75 or $100 million to carry it out, Congress will, we are sure, refuse him. For Congress is responsive to the people. And the American people, after far too many years of destructive "progress" which bulldozed away some of our more cherished landmarks, are gaining a new and wholesome respect for our historic heritage. They like the Capitol as it stands.

NEED FOR A GLOBAL DYNAMICS ASSESSMENT SYSTEM

Mr. PACKWOOD. Mr. President, over the period of the past several years there has been a rapidly accelerating awareness and concern over the major forces at play in our global environment. Certainly the magnitude and momentum of these forces, as they move onward—often at exponential rates—and interact with each other, are somewhat difficult for the human mind to comprehend. As we are all aware, there are many who have begun to question the ultimate survival of mankind under the influence of many of the major trends now operating—particularly in such fields as human population increase, resource depletion, and pollution.

It does seem that, historically, man has existed under a system whereby he has principally reacted to the forces at play around him, and by and large has accepted the quality of life which sprang therefrom. With the rather ominous threat that a number of these forces seem to pose today, however, if not redirected, it does make one contemplate with some apprehension, the future quality of life for mankind. It seems as though we are perhaps at or near a major crossroads where we need to think in terms of turning the system 180 degrees: We need to identify the optimum or desired quality of life for mankind, in his finite space, and then exert control over those major forces which will influence it so as to assure the achievement and sustenance of that quality of life objective which we have identified as desirable. In other words, we basically have to decide what is realistically desirable and acceptable, and then purposefully control the trends in such ways as to cause it to happen.

There has recently surfaced an effort by the Club of Rome to shed more light on this apparent predicament of mankind. While many of this group's scenarios and recommendations for societal change are truly earthshaking and are refuted by some notable scientists and experts, there does seem to be sufficient substance and credibility to the group's findings to warrant further serious attention. If even part of their prognostications are correct, there is reason to give the matter our most serious concern.

It would appear that our society needs to start rapidly implementing a formal, federally sanctioned institutional framework into which would feed the best of all data, and out of which would come periodic assessments of where we are heading. In essence, such a move would represent the creation of a global dynamics assessment system. It would require the best of data, expertise, and support from all possible sources. Under the circumstances, it appears that we can afford to do no less than be acutely aware of what is going on around us and where it is leading us, if we are concerned about our future. There does currently exist a framework under which such an effort could be mounted—the National Environmental Policy Act of 1969. New institutional structures to accomplish this could be created if needed.

There have been numerous articles recently appearing regarding the appraisal efforts of the Club of Rome. I ask unanimous consent that a recent article from the Washington Post by Claire Sterling regarding the club's work be printed in the RECORD. The points the club raises deserve much critical attention and contemplation by all of us. Appropriate action must follow.

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

SPONSORED BY THE CLUB OF ROME—A COMPUTER STUDY OF THE EARTH'S INTERACTING FORCE

(By Claire Sterling)

ROME.—The first global computer study ever made going "far out on the space-time graph" to measure dynamically interacting forces that "might determine and therefore ultimately limit growth on this planet" will be published this week. The forces it measures are population, industrialization, food supply, natural resources and pollution. It concludes that the momentum of their exponential growth in finite space may overshoot the carrying capacity of the planet, whereupon the world system will collapse. If present trends go on unchanged, this will happen in a hundred years at the latest.

The study may be imperfect but it is not frivolous. Some of the world's outstanding social scientists, industrial managers and educators belong to the Club of Rome which sponsored it. The work was done by a distinguished international team at the Massachusetts Institute of Technology, headed by Dr. Dennis L. Meadows, and its model was developed by MIT's Prof. Jay Forrester, a brilliant pioneer in system dynamics.

It is a startling study because it traces *exponential* growth instead of the linear kind we usually think in terms of. The one grows in *accumulating* amounts as compound interest does, whereas the other grows in an arithmetic line. The difference can mean a sudden and immense lurch upward, as the authors show with an old Persian tale. A clever courtier presenting a beautiful chessboard to his king asks in return for one grain of rice for the first square on the board, double that for the second square double *that* for the third and so on. The king having agreed, the courtier gets eight grains for the fourth square, 512 for the tenth, 16,384 for the fifteenth, over a million for the twenty-first, and far more than the king owns for the sixty-fourth and last. Had he been rewarded linearly, he would have had just sixty-four.

All the forces measured in this study are growing exponentially. Each affects the others and is affected in turn, combining the growing strains on our planet at a suddenly frightening speed. World population, which

took a hundred years to rise from one to two billion and just 30 years more to rise from 2 billion to 3, will now take only another 33 years to rise from 3½ billion to 7, and barely more than 30 years after that to go 7 to 14 billion unless starvation, plague, war and/or massive birth control intervene.

Natural resources are being depleted exponentially even faster, as succeeding generations demands higher material living standards. We know about some resources that will be running out very soon—mercury in 13 years and tin in 15. But we have been falsely comforted by a linear "static" index on the lfietime of others. Here are some estimates of how long known reserves will hold out, based on linear and exponential rates of use in 1970:

STATE INDEX AND EXPONENTIAL INDEX

Aluminum, 100 years—31 years.
Copper, 110 years—60 years.
Coal, 2,300 years—111 years.
Chromium, 420 years—95 years.
Nickel, 150 years—53 years.
Petroleum, 31 years—20 years.

According to these calculations, nearly all important minerals will either be exhausted or in short enough supply to be prohibitively expensive within a hundred years.

For those who think we needn't worry because fresh reserves are bound to be discovered, the graph on chromium is particularly instructive. Here, the computer estimates what would happen if discoveries in 1970 were to double known chromium reserve. By linear count this would allow the reserves to last for 800 years. The exponential figure is 145 years. The time gained would be less than a single human lifetime.

The graph on crude petroleum is no less instructive in showing how these exponential curves sneak up on us. The margin between petroleum use and reserves seems nearly infinite from 1900 to 1950, and only twelve and a half percent of global reserves are gone even by 1975. *Yet by 1975, with almost nine-tenths of the reserves still intact, there are only 15 years to go before demand exceeds supply.*

The most arresting graph is the one on arable land. This, at least can be measured to a nicety on a finite planet. The world has just 7½ billion acres of arable land. The most fertile and accessible half is cultivated already. Most of the rest would cost too much to reach, clear, irrigate and fertilize, whatever the urgent need. With present yields—and 10 to 20 million people a year are dying of malnutrition as it is, every living person needs an average acre of land to sustain him. Every extra person coming along will need that much and another fifth of an acre besides for housing, roads, waste disposal, power lines and industry. If every possible inch of land were to be utilized with the population growing at present rates, the planet would still run out of land for the people trying to live on it, *before* the end of this century.

This crisis point would be delayed only 10 years if *no* arable land at all were taken for cities or other non-farming uses. The delay might be stretched to thirty years if farm tractors, fertilizers, pesticides, irrigation and high-yield seeds, but 30 years would be less than one population doubling time. *Quadrupling* worldwide farm yields might gain another 30 years at most. Assuming this wouldn't ruin the soil by overcultivation, Salinity and erosion, and the water-supply by forbidding runoffs of fertilizers and pesticide, it would still gain less time than the population would take to double again.

An exactly analogous graph could be drawn for fresh water, second in importance only to the land itself. If anything, the authors say, the limits on water will come in some areas long before the land limit becomes apparent.

It is harder to say where the limits of pollution are because so little global data is available. Nevertheless, practically all pollutants are growing exponentially faster than the world population. The curves for energy pollution are especially steep. With petroleum reserves giving out, the United States alone plans to expand its nuclear energy capacity from 11,000 to 900,000 megawatts between 1970 to 1999. Apart from colossal waste heat problems, stored radioactive waste will then exceed one thousand billion curies. A single curie is such a large radioactive dose that environmental concentrations are usually expressed in millionths.

Whatever the breaking-point for pollution, it can hardly go on unchecked forever, nor can it be completely eliminated by what ever sophisticated technological means. Even if technology could do it, nobody could afford it. The cost of reducing air pollution by sulphur dioxide in an American city, for instance, is $50,000 for a 5 per cent reduction and $26,000,000 for a 48 per cent reduction.

To trace the interaction of these expanding forces as they are behaving now, the authors did a "Standard" world model run on the computer, using known values from 1900 to 1970 for population, capital investment, pollution and so forth. The behavior mode is clearly that of overshoot and collapse. In this run it happens because rising industrialization begins to require such an enormous input of resources that more and more capital is needed to buy enough from dwindling stores, leaving less and less capital for future growth. "Finally, investment cannot keep up with depreciation and the industrial base collapses, taking with it the service and agricultural systems which have become dependent on industrial outputs (such as fertilizers, pesticides, hospital laboratories, computers and especially energy for mechanization) population finally decreases when the death rate is driven upward by lack of food and health services."

Another computer run was made to see what would happen if technology were to get around the resource shortage by reclaiming and recycling, reducing the virgin resources needed for industry to a fourth of the amount used now. The absence of resource constraints would then cause such a leap in industrialization that growth would be stopped by rising pollution. Population would reach about the same peak level as in the other run, only to fall more abruptly, to a lower final value.

The authors then tried a run with unlimited resources and pollution controls. More arable land is then taken for urban-industrial use and other land is eroded by highly capitalized farming methods, until the land limit is reached. Then a food shortage sets in and industrial output is diverted into agricultural capital to increase farm yields. Less capital is available for investment and finally industrial output per capita begins to fall. When food per capita sinks to subsistence levels the death rate starts to rise again and growth stops.

Finally, an all-purpose run was made. Here, the authors say, "we are using a technological policy in every sector to circumvent limits to growth. The model system is producing nuclear power, recycling resources, and mining the most remote reserves withholding as many pollutants as possible, pushing farm yields to undreamed of heights and producing only children actively wanted by their parents. *The result is still an end to growth before the year 2100.* In this case growth is stopped by three simultaneous crises. Overuse of land leads to erosion and food production drops. Resources are severely depleted by a prosperous world population (but not as prosperous as the present U.S. population). Pollution rises, drops and then rises again dramatically, causing a further decrease in food production and sudden rise in the death rate. The application of technological solutions alone has prolonged the period of population and industrial growth, but it has not removed the ultimate limits to that growth."

This last is particularly worth noting because, as the authors observe, "technological optimism is the most common and dangerous reaction to our findings . . . faith in technology can thus divert our attention from the fundamental problem—growth in a finite system—and prevent us from taking effective action to solve it."

The authors do not propose solutions, and certainly do not say the world must come to a skidding halt. They simply offer an assortment of options to help us move deliberately from growth to equilibrium before natural forces do it in inevitably more calamitous ways. The computer says it can be done in time. In this final run, population is stabilized at a birth rate equaling the death rate by 1975. Industrial capital is stabilized by an investment rate equaling the depreciation rate by 1975. Industrial capital is stabilized by an investment rate equaling the depreciation rate by 1990. Industry's use of resources is cut to a fourth of present levels by 1975. So is pollution. Society shifts its economic preferences from factory-made material goods to education, health facilities and similar services. Capital is diverted to food production even at a loss, to help equalize world social conditions. A high priority for agricultural investment is soil enrichment and conservation. Industrial goods are designed to last longer and be more easily repaired.

If all this is done, the stable world population would be only slightly larger than it is now. Everybody would have more than twice as much to eat. People would live an average 70 years. Industrial output would be appreciably higher and services per person would triple. Average individual income worldwide (industrial output, food and services) would be about $1800 a year, half the present American average, comparable to the present European average, and 3 times today's average for the world as a whole. Though resources would still be depleted, it would happen so slowly that technology and industry would have time to adjust to change.

If society will not or cannot do all these things starting now, it could try later. Nevertheless, a delay from 1975 to 2000 in instituting stabilizing policies would equal 125 years' consumption by a society stabilized just 25 years earlier.

That too is an option, of course, and there are others which change the weight of one value or another. The sole option we evidently do not have is to make no decision at all. No decision, the authors say, is a decision to let accelerating forces go on as they are, increasing the risk of overshoot and collapse.

U.S. MINING RIGHTS IN DEEP SEA BED

Mr. BELLMON. Mr. President, the junior Senator from Montana called to my attention a recent speech made by the Chilean delegate to the United Nations Seabed Committee and asked that I request permission to insert his reaction to that speech in the body of the RECORD.

Inasmuch as the Chilean speech refers to S. 2801, a bill which I cosponsored with Senator METCALF, I share his concern about attempts made by the delegate from Chile to intimidate the U.S. Senate in its consideration of S. 2801. I have read Senator METCALF'S remarks and fully agree with his response to the Chilean delegate, and accordingly ask unanimous consent that the Senator's statement be printed in the RECORD at this point.

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

STATEMENT BY SENATOR METCALF

I invite the attention of Senators to recent developments within the United Nations Seabed Committee and the relationship of these developments to a bill, S. 2801, relating to deep ocean mining, which I introduced along with Senators Jackson, Allott, Bellmon, and Stevens.

S. 2801 would implement present rights of the United States under international law to mine minerals of the deep seabed on an interim basis prior to the entry into force of a deep seabed treaty which the United Nations Seabed Committee has barely started to prepare. When I introduced S. 2801, I stated that it was for discussion purposes—meaning at the time that the Committee on Interior and Insular Affairs along with the Foreign Relations Committee would hold hearings on it and that at that time the bill would be aired. Its discussion in another form has already begun.

On the morning of March 9, in New York, during a session of Subcommittee No. 1 of the United Nations Seabed Committee, the Chilean delegate in a major speech referred to S. 2801 in the most derogatory terms. He stated that for the United States to grant mining rights to the deep seabed to U.S. nationals under the provision of the bill would be contrary to international law and, in particular, a violation of the U.N. General Assembly's 1969 Moratorium Resolution and its 1970 Resolution on Legal Principles. He stated further that "for the U.S. to grant licenses for deep seabed mining before a regime (treaty) is agreed upon, would be a mockery of all of the efforts of the U.N. Seabed Committee."

The Chilean delegate then demanded that the U.S. delegation present to the U.S. Seabed Committee all of the information at its disposal about U.S. deep ocean mining companies and a report on the U.S. Senate's position on S. 2801. Finally, the Chilean delegate suggested that if such legislation were enacted into law, the U.N. Seabed Committee should pass a resolution condemning the legislation.

I feel very strongly that Senators should be made aware of these charges, demands and threats. I also feel that Senators and our friends in the U.N. Seabed Committee should be made aware of the background facts which preceded introduction of S. 2801.

First, with respect to the so-called U.N. Moratorium Resolution, which purported to declare that pending the establishment of an international regime, states and persons, physical and juridical, are bound to refrain from all activities of exploitation of the resources of the area of the seabed and ocean floor and the subsoil thereof beyond the limits of national jurisdiction. The U.S. voted against the resolution and contended that it was designed to retard the development of technological capacity for deep seabed exploitation; that it would encourage nations to move unilaterally toward unjustifiably expansive claims of national jurisdiction just in order to remove areas of exploitation from the scope of the prohibition contained in the resolution. The U.S. Delegate also argued that adoption of the resolution would represent a breakdown on a matter of basic importance of those processes of cooperation and consensus which are necessary if any genuine accomplishment is to result from the labors on the seabed issues in the U.N. The U.S. representative suggested that passage of the resolution would indicate that the "U.N. were now . . . willing to make fundamental decisions on seabed issues through a 'politics of confrontation' and paper majorities." So much for the Moratorium Resolution, which has no binding affect as a matter of international law.

The Legal Principles resolution, which was adopted by the U.N. General Assembly at its 25th session in December 1970, contains a list of principles which the General Assembly recommended to be included in the future seabed treaty. Without going into extensive detail, suffice it to say that the dispute over recognition of the 1969 Moratorium Resolution was resolved by compromise. The 1970 Resolution on Legal Principles does not tacitly refer to any prohibition on exploitation, nor does it specifically affirm the high seas freedom to exploit the deep seabed. The U.S. position is that under international law there is a present right to exploit the deep seabed and, indeed, prior to establishment of a deep seabed regime.

Accordingly, I do not at present detect any inconsistency between the Legal Principles Resolution and S. 2801. Nor did I at the time I introduced it.

On the contrary, I feel that if legislation such as S. 2801 is enacted, it will provide a practical interim basis of deep ocean mining experience which will be of great value to the U.N. Seabed Committee in its deliberations concerning the preparation of a future seabed treaty.

With respect to the position of the U.S. Senate on S. 2801, that will be determined following hearings on the bill. When such hearings are held, I would hope that the Chilean delegate and other interested delegates to the U.N. Seabeds Committee will be given every reasonable opportunity to transmit their views on the legislation.

We would be most interested to consider their objective analysis of S. 2801 and the relationship between it and the development of a future seabed treaty. But mere threats, claims and demands such as were made at the U.N. last week and made during the debate preceding the adoption of the new defunct Moratorium Resolution will do little to influence us during our consideration of national legislation affecting U.S. nationals.

BATTLELINES FORM ON GAS SHORTAGE

Mr. HANSEN. Mr. President, the distinguished Senator from Oklahoma (Mr. BELLMON) has taken an active role in the study on national fuels and energy policy now underway in the Committee on Interior and Insular Affairs.

In a recent series of hearings as part of that study the various aspects of a natural gas shortage already confronting the Nation were heard by the committee. Coincidental to the hearings was an announcement by Washington Gas Light Co. that because of the shortage, no new customers could be added, not even new residential users.

Among witnesses whom Senator BELLMON questioned at length were two former members of the Federal Power Commission and a former FPC assistant general counsel. It was while they served on the Commission that the well-head pricing concept that, in my opinion, has resulted in the present shortage, was adopted by the Commission.

A column by Gene Kinney published in the current issue of the Oil and Gas Journal, makes some interesting observations on the possibilities inherent in the current debate over what we should do about increasing demands for this cleanest, most convenient, and efficient fuel and the dwindling availability of new supplies and reserves for the future.

I ask unanimous consent that the Watching Washington column of the Oil and Gas Journal be printed in the RECORD.

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

SECTIONAL POLITICAL FIGHT LOOMS OVER GAS RATIONING

(By Gene Kinney)

The scrap over oil-import controls a couple of years ago was a pretty good one as sectional political brawls go.

But you haven't seen anything yet.

Wait till they start dividing up the available supply of natural gas in the years just ahead. It will be the consuming states against the producing states all over again in spades.

The battle lines are already being drawn. Washington Gas Light Co., distributor for the nation's capital, has had to stop taking new customers. Increased volumes are out of existing customers. The utility will be remembered as one of the diehards favoring rollback of wellhead prices in the 1960's. Other distributors are at or approaching this point. Soon they will be screaming for diversion of gas from industrial markets to their residential and commercial customers. And they will have strong political allies.

The Federal Power Commission has already moved to claim part of this unregulated supply. It got slapped down by the Fifth Circuit Court of Appeals, which said FPC had no authority to interfere with unregulated sales of interstate pipelines to industrial customers. The Supreme Court will settle that argument within the year.

But what of the gas supply that stays in producing areas and never reaches the interstate stream? The consuming states want that, too. Joseph C. Swidler, former chairman of the Federal Power Commission, is out to take that gas away from Oklahomans, Texans, and Louisianans and bring it to New York. He so testified during the natural-gas phase of the Senate interior committee's energy study, in which Sen. Henry Bellmon (R-Okla.) has taken the leading role.

So did Lee C. White, another former FPC chairman who with Swidler controlled wellhead-pricing policy that led to the current shortage. Swidler, now chairman of the New York Public Services Commission, wants FPC to lay off distributors regulated by states. They're in excellent hands.

Yet neither Swidler nor White has the gall of Edward Berlin, who as assistant general counsel at FPC was part of the brain trust for FPC policy that suppressed gas development in the producing states. As general counsel for the Consumer Federation of America, he's pushing for a federal take-over to get what's left. He's after "a single federal agency . . . to exercise full control over the entire supply and demand sectors" nationwide. It would control oil prices as well as gas, and oil imports also.

Some of the same political forces that tried to scuttle oil-import quotas 2 years ago will no doubt listen to these extremist proposals. But the majority of Congress will probably recoil from them. They certainly will if they check the track record of their sponsors.

SCIENCE AND THE CITY

Mr. MONDALE. Mr. President, the Nation's scientists and engineers have a great potential contribution to make to resolving the problems of our cities and suburbs, in areas such as education, transportation, housing, health care services, pollution control, public safety, and power supply. Their talent, skills, and the experience they have gained in space and defense programs provide them with an

excellent basis from which to tackle these problems.

At the same time that their skills are so sorely needed, however, upwards of 200,000 technical personnel are unemployed or underemployed throughout the country. Their unemployment or underemployment hurts them and their families. But it is a tragic waste to the communities in which they live; and to the Nation.

The other day, the Senator from Massachusetts (Mr. KENNEDY) spoke on these problems to the fifth annual Public Affairs Conference of the American Institute of Architects and the Consulting Engineers Council in Washington, D.C. His remarks should be of interest to all of us who are concerned with these problems. I ask unanimous consent that they be printed in the RECORD.

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

SCIENCE AND THE CITY

(By Senator Edward M. Kennedy)

I am pleased and honored to be here today to address the Fifth Annual Public Affairs Conference of the American Institute of Architects and the Consulting Engineers Council. As Chairman of a Senate Subcommittee on Science since 1968, I have had more opportunity than most members of Congress to get to know the technical professional—to understand your problems and to appreciate your boundless potential to contribute to the public good.

Let me begin today with a few remarks on an architectural issue of great importance to all of us, the West Front of the Capitol. For years, the AIA has been in the forefront of the fight to preserve the Capitol. Last year we won strong additional encouragement in the sympathetic report of the outstanding engineering firm of Praeger, Kavanagh, and Waterbury. We've worked well together in the past to persuade Congress that the right approach is restoration and not extension—that history ought to count for something in the Nation's Capital, that we ought to preserve the plans personally selected by men like George Washington and Thomas Jefferson, and respect the work of renowned pioneers of American architecture like William Thornton, Benjamin Latrobe, Charles Bulfinch, and Frederick Law Olmsted.

Today, the debate has entered a new and much more critical stage. George White, for whom I have immense respect, was with us in the fight in other days. Now he wears a different hat, and we now hold different views.

It would be nice if every senior Senator and Representative in Washington could have a room in the West Front of the Capitol, with a window and a view of the Monument and the Mall. A few distinguished leaders have such rooms today. I once had one myself, in my brief career as Senate whip. But surely such considerations of personal status have no place in the great debate over the integrity of the Nation's Capitol.

Instead, our first priority for the Capitol must be a full round of public hearings and debate on the ominous new plans announced last week. I urge the appropriate committees of both the Senate and the House to act now to give this issue a full and open airing, so that the merits of all the administrative, economic, historical, and aesthetic aspects of the question may be spread out on the public record.

The Capitol belongs to all Americans. They are entitled to know that a decision so basic to the people has been made only after robust and open discussion, not just by the secret and unexplained decision of a Congressional Commission.

We have won before against great odds. With the strong support of the nation's architects and engineers, I think we shall win again. I, for one, do not believe that either Congress or the American people are prepared to sacrifice the historic beauty and integrity of their Capitol for want of imagination and a little office space. That is not the sort of symbolic gift we ought to be planning for the nation as we approach the two hundredth anniversary of our independence.

At this moment in history, the national contribution of the architect and engineer is more important than ever before. In an age of science, the role of the engineer is crucial. For it is his task to transform scientific abstractions into practical solutions to social problems and human needs. And the role of the architect—who must bridge the two cultures of science and art—is equally challenging.

In the words of the city planner and historian, Lewis Mumford: "Architecture reflects and focuses the environment, industrial arts, empirical knowledge, social organizations, and the beliefs and world-outlook of a whole society. In an age of synthesis and construction, architecture is the essential commanding art. The architect confronts human needs and desires with the obdurate facts of site, materials, space, and costs; and, in turn, molds the environment closer to the human dream."

It is up to those of us in the Congress and the Executive Branch to make sure that it does not prove to be an impossible dream. It's up to us to provide the engineers and the architects with a sense of national purpose, a sound, strong economy, and specific policies which can free your creative energy and talent to tackle the real tasks before us.

If there is one overriding lesson I have learned as Chairman of the Science Subcommittee, it is that the potential of science is nowhere being matched by its performance.

Engineers can propel nuclear ships around the globe with the energy from a bucketfull of fuel—yet our cities are increasingly beset with power blackouts and brownouts.

We can cruise on the moon's surface—yet we can't commute from suburb to city without traffic jams, air pollution, and no parking at our destination.

We can build beautiful, enclosed shopping malls in the suburbs—yet we can't begin to cope with the housing crisis in the cities.

We can design high-speed computers to process billions of bits of data instantly—yet we can't teach all our children to read effectively.

This disparity between promise and performance is a national disgrace, but we must use it as a spur to action.

Through technical innovation we can revitalize our economy, strengthen our international competitive position, and help build the kind of communities we want for our children. But this can be done only through enlightened national leadership.

Three years ago America was pre-eminent in science and engineering. Today we are falling behind Japan and West Germany in electronics and other fields, and have been surpassed by Sweden in innovative building techniques. Here at home, upwards of two hundred thousand technical personnel are unemployed or underemployed, while the problems which their skills could help solve increase every day.

This is unacceptable. America's strength springs from the skill of its people. Engineers and architects have a major share of those skills. The nation must assure them the opportunity to use their skills for the benefit of all of us.

In his State of the Union address last January, the President promised that he would soon send the Congress a Special Message on Technology. I welcome the President's recognition of these problems and intend to give careful study to his program as soon as we receive his proposals.

In the meantime, I have been developing a legislative program over the past two years which is designed to put our technical talent where our needs are. In March of 1970 I held exploratory hearings, and since then have introduced and held hearings on three major legislative proposals dealing with these problems. Based on the hearings, I have prepared a revised, omnibus bill which I intend to bring to a committee vote later this month.

This bill—the National Science Policy and Priorities Act—establishes a framework of national policy and priorities for civilian science and technology. And it authorizes $2 billion over a three year period to translate those policies into action.

Title I sets the policy framework and authorizes $50 million to advance the State-of the-Art in priority research areas. Title II establishes the Civil Science Systems Administration and authorizes $1.2 billion to design technological systems which can provide improved public services. Title III provides $550 million to aid State and local governments, communities, companies and individual engineers to make the transition from defense and space to civilian programs. And Title IV provides $200 million to guarantee a long-term loan program for unemployed scientists and engineers.

Let me briefly outline the key provisions of the bill.

It establishes four basic national policies:

First, Federal funding for science and technology is an investment in the future, which is indispensable to sustained national progress: this investment must be raised to an adequate level, and then continue to grow annually in proportion to the increase in the gross national product.

Second, technically trained individuals must have continuing opportunities for jobs commensurate with their skills.

Third, federal funding for civilian R&D must be raised to a level of parity with military R&D.

Fourth, Federal programs for civilian R&D must focus on the nation's priority problems in areas like health, unemployment, poverty, public safety, pollution, productivity, housing, education, transportation, and energy resources.

Title I makes the National Science Foundation responsible for identifying priority areas of civilian research, and provides $50 million for advancing the state-of-the-art in those fields. This Title also strengthens the structure and authority of the Foundation to enable it to carry out its new responsibilities.

In our hearings and elsewhere, doubts have been expressed about the NSF's ability to do the new jobs which this legislation requires. As a matter of fact, I understand that architects have recently been informed that their profession does not fall within the scope of NSF support. Yet it is clear that your skills are essential to solving many of our urgent problems. The proposed legislation broadens the scope of NSF to include relevant fields like architecture.

The National Science Foundation has done a solid job over the years with its traditional programs, and I am confident the Foundation can learn to meet its new responsibilities with the changes introduced in Title I.

Title II establishes the Civil Science Systems Administration and authorizes $1.2 billion to design and demonstrate technical systems which can provide improved public services. These would be in areas like health care delivery, public safety, public sanitation, pollution control, housing, transportation, public utilities, communications and education.

The Civil Science Systems Administration would function in much the same way as NASA: except that it would focus on the problems of our communities, rather than

outer space. Instead of the moon, its goal would be better public services for citizens in our society.

Lately it has become fashionable to say that our cities are ungovernable, that their problems are insoluble. I cannot accept this pessimistic view. Surely, the nation that produced the most powerful industrial system in history can learn to adapt its technology to present problems and future needs. Surely, the people who tamed a wilderness and created our modern civilization can unsnarl our cities and make them livable, once again, for man.

The new Administration would sponsor the planning, design, testing, and demonstration of innovative technical systems aimed at providing improved public services. Thus, for example, the transportation contract could stipulate a mass transit system which would pick up and deliver 75% of the community's population from within one quarter of a mile of their homes to one quarter of a mile of their jobs, while meeting acceptable standards of cost, time, cleanliness, comfort, and impact on pollution. Similar contracts would be awarded for solid waste disposal, public safety, public utilities, and health care delivery systems.

The new systems would be publicly demonstrated to stimulate their use in new communities and their adaptation to improve conditions within existing communities. Through the $2 billion of contracting for improved public services, the new agency would serve to catalyze technical innovation throughout all civilian industry.

Title III of the bill provides $550 million to aid state and local governments, communities, companies, and technical personnel in making the transition from defense and space to civilian programs. Two-hundred seventy-five million dollars would go to companies to fund the Job Transition Program. This would facilitate the adjustment of aerospace engineers and technicians and provide any necessary on-the-job training as they made the transition into civilian work.

Ninety-five million dollars would go to State and local governments and regional governmental agencies to plan and support economic conversion programs in their own areas. Much of these funds would be expended in contracts with local companies and engineering consulting firms.

Ninety million dollars would help establish and operate Community Conversion Corporations in hard hit communities throughout the nation. These corporations would draw on the technical resources of their region and help focus civilian research and engineering on their community's problem. Although their projects would be of direct benefit, much of their value would come from stimulation of secondary economic activity within the community.

Fifty-five million dollars would be awarded in Conversion Fellowships to individual scientists and engineers who wanted to acquire specialized skills in new fields, to enable them to reorient their careers.

Twenty million dollars would go for placement and relocation service for unemployed technical personnel; and $15 million would go for necessary research on the overall problems of economic conversion.

Title IV of the Bill would provide $200 million for a guaranteed, long-term loan program for unemployed scientists and engineers, to tide them over until the other programs had their full effect. The NSF would guarantee loans and make interest assistance payments to the banks. The engineers would be able to borrow up to $12,000 and have ten years to repay the loans after they were reemployed in high paying jobs.

They would, in effect, be mortgaging their future earnings to meet their present commitments. This measure is financially sound because we know the nation cannot let this reservoir of talent remain unemployed. As a whole, this group must return to work, and its members must once again earn high salaries.

These are the principal provisions of the National Science Policy and Priorities Act which I intend to bring to a committee vote later this month, and if approved by the committee, to a vote on the Senate floor in April.

In addition to this measure, I am currently drafting another bill for introduction in the spring. Entitled the Technical Innovation Act, this bill is specifically aimed at fostering the innovative role of the small technical firm.

The key to technical innovation is the creative matching of new scientific capabilities with economic opportunities and social needs. This has been best performed over the years by imaginative individuals and small firms, not by the giant corporations which dominate the aerospace and defense industry. Thus,

Out of 61 important innovations throughout the 20th century, over half stemmed from independent inventors or small firms.

Two thirds of the major inventions from 1946 to 1955 resulted from independent inventors and small companies.

Large corporations have accounted for only one in seven of the important inventions in the aluminum industry.

Of 13 major innovations in the U.S. steel industry, four came from Europe, seven came from independent inventors, and none came from inventions by American steel corporations.

And all seven of the major inventions in the petroleum refining industry have been made by independent inventors.

But despite this record of accomplishment by small technical firms, the Administration's economic policies continue to favor large corporations.

The Technical Innovation Act would attempt to redress this unfair, and economically unsound emphasis on giant corporations. The bill would provide small technical firms with an economic environment conducive to innovation.

Small technical firms which qualified under this bill would be assured of adequate supplies of venture capital by means of government guaranteed, long-term loans, government maintenance of a secondary market in their stocks, and their authorization to issue government backed "New Technology Bonds," as a form of convertible debenture.

Similarly, by being able to carry tax losses forward for ten years, they would be given a long enough period in which to prove out their innovations. And through short-term control of special licensing arrangements, they would be helped in bringing their innovations to a point at which they could compete on a fair basis with large corporations. Other special incentives available to these firms would enable them to attract and retain top executive and technical talent. A National Technical Equipment Bank would let them make use of government-owned technical equipment; and a National Technical Information Service would provide them with priority access to technical information arising from government sponsored programs.

This bill recognizes the creative potential of small technical firms. It would enable them to compete fairly with large corporations, and play a key role in revitalizing the economy.

I believe the Technical Innovation Act and the National Science Policy and Priorities Act can help close the gap between science's promise and its performance.

And I believe the Civil Science Systems Program can become the dramatic focus for science in the decade of the Seventies, in much the same way as the Space Program did in the Sixties. But the results will be of direct benefit to all our citizens here and now—not at some future date.

In the spring of 1961, President Kennedy challenged the technical community to place a man on the moon within a decade. The nation's engineers responded magnificently, and the race was won.

But now, eleven years later, the team is marking time while we search for a new target. The target I propose is a city which really serves its citizens.

Before this decade is up, let the nation's architects and engineers design and demonstate a totally new city—a citizens' city—which shows us what is possible for all Americans in all cities. Clean air and clean water—rapid, reliable, and even comfortable mass transit—computerized health services and educational systems available to all hospitals, clinics, and schools—underground utilities which can be repaired and expanded without ripping up the streets—public safety systems which use modern technology to assure safe streets and safe homes.

This is the goal for technology in our time. This is the way to create jobs, revitalize the economy, and help revive the national spirit.

For our goal cannot be merely to meet our problems. If we start with a stunted target, our aim will surely fall short.

To quote Lewis Mumford again: "The chief function of the city is to convert power into form, energy into culture, and dead matter into the living symbols of art."

Our goal cannot be just to make our communities livable. That can only be the first step. Our real goal must be to make them wonderful places in which we and our children would want to live.

The architects and engineers of America have a key role to play in reaching that goal. As a guide to you, I suggest the standard John Winthrop set before his shipmates on the flagship Arabella more than three centuries ago, as they approached the New World.

He said: "We must always consider that we shall be as a city upon a hill—the eyes of all people are upon us."

Mr. PACKWOOD. Mr. President, the U.S. foreign aid program has been the cause of much debate and controversy in the Senate during the past year. Many Senators, disillusioned by the imperfections and lack of success of that program, believe that the termination of much of our foreign economic and military assistance is in our national interest. I cannot agree While it is undeniable that many aspects of our foreign aid program have been inadequate in the past, it is no more logical to conclude from this that our foreign aid program should be abandoned than it would be to throw out our system of criminal justice because miscarriages of justice have occurred in the past.

The alternative is to expand our concept of foreign aid to include broad land reform, thereby giving the great mass of peasants a stake in their society and an incentive to produce. There is no sounder, higher priority use of our foreign aid dollar than in the reform of land tenure. Without such a change, we run the risk of facing a continuous series of Vietnam-type crises built on peasant unrest throughout the world.

Mr. President, an excellent article entitled "Land Reform as Foreign Aid" has been written by Prof. Roy Prosterman and appears in the spring 1972 issue of Foreign Policy. Mr. Prosterman is a professor of law at the University of Washington and has done extensive land re-

form field work in Vietnam, Israel, and Brazil. He has been of great assistance to me and to many other Senators in helping us to understand fully the importance of land reform as a means of providing political, economic, and social stability for developing nations.

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

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

LAND REFORM AS FOREIGN AID

(By Roy L. Prosterman)

Much of postwar foreign aid has been irrelevant, or worse, in relation to the real needs of the people of the recipient countries. It was the perception of this basic fact, above all, that led to the disaster of October 29, 1971, when by a vote of 41 to 27 the U.S. Senate temporarily terminated all bilateral U.S. economic aid, as well as a good deal of our bilateral military assistance. For shock value abroad, the Senate had probably taken no more momentous step since it had rejected the League of Nations. Fortunately, the aid decision was a largely reversible action, at least in theory. But if it is to be *permanently* reversed, and if a long-term consensus is to emerge in favor of a planned and dependable flow of funds into economic assistance programs, at least two basic questions have to be answered: Why have conflict and poverty persisted, despite the tens of billions expended in aid programs? And are there other approaches, new priorities, that could rescue and reinvigorate America's foreign aid program?

Measured by almost any standard, our first postwar aid program, the Marshall Plan, was an enormous success. Paradoxically, it was that very fact which was translated into disaster for much of the rest of postwar foreign aid. The Marshall Plan had operated in the very special European environment, but we sought to transplant its lessons in aid-giving to every part of the globe.

Basically, the economic "package" involved in Marshall Plan-type aid put very heavy emphasis on infrastructure—major capital projects such as dams, power plants, highways, harbors, and airports. An occasional steel mill or extractive complex might be included, or, more often, was expected to be established by private capital as a result of the attractions provided by the new infrastructure.

But the difference in economic impact between building a dam and power plant complex in France versus building it in Pakistan are enormous. The dam-and-power-plant complex, built in France, has a multiplying effect through its connections with a host of other local activities: it may bring about major increases in extraction, production, finishing, retailing, agriculture, banking and new capital investment, all of which the Pakistan project is quite incapable of stimulating. In France, as well as *increasing* the total production of goods and services, the project is set in an already-existent institutional framework (effective unions, effective tax collection, previous land reform) in which that increase is substantially *redistributed* to a large number of beneficiaries within the population. This redistributive arrangement also helps to bring about a greater total increase, since it makes effective the demands for goods and services of many consumers who now have cash in hand. In Pakistan, there is some increase but very little *redistribution*—the rich live higher on the hog, and the great majority of the poor stay just as poor.

If we can understand why foreign assistance proved so doggedly irrelevant to achieving either economic growth or political security in the Third World, we can then begin to establish some criteria for measuring what is "good" aid and what is "bad" aid. The realization that the less-developed world is still predominantly agrarian is, certainly, key to such an analysis. Despite massive migrations to the cities, about three-fifths of the population of these countries still lives in the rural sector, where there is enormous poverty with the mass of the people almost wholly excluded from the cash economy. One index of deprivation in the rural sector—and at the same time an index of economic want, of social inferiority, and of political impotence—is the proportion of the population which lives as tenant farmers, sharecroppers or laborers on another's land.

If one takes the agrarian portion of the total population of a society (thus accounting for the weight that the rural sector has in the entire society) and multiplies it by the proportion of that agrarian population which is landless (tenant farmers, sharecroppers, plantation laborers), one gets the percentage of the total population of that society which makes its living as landless peasants. This percentage furnishes an "index of rural instability":

Landless peasants as an approximate percentage of the total pre-revolutionary population of: [1]

Pre-1911	Mexico	62
Pre-1952	Bolivia	60
Pre-1941	China (rice region only)	35–45
Pre-1961	South Vietnam	42–58
Pre-1917	Russia	32–47
Pre-1959	Cuba	39
Pre-1936	Spain	33+

In fact, in virtually all of the societies that have undergone major revolutions in this century, the bulk of the rural population has consisted of non-landowning peasants, who rarely were less than a third of the total population of the country.

This has been true in all of the Marxist revolutions, and this fact has been made a part of their revolutionary doctrine by the Chinese and Cubans. (Over half of the men who served with Castro in the Sierra Maestra were ex-plantation workers from Oriente province.) Even in Russia, the land-to-the-tiller law was one of the two basic measures passed by the new Soviet in the first week of the October revolution, and Lenin would almost certainly have failed without the support of the peasant militias. Had the Spanish republicans—a tragic parallel to Kerensky—not procrastinated in carrying out land reform, the largely peasant vote that elected the radical reformers in 1936, and precipitated Franco's move, would not have materialized. In Spain the right wing won, in Russia the left.

Other societies that have had serious peasant troubles, short of completed revolution, have followed a similar land-ownership pattern:

Landless peasants as an approximate percentage of the total population	
Central Luzon (Hukbalahap country: the average for the rest of the Philippines, where the Huks have not been active is under 25 percent)	50–57
Java (here the Communist PKI regularly won elections from 1955 until their abortive putsch of 1965)	50
Eastern India (including West Bengal where the Communists elected past state governments and carried out waves of land seizures)	40+

Other areas with relatively high percentages include northeastern Brazil (where one out of six South Americans lives), Pakistan, Nicaragua, Guatemala, Honduras, Nepal, Ethiopia, and parts of the Middle East.

By contrast, Thailand has around 20 percent and Cambodia under 10 percent landless peasants, and this may be closely related to the slowness of any *indigenous* revolutionary movement to take hold. Post-1953 Bolivia—where Che Guevara complained of the "stolid indifference" of the peasantry to his appeals—had a population of which only 5 percent were landless peasants.

DIEM'S NEGATIVE REFORM

In South Vietnam, land tenure and rebellion were closely related. The Viet Minh began distribution of French lands and those of absentee landowners in 1946, in the areas they controlled, and cut rents on other lands by one-half to two-thirds, with credible penalties for overcollection. In 1954 they undertook an even more sweeping redistribution accompanied in 1954–55 by extensive violence aimed at landlords and ex-officials in the North.

Ngo Dinh Diem in the 1950's had the opportunity to carry out a democratic social revolution in the South that would have contrasted sharply and favorably with the difficulties of collectivization and the political repression in the North. But neither the Eisenhower Administration nor Diem had much enthusiasm for land reform. Landlords dispossessed by the Viet Minh were reestablished during 1957 and 1958 under cover of a "rent control" law which was neither credible nor enforceable, except for the purpose of getting the land occupant to reacknowledge the landlord's rights.[2] A minute redistribution of land also took place, under a complex law that permitted the landlords to retain land sufficient to hold at least 60 average tenant families.

The largely negative character of Diem's purported land reform was a major factor in allowing the Vietcong to establish a resurgent revolutionary movement among the peasantry.

In 1960, there were over one million South Vietnamese families—between six and seven million people out of a rural population of 11 million and a total population of 14–15 million—who were wholly or predominantly dependent on tenant farming. In the populous Mekong Delta, seven out of ten families were tenants. They worked an average tract of four to five acres, and paid a third of their crop in rent, which left them virtually no surplus. They had no effective security of tenure, and could be evicted virtually at will. If there was a crop failure, rent generally remained payable in full. The landlord supplied neither inputs nor credit, nor advice. He merely collected the rent.

The Vietcong promised land, and when they took over an area, they fulfilled the promise so far as all appearances were concerned. Larger landlords fled; absentees could not collect their rents; the few landlords who remained were subject to strictly-enforced limitations. Surplus, security of tenure, status all appeared to belong to the former tenant.

Little wonder, then, that through the 1960's the Vietcong used the recruiting appeal, "we have given you land, now give us your son." Large infusions of manpower from the North did not begin until 1965. Both before and after, the peasants of the South supplied 5,000 to 7,000 recruits a month to the Vietcong, an estimated three-fifths of them as volunteers of "soft-sell" enlistees. The peasants also supplied the famous guer-

[1] These figures have been calculated from a variety of sources. A range of figures represents a situation where many peasants both own some land and farm other lands as tenants. The higher percentage figure reflects the result of considering them as wholly tenants, the lower percentage figure as wholly owners.

[2] "Rent control" laws likewise proved unenforceable under Chiang Kai-shek on the mainland, and in the Philippines and India during the 1950's. The quality and quantity of administrative talent per family-to-be-benefited is astronomical. Efforts to use "rent control" as a land-reform placebo continue to crop up, however.

rilla environment: intelligence reports, porters to carry in and bury supplies, "safe" houses. They gave little or no affirmative support to Saigon. The failures of government intelligence were humiliatingly underlined when multi-battalion Communist forces moved into position before Tet 1968 and, while making elaborate logistical preparations, nonetheless achieved almost complete surprise.

Saigon, in 1965 and 1966, issued decrees that formalized once more the power of landlords to reassert their rights to lands in newly "pacified" villages. Again, negative land reform drove tens of thousands of peasants into the arms of the NLF, the landlords riding in with the ARVN jeeps after the American innocents had cleared and "secured" the village. Tenant farmers told Stanford Research Institute interviewers in 1967 that they regarded land ownership a matter of crucial importance *five times more frequently* than they mentioned "security" as a concern. Clearly, the experience of being "saved from the Communists" means something different to them than it means to us. One of Henry Kissinger's staff members has summed up the tragic inversion of priorities: "The Americans offered the peasant a constitution; the Vietcong offered him his land and with it the right to survive."[3]

The combined shock of the Tet offensive, the McCarthy movement, and Johnson's withdrawal in March 1968 made it clear to the Saigon government that American backing could not be taken for granted and that land reform was essential if it was to receive peasant support. In late 1968 President Thieu ended, with surprising effectiveness, the process by which landlords had returned to reassert their rights in newly-secured villages. This coincided, pragmatically, with the "accelerated pacification" campaign that began in the 1968–69 winter. In April 1969 Thieu froze all evictions, preparatory to more sweeping measures.

By far the most important land acquisition of the Diem land reforms had been 575,000 acres—about 10 percent of the country's cultivated land—acquired in 1958 by the French government from former French landowners and presented as a gift to Diem for distribution to the peasants. Instead of distributing them, Diem let local officials rent the bulk of them out and pocket the proceeds. The tenants remained tenants.

In mid-1969, Thieu decreed the accelerated *free* distribution of these and other government-owned lands, under drastically simplified administrative procedures. From 1969 to late spring 1971, the distribution—chiefly of the French lands—had affected over 450,000 acres, giving title to some 120,000 ex-tenant farmer families.

Thieu's Land-to-the-Tiller

The Land-to-the-Tiller Bill, a companion measure providing for distribution of privately-owned lands, was introduced in July 1969, and passed by the National Assembly in March 1970. A *New York Times* editorial called it "probably the most ambitious and progressive non-Communist land reform of the twentieth century."[4] There were, of course, important non-Communist precedents for reform in Mexico and Bolivia. Even more immediate models were available in Japan, South Korea (where extensive land reform was, fortunately, carried out before the 1950 invasion by the North), and even in Taiwan—where, 10 years too late for application to mainland peasant grievances, Chiang Kai-shek carried out a drastic land distribution to the Taiwanese tenant farmers. Significant, but lesser, land reforms have also been carried out in Iran and Venezuela, and by the British in response to the Malayan insurgency, and major land reforms now appear likely in Peru and northeastern Brazil.

The Land-to-the-Tiller program in South Vietnam is both more simplified and more sweeping than any of the previous efforts, with the possible exception of the (essentially "grab-your-own") program in Bolivia. Thieu's measure affects *all* private tenanted land—together with the government-lands distribution, it covers over 60 percent of all cultivated land in the country—and the recipient is normally the present tiller (thus no administrator has to pick and choose). He gets what he presently tills (identifiable on aerial photos, so no surveyor has to be sent out, and no dikes have to be torn down and rebuilt along the paddies). And he gets it free of charge (along with a moratorium on real estate taxes, so no one has any excuse to approach him for any payment under any pretext). The landlords will get paid the fair value of the lands, in cash and bonds, by Saigon. The total cost of $400 million equals about five days' cost of the war at 1968–69 levels, and the United States has indicated it will pick up around one-third of the costs.

By December 31, 1971, Land-to-the-Tiller distribution had resulted in 375,250 final titles being issued covering 1,145,000 acres. Because the war reduced the rural population, there were at the start of 1969 about 800,000 tenant farmer families. By year-end 1971, the combination of government-lands-distribution and Land-to-the-Tiller had thus reached nearly one-third of the nation's cultivated land and over one-half of these tenant-farmer families.

Clearly, if the United States was to be involved in Vietnam, its failure to insist on early land reform was a major flaw in policy: nonviolent social change might have "persuaded," where enormous violence could not. Whether the current massive program is timely or too late, however, concerns us less here than does the more general model of the benefits—economic, social, and political—that have accrued from this century's major, non-Marxist land reforms. In simplified form, these may be visualized as follows:

1. A peasant previously paying one-third to one-half his crop in rent to a landlord no longer makes that payment.

2. He pays a smaller amount to the government for about 10 years (in Vietnam, nothing) to cover all or most of the cost of acquisition from the landlord. In Taiwan, where peasants paid the higher price for their land of any of the reforms, net family income doubled early in the repayment period and more than tripled following the last payment.

3. The balance is surplus over and above what he formerly kept. Some is used to improve family nutrition. Some is reinvested in agricultural inputs, of which the peasant is now ensured of the *entire* yield.

4. The additional yield goes to the urban and export markets. Some of the surplus income is used for still further agricultural inputs, including small capital investments in tools or irrigation—over-all production increases of 50–100 percent in the decade following reform have been typical. Other surplus income is used for consumer products like transistor radios, clothing, or bicycles. Many of the demands for agricultural and consumer products can be met by urban industry. (Landlords may be encouraged or even required to invest a substantial proportion of their compensation for the land in such industries.)

5. It now becomes important and relevant to have storage facilities for grain, and optimum marketing and purchasing facilities. Cooperative village efforts, through taxation, borrowing or profit-sharing investment, mobilize part of the surplus for storage and other capital projects, and mobilize joint buying and selling power in co-ops for fertilizer purchase, marketing, credit and other ends.

6. Other portions of the surplus are collectively mobilized for "social overhead." Wealth left in the village rather than siphoned off by landowners can be used for schools and dispensaries.

7. With more schools, and surplus available to support children through more years of schooling, literacy increases. Surplus, and freedom from landlord and money-lender political pressures, combine with enhanced social status and greater literacy to increase the prospects for political activity. Ex-tenant-farmers run for village office, and later for district and higher offices.

8. During this time, urban industry continues to grow, spurred by the demands of an increasingly prosperous countryside.

A foreign aid program that will start, nurture, and speed such a cycle, is one which holds real promise for democratic social change in the Third World: change which is not merely concerned with growth, but with the underlying *redistribution* of benefits and powers. Tragically, such a program was begun in Vietnam only after enormous violence had already occurred; but in many countries it has provided a wholly nonviolent alternative, for development without the upheaval of revolution, and a pattern for organization of agriculture whose results have been consistently superior to those of collectivization.

"Democracy" here starts at the grass-roots, giving people effective decentralized control over the institutions and decisions which most intimately affect their lives. It differs markedly not only from the centralized decision-making and political constraints imposed by the Marxist models, but also from the democracy-imposed-from-the-top model by which a small educated elite goes through the motions of "democratically" deciding the fate of an impoverished, illiterate peasantry in countries such as the Philippines and India.

And while this development strategy achieves internal security, it does so by means far removed from the model that defines "security" narrowly, usually in terms of military hardware. Instead, security is achieved because the basic and legitimate grievances of the population are met, and because the government *deserves* to govern.

TRIPOD FOR PROGRESS

Such an approach to development is clearly not going to be achieved by the Marxist model. That model of forced-draft accumulation from the peasantry is not only distasteful to impose and carry out, it does not even achieve its narrow economic goal. Nor will such an approach to development be achieved through Marshall Plan-type "infra-structure projects," whether administered through AID or the World Bank, *for mere multilaterality, without correct priorities, yields no added magic.* Even the "Green Revolution" has failed, whenever land ownership has been concentrated, in its goal of feeding the still-penniless poor. How and where, then, might we channel our foreign assistance to the less-developed world over the next quarter-century in order to succeed where we have so often failed over the past quarter-century? The need, I believe, is to concentrate resources upon three priority programs: *Land reform, increased food production in the context of land reform, and population control.* On this tripod, an effective aid program can be built for the Third World. On this tripod, I believe, from extensive briefings on Capitol Hill, that the coalition that supported the Marshall Plan and the heyday of foreign aid can be reassembled.

As to the first element, land reform, what needs to be done as a practical matter is to begin channeling major resources, preferably through a multilateral mechanism, to support land reforms in countries that wish to undertake them, but are forestalled by the

[3] *Robert L. Sansom*, The Ecomomics of Insurgency (*Cambridge: M.I.T. Press 1970*), *p. 234.*

[4] The New York Times, April 9, 1970.

landlords' effective political opposition arising out of fears of confiscation. Landlords who have much of their wealth tied up in land are unwilling to see substituted for it 20-year Government-of-"X" bonds, where "X" clearly does not display resources that lend confidence that the bonds will be paid off. My field work, in Brazil, Colombia, the Philippines and Vietnam, has persuaded me of something which common sense should also suggest: that if there is a really credible promise to pay the full equivalent of the land's value, many fewer landlords will be inclined to promote a *coup de'etat* over the program, and many will indeed see it as positively beneficial. Credible compensation becomes, in effect, a further variable which can take the place of highly-centralized power in the government sponsoring the reform.

GUARANTEES FROM AID

American aid in this area should be used chiefly to support a guarantee, preferably through a multilateral agency, that the bonds issued to the landlords will be paid. Either by a direct guarantee of the bonds, or a guarantee of the adequacy of the sinking fund used to retire them, landlords can be given a "Federal Deposit Insurance Corporation" type of assurance that the bonds are safe. In countries where reasonable investment opportunities exist, they might also be strongly encouraged, or required, to put a substantial portion of this compensation into productive investments.

In countries where there is more elbow room for planning, and less immediate competition than in Vietnam, the recipients of land could pay a substantial part of the land costs back into a sinking fund, which would then be used to retire the bonds. The relation of rents to land values is normally such that this annual payment will be substantially less than the rents formerly paid, quite apart from the increase in production that usually occurs upon land distribution. But the multilateral guarantor would also function to subsidize some interest payments, and occasionally some capital costs, to assure that this immediate increase in income accrued to the beneficiaries in every case. The guarantee agency would also help to set up an adequate sinking fund mechanism to collect the payments from the land recipients. There should also be a support program for related measures of extension service and agricultural credit, the latter aimed—in recognition of the low "opportunity cost" of labor and the high "opportunity cost" of capital goods—at making available hand tools, small irrigation pumps, and other inputs suitable to a tract of a few acres that were to be worked principally by hand; not heavy tractors and combines geared to some Midwestern fantasy of what a "real farm" should look like.

I have calculated that, for an expenditure equal to roughly one-fifth to one-sixth of our erstwhile bilateral and multilateral foreign-assistance programs in the economic area, we could, during each year of the next decade, support massive land reform programs in a dozen of the most needy countries (including the five most populous non-Communist underdeveloped societies: India, Pakistan, Bangladesh, Brazil, and Indonesia), together with complementary credit and extension programs pointed towards maximizing the increase in food production. Our outlay would be some $500 million a year, channeled to an "Agricultural Credit and Insurance Fund" administered by the World Bank or Inter-American Development Bank—*if* they were desirous of handling such a program—or to a new multilateral agency. This $500 million ought to be matched by similar contributions from other nations, thus providing, over a decade, some $10 billion. Calculating that up to one-half the total cost of the average country's program would be supported by some form of subsidy or collateral assistance from the fund, while the other half would be paid for by the mobilization of sinking-fund repayments, $10 billion would be adequate to achieve land-ownership for roughly 20 million families—about 100 million people—over the decade. This is based on the per-family costs of the full-compensation programs in Venezuela, Taiwan and Vietnam, together with calculations for such a program in northeastern Brazil, and data on land values in a number of other countries.

This would constitute the largest program of planned democratic development ever carried out, but even so, the annual U.S. contribution and the scope of the program could readily be doubled. Indeed the possibility might arise for foreign aid outlays at higher levels than ever before, even approaching the United Nations-suggested target of 1 percent of GNP annually, as the new priorities proved their relevancy to the real needs of the people. We would finally have found our elusive quarry: a development strategy as effective for the Third World as the Marshall Plan was for Europe.

Such an approach to foreign aid priorities seems consistent with national and congressional moods favoring a "low posture," yet without a sophomoric retreat from all commitments. It de-emphasizes the role of military hardware, although it remains consistent with McNamara's equation, "Security *is* development." It recedes from bilateral giving, yet insists that multilateral agencies must also be held to standards of accomplishment. And it carries a harsh judgment of most postwar foreign aid, while recognizing that the faults are remediable.

MILK INTOLERANCE

Mr. PROXMIRE. Mr. President, a statement was recently released by the Protein Advisory Group of the United Nations concerning milk intolerance. It was in response to doubts that have been expressed about the advisability of including milk in our overseas feeding programs. These doubts resulted from reports that milk consumption by many people in underdeveloped countries caused a reaction called milk intolerance. This reaction is said to be caused by lactose malabsorbtion. Lactose is a type of sugar found in milk and it is digested by an enzyme in the intestines called lactase. In many underdeveloped countries, people do not have sufficient lactase activity to absorb all of the lactose which is ingested. The excess lactose sometimes causes symptoms such as abdominal pains and diarrhea. This condition is called lactose intolerance.

The Protein Advisory Group's statement, which is based upon a study done by its ad hoc Working Group on Milk Intolerance, shows that the evidence that is now available does not justify the doubts that have been raised about including milk in our food programs.

The evidence now available is inadequate for several reasons. First of all, as indicated in the statement, lactose intolerance and milk intolerance are not synonymous. Therefore the results of tests for lactose intolerance are not necessarily applicable to milk intolerance. Also, the numbers of children involved in the tests so far have been relatively small, especially in underdeveloped countries.

Practical experience over the last two decades has shown milk intolerance to be no great problem in the distribution of milk, but as stated by the Protein Advisory Group, there is a need for further research into this problem.

Milk, however, is badly needed in developing countries because of its nutritional value. Its use is strongly recommended by all nutritional experts.

As the Protein Advisory Group states, it is clear that—

It would be highly inappropriate, on the basis of present evidence, to discourage programs to improve milk supplies and increase milk consumption among children because of the fear of milk intolerance.

Mr. President, I ask unanimous consent that the complete statement of the Protein Advisory Group and a news release from the National Dairy Council be printed in the RECORD immediately following my remarks so that my fellow Senators may have the opportunity to examine them more closely.

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

NEWS RELEASE FROM NATIONAL DAIRY COUNCIL

The value of milk in the diet has been reaffirmed in a special report recently issued by the Protein Advisory Group of the United Nations.

Long-awaited and titled "Milk Intolerance—Protein Advisory Group Statement No. 17," the report refutes ideas that have been advanced that because of so-called lactose (milk sugar) intolerance, the role of milk in school lunch and other domestic and overseas feeding programs should be questioned.

Says the statement: "It would be highly inappropriate, on the basis of present evidence, to discourage programs to improve milk supplies and increase milk consumption among children because of the fear of milk intolerance."

The U.N. statement also emphasizes that low lactose activity or reaction to high lactose loads under experimental conditions is not synonymous with milk intolerance. (Lactase is an enzyme in the intestine which helps metabolize lactose.)

"The results obtained with standard lactose tolerance tests, the procedure most commonly used to evaluate intestinal lactase activity, cannot be used as indicators of milk intolerance. Low lactase activity, lactose intolerance and milk intolerance are not synonymous although they have been used as such in many publications."

Elsewhere the statement says: "Milk is considered a virtually complete food and in the developing areas of the world, where protein deficiency is widespread and protein-calorie malnutrition a serious childhood problem, the use of milk for child feeding programs is strongly advocated by all nutrition experts."

Lactose intolerance also is dealt with in a report contained in the January issue of the American Journal of Clinical Nutrition. Reporting a research project in India, Vinodini Reddy, M.D., D.C.H., and Jitender Pershad, M.B.B.S., D.C.H. M. Sc., of India's National Institution of Nutrition, said:

"The results of these studies clearly show that lactose intolerance does not necessarily imply milk intolerance. The incidence of lactose intolerance and low levels of lactase activity therefore are not reliable guides to assess milk intolerance and the use of skim milk to improve the dietaries of poorer sections of the population should not be based on these considerations."

In the Indian research it was found that all Indian adults tested did show a lactase deficiency. Fifty percent also showed lactose intolerance (diarrhea, stomach cramps, etc.)

under experimental conditions. Skim milk supplementation in their diets for four weeks had no effect on lactase activity even though intolerance became milder or disappeared altogether after 3 to 4 weeks.

In Indian children, however, only 20 out of 54 children were tolerant to an experimental lactose load of 2 grams per kilogram of body weight. (This is the equivalent of a 48-pound child consuming the amount of lactose contained in a quart of milk at one sitting). When 8 intolerant children were given half as much lactose, none had symptoms. Only 4 of the 20 intolerant children had symptoms when they drank milk containing lactose the equivalent of the 2-gram load, and even in the 4 children the symptoms disappeared when the milk was given in divided doses.

Said researchers Reddy and Pershad: "High incidence of lactase deficiency should not, therefore, be used as an argument against the distribution of skim milk to undernourished populations in Asian countries."

Commenting on the United Nations and India reports, M. F. Brink, Ph.D., President of the National Dairy Council, said: "Dairy industry men and many scientists have been aware of research which had been reported as indicating lactose intolerance among some non-white persons. Experimental tests were cited in which patients were given at one sitting milk sugar (lactose) loads equal to the amount of lactose in a quart of milk.

"No one recommends drinking milk that way," Dr. Brink says, "but the research has been interpreted as indicating milk intolerance and questions have even been raised as to whether milk should be continued in domestic food programs such as school lunch and in aid programs overseas.

"The theory advanced also pointed to lactase deficiency in many persons as being the source of their intolerance to lactose, and thus to milk.

"The United Nations and India reports refute this, he said. "We agree, however, with the U.N. and others that our knowledge is incomplete, that more research is in order. In line with this, National Dairy Council currently is sponsoring research being conducted by Dr. Theodore Hersh at Brown University. Dr. Hersh is studying the ability of individuals from different races to digest varying amounts of lactose in the diet when supplied by dairy foods, Dr. Brink said. "Dr. Hersh reviewed the progress of his research at NDC's recent Annual Meeting in New Orleans," Dr. Brink added.

PAG Statement on Low Lactase Activity and Milk Intake

During the last few years, reports have appeared in the world medical literature on the occurrence of low intestinal lactase (exact term: B-galactosidase) activity in large groups of apparently healthy nonwhite populations in different parts of the world. Some of the reports and many articles in the lay press have concluded that milk consumption by these people may lead to untoward reactions in the form of gastrointestinal disturbances ("milk intolerance") and may interfere with the proper utilization of milk nutrients. Doubts have been raised as to whether it is desirable to use milk as a source of supplementary food for children in the developing areas of the world and whether milk and milk products should be exported throughout the world for use in nutrition programs.

It is the considered view of the PAG based on the report of its *ad hoc* Working Group on Milk Intolerance that the evidence presently available does not justify the above doubts, for the following reasons.

The results obtained with standard lactose tolerance tests, the procedure most commonly used to evaluate intestinal lactase activity, cannot be used as indicators of milk intolerance. Low lactase activity, lactose intolerance and milk intolerance are not synonymous* although they have been used as such in many publications. An intolerance to lactose in the large amounts commonly used in load tests (50g of lactose or more per m^2 of body surface) which correspond in an adult to the consumption at one time of 1.0–1.5 liters of milk, gives no information on the existence of milk intolerance when the milk is consumed in moderate quantities.

Preschool child feeding programs and school lunch programs, which have been in operation in many developing areas of the world for well over two decades, use only about 200ml to 250ml of milk per day and in many programs this is taken with other food. This quantity of milk contains only about one-quarter of the amount of lactose uesd in standard load tests for these ages. Skimmed milk powder, which is used in many of these programs, contains more lactose than whole milk. Even so, consumption of reconstituted skimmed milk powder will offer a lactose load considerably below that used in lactose load tests. These load tests measure the presence of enzyme activity and not the capacity of the child to tolerate the quantity of milk which he normally consumes.

Practical experience in the field has demonstrated that some of the children who reject the regular quantity of milk during the initial stages of a program are able to accept the same amount after they are accustomed to it. In areas where the population is not accustomed to milk drinking, it might be prudent to start milk feeding programs with reduced amounts of milk, and increase the quantity gradually to the regular dose.

It has been reported from one industrialized country that a large number of nonwhite elementary school children receiving milk as part of the school lunch consumed only one-half or three-quarters of the daily quota of milk supplied. This has been stated to be the result of low lactase activity, but it remains to be proved; low milk intakes have also been found in studies of North American and European school children in whom low lactase activity was not a factor.

In all the investigations on lactase activity available so far in the literature, the total number of children included is relatively small and among these studies there are comparatively few systematic surveys on prevalence. Reasonably-sized groups have been investigated for lactase activity mainly in Northern Europe and the number involving children in different age groups is very limited. The information available regarding prevalence in populations in Asia, Africa and Latin America is much less and only recently have adequate attempts been made to include children from such groups as subjects for investigation.

There is a great need to undertake further prevalence studies among children of various ages in nonwhite populations, using standard and comparable procedures, before the extent and magnitude of the problem of low lactase acivity, the age at which the fall in activity occurs in various populations and the implications of the findings for milk consumption by children can be assessed.

Milk is considered a virtually complete food and in the developing areas of the world, where protein deficiency is widespread and protein-calorie malnutrition a serious childhood problem, the use of milk for child feeding programs is strongly advocated by all nutrition experts. The PAG wishes, however, to emphasize that there are several areas where our knowledge is deficient or lacking on this complex subject and steps should be taken to close the gaps. Physicians in developing countries and authorities supervising milk feeding programs should also be made aware of current knowledge on his subject and its implications.

It would be highly inappropriate, on the basis of present evidence, to discourage programs to improve milk supplies and increase milk consumption among children because of the fear of milk intolerance.

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*Definition of terms:

Low lactase activity: Less than 2 units of lactase activity per gram wet mucosa. This can be demonstrated in either of two ways:

(a) *directly* by examination of biopsy material

(b) *indirectly* by lactose tolerance test ("flat" blood sugar curve, i.e. rise of 25 mg % or less following ingestion of standard lactose dose: 50g/m^2 or 2g/kg in children)

Lactose malabsorption: Reduced absorption of lactose, a consequence of low lactase activity, determined by lactose tolerance test described above.

Lactose intolerance: Clinical signs (abdominal pain, diarrhea, bloating, flatulence, etc.) following ingestion of lactose, mixed in water in standard dose or less, in a person with proven lactose malabsorption.

Milk intolerance due to lactose content: Clinical signs (abdominal pain, diarrhea, bloating, flatulence, etc.) consistently following a few hours after ingestion of milk or milk-containing products in usual amounts in a person with proven lactose malabsorption.

BEHAVIOR CONTROL

Mr. KENNEDY. Mr. President, advances in medicine, technology, and the behavioral sciences have recently opened up awesome possibilities for the control of human behavior. While some of these techniques may serve legitimate medical and human purposes, it is extremely important that the public be aware of these developments and that appropriate safeguards be instituted to assure that human rights and values are not injured in the course of these developments. On December 2, 1971, the Senate passed Senate Joint Resolution 75 to establish a National Advisory Commission on Health Science and Society. This resolution is now being considered in the House of Representatives. The Washington Post Outlook section, on Sunday, March 12, carried two significant articles on these problems, "The Promised Land of Behavior Control" and "Return of the Lobotomy." I ask unanimous consent that these articles be printed in the RECORD.

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

Return of the Lobotomy

(By Peter R. Breggin and Daniel S. Greenberg)

(NOTE.—Breggin, a practicing Washington psychiatrist and former teaching fellow at Harvard Medical School, is the author of a recently published novel, "The Crazy from the Sane." Greenberg, author of "The Politics of Pure Science," publishes a Washington newsletter, Science and Government Report.)

A boy of nine with normal intelligence is described as "hyperactive, aggressive, combative, explosive, destructive, sadistic," by his doctor. To control his behavior and make him more manageable, he is operated upon. Holes are drilled through his skull and electrodes are passed deep into his brain to coagulate both sides of the thalamus, the emotion-regulating center of the brain.

Nine months later, the operation is repeated on one side. Now his doctor reports that the boy's behavior is "markedly improved," and he is able to return to a "special education school." But his symptoms reappear a year later and he is subjected to another operation, this time to the fornix, another portion of the emotion-regulating

system. His doctor now notes "impaired memory for recent events," a sign of brain damage, and the boy is described as "much more irritable, negativistic, and combative." Consequently, additional destructive lesions are made on the site of the first two operations, the thalamus. His doctor then reports, "The patient has again become adjusted to his environment and has displayed marked improvement in behavior and memory." But, the doctor concludes: "Intellectually, however, the patient is deteriorating."

This report of six destructive lesions in the brain of a child to control his aggressiveness and hyperactivity may strike some as a tasteless satire, inspired perhaps by an over-excited reaction to the film "A Clockwork Orange," whose sadistic hero undergoes "therapy" designed to eliminate his homicidal and sexual impulses. But it is not satire. The report was published in 1970 in an established medical journal, Confinia Neurologica, and the doctor is Orlando J. Andy, professor and director of Neurosurgery at the University of Mississippi School of Medicine, Jackson. The operations that he describes are part of a second wave of psychosurgery—popularly known as lobotomy—that is now gaining momentum in the United States and around the world.

A DEADENING OPERATION

While capital punishment is progressively being banished in civilized lands, many of these same nations are witnessing a resurgence of what can properly be described as partial murder of the mind. As in the film, it is done for a "good" purpose, the elimination of "undesirable" behavior. Nevertheless, in whatever way those two terms may be defined, the effects of psychosurgery are blunted emotions and subdued behavior whether the patient suffers from a "behavior" problem—neurosis, psychosis, brain disease—or simply causes too much trouble for someone else's comfort. It is a deadening operation that involves deliberate, irreversible damaging of an individual's brain for the purpose of altering behavior that others have deemed undesirable.

Medically informed laymen and even many physicians commonly say that "it isn't done any more," reflecting the fact that in the United States, the procedure became discredited—because of its frequently horrifying results—following some 50,000 operations between 1936 and the mid-1950s, and then was almost wholly supplanted by chemical tranquilizers. But years of experience with tranquilizers have demonstrated their shortcomings, and now, employing new surgical techniques, including space-age electronics, the lobotomists are making a comeback.

Comprehensive statistics are lacking, since there is no central registry for surgical procedures in the United States, and in contrast to the regulation of pharmaceutical drugs, there is no government authority that sanctions surgical procedures. All that is required is a licensed physician, a willing hospital, and a patient, three of whom, it will be recalled from press reports last month, were recently provided by the California prison system, which is a pioneer dabbler in revamping the brains of selected inmates. Certified criminals, however, are not the only targets of today's lobotomists. Increasingly, they are focusing their irreversible procedures on the mildly disturbed, with women predominating among the targets and not a few children included as candidates for the operation.

Nationwide, informed estimates place the total at 400 to 600 operations a year, with the numbers rising. Worldwide, there is also an increase, so much so, in fact, that in 1970, some 100 psychosurgeons gathered in Copenhagen to form the International Society for Psychosurgery.

In the United States, psycho-surgery is being financed not only by the National Institute of Mental Health, but also by the Justice Department's Law Enforcement Assistance Administration. Among the recipients of the government's financial support is a Boston psychiatrist, Dr. Frank Ervin, director of the Cobb Laboratories at Massachusetts General Hospital, and co-author, with Dr. Vernon Mark, of "Violence and the Brain," which proposes development and systematic applications of an "early warning" test to detect persons disposed to exceeding "acceptable violence." This is defined by the authors as "the controlled minimum necessary action to prevent personal physical injury or wanton destruction of property. This definition," the authors suggest, "would apply equally to police or public authorities as well as to politically activist groups (students, racial, etc.) and all violent acts that did not fit into this category would be 'unacceptable'." Their perpetrators, the authors add, would become eligible for violence-inhibiting treatment, including brain surgery.

Ervin and Mark are associated with a newly founded non-profit corporation, the Neuro Research Foundation of Boston, which holds grants and contracts from NIMH and LEAA totaling at least $600,000. Included in the funds is a grant of $108,931 that LEAA awarded to the foundation's president, William H. Sweet, to study "the role of neurobiological dysfunction in the violent offender." Specifically, states an LEAA description of the project, "the grantee will determine the incidence of such disorders in a state penitentiary for men; estimate their prevalence in a non-incarcerated population; and improve, develop, and test, the usefulness of electrophysiological and neurophysical techniques for the detection of such disorders in routine examinations."

TREATMENT OF VIOLENCE

Psychosurgery aims at various portions of the limbic system of the brain—the emotions-modulating network that includes the highest centers of human development, specifically the frontal lobes and the connections between them and the deeper emotion-energizing areas in the thalamus, hypothalamus, cingulum, and amygdala. The closer a lesion is made to the frontal lobes, the more the operation disturbs the most subtle human functions—love, creativity, sensitivity, foresight, sense of self, anticipation of the future, and abstract reasoning. When the operation is deeper down, toward the thalamus and the amygdala, emotion and behavior are subdued without obviously damaging the higher centers. In this fashion, the individual has his emotions cut out without gross misshaping of the intellectual facade.

Underlying the renewed interest in psychosurgery are, first of all, the transformation of violence into a political issue and the tendency to regard it as a problem that can be treated, at least in part, technologically; second is the development of new surgical techniques that permit avoidance of the massive brain gougings that characterized the first wave of lobotomy.

The practice of lobotomy began to taper off, at least in the United States, in the mid-1950s. In large part, this was due to the seemingly spectacular results produced by the newly developed chemical tranquilizers. In addition, however, followup studies—though never great in number and rarely on anything resembling a scientific, controlled basis—made it apparent to even the most rabid lobotomist, that carving up the frontal lobes frequently quieted the patient at the cost of turning him into a tractable vegetable.

Typical of this conclusion was a report by a British psychiatrist, who wrote in 1965 that "huge cuts in the frontal lobes, as well as relieving some symptoms, often produced mutilations of personality which were at least as socially disabling as the symptoms had been, and very disturbing to contemplate."

Some 20 years earlier, the dean of American lobotomists, Walter Freeman, chairman of the George Washington University Department of Neurology, and former president of the D.C. Medical Society, gave up the big cuts—that he himself had pioneered—for lesser cuts, reporting, with his usual enthusiasm, the same high rate of "improvement" that he had trumpeted in connection with his discredited traditional procedure. Lobotomy, nevertheless, went into partial eclipse, leaving behind some 50,000 victims.

The lobotomists, however, did not disband. Though it was clear that surgical intervention in the human brain was on a par with firing bullets into the hood of a car to remedy a knock—with occasional success—they had experienced enough "success" to arouse the belief that less mutilating, more precisely placed interventions were what was called for. And new technology was not long in arriving.

NEW TARGET GROUP

As Freeman himself acknowledged in a paper delivered in 1965 to the Washington Academy of Neurosurgery, his original methods were "too damaging to be employed in any but the most chronically and severely disturbed patients." However, there were now new methods of destroying brain tissue, he reported, among them the injection of liquid butane or "the patient's own blood," ultrasonic beams, electricity to produce tissue-searing heat, implanted electrodes through which current is sent until the surgeon hears "bubbles of steam escaping," gold needles left in place "for several months while weak currents were passed at intervals," radioactive seed implantations, beams from a 185-million-volt cyclotron, and, of course, traditional cutting, though with finer tools.

The newest and most threatening development in psychosurgery may indeed be the use of this technology against new "target" groups: neurotics suffering from anxiety, tension, obsessions, and depressions, and particularly women, since the ability to return to household duties is frequently regarded as evidence of success. In addition, other "social problem" groups are attracting attention: criminals, drug addicts, alcoholics, homosexuals, old people, and hyperactive children. Only the Soviet Union has banned psychosurgery. The procedure was outlawed in 1950 on the grounds that it fallaciously sought to improve an individual's life by producing a defect in his personality. Psychosurgery was also found to contradict principles of "Russian humanism" as well as the Pavlovian understanding of the brain as a functioning, integrated whole.)

The best known researchers in the application of psychosurgery to violence are the Boston trio of Ervin, Mark and William Sweet. In 1967, after the Detroit riots, they wrote in the Journal of the American Medical Association that if social, economic, and racial deprivation were responsible for the riots, then everyone in the ghetto would have been involved. Instead, they noted, only a small portion rioted, and only a still smaller portion committed violent acts. The authors went on to suggest a preventive screening program to detect brain disease and to institute prophylactic treatment for potential rioters.

The types of surgery they perform has repeatedly been demonstrated to blunt the emotions and subdue the behavior of anyone on whom it is tried, and, if necessary, repeated with sufficient destructiveness. These include hyperactive children, alcoholics, drug addicts, psychotics and epileptics of several kinds. Their principal interest, however, is in the application of psychosurgery to criminal violence, and in this regard they find company in Jose Delgado, the noted Yale professor, who in a recent book, "Physical Control of the Mind," proposes a billion-dollar NASA-like endeavor for technologic control of the brain as an answer to domestic and international conflict.

VULNERABLE GROUPS

Meanwhile, psychosurgeons continue work at the more limited task of pacifying various segments of the population. Women are the major target groups in some of the larger psychosurgical studies, particularly those of H. T. Ballantine, of the Massachusetts General Hospital; Petter Kindstrom, at the San Francisco Children's Hospital; and M. Hunter Brown and Jack Lighthill, in Santa Monica. Thus far neurotic individuals who are still able to work and live at home seem to be the preferred group, but now increasing attention is being paid to two particularly vulnerable groups, prison inmates and hyperactive institutionalized children.

A survey of the international literature of psychosurgery indicates that the operation never lost favor in Britain, where the present rate is about 400 per year and rising. An article in the prestigious British medical journal Lancet in 1969 advocates psychosurgery for sexual offenders on the grounds that castration is open to question ethically, but psychosurgery is not. In Asia, widescale psychosurgery on children, some age four or younger, has been reported. Hundreds of cases have been reported in India, Thailand, and Japan. A noted Japanese psychosurgeon, visiting the United States to attend a conference on "Neural Bases of Violence and Aggression" last week in Houston, reported earlier that one of his best cases is that of a child who becomes "markedly calm, passive, and tractable, showing decreased spontaneity."

One of the remarkable aspects of psychosurgery—both in the now discredited first wave and in the current resurgence—is that it takes place in a closed system of evaluation that almost inevitably fulfills the prophecies of the psychosurgeons. To the extent that retrospective studies have been conducted, they are generally by psychosurgeons reviewing their own or work of colleagues. Few others are sufficiently interested to bother with the subject, and this is especially true of psychiatrists and psychologists, many of whom consider psychosurgery a surgical barbarism that does not merit their interest. The patients are almost invariably either friendless inmates of institutions or burdens on relatives who are at their wits' end in dealing with "difficult" behavior.

PERSONALITY CHANGES

In the case of those who have been confined to institutions prior to surgery, the outcome is frequently "improved" behavior, which means that the attendants find them less troublesome. If the patient has been living at home prior to surgery, his newly subdued behavior is similarly regarded as evidence of success. As for the patients they tell no tales and make few complaints, for as is noted in the classic text, Psychosurgery, "none of the patients regains true insight in the full sense of the word, or is really able to appreciate what the operation was for, or its importance."

The buoyant optimism of today's psychosurgeons in the face of ghastly evidence which they themselves adduce is one of the most bizarre aspects of the new wave. Thus, in a text, "Pharmacological, Convulsive, and Other Somatic Treatments in Psychiatry," published in 1969 by Lothar B. Kalinowsky of the New York Medical College, and Hanns Hippius of the Free University of Berlin, it is stated, "The much feared personality changes which were a frequent side-effect of the larger standard lobotomies, are no longer noticeable in the type of patient selected today for the newly devised smaller operations. The fear of personality changes is still the main reason for the reluctance on the part of many psychiatrists to recommend psychosurgery. All those working in this field and seeing the remarkable clinical results, regret this attitude by psysicians who never had any contact with actual cases."

Kalonowsky and Hippius then go on to cite a study of 300 cases in which the researcher found, "The patients tend intellectually to be more empty, with restricted interests and simpler satisfactions." They find another researcher reporting "the disappearance of dreams as well as day dreams after lobotomy." Still another review of lobotomy found that the "original artist's work was impossible even for those who had such abilities before the operations." It was found, too, that "like all feelings, the religious feeling also becomes somewhat shallower . . ."

In a case reported in 1970 in the Journal of Nervous and Mental Disease, personality change was conspicuous and the effects were disastrous. A woman, described as suffering from "agitated depression," was subjected to a heat lesion of the brain. "Then," as the surgeons report, "her spirits improved to the point of occasional playfulness." Shortly later, however, she was bristling with hostility and anger. Her moods fluctuated, and she received another heat lesion of the brain. When her moods continued to fluctuate, still another lesion was proposed through electrodes that had been implanted in her brain, but she refused to see the surgeon. A few weeks later, she was permitted to leave the hospital temporarily for Christmas shopping. She went to the ladies room of a department store, swallowed a vial of poison and died.

The surgeons report that several useful insights were gained from a postmortem examination of the woman's brain, among them: "The chief criticism of the thalamic operation . . . was that, although over the short time it controlled her depression, it did not assist here in the area of impulse control."

What of the issue of "informed consent," which is routinely required in most surgical procedures? When the patient is judged incompetent, the consent of relatives or guardians will usually suffice. When the principal figures involved are distraught relatives, a disturbed patient, and an eager psychosurgeon, it is not unlikely that the decision will be to follow the advice of the surgeon. The California prisoners who were operated upon in 1968 are said, by prison authorities, to have given their consent, and consent was also received from relatives. The question arises as to whether "consent," presumably accompanied by a greater likelihood of parole (one prisoner was later paroled) has real meaning in a prison setting.

In any setting, however, the advantage would seem to lie with the psychosurgeon, as can be seen in an episode related by Mark and Ervin in their book. They report that during gentle, non-destructive electric stimulation to patient's brain "we suggested to him that we make a destructive lesion. . . . He agreed to this suggestion. . . . However, 12 hours later, when the effect had worn off, Thomas turned wild and unmanageable. The idea of anyone's making a destructive lesion in his brain enraged him. He absolutely refused any further therapy, and it took many weeks of patient explanation before he accepted the idea of bilateral lesions being made in his medial amygdala."

They conclude their report by stating that the patient had not had a single "episode of rage" in four years. "He continues, however, to have an occasional epileptic seizure with periods of confusion and disordered thinking."

The first wave of psychosurgery mutilated some 50,000 victims before the lobotomists themselves were forced to concede the destructiveness of their procedures. Before the new one proceeds through one more skull, the public, the press, and the Congress should demand an immediate halt, to be followed by an independent investigation into the therapeutic claims of psychosurgery and especially the issue of informed consent.

THE PROMISED LAND OF BEHAVIOR CONTROL

(By Nicholas N. Kittrie)

(NOTE.—The writer, director of American University's Institute for Studies in Justice and Social Behavior, is the author of the recent book "The Right To Be Different.")

There is a human behavior modification revolution upon us which, in its magnitude, is not unlike the Industrial Revolution of nearly 200 years ago. But while the Industrial Revolution was directed toward the physical world and the production of its goods, the new revolution aims at the direct reform and control of man himself. It urgently confronts us with the question of who shall control the controllers.

Pharmaceutical manufacturers have developed drugs, proved successful in laboratory experiments with animals, which are used as a memory improving aid for humans. And what some drugs are developed to do, others are designed to undo: Working with goldfish, University of Michigan researchers have developed antibiotics that can "erase" memories of recent experiences. This is only the beginning. Testifying before a Senate subcommittee, the former director of the National Institute of Mental Health predicted that the next 5 to 10 years will see a hundredfold increase in the number and types of drugs capable of affecting the mind.

More potent means of control have been provided by electrophysiology. By implanting tiny electrodes in animals' brains, experimenters can send electrical impulses to create specific responses—"now making them cringe, now sending them into furious attack, now making them drink, now making them sexually hyperactive." Surgery has been similarly used to sever or destroy portions of the brain thought to produce or affect "undesirable" behavior, and new psychosurgical experiments with aggressive inmates were recently reported in California.

Other behavorial scientists rely upon chemical, electrical or surgical agents which operate directly on the human physiology, while increasing claims are also being made for psychological "conditioning" to produce drastic changes in both animal and human behavior. "Operating entirely with incentives, given as the controlled individual acts in ways which approach the controller's goal for him, virtually any skill of muscle or attitude of mind can be taught," reports Perry London in his book "Behavior Control."

A QUESTION OF TIME

Now that the technology is here, it seems only a question of time before anxious entrepreneurs seek to put it to full use in educational institutions, at home, in industry, in the military, in politics, in mental institutions, in prisons. Indeed, increased instances of use are already being reported.

Hearings before the House Privacy Subcommittee in September 1970, for example, disclosed that 300,000 American children are being given stimulants or tranquilizers to calm their hyperactive and often disruptive class behavior. Most of the subjects so far have been elementary school children of average or above average intelligence, alleged to suffer from minimal brain dysfunction, which is said to prevent them from achieving their full education potential. Millions of other school children may be next; as a recent report in the National Education Association's journal, Today's Education noted. "Biochemical and psychological mediation of learning is likely to increase. New drama will play on the educational stage as drugs are introduced experimentally to improve in the learner such qualities as personality, concentration, and memory."

The initial successes of behavior modifying drugs in the education area is likely to have a spill-over effect. Last December, for example, a special panel of the American Association for the Advancement of Science carefully explored the use of new behavior control and modification techniques as alternatives to such traditional penal methods as prisons and probation.

In the political arena, the possible application of behavior modification techniques was recently advocated by Kenneth Clark in his presidential address to the American Psychological Association. Clark called for new drugs that would routinely be given to political leaders the world over to subdue hostility and aggression. Stating that we are on the threshold of electrical and chemical discoveries that could "stabilize and make dominant the moral and ethical propensities of man and subordinate, if not eliminate, his negative and primitive behavior tendencies," Clark predicted that new psycho-technological controls could be implemented within a few years, "and with a fraction of the cost required to produce the atom bomb."

POLICY AND ETHICS

Such therapeutic solutions for social control could have great public appeal. They would affect only a selected, troublesome segment of the population. They can be related to the humanistic desire for therapy and improvement. And they offer social controls and improvements without dreary institutions and with ostensible freedom. No chains—only change.

But these new tools pose difficult questions of public policy and ethics: Is the use of drugs for hyperactive school children justified if the function of the drugs is to make children more "teachable?" What of drug use merely to permit calm to be restored for both tired parent and overburdened teacher? Should a mentally ill or mentally retarded patient be administered medication or be "conditioned" to allow understaffed hospitals better management over their wards? Should behavior modification be voluntary or should it be imposed on the unwilling? Should a chronic alcoholic be required to undergo brain manipulations to cure him of his disease? Should an adult homosexual be made to go through behavior modification? What about other nonconformists? And even if we were to grant total benevolence on the part of our scientific leaders, how are we to protect the new behavior techniques against commercial exploitation, power seekers, overzealousness, abuse and selfishness?

Only a few 19th Century romanticists were alarmed by the prospects of the Industrial Revolution. But many more people of diverse persuasions are now concerned with its recent manifestations, the unequal distribution of its benefits, and its effects on the family, on employment, on natural resources, on the pollution of the environment, and on the quality of life generally. Can we forecast and guard against the hazards of the new revolution? Five years ago, David Krech, professor of psychology at the University of California, called attention to the urgency of the moral and social questions raised by the new scientific discoveries. Of particular concern to Krech was the prospect of chemical brain control agents that can be used without the knowledge of those affected. Most other forms of behavior control require that you first "catch the man" you seek to manipulate. But he noted "chemicals placed in water supplies, in food, or in the air we breathe, can perform their work on a mass basis and without the victim's knowledge."

UNI-CULTURE OR PLURALISM?

What is at stake in the behavior-control issue is the nature of the society we seek for ourselves and for our children. What we may be asked is to choose between a well-planned and controlled uni-culture, or the pursuit of a pluralistic society in which conflicting ideologies, religions, races, and lifestyles can be accommodated.

The new behavior sciences, grounded in animal experiments, view man as a mere biological container or machine. "Rejecting the myth that each individual is born with a mental homunculus, and accepting the fact that we are merely a product of genes plus sensory inputs," Dr. Jose Delgado of the Yale Medical School concludes that current research supports "the distasteful conclusion that motion, emotion and behavior can be directed by electrical forces and that humans can be controlled like robots by pushbuttons."

For man so naked of values, of spirit and of natural rights, what kind of world is being proposed by the behavioral scientists? The present social order is condemned by Yale's Delgado and Harvard's B. F. Skinner as beyond repair. Both maintain we must design a new culture in which man would be allowed to develop a new and better style of life.

Viewing the history of Western culture, the behaviorists assert that its emphasis on "freedom" has conditioned man to abuse his powers, as environmental pollution, the nuclear "balance of terror," and unchecked population growth bear witness. Like George Orwell in his "1984," they pronounce that "freedom is slavery," and conclude that a new type of man, who is to be free of the urge for freedom, need be produced.

But precisely what kind of society and man are to be sought by those who wield the new powers of control? It is now that one suddenly discovers Jacques Barzun's revelation that "we have no notion of what man should be." Is competition or socialistic cooperation to be preferred? Is simple monastic life to be given preference over urban plenty? Is the work-ethic to be preserved or is leisure to be encouraged? Are sex, sensuality and other traditional temptations to be discredited as socially wasteful or are they to be promoted? Is a Lincoln, Emerson or a Whitman the American dream—or is it Hugh Hefner, Abbie Hoffman or William Kunstler? The fact is that the behaviorists do not always particularize about this "culture" which they endow with the unquestionable right to life.

WHY TRUST THE BEHAVIORIST?

Nor do they exhibit much faith in the ability of individuals to share in its design. Skinner states that the aim is to create "a world which will be liked not by people as they now are but those who (will) live in it." He believes that "a world that would be liked by contemporary people would perpetuate the status quo." But if today's collective man, due to his faulty past conditioning, is not able to conceive and plan his future world, are we willing to turn over the undertaking to the scientist? What makes the behaviorist (unless he is the only one to have escaped faulty past conditioning) free of the nearsighted vision of his contemporaries?

There is nothing newly drastic in the behavior modification techniques, the new scientists assure us. We have always been the product of our environment, our schools, our parents, and our friends. Why not accept behavior modification as a more beneficent, rational and advanced influence upon our lives? After all, it is a major function of all societies to mold behavior to pre-determined standards. The Ten Commandments were proclaimed to control behavior. And in primitive societies, the manipulations of witch doctors usually were intended to affect human changes.

But these and other early approaches, one soon recognizes, suffered from two major defects as social control behavior. * * * They either were only one influence among many, or else they relied exclusively on the questionable power of punishment to affect control. Even the most repressive penology has thus had only limited power over the individual, for he usually possessed the option to choose punishment over conformity. It is the promised effectiveness of the new scientific techniques and the relative helplessness of those to be affected by them which raise many of the new objections. For these tools may be so effective that they no longer preserve individual choices. And once instituted at early stages of individual life, those affected might even be conditioned to like the lack of options.

Despite all the fears and uncertainties, it is evident that many new behavior modification technologies are with us, and many more are to come. As Mr. Delgado asserts: "History suggests that when technology is available it will be used and developed regardless of possible dangers of moral issues. The mounting demands for social order, as well as increasing hopes for a better world, will produce both popular and scientific calls for more experimentation and greater use of these techniques. Are we, however, to be overrun by the new revolution as we have been by the industrial one, or is there a system of safeguards and scrutiny which will help assure that the new techniques be so utilized and absorbed into the social fiber as to help improve the human condition rather than debase it?

One cannot accept on face value the assurances of the behavior modifier that the purpose of his ministrations is totally beneficent. Justice Brandeis warned some 25 years ago that "the greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning, but without understanding."

Our protection against possible zeal, arbitrariness and antihumanistic exploitations of the new scientific technologies lies in the definition and curtailment of the power of those who control them. In structuring this system of control, we must carefully consider separately the needs of the persons who are proposed to be modified, their immediate families, their children, their parents, their teachers, their pupils, their employers, their employees, the representatives of the community and the spokesmen of government. It is faulty to assume that the interests of pupils and teachers, parents and children, or of individuals and society always or frequently coincide.

We must advance and enforce the public's right to know the facts about behavior control plans and practices. Should not the state, the medical profession, the teaching profession, therapists and others be prevented from administering new behavior modification techniques unbeknown to the major parties concerned? Is a parent not to be consulted regarding the school's prescription of pills to his child? At the same time, should a parent or teacher be free to authorize such techniques without the benefit of any other scrutiny? These are important public issues which cannot be left within the sole domain of the scientific and medical community.

We must determine when and under what circumstances decisions regarding behavior modification are to be designated as private, subject to the individual discretion of the person affected or his therapist, and when they are to be viewed as public questions, requiring an open inquiry where more than mere personal preference might be considered. To be decided is whether any involuntary administration of these techniques is to be permitted, and if so, upon whose authority and subject to what scrutiny. Finally, certain modification practices may be so objectionable as to be totally outlawed through legislation.

THE ICE CREAM SALESMAN

How do we proceed from here? First, recognition should be given to the public's right and need to know of all experiments conducted in its midst. In England recently, a public outcry saved, at the last moment, a young ice cream salesman from a court order to undergo brain surgery designed to cure his compulsive gambling. In California, the De-

partment of Corrections decided to hold off additional brain surgeries upon violent offenders because of adverse public reaction. As these incidents demonstrate, mass media reporting can foster caution and reconsideration by the proponents of the new sciences. And unlike the rationale urged in the area of national security and defense, there is no external threat here to justify secrecy and suppression of knowledge.

Second, it must be realized that reliance upon the formal consent of those affected by behavior control techniques may not always be satisfactory. Those confined in institutions do not usually possess that degree of liberty or mental competence to grant informed consent. Neither should we leave unchallenged the traditional assumptions that the interests of teachers, parents, and spouses usually coincide with those of their wards, children and partners. What may very well be necessary is some form of a public ombudsman to look after the interests of all those affected by the new behavior control technologies.

What new behavior control technologies are applied to unwilling candidates in the place of traditional punishment, strict safeguards must be observed. There is no justification for the claim that the benevolent aims of these technologies should afford the affected persons lesser opportunities to be heard by a disinterested tribunal, to have counsel, and to make his objections than there are in the criminal process.

In applying behavior control techniques, the least drastic ought to be used first (which might mean that psychotherapy and drug therapy are prefcrable to surgical procedures) and those which are not reversible ought to be resorted to last. Moreover, no modification of behavior should be undertaken which may affect conduct or styles of the life other than those which are specifically prohibited by law.

There is a need for conscious public monitoring, scrutiny, and response to behavior modification issues. In part this must be provided by legislative awareness, judicial sensitivity and administrative regulation. At this time no branch of government has shown particular promise or capability for dealing with this area. Yet it is not premature to provide increased attention to these growing problems through specialized congressional committees, as well as through an interagency behavior control council in the executive branch.

Public monitoring, moreover, means some new and innovative forms of citizen participation in decisions regarding the introduction of new technologies. We must recognize, that the moral and pragmatic problems inherent in behavior control are not only those of narrowly defined groups of social outcasts and misfits. What is tested in dark chambers of asylums and prisons today is likely to be proposed next for more general application in broad daylight.

NATIONAL WEEK OF CONCERN FOR PRISONERS OF WAR AND MISSING IN ACTION

Mr. BROCK. Mr. President, the final week of March is now officially designated as the National Week of Concern for Prisoners of War/Missing in Action.

This is the second and, it is to be hoped, the last such week that will focus our attention on the plight of our men imprisoned in Southeast Asia. All American efforts are being directed to the safe return of our men in Vietnam and we will not be diverted from this course.

This point was ably stated by President Nixon in a proclamation delivered at the signing of the legislation last week. I ask unanimous consent that the text of the address be printed in the RECORD.

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

NATIONAL WEEK OF CONCERN FOR AMERICANS WHO ARE PRISONERS OF WAR OR MISSING IN ACTION

(A proclamation by the President)

1,623 American servicemen and some 50 U.S. civilians are now either missing in action or being held captive by North Vietnam and its allies. At the end of this month, the first men to be taken prisoner will begin their ninth year in captivity. This is the longest internment ever endured by American fighting men; it is also one of the most brutal.

The POW/MIA story of this long and difficult war is a tragic one:

The enemy continues adamant in his refusal even to identify all the Americans being held. He continues to flout the Geneva Prisoner of War Convention which establishes minimum humane standards for treatment of prisoners—a treaty to which North Vietnam is a signatory, just as are South Vietnam and the United States and 128 other nations. He continues to block impartial inspection of the prison camps. He continues to deny repatriation for seriously sick and wounded prisoners. He continues to ignore the prisoners' right of regular correspondence with their families.

And so those families suffer in spirit hardly less than their men suffer in the flesh. They live in a nightmare of unremitting anguish and gnawing concern. Many cannot even know whether their loved ones are still alive; those who do know this much, must live with their additional knowledge of the cruel conditions in which the prisoners exist.

Each new chapter in this outrage has stiffened the American people's determination to see juustice done. We have stood and will continue to stand united as a nation in our concern and compassion for the prisoners and missing men. We mean to see this matter through.

Concern for the prisoners' plight, moreover, has spread to the people of goodwill around the world—and we may be confident that their humanitarian efforts, though so far rebuffed as callously as our own, will still continue as steadfastly as our own.

The United States has spared no effort—by diplomacy, by negotiation, by every other means—to secure fair treatment of our captive sons and brothers and to obtain their ultimate freedom.

As we set aside a special week of national concern for this continuing tragedy, and a special day of prayer for its resolution, we do so with a determination to persist in this effort—for principle, for peace, for the sake of these brave men and their parents and brothers and sisters and wives and the children some have never seen.

Now, therefore, I, Richard Nixon, President of the United States of America, as requested by the Congress in Senate Joint Resolution 189, do hereby designate the period of March 26 through April 1, 1972, as National Week of Concern for Prisoners of War/Missing in Action, and Sunday, March 26, 1972, as a National Day of Prayer for the lives and safety of these men.

I call upon all the people of the United States to observe this week with such appropriate ceremonies and activities as will stir and sustain widespread concern for the missing men and prisoners, nourish the patient courage of their loved ones, and—above all—hasten the day of their safe return to home and freedom.

In witness whereof, I have hereunto set my hand this tenth day of March, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

RICHARD NIXON.

NUCLEAR POWERPLANTS: THE BIG MOVE TO WIPE OUT SUCCESSFUL OPPONENTS

Mr. GRAVEL. Mr. President, the Joint Committee on Atomic Energy has scheduled hearings for March 16 on two similar bills which would accelerate the licensing of nuclear powerplants, but no hearings on my moratorium bill which would halt the licensing and operation for a while.

The bills to which I refer are H.R. 13731 and H.R. 13732, which were introduced on March 9 by committee members, and S. 3223 which was introduced by me on February 23.

SOME PROVISIONS ON THE HOSMER BILL

The Hosmer bill, H.R. 13732, would allow a utility to petition for interim nuclear operating authorization prior to resolution of legal opposition to an operating license. Opponents may also file opposing affidavits, but no hearings have to be held.

The bill directs the Atomic Energy Commission to consider the utility's petition within 5 days, and to appoint one of its five Commissioners to render a decision "as speedily as possible."

The decision of the appointed Commissioner "shall be final unless a court finds the decision to be arbitrary, capricious, or an abuse of discretion." Therefore, appeal under the National Environmental Policy Act or other law seems to be ruled out.

The bill requires the Commissioner to issue temporary operating authorizations, presumably at full power levels, if he finds that a plant has been built "substantially" in accordance with the construction permit, if its operation will be no more hazardous than the operation of similar nuclear powerplants already licensed, if its operation is needed to meet regional energy requirements or to prevent substantial increase in the cost of the facility.

CONSTRUCTION DEFICIENCIES

With regard to the first finding, it should be noted that serious construction deficiencies have come to light at the Surry, Va., nuclear powerplants, and at the Zion, Ill., plants, according to the Washington Post July 1, 1971, and the Chicago Tribune February 6, 1972.

Where else do such deficiencies exist, and how will the Commission know? At Surry, the engineer who reported the deficiencies was fired. He persisted nevertheless until he made the Commission pay attention. Finally the Commission publicly acknowledged the construction deficiencies, whose correction may or may not be adequate.

These construction matters are not trivial. A single defective weld in an important cooling pipe could result in radioactive disaster for a large region of the country. Yet under the administration's bill, H.R. 13731, section 6, the AEC might even eliminate the right of intervenors to challenge the adequacy of construction.

THE NEW DOCTRINE OF EQUAL DANGER

With regard to the second finding, the safety of nuclear powerplants already licensed for operation is very much in doubt. Therefore, it is a joke to cite them as adequate standards for additional plants.

In order for a commissioner to decide whether or not one of the big, never-tested plants deserves an interim operating license or not under the proposed acceleration, he must make two kinds of judgments.

One is technical: How safe are the machines? The other is philosophical: How safe should they be?

The Commissioners have never honored the public with candid discussion of the latter question. Last October, we had pious statements from the new chairman acknowledging the legitimate safety questions raised by citizen intervenors, but this March we have the chairman sending H.R. 13731 to Congress and trying to limit the time allowed for the safety hearings on emergency core cooling, which are underway in Bethesda.

WHO IS QUALIFIED TO UNDERSTAND?

With regard to the technical judgment of the Commissioners on matters of nuclear engineering, we should remember that they are no better qualified than most Members of Congress:

Chairman Schlesinger is an economist.

Commissioner Doub is an attorney.

Commissioner Ramey is an attorney.

Commissioner Larson is a biochemist.

Only Commissioner Johnson is a mechanical engineer.

In other words, we in Congress are as qualified as the Commissioners to understand nuclear safety, both philosophically and technically. Perhaps we are better qualified to make nuclear judgments, for we are at least accountable to the public, whereas the Commissioners are accountable only to the President, who stated flatly at Hanford on September 26 that he does not understand nuclear power at all.

Members of Congress do not need to be expert to understand the meaning of the technical statements by AEC experts which I placed in the RECORD February 23, pages 5137–5141, in remarks entitled "Looking for Nuclear Information."

I urge my colleagues to read those AEC statements. Although the terminology may be exotic and unfamiliar, the meaning is crystal clear to anyone with basic reading skills. The top experts themselves are admitting they simply do not know how safe nuclear reactors are, and simply do not know much about some fundamental things which happen inside them.

AEC EXPERTS DOUBT ADEQUACY OF SAFEGUARDS

Last week at the emergency core cooling hearings in Bethesda, an AEC witness who questions the adequacy of the AEC's performance criteria for this crucial safety system, named 30 other nuclear experts who also have expressed their doubts.

I would like to quote some of the testimony from Philip H. Rittenhouse, expert in flow blockage and embrittlement from the Oak Ridge National Laboratory:

It is my belief from my own particular work and in Mr. Hobson's particular work, and the work of other people in materials' property and materials' behavior as related to the fuel cladding in the core, that there are genuine gaps in experimental data . . .

As far as these points, in which I am an expert, there is not the information available to objectively confirm by scientific or technical procedures what exactly these materials-related phenomena, what exactly these materials behavior, what effect they may have in the Emergency Core Cooling System in the course of a Loss of Coolant Accident.

Beyond that . . . the discussions I've had with a lot of people at Oak Ridge, Aeroject, and the people at RDT, the Regulatory Staff, they have too many reservations, I believe shared too generally, for me to pass off.

These reservations are primarily about certain phenomena, portions of the Loss of Coolant Accident, to indicate that maybe they're not quite sure what's going on.

Certainly many of the things that we toss around in computer codes and use to predict maximum temperatures or to predict the course of the Loss of Coolant Accident, to demonstrate that they meet one criterion or another, have not been verified experimentally.

After quite a pause, Mr. Rittenhouse added:

It's awfully quiet in here.

The chairman of the hearing panel, appointed by the AEC, then asked Mr. Rittenhouse if he was through, to which Mr. Rittenhouse replied:

I think I am.

The citizen intervenors and their able lawyers are performing an enormous public service out there in Bethesda obscurity.

BLACKOUT FOR CONGRESS

Unfortunately, the hearing transcript, which is now over 5,000 pages, is far too expensive for the press or others to obtain. Yet it contains information which we all urgently need to know. If that hearing were before Congress instead of before an AEC panel, we would all have access to that information.

Why have such hearings not been held before the Joint Committee on Atomic Energy?

Why are not nuclear safety hearings held regularly in Congress?

Why did it take a band of determined citizens to reveal the deep doubts about nuclear safety which rage among those who, unlike the Commissioners, really know what they are talking about?

Instead, Congress hears nothing but honey reassurances from the top. And if Congress ignores the revelations from Bethesda and passes an accelerated licensing bill, interim operating authorizations will be granted from the top also.

ALLEGED REQUIREMENT FOR POWER

The third consideration proposed for granting interim operating permits is the alleged need for power. Neither acceleration bill requires an honest or open examination of the self-serving claims of the utilities on this matter.

There is room for ample skepticism about the purported power emergencies, considering the ability to ship power from one region to another.

The February bulletin of the Edison Electric Institute projects national generating capacity for 1972 at 22 percent above peak demand. This reserve margin is the highest ever, and exceeds the 20 percent which is usually considered comfortable.

This means that there should be no national power shortage even if operating authorization were denied to every nuclear powerplant which could possibly be ready for operation in 1972. Such denial would leave the country without only 10,600 electrical megawatts, or about 2.8 percent of its planned electrical supply.

Furthermore, there are several ways we could cope with peak demand without inflicting any hardship on the public. The short-term consequences of a nuclear power moratorium are discussed in my RECORD statement February 23, pages 5148–5150.

PAYING FOR NUCLEAR DELAYS

The fourth proposed reason for issuing interim nuclear operation authorizations is the prevention of increased facility costs.

There is no doubt that idle facilities cost somebody money, and it is always the public which ends up paying via one route or another.

But is it correct for Mr. Schlesinger or Mr. HOSMER or other Members of Congress to assume that the public is unwilling to pay a price for nuclear safety? Why is it assumed that airline passengers will be ready to pay for security measures against bombings, but not ready for security against a nuclear hazard with far greater consequences?

If the estimated private investment in nuclear power is $20 billion, the entire ransom would amount to about $10 per capita for 10 years, which compares with about $400 per capita every year for national defense.

CONSIDERING BOTH EXTREMES INSTEAD OF ONE

Is it more responsible for Congress to consider a nuclear power moratorium, or to submit to a nuclear stampede? Congress should at least examine both extremes instead of just one. I hope that Congress will hear from its constituents on this singular matter.

However, since the Joint Committee on Atomic Energy has sat since August on S. 2430, which would have generated national nuclear safety debates, and since the Joint Committee is giving preference to an acceleration bill over a moratorium bill, it appears that if nuclear hazards are going to be seriously discussed at all in Congress, it will have to be in front of some other committee.

And soon, I hope. For a single severe nuclear accident could bring a large part of this country to its knees. No one denies this. Furthermore, no one knows what the odds are for such an accident in the near future, just as no one knows the odds on radioactive hydrogen gushing out of the Cannikin bomb cavity in 2 or 200 years.

There have been numerous warnings from nuclear experts about inadequate safety research and inadequate safety margins for nuclear powerplants. Now we know that there were also advance warnings about the dam which recently burst in Logan County, W. Va. The disregard for human life is similar, but its magnitude becomes truly grotesque when it comes to nuclear gambles.

WHAT ABOUT THAT PERFECT SAFETY RECORD?

In the absence of a sound theoretical basis for calculating powerplant risks, it is natural to ask if experience tells us anything.

This country has about 85 nuclear submarines, whose experience is hardly relevant since the size of submarine reactors must be smaller than commercial powerplants, and since they are built under quality control which makes no compromises for profit. Even so, it gives me pause to know that two out of 85 nuclear submarines lie at the bottom of the ocean for reasons never publicly revealed.

What about our experience with civilian nuclear powerplants? Does their safety record justify doubling the number of licensed nuclear powerplants in a single year, as the AEC plans to do in 1972, and almost to double their average size at the same time?

Dr. Ralph Lapp, independent nuclear physicist and author, addressed that question in his Bethesda testimony on January 27, 1972:

As of January 1, 1972, a total of 23 nuclear generating units, rated at 10 million kilowatts of electrical power, are in operation. Industry has accumulated about 100 reactor-years of experience with power reactors.

It might be thought that this record, laudable as it is, should instill confidence in the safety of this new power source.

However, this experience has been primarily with reactors of modest power . . . for which emergency core cooling is less of a challenge than in the 500–800 megawatt class, for which about a fifth of the experience applies.

Of course, there is no experience with the 1,000-megawatt and larger nuclear units.

If we reckon reactor experience in 1,000-megawatt units, then we have about 18 reactor-years of record, i.e., 18 years of operation of all reactors normalized to a 1,000-megawatt level.

The fact that there has been no major thermal emergency (Emergency Core Cooling accident or loss of coolant accident) in the past is of little statistical significance.

A RECOMMENDATION

We are left with neither a theoretical nor an operating basis for confidence in nuclear safety. On the contrary, serious problems have been acknowledged in every step of nuclear power generation: plant design, manufacture, construction, operation, security, radioactive transport, fuel-reprocessing, and radioactive waste storage.

It is time for Congress to slow down premature nuclear licensing, not to accelerate it. We can accelerate alternatives instead.

A CONSTITUENT SPEAKS UP ON DEMOCRATIC PLATFORM

Mr. EAGLETON. Mr. President, we all receive a considerable amount of our mail from constituents. Some of the letters are more helpful than others. I recently received a letter from Mr. Norman F. Laman, of 1296 West 72d Terrace, Kansas City, Mo., which I would like to share with my colleagues.

Mr. Laman offers 62 recommendations for the Democratic Party platform. I disagree with some of his points. I have not had an opportunity to study all of them in detail, but I do think some of his suggestions are excellent. Moreover, he has put a great deal of time into this effort and covered a wide variety of areas very sensibly. I ask unanimous consent that Mr. Laman's proposals be printed in the RECORD.

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

SUGGESTED PLANKS

(By Norman F. Laman)

1. A plank against the value added tax.

2. A national research lab to miniaturize to life size all body organs for transplant. This would bring the cost per organ or limb down to reach all the people. Look at the expense of a kidney machine or a heart transplant, the poor to average person should be able to afford this humane service. Put the unemployed scientists and engineers to work.

3. A 3-man Public Court (non-partisan), in enough major cities to settle all management-labor disputes without strikes. We all lose by a strike and they should be settled in the *public* and national interests.

4. A plank to have all union pension funds subject to Federal Laws to insure proper usage, safeguard them for their rank and file members.

5. A plank to insure fair union elections from the bottom group and up, so any union member can run for office.

6. A plank to set-up a special law enforcement group, part of FBI, to work, curb or eliminate all big time crime in the U.S.A.

7. A plank setting 65 years of age as the *mandatory* retirement age of Federal elected, appointed, civil service, judges, etc., to retire.

8. A plank for *fair* taxation laws. Eliminate shelters-churches investing in non-church firms, foundations. No one should escape paying their fair tax load. IRS says some millionaires pay no tax, Why???, pay tax laws. Who is to blame. . . . Congress! ! ! ! Single people over the age of 25 should be able to file as head of household if maintaining such. Why discriminate????

9. A plank for strong anti-pollution law enforcement, but be fair as this is a long range program, 5–10 years, and should be done in this time frame.

10. A plank for equitable payment for use of Federal Land by ranchers, lumber people, etc.

11. A plank to bring all troops home in Europe and Japan, Korea.

12. A plank to lend Engineers, Economists, etc., to develop undeveloped countries but let those countries control their own business. Expand the Peace Corp programs. Develop their industry, food, medical, transportation, schools, in S. America, Africa, S. Asia primarily. We need friends.

13. A plank that public funds will be used for public schools only. Not to private or parochial schools where there is no public control.

14. A plank outlawing interest charges over 15%, A.P.R., for any interstate firm, bank, loan company, etc., unless a state law decrees lower.

15. A plank for federal laws regulating pesticides that effects wildlife, food, meat products, air, water, etc.

16. A plank that all food products will list all ingredients therein by % including fat, water, chemicals, vitamins, protein and carbohydrate content, etc.

17. A plank for safe consumer products—fire-retardant clothes, safe toys, etc.

18. A plank to prohibit the sale, export or import of all real fur products of scarce animals—leopards, tigers, beaver, seal, bear, sable, etc.

19. A plank that the maker's name is on all products. Example, if A makes it for B, A's name appears on the label.

20. A plank for more federal inspectors to enforce consumer laws on food products.

21. A plank making all companies to list in their annual report, and available to the public on request, the largest stockholders that are relevant, with number of shares owned and the percentage. This should include mutual fund firms but exempting family owned (100%) firms. People having or buying stock have a right to know who controls the firm.

22. A plank to outlaw the sale of any dangerous habit-forming drug without a prescription—opium, benzedrine, etc. Put the FDA to work for the public—stop the drug makers' prolific pill making. Stop criminal activities.

23. A plank for vigorous antitrust action against business, banks, unions, etc., to restore more competition and fairness for the consumer.

24. A plank to prevent unfair consumer practices such as company-run filling stations from gyping motorists (like in Arizona); price fixing, news control, and give us some foreign newsman on radio, TV, newspapers. Don't shut us out of what the foreign people think of our actions and programs.

25. A plank to have presidential primaries with 1 ballot so we can vote for any candidate without regards to party with the 4 top national vote getters having a runoff in the November election.

26. A plank authorizing bingo and slot machines for all nationwide clubs—American Legion, VFW, Elks, Moose, etc., without regard to state laws. They are interstate.

27. A plank for full employment, only 3½ percent unemployed.

28. A plank to aid education, especially those areas of high need. Like the present shortage of doctors, dentists, nurses, etc. New schools and can enlarge the present ones.

29. A plank to establish a GI-type bill to retrain people into needed fields.

30. A plank to freeze (really) prices, wages, rents, etc., for 5 years with an excess profits tax. We need to get competitive again worldwide. Economic power and money is the name of the game. We are way behind and balanced budgets are a way to help us out of the hole.

31. A plank for free trade in 7 to 10 years, no tariffs with reciprocal countries.

32. A plank to conduct building construction research for very low cost public buildings. Put our out of work engineers to work. It costs the taxpayers too much for government buildings, hospitals, schools, etc. They should be able to reduce it *by half* and research and price controls are the keys.

33. A plank to have Federal guaranteed (insured) 5½% home loans (no points) up to $40,000 loans and no excessive fees.

34. A plank to allow Savings and Loans to operate as banks including all services.

35. A plank for easy consumer regress against violators of consumer laws without any expense. Use the court on board in #3. The violator pays if found to be guilty. The consumer uses a court defender staff with fast court action and with less appeals.

36. A plank for prompt court action for criminal violators with limited appeals after a review. Use people courts, don't have lawyers to judge wrongs for minor crimes.

37. A plank for home heating (cheap) (air conditioning) research. Natural gas is not available or being extended in some areas. Electric is to expensive. Where do we go from here? The need is now for low cost non-polluting heat.

38. A plank for anti-noise pollution-cars, appliances, machinery, trains, rapid transit, airplanes, etc. As well as for clean air and water.

39. A plank whereby each Representative and Senator will spend 1 continuous month each year visiting with the home folks in small group meetings in his voting territory. Besides being good for the next election by getting personally acquainted, he would be getting the opinions of the people on past and future laws and programs. He *might learn* something and after all he does represent the people and when does the average

citizen get to meet elected representatives. There is too much separation between the elected party and the people in the street. Even 2 months would be better.

40. A plank to eliminate high unfair farm payments over $25,000, with no loop holes.

41. A plank limiting defense contracts to a fair return but in no case higher than 2%, with strict audit of all contracts over a certain dollar value with no over runs. Let's have strict controls to save taxpayers' money.

42. A plank to bring the convention back to the control of the people, not big business, labor, politicians, etc. Look at the mess they have made of the last 12 years.

43. A plank of total Viet Nam withdrawal and a special investigation of all atrocities by an impartial commission . . . . let the chips fall where they may, try all politicians, generals, etc., with court trials and loss of all federal benefits of any kind and prison sentences where warranted. We need to get right with the rest of civilization.

44. A plank to give free TV time to politicians on public TV channels and radio for talks, debates, conventions, etc., except for 2 weeks before the primary and general elections. Let those that desire watch their regular TV programs, sometimes, they are more interesting! Why eliminate one's choice?

45. A plank to enforce integrated housing, in a short time this will eliminate most housing.

46. A plank for a unit price consumer law.

47. A plank to put the common name on all drugs.

48. A plank to allow full Social Security benefits at 55 and have paid in to it for 25 years (men and women); or anytime after the 55th year after finishing 25 years of social security payments.

49. A plank to permit single people over 25 to file income tax as head of household if living on their own just like married people. This is discrimination.

50. A plank to continue the school lunch program and giving surplus food to the unemployed and the needy.

51. A plank to publish, monthly, the attendance and voting records in homestate newspapers of all Representatives and Senators.

52. A plank to continue the safe car research program and make the modifications mandatory on all new cars within 3 years after completed tests on each safety part.

53. A plank to change the seniority plan in both Congressional Houses so all members have their turns as chairman, etc., by updating the old rules.

54. A plank that Congress put its authority to work in passing needed reform legislation or new laws without waiting for the executive branch to outline a program.

55. A plank to continue our space program. Where else to get needed resources and put our over population. The age of Columbus is here again.

56. A plank to continually be trying to get Russia to withdraw all her troops from Eastern European Countries and let them run their own affairs. Let's give them plenty of bad worldwide publicity, for free people.

57. A plank to change inheritance laws so no one person may receive more than 1 million dollars in land, stock, business, trust, cash, etc., in appraised value after taxes. Excess to apply to the national debt principal.

58. A plank to pass a law that a person will not have to sell his home, etc., to be eligible to draw unemployment. Base eligibility on outside income only—stocks, rent, wife, etc. Why drag a human being further down.

59. A plank to have safety laws apply to all hospital equipment-user, operator.

60. A plank to exempt dividend, etc., increases from Controls. Controls are to help the people and restrictions here have the reverse effect.

61. A plank to keep food prices low to the consumer. Subsidize the farmer if necessary and restrict the processor's margin but the public well-being has to be protected.

62. A plank to have a Consumer Regulation to require the makers of electric equipment, appliances, A/C, light bulbs, etc., to have the annual power requirements listed on each article manufactured, to spur the sale and usage of energy saving articles and conservation of our electric power resources.

THE RIGHTS OF VICTIMS OF CRIME

Mr. HANSEN. Mr. President, while we read that crime in the Nation's Capital is down somewhat, it is sickening to read the daily reports of murder, rape, armed robbery, and assault that continue at rates that would have appalled us a very few years ago.

An editorial published recently in the Wyoming State Tribune points out the heavy emphasis of our system of criminal justice toward the rights of the accused.

The editorial, entitled "The Victims of Crime Have Rights, Too," is based on a midyear commencement exercise address by the eminent professor of philosophy at New York University, Prof. Sidney Hook, and develops the all-too-familiar theme that the rights of the victims are all too often ignored in the rush by philosopher-jurists to leave nothing unturned in according the accused his fullest rights conceivable—and some inconceivable—under the Constitution.

Professor Hook says:

We wish to reduce the role of violence in human affairs without sacrificing the principles of justice . . .

He concludes that—

A fruitful way to begin the quest for intelligent solutions is to reorient our thinking in the current period to the right of potential victims of crime, and to the task of reducing their number and suffering. In this way we can best serve the interests of both justice and compassion.

Mr. President, I ask unanimous consent that the entire text of this thought-provoking editorial be printed in the RECORD.

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

VICTIMS OF CRIME HAVE RIGHTS, TOO

Our system of criminal justice is heavily weighted toward the rights of the accused. Particularly since the advent of the Warren Court, the rights of persons charged with crimes in this country have been meticulously scrutinized and vastly enlarged upon.

Some say it is a one-way street, that the rights of the victims are all too often ignored in the rush by philosopher-jurists to leave nothing unturned in according the accused his fullest rights conceivable—and some inconceivable—under the Constitution.

Professor Sidney Hook, the eminent professor of philosophy at New York University, delivered the mid-year commencement exercise address at the University of Florida this past December; it was entitled, "The Rights of the Victims," and Professor Hook's discourse dwelt with the subject of overweening judicial concern for the accused, and a tendency to almost totally ignore what happened to the victim, in a particular crime.

Noting that almost any citizen can identify himself with a person accused of a serious crime, Professor Hook says the average citizen can more probably place himself in the role of victim of a crime.

"I am prepared to weaken the guarantees and privileges to which I am entitled as a potential criminal or as a defendant in order to strengthen my rights and safeguards as a potential victim," Hook says. "I am convinced that I run a greater danger of suffering disaster as a potential victim than as a potential criminal or defendant. It is these probabilities, that shift from one historical period to another, that must be the guide to wise, prudent and just administration of the law."

Professor Hook suggests that the needs of another time, primarily stemming from political considerations, that caused excessive laboring to guarantee the rights of accused, now have changed and that "a humane consideration for the increasing number of victims of violent crimes requires a reinterpretation, another emphasis."

"When we read," he reminds us, "that preventive detention at the discretion of the judge by denial of bail to repeated offenders charged with extremely violent crimes is denounced by ritualistic liberals as a betrayal of elementary justice, as smacking of the concentration camps of Hitler and Stalin; when we read that a person jailed for the death of 12 persons is freed from jail and the case against him dismissed because the prosecution's only evidence against him was a voluntary confession to the police who had failed to inform him of his rights; when we read that a man who murdered one of three hostages he had taken had a record of 25 arrests ranging from armed robbery to aggravated assault and battery and that at the time of his arrest was free on bail awaiting grand jury action on charges in five separate cases in a two-month period preceding the murder; when we read that a man whose speeding car had been stopped by a motorcycle policeman who without a search warrant forced him to open his trunk that contained the corpses of a woman and two children, walks out of court scot-free because the evidence is ruled inadmissible—we can only conclude that the laws is an ass."

Says Professor Hook: "We wish to reduce the role of violence in human affairs without sacrificing the principles of justice. The extension of the privileges against self-incrimination to absurd lengths by justices who abandoned common sense in a desire to establish a reputation for liberalism, has no parallel in any other legal jurisdiction."

He concludes: "A fruitful way to begin the quest for intelligent solutions is to reorient our thinking in the current period to the right of potential victims of crime, and to the task of reducing their number and suffering. In this way we can best serve the interests of both justice and compassion."

AFL–CIO RESOLUTION ON DAY CARE

Mr. MONDALE. Mr. President, as I think we are all well aware, the AFL–CIO was instrumental in the introduction, consideration, and final passage of the comprehensive child development bill last year. Their untiring efforts on behalf of quality day care for the Nation's children was an inspiration to all of us.

At a recent executive council meeting in Florida, the AFL–CIO passed a resolution concerning the President's veto of this desperately needed piece of legislation.

Mr. President, I ask unanimous consent that the resolution be printed in the RECORD.

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

STATEMENT BY THE AFL–CIO EXECUTIVE COUNCIL ON DAY CARE CENTERS

President Nixon's veto of legislation providing a dramatic new national program of comprehensive child development is inde-

fensible. In refusing to sign this badly-needed social measure, the President played cruel politics with the welfare of pre-school children and their working parents.

Today, some 3.7 million working mothers have children under the age of five. Yet there are places for only 700,000 children in day care facilities—and many of these are inadequate. Despite this demonstrated need for decent day care, the President chose to ignore this need and issued a veto message filled with right-wing rhetoric pleasing only to ultra-conservatives.

Earlier, the President had recognized the pressing need for the very program he has now rejected. On February 19, 1969, he declared:

"So critical is the matter of early growth that we must make a national commitment to providing all American children an opportunity for healthful and stimulating development during the first five years of life."

In addition, the 1970 White House Conference on Children set as its first national priority the creation of a comprehensive child development program. Establishment of such a program also was a top priority of the President's Joint Commission on the Mental Health of Children.

Responding to these requests, Congress acted. After lengthy hearings and well-documented testimony, the Congress passed legislation that would have benefited millions of Americans.

As enacted, this program would have provided a wide-range of educational, health and nutritional services for the young children of both welfare recipients and working parents. The day care centers would have been controlled by local communities with provision for parental involvement. Participation would have been voluntary with fees based on ability to pay.

Such a national program held great promise for the young children of union families. If signed by the President, it would have provided children with real benefits at low cost instead of the present system of hired baby-sitters that now must be utilized by millions of working families.

Unfortunately, while President Nixon is willing to provide mandatory and inadequate, custodial day care for the children of welfare recipients so that their mothers can be freed for training and jobs, he is unwilling to provide comprehensive day care for either the children of welfare recipients or the children of workers.

The AFL–CIO vigorously opposes any class system of day care. Certainly, there can never be equality of education if there is federally-financed inequality at the pre-school level.

What is needed—and needed now—is the beginning of a comprehensive day care program available to all children with fees based on the family's ability to pay.

The AFL–CIO condemns the Presidential veto.

We call upon the Congress to reenact a similar day care program during the present session. We urge the President to reconsider his position and place the needs of young children above political strategy.

OIL'S TAX BREAKS—GOOD OR BAD?

Mr. PROXMIRE. Mr. President, Bob Rosenblatt, of the Los Angeles Times, has written one of the best analyses of oil taxes that I have seen. He has examined the rationale behind the tax subsidies provided by the taxpayers to the oil industry and what it does with the money.

At a time when we must reexamine our spending priorities, I think it is vital that we do not overlook our nonappropriated expenditures. The tax subsidies provided the oil industry constitute a lot of money and deserve reexamination. The article should form a basis for beginning this reexamination. I, therefore, ask unanimous consent that it be printed in the RECORD.

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

OIL INDUSTRY'S TAX BENEFITS—GOOD OR BAD?—FIRMS DEFEND BREAKS AS EQUITABLE BUT OPPONENTS VIEW THEM AS UNJUSTIFIED

(By Robert A. Rosenblatt)

"I wish they would do away with all the special tax breaks and just let the consumer pay the bill at the gas pump," one oil industry executive said bitterly the other day.

Lately, the pressure has been rising in Congress to do just that to the nation's oil companies—take away the tax benefits which save the industry $2.2 billion a year.

Since 1926, when the main benefit—the depletion allowance—was first granted, the industry has been called upon repeatedly to defend its tax savings. For the most part, it has been successful, arguing that the savings are necessary to support the expensive and highly risky search for an adequate supply of oil.

HIGH PRICES ALTERNATIVE

Take the incentives away and the nation will find itself either relying on unfriendly foreign powers for oil or paying a sharply higher price for gasoline and other products, the industry maintains.

Despite such arguments, Congress voted in 1969 to trim the depletion allowance for the first time since it was enacted. Hearings have been held in Congress again this year and those who oppose oil's privileges note that even the 1969 reforms failed to curtail the industry's profits, which continue to outrun those of most other manufacturing industries.

The critics say the nation's problems prescribe such a heavy subsidy for oil. They raise some questions about how the tax privileges are applied and what the nation gets in return. For instance:

The industry contends that tax incentives are necessary to offset the high risk of exploration, where a mere 16% of the wells are successful. Yet most of the tax benefits are collected by the major producers; the bulk of their drilling is in development wells, with a success rate of 75%.

EXPLORATION NOT REQUIRED

Tax savings go to a producing firm whether or not it pours the money back into exploration for new reserves.

The special benefits enable an oil company to recover more money than it originally spent to develop an oil field. Such a situation exists in other natural resource industries, but it is impossible in manufacturing, where companies can write off only the actual costs of plants and equipment.

One year, a group of big oil companies claimed tax deductions of $2.9 billion for depletion of reserves valued on their own books at $300 million, according to a previously unpublished government study obtained by The Times.

An oil company can deduct from each year's taxes about 60% to 70% of the cost of the successful wells drilled during the year. By contrast, a corporation in another line of business has to spread its deductions over the life of its equipment; thus, a machine that lasts 10 years provides a deduction of just 10% annually.

The industry saves so much on taxes that it is able to operate on less borrowed capital than most other businesses.

Tax laws enable petroleum companies to pay far greater sums into the treasuries of oil-rich foreign nations than to the U.S. government at a time when tax revenues are badly needed for a variety of domestic problems.

In 1967, the last year for which complete figures are available, the oil companies paid about twice as many dollars in taxes to other countries as they sent to the U.S. Treasury. Much of this payment can be claimed as a direct credit against U.S. tax liability. Kuwait, a shiekdom with a vast pool of oil, so prospers from the royalties and taxes paid by oil companies that its per capita income is more than $3,000, among the highest in the world. (The U.S. per capita income was $3,921 in 1970.)

If all of the oil industry's tax privileges were wiped out, the U.S. government would gain an additional $2.2 billion in revenues the first year; the long-run gain would be $1.6 billion a year.

Critics hasten to point out that $1.6 billion is more than the federal government plans to spend in the next year for air pollution control, the federal court system, meat and poultry inspection, the Head Start program for preschool children, research on heart disease and mental health.

EFFECTS ON PROFITS

The Tax Reform Act of 1969 sought to reduce the industry's tax benefits. In the end it had little effect on oil company profitability, largely because the industry was able to raise the price of its raw material, crude oil. Thanks to the peculiar working of the tax laws, a crude oil price increase produces a bigger tax deduction, in turn creating more after-tax profits. This is true even though there is relatively little change in the prices and profits on the products refined from the crude.

Federal Trade Commission figures show oil industry profits were $5.9 billion in 1970, the year following the tax reforms. The total was virtually unchanged from 1969. Elsewhere, 1970 was a bad year for the economy; profits for all manufacturing companies slumped by 14%.

In 1971, most oil companies racked up earning gains, as did many other businesses. The giants of the industry, Standard Oil of New Jersey, Texaco, Mobil, Gulf and Standard Oil of California, enjoyed an especially good year. All except Gulf achieved record profits. Their combined earnings reached $4 billion, up from $3.6 billion in 1970.

The sheer size of the business naturally opens oil to frequent criticism. It is so big that it accounted for one-fifth of all U.S. manufacturing profits in 1970, more than the auto, aircraft, steel, basic chemical and drug industries combined.

SIZE SPURS CRITICISM

However, except for the political muscle this gives the industry, size is not the key issue in the tax controversy. Closer to the core of the argument is this: oil accounts for 20% of manufacturing profits while accounting for only 9% of sales. The oil business paid federal taxes of 21 cents on every dollar of corporate profits, compared with 43 cents for other manufacturing enterprises, a government study of 1965 tax returns revealed.

On the basis of its profit as a percentage of the money invested in the business, oil is above the average. During 1970, the industry earned 10.9%, compared with 9.3% for all manufacturing, according to government figures. Oil ranked fifth among a group of 25 manufacturing industries surveyed by the Federal Trade Commission and the Securities and Exchange Commission.

Industry spokesmen often argue that the tax privileges are justified since oil companies do not have a high rate of profit. They cite figures issued by the First National City Bank, whose studies usually show oil with a lower rate of return than manufacturing in general. (In 1970, oil had a 10.9% profit on net worth, compared with 10.1% for all manufacturing, the bank reported. However, the 10-year average showed oil lagging behind manufacturing.)

First National City's figures are based on financial information as published by businesses, with no attempt made to compen-

sate for differences in accounting and reporting methods.

FTC–SEC figures, on the other hand, are based on a questionnaire sent to 10,000 manufacturing companies. The questions are designed to cut through some of the accounting differences.

The government figures show that oil was more profitable than manufacturing during 16 of the 20 years starting in 1951.

Another government study labels oil a low-risk industry when it comes to making profits. "Petroleum, both in terms of profits and cash flow, appears to be much more stable than manufacturing industries in general," the Office of Emergency Preparedness said in a 1971 survey of a crude oil price increase.

Where would the oil industry be without its tax benefits?

The biggest one is the so-called depletion allowance, a deduction from gross income for the oil reserves used up during production. Take away the $1.3 billion the allowance saved the industry in 1970 and oil would slip to an 8.5% rate of return.

Then there is the fast write-off of most drilling expenses on successful wells. Subtract that $300 million and the return is down to 7.9%.

The oil industry, without its depletion and drilling deductions, thus would fall below average as a profit-maker. But it would still earn more on its investment than such other old-line industries as steel and aircraft.

Oilmen counter that drilling oil is a lot more risky than making steel. Higher risk demands higher return or no one will put money into the business.

UNKNOWN FACTOR

"In most business, cost and value are similar," says John Emerson, an energy economist with the Chase Manhattan Bank. "That's not true of oil."

Suppose you spent $1 million building a factory to make shoes, Emerson suggests. Then you change your mind. You can sell the factory to somebody else who wants to produce shoes, and receive close to $1 million for it.

"If you spend $1 million drilling for oil, you may have nothing but a dry hole to show for it," says Emerson. "Or, you may find oil reserves worth $10 million."

A company might drill 20 wells, getting 18 dry holes. There must be a way to recover the losses on the dry holes or the firm will not be in business the next year, according to Emerson.

The tax savings from depletion on the successful wells provide money to compensate for dry holes, and to finance new exploration.

Depletion allowances are the principal way in which oil companies—and other natural resource industries—are compensated through the tax laws for the risks connected with finding and developing raw material supplies.

The allowance works this way: when figuring income tax, an oil company can deduct 22% of the gross income from selling crude oil. This deduction is limited to 50% of the net profit from the producing property. Similarly, uranium producers get a 22% depletion allowance and so do producers of lead and nickel.

The rate for copper is 15%, coal 10%, sand and clay 5%.

(That 50% of net profit provision has the effect of reducing the oil industry's average depletion allowance from the 22% maximum to about 18.5%, reflecting some of the less profitable wells, says Lewis D. Lawrence, general manager of the tax department at Union Oil Co. of California.)

The industry's classic argument for depletion assumes that the oil in the ground is a wasting asset. As soon as production begins, a company is pumping itself out of business by using up its assets.

The argument does not impress oil's opponents.

"Your brain is a wasting asset; so is mine," says Prof. Walter Mead, an economist with UC Santa Barbara. "We don't get depletion as we grow older. Why should oil be different?"

One way to measure an industry's financial health is to look at the cash flow, a bookkeeping term. Simply stated, cash flow is profit, plus the money set aside for the eventual replacement of worn-out machines and buildings. The money set aside is not all needed that year for replacement. The cash is available for use in other ways.

The chart below shows that the oil industry, because of large profits partially generated through tax savings, holds a significant lead over other businesses in cash resources.

Industry 1970 cash flow

[In billions of dollars]

Oil	$10.4
Electrical machinery	4.4
Food	4.2
Basic chemicals	3.3
Motor vehicles	3.2
Steel	2.0
Drugs	1.5
Aircraft	1.2

With more cash, oil companies do not need to borrow as much as other firms to finance growth.

The oil industry owns $3.49 in capital for every $1 it has borrowed. All manufacturing industry in this country owns just $2.25 in assets for each $1 of borrowed capital.

"The oil industry has to be able to generate much of its own funds," says Thomas Martin, director of taxation for the American Petroleum Institute. He explains that the oil business needs big sums of money to pay for its investments in machines, equipment and buildings. Much of this must be paid for from the industry's own funds. Also, the high-risk nature of the business makes it less attractive to potential lenders of money.

The original justification for the tax privileges was simple. National interest requires adequate supplies of oil. Those who search will be rewarded for their gamble by paying lower taxes. Presumably, the money they save will be put back into the ground in search for more oil.

Daring individuals and small companies have been the big gamblers in the history of oil exploration. All the big fields, except the Prudhoe Bay discoveries in Alaska, were located by independents, says Lloyd Unsell, public affairs vice president of the Independent Petroleum Assn. of America.

PATTERN OF PAST

"The historical pattern," he says, "is that the independents find the oil fields, and the majors produce them." (Major companies are the giant, integrated firms that produce crude oil, refine it into gasoline and other products in their own refineries, and sell gasoline at local service stations under their brand names. The top 21 companies in the oil business have 85% of the refinery capacity.)

The big oil companies dominate exploration in the offshore areas of Texas, Louisiana and California, and on the north slope of Alaska. They pay huge bonuses to the federal and state governments for the rights to drill. However, an examination of drilling figures of eight major companies reveals that most of their wells are sunk in areas already identified as containing oil. The success ratio was greater than 60% for each of the companies surveyed; in most cases it exceeded 70%.

The entire oil industry—firms producing crude oil exclusively, plus the integrated companies—claimed $3.6 billion in depletion deductions in 1967. Some $3.1 billion, or 88%, was claimed by a group of 22 companies, according to a previously unpublished federal study.

ALL WERE LARGE

All of the 22 were big outfits, with extensive financial resources, firms like Standard Oil of New Jersey and Standard Oil of California.

In defense, Thomas Martin, the API tax man says: "There is no major company that I know of that does not spend for exploration and development significantly more than it derives from the depletion allowance."

"Companies of all sizes in oil and gas production are seeking new reserves all the time," he says. In 1967, the depletion deduction was $3.6 billion, but the industry spent $4.7 billion for exploration and development.

What about the major companies' concentration on less risky development wells?

"Most people, once you make your find, are drilling development wells," Martin contends. "That's true whether you're a major or an independent."

Major firms have been drilling a bigger proportion of the industry's exploratory wells in recent years, says Martin. He believes the independents no longer drill 80% of the high-risk wells, as they once did. Major companies take risks by providing partial financing for many arrangements put together by independents.

TREASURY STUDY

The U.S. Treasury however, commissioned a study in 1968 to discover whether the tax laws are an efficient way to encourage the hunt for new oil and gas reserves. The results: the Treasury loses $10 in taxes for every $1 worth of oil discovered under the present system.

The oil industry says the study was based on false assumptions and can not be considered valid.

A vocal critic of the oil industry, Sen. William Proxmire (D-Wis.) has suggested various tax changes, including a graduated depletion rate depending on the size of the company. Smaller firms would get a higher rate than the giants of the industry.

In the tax reform debates, Proxmire enlisted the support of the Kansas Independent Oil and Gas Assn. for his proposal, but the rest of the industry was solidly against it then, and continues to oppose it.

"If depletion is good and sound in principle, it shouldn't be set on a class basis to distinguish between big and little companies," says Unsell of the Independent Petroleum Assn. "If it's not a good principle, then nobody should get it." American consumers are the main beneficiaries of the depletion because they pay lower prices. Unsell argues. "It's actually the consumer who is taking depletion at the gasoline pump and at the burner in the kitchen."

TAX CREDIT PLAN

Unsell's association has a different proposal to help the dwindling ranks of the independents—a tax credit on domestic drilling and exploration expenditures. Congress defeated an attempt to include a 7% credit in the tax bill written last year.

Proxmire also suggested elimination of the fast write-off in drilling costs. He wants to replace it with a subsidy aimed directly at exploration. Dry exploration holes would qualify for a generous tax credit.

"That's ridiculous," snaps Unsell. "We would drill nothing but dry holes to qualify for the subsidy. People would go after the subsidy, not after oil."

Oilmen are very reluctant to see a change in the tax structure, even if they received a substitute incentive. Tax benefits are "woven into the fabric of the industry," says Martin of the API. "Any changes would be very disruptive."

Critics counter that oil companies have been able to use the tax laws even to offset the reforms passed by Congress in 1969, when depletion was cut to 22% from 27.5%, as mentioned.

Oil companies raised the amount deducted on tax returns by raising the price of crude

oil. (When crude oil is sold for $3 a barrel, the depletion allowance—at 22% of gross income—is worth 66 cents. Raise the price to $4 and the allowance becomes 88 cents.)

CUTS INTO PROFITS

A higher crude price naturally cuts into the industry's margin of profit on gasoline and other refined products. But most big oil companies produce a large portion of the crude they use and thus, the tax savings in many cases more than offsets the slimmer profit margin.

Specifically, critics note that oil companies boosted the price of crude by 25 cents a barrel in November 1970, yet the price of refined products rose much less.

Since the price hike came so late in the year, most of its impact was felt in 1971. The average price of crude oil increased 6.9% in 1971, according to figures compiled by the Independent Petroleum Assn. of America. Yet the prices of gasoline, kerosene and light fuel increased by less than 4%; heavy fuel rose by somewhat more than 4%.

DEFENDS PRICE ACTION

The industry strongly defends its price action of 1970. Says one tax specialist, "Without price adjustments to compensate for adverse tax changes, we just wouldn't have any money to look for more oil."

Another executive notes "there are many, many ingredients in the price increase. In part, it reflected increased cost due to labor and materials."

Fred Allvine, a marketing professor at Northwestern, views the situation differently: "As a result of the industry's ability to administer the price of crude oil, the industry restored to itself what Congress saw fit to take away."

Oil companies get another tax break, which is enjoyed by all businesses with operations overseas. Within certain limits, a company can deduct from U.S. taxes any taxes it pays to foreign governments.

There is just one catch in the case of oil. Big petroleum companies traditionally paid royalties to foreign governments for the right to produce oil in their countries. A royalty (a fixed percentage of the value of the oil produced) is a business expense. It is written off against total revenues. In contrast, those foreign tax payments are credited dollar for dollar to reduce U.S. tax payments.

If a U.S. company pays $1 in royalties to Saudi Arabia, it gets a deduction which reduces the U.S. tax bill by 50 cents. If the company pays that same $1 to Saudi Arabia as an income tax, the U.S. bill is cut by $1.

Critics charge, and the industry denies, that oil companies managed to persuade foreign governments to be accommodating on that point. Before 1950, the industry paid lots of royalties to foreign lands. Then led by Venezuela and later Saudi Arabia, the oil-rich nations pushed for more money. But instead of jacking up royalties, they instituted an income tax plus a moderate hike in royalties. Other oil nations followed.

The industry went to the U.S. Treasury and got a ruling that the payments to foreign nations would qualify for tax credits. Payments to foreign nations soared, while collections by the U.S. Treasury plunged.

Arabian American Oil Co., a giant producing firm owned by Standard of New Jersey, Standard of California, Texaco and Mobil, paid U.S. income taxes of $48 million. Seven years later, although oil production had increased, its U.S. tax payments were only $282,000.

Oil company executives are quick to point out the limitations on the foreign tax credit; it cannot exceed the U.S. rate of tax. If a foreign tax rate is 50%, while the U.S. rate stands at 48%, a company cannot get credit for the taxes paid above the 48% level. This insures that "the credits claimed by the company are millions of dollars less than the foreign taxes actually paid," Union Oil's tax manager, Lawrence said.

Nevertheless, U.S. oil companies are paying huge sums of money to foreign nations while minimizing their returns to the United States. The group of 22 big companies covered in the Treasury survey had foreign tax credits of nearly $1.3 billion in 1967.

The foreign countries, the API's Martin says, are "simply exercising their right to tax foreign nationals within their jurisdiction. The oil and gas industry doesn't get treatment different from anyone else. If we were raising wheat overseas, we would pay a foreign tax."

Without a foreign tax credit, he says, oil companies could not afford to operate overseas because the combined effect of U.S. and foreign taxes would wipe out too much of the profit margin.

Allvine of Northwestern told a congressional hearing that "the foreign tax credit as it is applied to the oil industry seems to be a type of foreign aid that has not been authorized by the government."

Looking at the overall tax picture, oil spokesmen insist that the industry pays its fair share of taxes and then some.

"The high level of other taxes in the petroleum industry far more than offsets the industry's lower federal income tax burden," Martin of the API said in a recent memorandum submitted to the Joint Economic Committee of Congress. He cited a soon-to-be-published study by the Petroleum Industry Research Foundation.

The foundation study covers the industry's total domestic tax burden, including income, property and production levies.

TOTAL TAX AVERAGE

For the years 1967 through 1969, total taxes on the domestic petroleum industry averaged 6 cents on every dollar of gross revenues, compared with 5½ cents for all other mining and manufacturing industries and 5 cents for all business corporations.

Throw in gasoline and other excise charges, and oil's tax burden jumps to about 20 cents on each dollar of domestic revenues.

Critics respond to these figures by saying that the excise levies should not be included in the industry's tax burden since the oil companies pass them directly to the consumer. They are automatically collected at the gas pump and do not cut into profits.

The remaining figure, 6% of gross revenues compared with 5% for all business corporations, simply reflects the capital intensive nature of the oil business, the opponents of oil maintain. Any industry with large amounts of buildings and equipment, land and refineries, will inevitably pay large sums in property taxes. The key measure of the tax burden is still the federal income tax, which falls lightly on the oil industry, the critics insist.

BANK ANALYSIS

Oil executives scoff at the notion that they have money to spare.

"The general public thinks the oil industry has an inexhaustible source of funds," says Wilson Laird, director of exploration for the API and the former head of the U.S. Interior Department's office of oil and gas. "It doesn't, any more than the automobile industry, or furniture manufacturers, or the clothing industry."

The oil business simply is not earning enough to finance its future needs, says Chase Manhattan Bank. In 1963, the bank's analysis of key companies, noted the industry's cash earnings produced 87% of the funds needed to run the business. By 1970, only 72% of the money was generated internally. The rest came from the sale of stocks, bonds and other ways of raising funds.

The oil industry had to borrow, the bank says, because profits have been squeezed by taxes and rising costs. Higher prices must follow.

"Unfortunately, there is a rather widespread notion that petroleum companies should absorb rising taxes—and other increasing costs—without passing them on to consumers through higher prices," the bank says. "But the proponents of that curious idea do not explain how such a feat of magic can be performed."

It adds that in the long run, "all costs must eventually be recovered through adequate prices, if a business activity is to remain viable. There simply is no other alternative."

NO TAXES PAID

Opponents of the industry's tax treatment often fall back on another group of statistics. They point out that Atlantic Richfield, for one, earned more than $400 million in profits from 1962 through 1967, yet paid not one nickel in U.S. income taxes for that period. "Imagine, gigantic Atlantic Richfield paid less in federal taxes than the janitor who cleaned this room last night," Proxmire said during the 1969 tax reform hearings.

Similarly, Occidental Petroleum Corp. earned $730 million in 1966 through 1969 but paid no U.S. income taxes. (In 1970, Occidental did pay $2.5 million on pretax profits of $399.7 million. Atlantic Richfield paid U.S. income taxes in 1968, but refused to say how much on the grounds that the figures are under audit.)

Proxmire says that money saved by the oil industry through its tax breaks "was spent by the American taxpayers just as surely as if Congress had appropriated the money—with only one important difference. No one examined the expenditures to see who was getting it and whether it was worth the cost."

INNOVATIONS IN TREATMENT PROCEDURES FOR HANDICAPPED

Mr. DOLE. Mr. President, today I learned that the Department of Health, Education, and Welfare is developing a program to establish a national system of rehabilitation engineering centers. The program will benefit both unemployed defense and aerospace engineers, and thousands of disabled American citizens through a retraining program. These systems engineers will become involved in an intern program which would provide them with on-the-job training. The interns would work directly with the physically and mentally handicapped and will therefore learn to develop systems programs which benefit these patients.

Secretary Richardson called the program—

A coalition for positive action at the patient level. It is an alliance of medical expertise and space-age technology with a goal of restoring a wider world to the handicapped and disabled.

The first two rehabilitation engineering centers have already been designated; one will be at the Ranchos Los Amigos Hospital, Los Angeles, Calif., and one at the Moss Rehabilitation Hospital, Philadelphia, Pa. Two or three additional center sites will soon be chosen. Each center will be allotted $350,000 in Federal funds for the first year with the total Federal cost of the first year's operation estimated at $1.4 million.

At the centers, many unique concepts will be tested such as giving leg amputees artificial legs immediately after surgery.

This technique has not been previously utilized by most hospitals but holds great promise for patients because early fitting of new limbs will enable them to more quickly become a part of the community and job market.

Research will be an intricate part of each center's function; new concepts will be tested through all phases of research development. Some handicapped patients will be given implanted synthetic tendons attached to muscles which then will serve as muscle substitutes. Many will have dime-sized electronic systems implanted to stimulate arm and leg muscles which never before have been coordinated. The systems will enable them to move artificial or paralyzed limbs for the first time in their lives.

The centers will provide unique services to handicapped people who have begun to doubt that America truly is the land of freedom and opportunity.

NEED FOR ENLARGED HEADSTART PROGRAM

Mr. HATFIELD. Mr. President, on February 24, 1972, I joined the Senator from New York (Mr. JAVITS) in cosponsoring legislation (S. 3228) which is called the Comprehensive Headstart, Child Development, and Family Services Act of 1972.

As the Committee on Labor and Public Welfare has amply demonstrated, there is a tremendous need in this country for an enlarged Headstart program, as well as for a broadening of the base of this service to include not only the children of the poor, but day care and other services for the children of working mothers as well. These services will be provided under this legislation, and I ask unanimous consent to add a breakdown of these services at the end of this statement.

As the committee has found—

Millions of children in the Nation, by reason of poverty or other dehabilitating factors, lack a full opportunity, particularly during early childhood years, to receive adequate educational, nutritional, health and other services sufficient to enable them to reach their full potential.

We who have cosponsored such legislation believe that point in time has come where such early childhood care should be made available as a matter of right to the children of all Americans, and this legislation is a beginning.

One of those persons who has helped me to see that this need exists is Mrs. William (Helen) Gordon of Portland, Oreg., who has worked in this area for years and who has this year, among many honors bestowed upon her, been named Portland's "Woman of Accomplishment for 1971."

Mrs. Gordon is a pioneer in working for early childhood care centers for the children of the poor. Because of her hard work and resourcefulness in finding funds, and, most importantly, in obtaining the cooperation of State and local citizens and authorities—and, I might add, with the correspondingly hard and diligent work of other interested Oregonians as well—at least 5,000 young children have been helped in day care centers in Oregon this past year.

For years, Mrs. Gordon headed the Metropolitan Area 4–C Council. They have, by dint of extreme resourcefulness in raising funds and providing in-kind public services to provide the "match" for receiving Federal funds expanded the program over the years. Thousands of children are, however, still without such services, and there is need for further Federal effort to provide such care. I believe that S. 3228 will prove helpful to Mrs. Gordon and to the hundreds involved in working for day care centers in Oregon.

It is hoped that this year, with bipartisan effort in both Houses, that we can agree on legislation which is acceptable to the administration for fiscal 1973, so that the necessary planning work can be begun this year to enlarge the Headstart concept and broaden the base of those who will participate.

I ask unanimous consent to have printed in the RECORD an Oregon Journal article by Suzanne Richards which details the fine work that Mrs. Helen Gordon has done to provide day care for the children of my State.

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

[From the Oregon Journal, Feb. 23, 1972]

HANDICAPPED CHILDREN HELPED

(By Suzanne Richards)

When Helen Gordon was first asked to place a retarded child in a normal nursery school situation she was bewildered.

"But, what do I teach him?" she asked.

"What do you teach a normal child?" came the counter question.

"It was then I realized I had forgotten this was a child . . . I thought of him only as mentally retarded," recalls Mrs. Gordon.

She readily agreed not only to take one, but several handicapped children.

That was in Chicago many years ago and as a result Helen Gordon became the first pre-school educator in the country to incorporate both normal and handicapped children in nursery schools.

She had established a precedent and opened a whole new way of thinking. Over the years her farsighted work in the field of child development has often proved trend setting.

Child development has been her life work and it has brought her honor, the most recent of which was being named one of Portland's Women of Accomplishment for 1971.

Even as a youngster growing up in Chicago this woman wanted to work with children. She thought she would like to be a pediatrician and followed this plan to the University of Chicago.

But she is frank to admit today "the science courses did me in." Finding herself far more interested in child psychology, she switched her major.

It also was at the University of Chicago that Helen met her future husband, Bill, whose career as a social worker was to keep the Gordons moving about the country for the next 20 years.

In Tennessee, Mississippi, Georgia and Alabama she set up the first USO agency-sponsored nursery schools. She continued to work with the young as the family moved to California, Minnesota and Colorado.

It was in Denver in 1949 that Helen Gordon, at the request of the University of Colorado Medical School staff, first incorporated programs for the normal and handicapped.

When the Gordons came to Portland in 1953 to work at the Jewish Community Center, Helen brought the concept with her. It had worked in Colorado, why not Oregon. On the basis of a one year trial she reorganized the JCC pre-school and introduced the program to Portland.

Twenty years later she can look back on it with pride.

"It has helped the children learn great respect for all kinds of children and it has taught us, as teachers, better ways of dealing with all children," said Mrs. Gordon.

And she might still be at the Center if the Portland Metropolitan Steering Committee, Office of Economic Opportunity, had not "borrowed" her in 1967 to work on comprehensive programs for the entire community.

Out of this came the establishment of the Community Coordinated Child Care (4-C) Council, for which Mrs. Gordon served as director until last October.

Under her guidance the 4-C Council established centers for some 3,000 school children who would normally have been unattended during the before and after school hours; set up day care programs for preschoolers throughout a four county area and improved and upgraded existing programs.

Although no longer with 4-C Mrs. Gordon still is a valued consultant, as she is for many programs.

"Get Helen Gordon" has become a byword for child development planning and the knowledge she has accumulated over the years she is constantly sharing with others, giving willingly of herself, often at her own expense.

During the course of an hour long interview she received no less than six telephone calls. Each was seeking her out for a different purpose.

To attend a board meeting of the Oregon Council on Women's Equality.

To serve on the newly created Children's Services Division Advisory Committee, State Department of Human Resources.

To preside at the first Peace Awards Coalition dinner, honoring Sen. Mark Hatfield and former Sen. Wayne Morse.

To work as a special project consultant at the University of Oregon Medical School.

To put into writing her suggestions for federal legislation in the field of day care and child development.

It is enough to make ones head reel.

She had returned little more than 24 hours earlier from Washington, D.C., where she helped draft plans from new child care legislation.

"It was an emergency meeting called after the President vetoed the child care bill," Mrs. Gordon explained in her rapid fire manner.

"There were 1,400 parents, professionals, volunteers and legislators all trying to draft a plan of action, think out what exists and what should be recommended," explained Mrs. Gordon, who represented the Day Care and Child Development Council of America.

"It used to be if I had to compute a human being against a dollar sign I thought it was a great insult. I still do, but that's the way you have to work in Washington now," she sighed.

An outspoken advocate of child care facilities for all, she pulls no punches when she battles for what she thinks is right.

The programs she has planned and helped to implement on city, state and national levels in regard to the retarded, handicapped, underprivileged and culturally deprived are staggering.

She has been honored by the Indian and Chicano communities and labor, who presented her the Kelley Low Memorial Award in 1970.

Prior to that in 1967 she was recipient of the Rosemary Dybwad International Award in Mental Retardation and spent two and a half months in Sweden, England and Denmark working with staffs on mental retardation.

Because of an accident in Sweden, some of the workshops were held from her hospital

bed and an extended trip to England and Israel had to be cancelled.

On April 8 Helen Gordon plans to keep her promise to visit and work with professionals in those countries. At her own expense, she will spend over a month as consultant on day care and mental retardation.

Her unorthodox methods sometimes leave a lasting impression on those who come within range of Helen Gordon.

Of a recent workshop she led, she said, "I had to make them hurt a little so they would look at the point of hurt."

But to the deprived and needy, Helen Gordon is a balm. She manages to shun gratitude as easily as she piles more work on her already heavy load and says of those she is able to help, "We gave them climbing shoes."

Suffice to say her achievements over the years have been many. Currently she holds committee appointments with both the state and National Association for Retarded Children, as well as the national board of directors for Day Care and Child Development Council of America.

Perhaps as she sits through those long planning sessions and works late into the night on reports she sees before her little Janie who said, "I'll help him."

There have been hundreds of little Joeys and Janies whom this woman has touched. Portland is a better place for having had a Helen Gordon.

COMPREHENSIVE COMMUNITY EMPLOYMENT AND TRAINING ACT OF 1972 (S. 3228)—SECTION-BY-SECTION ANALYSIS

Section 2. *Statement of Findings and Purposes.* This section states the findings that large numbers of economically disadvantaged, unemployed and underemployed persons lack sufficient job and training opportunities, resulting in hardship and in increased welfare dependency while many jobs in the public and private sector are unfilled; that it is within the capability of the United States to provide every American with the opportunity to prepare himself for and obtain employment at the highest level of productivity; and that increased responsibility and funds should be extended on a phased basis to State and local governmental and other local institutions for the planning and conduct of such programs.

It is the purpose of the Act to establish an increasingly flexible and decentralized system for the provision of employment and training opportunities, to increase the availability of such opportunities with emphasis on persons most in need, and to insure that training and other programs lead to employment.

Section 3. *Authorized Appropriations.* This section authorized appropriations under the Act of $2.5 billion of FY '74, $3 billion for FY '75, and $3.5 billion for FY '76. (subsection (a)) Additional appropriations are authorized under the Act for public service employment programs (to also be conducted under Title I) in the amounts of $5 billion for FY '74; $1 billion for FY '75 and $1.5 billion for FY '76. (subsection (b))

This section also authorizes the appropriation of $100 million for FY '75 for planning, technical assistance, training, and certain other activities.

This section also allocates the funds appropriated for the Act under subsection (a) to Community Employment and training programs under Title I as follows: 60% of the amount appropriated for FY '74; 70% for FY '75; 80% for FY '76, and allocates the remainder thereof in each fiscal year to Special Federal Responsibilities under Title II. (subsection (e))

Section 4. *Advance Funding.* This section contains advance funding authority.

Section 5. *Definitions.* This section defines the terms: Secretary; State; local service company; health care; city; Wagner-Peyser Act; public service; unemployed persons; underemployed persons; economically-disadvantaged persons; and certain other terms.

TITLE I—COMMUNITY EMPLOYMENT AND TRAINING PROGRAMS

Section 101. *Description of Program.* This section describes the comprehensive employment and training programs for which funds may be made available under the title, including information programs, individual capability assessment, counseling and institutional training, public service employment, inducements to private employers to expand job opportunities, on-the-job training and work experience for economically-disadvantaged youth, new careers, skill centers, establishment of employment recruitment centers, job information, training allowances and supportive services.

Section 102. *Eligible Applicants.* This section authorizes the Secretary to enter into arrangements with eligible applicants to carry out the provisions of the title. (subsection (a))

Eligible applicants shall be prime sponsors designated pursuant to Section 103 and other public and private agencies and institutions including community action agencies and local service companies. (subsection (b))

Section 103. *Prime Sponsors.* This section authorizes as eligible for prime sponsorship: (1) any State and (2) any unit of general local government (A) which is a city with a population of 75,000 or more or (B) which is a county or other unit of general local government having a population of 100,000 or more or (C) which does not meet the above population requirements but which has the largest population of a unit of general local government in the State; (3) any combinations of units of general local government with an aggregate population of 100,000 and (4) units of local government or combinations thereof in a rural area designated by the Secretary as having substantial outmigration and high unemployment. (subsection (a))

This section permits eligible prime sponsors to be designated by submitting to the Secretary a prime sponsorship plan describing the area to be served; evidencing capability for carrying out a program statement; and providing for a broadly representative community employment council with at least one-half the membership thereof to be persons representative of the economically disadvantaged.

In the event that a state submits a plan to serve a geographical unit under the jurisdiction of a unit of general local government (or combination) eligible as prime sponsor, the Secretary must approve the latter plan. The Secretary, in choosing between competing plans submitted by two or more units of general local government (or combinations) shall approve that plan which he determines will most effectively carry out the purposes of the title. (subsection (c))

The section provides also for review and comment of plan by other interested units of government and community action agencies, (subsection (d)); sponsorship by a community action agency in certain instances (subsection (e)); procedures in the event of disapproval (subsection (f)) and for expenses of councils (subsection (g)).

Section 104. *Program Statements.* This section requires prior to receipt of funds, that each eligible applicant develop and publish a program statement including a description of the services to be provided; the identity of agencies carrying out such services, an area description and assurances relating to national purposes under Section 201, (subsection (a)); subsection (b) authorizes disbursement of funds upon certification of the statement by the Secretary.

This section also establishes procedures for approval by the Secretary including comment by the Governor, other units of general local government and community action and vocational education agencies, (subsection (c)) and for the withholding of funds by the Secretary, upon allegation of any unit of general local government that the prime sponsor is not complying with the requirements of the Act or is maintaining a pattern or practice of exclusion of economically disadvantaged persons or of minorities.

Section 105. *Special Requirements for States.* This section requires that any State seeking assistance under the title submit an annual State employment and training plan, to ensure state-wide planning in cooperation with local prime sponsors and technical assistance to such sponsors.

Section 106. *Payments.* This section authorizes payment of the federal share of the cost of programs in accordance with program statements. It prescribes payment of 90% of costs of programs (subsection (a)), while providing payment in excess thereof pursuant to regulations of the Secretary in order to meet the needs of economically disadvantaged persons.

The full cost of public service programs and training programs may be paid by the Secretary where prior arrangements for subsequent non-supported employment have been made, in accordance with regulations established by him. (subsection (b))

This section provides that the non-federal contribution may be in cash or goods and contain a maintenance of effort clause. (subsections (c), (d) and (e))

Section 107. *Allocations.* This section allocates funds under Title I as follows: (1) 10% of the funds allocated under Title I are reserved to the Secretary of Labor for special cooperative programs with community action agencies under section 108; (2) 10% of the funds under the title are reserved to the Secretary of Labor for special cooperative programs with educational agencies under section 109; (3) additional sums are reserved for migrant and seasonal farmworkers, older persons and persons with limited-English speaking ability.

The remainder of the funds are to be apportioned among the States (and among areas within each State) taking into account the proportion which the number of unemployed persons and the number of economically disadvantaged persons in each State bears to the total number of such persons respectively in the United States, with a minimum of $1.5 million to each State. (subsection (b))

Section 108. *Special Cooperative Programs with Community Action and other Community-based Agencies.* This section provides funds to prime sponsors and community action agencies and other organizations funded under the Economic Opportunity Act for use together in special model cooperative programs for economically disadvantaged persons.

Section 109. *Special Cooperative Programs with Educational Agencies.* This section provides funds to prime sponsors and educational agencies for use together in special cooperative programs linking employment opportunities to vocational programs conducted in the schools.

TITLE II—FEDERAL RESPONSIBILITIES

Section 201. *Special Responsibilities of the Secretary.* This section requires the Secretary to establish procedures to ensure (1) priority for economically disadvantaged persons; (2) due consideration by State and local prime sponsors of programs previously carried out under existing authority programs are carried out in accordance with program statement; (4) involvement of community action and other agencies; (5) training provided has a reasonable prospect of leading to appropriate employment; (6) periodic reviews to insure movement from public service employment into "regular" employment in the public sector; (7) heroin addicts and other drug-abusing persons are

given full opportunity for participation in programs; and (8) due consideration is given to the creation of public service jobs with community action agencies.

Section 202. *Special National Programs.* This section requires the Secretary to carry out certain national programs by providing financial assistance to public and private agencies (including prime sponsors) for (1) Job Corps; (2) Mainstream; (3) New Careers; (4) Opportunities Industrialization Centers; (5) Neighborhood Youth Corps; (6) Management training; (7) special employment programs for heroin addicts and other drug-abusers and (8) other employment and training programs as he determines to be necessary.

Section 203. *Research and Program Support.* This section directs the Secretary, in order to maximize local effectiveness, to provide staff training and other technical assistance; carry out comprehensive research and demonstration programs; and establish a national computerized job bank program.

Section 204. *Special Youth Summer Employment Assistance Fund.* This section establishes a special youth summer employment assistance fund in the Treasury, (subsection (a)), with an authorization of $450 million for FY '74; $500 million for FY '75; and $550 million for FY '76.

Section 205. *Special Model Youth Employment Programs.* This section authorizes the Secretary to provide assistance to public and private agencies for special model programs designed to meet the needs of economically disadvantaged, unemployed and underemployed persons 14–21 years of age, including programs establishing special service agencies in poverty neighborhoods and programs conducted by youth.

Section 206. *Special Demonstration Program.* This section authorizes a two-year demonstration project under which certificates would be issued to economically disadvantaged, unemployed or underemployed persons for employment training and related services with private employers. The section provides for reimbursement to employers, upon receipt of certificate, of part of the cost of such activities.

Section 207. *National Employment and Training Advisory Committee.* This section authorizes an interdisciplinary committee of not less than 13, nor more than 17 members, appointed for 3-year terms, to: identify national employment goals and needs; review administration of programs and advise Executive branch officials; conduct independent investigations; make recommendations and make an annual report to the President and to the Congress.

Section 208. *Legal Authority.* This section authorizes the Secretary to prescribe rules and regulations as necessary.

Section 209. *Special Limitations and Conditions.* This section contains general conditions applicable to programs under the Act as follows: training programs are not to be established in low wage industries where prior skill or training is typically not prerequisite to hiring; veterans benefits received pursuant to title 38, U.S. Code on account of active duty or service-connected disability are not to be considered in determining eligibility of such persons to participate in programs under the Act; acceptance of family planning services is voluntary; the Secretary must receive pertinent data for evaluative purposes; discrimination is barred; no funds may be used for political activities nor shall funds be granted for sectarian facilities; the Davis-Bacon prevailing wage provisions apply to construction. (subsection (a)).

The following additional conditions apply with respect to public service employment: programs will result in increased employment opportunities; persons so employed will be assured workmen's compensation, retirement, health and unemployment insurance and other benefits comparable to regular employees of the particular employee; the program will contribute to the individual's occupational development. (subsection (b))

Due consideration must be given to unemployed or underemployed persons who served in the Armed Forces on or after August 5, 1964 with special consideration to such persons who are economically disadvantaged. (subsection (c))

Those work and training programs providing physical improvements which will be substantially used by economically disadvantaged families or in urban or rural areas having high concentrations of economically disadvantaged families shall be given priority. (subsection (d))

Labor organizations must be notified as to similar work to be conducted under the Act (subsection (e)), administrative controls required. (subsection (f))

Section 210. *Program Coordination.* This section requires that the Secretary in providing funds of a health, educational or welfare character have the prior concurrence of the Secretary of Health, Education and Welfare (subsection (a)) and that the Secretary will arrange with the Director of the Office of Economic Opportunity and the Secretary of Health, Education and Welfare for referral to or from employment or training of persons in drug rehabilitation programs (subsection (b)).

Section 211. *Special Provision.* This section requires the Secretary and the Director of the Office of Economic Opportunity to ensure that economically disadvantaged persons residing outside areas having high concentrations of such persons, receive assistance on an equitable basis under the Act.

Section 212. *Allowances and Compensations.* This section requires the Secretary, where appropriate, to supplement the earnings of individuals receiving services under the Act so that a trainee's income, taking into account public assistance and unemployment benefits received, will approximate the higher of the federal, State minimum wage or prevailing wage rate; or in cases where a trainee is being trained for particular employment 80% of the weekly wage for such employment. (subsection (a))

This section also requires that all persons assisted in programs under the Act be paid wages equal to whichever is the highest of (A) the minimum wage which would be applicable; (B) State or local minimum wage or (C) the prevailing rates of pay for persons employed in similar occupations.

Section 213. *Interstate Agreements.* This section grants the consent of the Congress to interstate agreements necessary to achieve the purposes of the Act.

Section 214. *Administrative Functions.* This section grants administrative powers to the Secretary.

Section 215. *Reports.* This section authorizes various reports to the Congress by the Secretaries of Labor and Health, Education and Welfare and the Commissioner of Education.

Section 216. *Amendment to the Manpower Development and Training Act of 1962.*

This extends the authority to conduct program through June 30, 1973, with an extension of the disbursement authority through December 30, 1973.

Section 217. *Amendments to Economic Opportunity Act of 1964.* This section amends the Economic Opportunity Act with respect to years after FY '73 to: add a part A to Title I, providing new authority to the Director of the Office of Economic Opportunity to conduct special research, experimental and development programs relating to manpower.

Section 218. *Effective Date.* This section sets the effective date, unless otherwise specified, as July 1, 1972 and authorizes the Secretary to issue regulations following enactment.

FIRST UNITED NATIONS CONFERENCE ON THE HUMAN ENVIRONMENT

Mr. COOPER. Mr. President, in approximately 30 months delegations from over 130 nations will meet in Stockholm, to convene the first United Nations Conference on the Human Environment. This is a most important and hopeful event for the future of mankind. It is an event to which the United States has the capability and the responsibility to make a significant contribution.

It is of interest to all Members of the Senate to know that the Department of State has enlisted the help of a 27-member Advisory Committee to the Secretary charged with the responsibility of formulating recommended U.S. positions for the Conference this June. The chairman of that Advisory Committee is the very able senior Senator from Tennessee (HOWARD BAKER).

Mr. President, the Secretary of State could not have selected a more qualified person. Senator BAKER has served with me on the Subcommittee on Air and Water Pollution since his election to the Senate and during that time has been instrumental in drafting the Water Quality Improvement Act, the Resources Recovery Act, the Clean Air Amendments of 1970, the National Environmental Center Act, and the Federal Water Pollution Control Amendments of 1972.

With only a few short months before the Conference begins, the Baker committee is holding a number of public hearings in major cities across the country on the major topics which will be on the agenda of the U.N. Conference. The first of these hearings was very appropriately held in New York at the U.S. mission on the subject of institutional arrangements or post-Stockholm administrative arrangements.

In a statement prepared for these hearings Senator BAKER recommended the establishment of an international environmental coordinating body within the U.N. structure. It is an important statement, and I ask unanimous consent that his remarks be printed in the RECORD.

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

SENATOR BAKER'S STATEMENT, HEARINGS ON INSTITUTIONAL ARRANGEMENTS, MARCH 12, 1972

Mr. Chairman and members of the Subcommittee:

As you know, the United Nations will convene a Conference on the Human Environment in Stockholm this coming June.

Hopes are running very high for this meeting. It will mark the first time that the nations of the world take counsel together on how best to meet the environmental crisis. It is a crisis which faces all mankind.

The Family of Man is dependent upon the earth's resources. Land, air, and water support the human body. The beauty and variety of nature nourish the human spirit.

But the earth's capacity to sustain man is limited. It cannot withstand unchecked pollution, uncontrolled exploitation, unlimited population. Already man's activities have seriously impaired the environment. Already the quality of human life has been placed in jeopardy.

This crisis demands a bold and imaginative response. We must act now to protect the right of all people to life. We must act now to protect the right of all people to a safe, wholesome, and personally-enriching environment. Individuals, nations, and the community of man, all bear a responsibility to cherish the earth and to improve it for themselves, their children, and their neighbors.

Preparations for the Conference, under the very able leadership of Maurice Strong, have generated enthusiasm and expectation throughout the international community. The United States has played an active and leading role in these preparations.

Our participation in the Conference has been highlighted by President Nixon. In his annual Environmental Message to the United States Congress on February 8, the President noted that the Stockholm meeting "should be a seminal event of the international community's attempt to cope with (the) serious, shared problems of global concern that transcend political differences."

He went on to propose creation of "a voluntary United Nations fund for the environment" with initial funding of $100 million over a five-year period. The President said that, if such a fund is established, he will "recommend to the Congress that the United States commit itself to provide its fair share."

Mr. Chairman, your Subcommittee is an important part of the preparation for the United Nations Conference.

As you know, the Advisory Committee has been assigned the task of drawing up recommendations on the Stockholm Conference for the Secretary of State.

This is the first of a series of hearings which will be held all across America. It is my hope that Americans of every persuasion and from every area will come forward at these hearings to let their voices be heard as we set about making our recommendations for the Conference on the Human Environment.

The specific subject of your Subcommittee, Mr. Chairman, is institutional arrangements.

The question about an international environmental organization is crucial.

Ecological problems are exceedingly complex. We are only just now beginning to be aware of all that is involved and much is yet to be learned.

Never before will so many nations have gathered in so short a span of time in order to grapple with so complex an issue.

The most important action of the United Nations Conference may well be the plans it draws for an organizational instrument to cope with environmental problems at the international level.

What kind of organization should the Conference bring forth to act in the post-Conference period? At this point in history, what institutions should we create to deal internationally with the environment?

What kind of unit or staff would be in the best environmental interest of Americans and of all men? What should be the position of the United States with respect to such an international environmental organization?

It seems to me, Mr. Chairman, that the starting point should be the United Nations. Whatever institution is created to shape response to the enormous and pressing demands of the environmental crisis ought to be a body within the United Nations. Indeed, environmental concern and action may well infuse the United Nations with new life and new approaches.

A United Nations environmental unit will certainly not be a new super-government or super-governmental agency. That is not what we need or want.

What is called for is a high-level advisory body, an intergovernmental unit. While it will not be a super-government of any kind, such a unit must not be buried under several bureaucratic levels. It should be located sufficiently high up in the United Nations structure to insure the proper coordination of all U.N. Activities. It will require prestige and flexibility.

This unit should have a high-level servicing officer—an administrator or director. He should be an imaginative, strong leader. And he ought to be given a position of prominence in the administrative structure. He does not need a large staff. But he should be given a staff of the highest quality of skill and dedication.

We cannot yet tell all that must and can be done to abate the environmental crisis, but a United Nations environmental unit and a servicing director and staff should at least be equipped to do the following:

To serve as the central coordinating body for all environmetal activities in the United Nations system.

Support, encourage, and coordinate national and regional activity.

Identify needs.

Develop policy guidelines.

Administer the voluntary environmental fund according to the guidelines.

Gather and assess data and forecast trends and difficulties.

Promote research.

Provide for the exchange of scientific and technological information among nations.

Of course, Mr. Chairman, the list could go on at some length. The point is that we stand at the beginning of a new movement. Here at the start we need effective, adaptable institutions directed by resourceful men.

The environmental crisis does threaten the well-being of mankind. But it also holds great promise and hope for a new era of creative international co-operation. There is time for us to act if we act now.

I am persuaded that the citizens of this country are ready, willing and able to take the lead in meeting the environmental crisis. And I believe they will support whole heartedly an effective international environmental institution.

Thank you Mr. Chairman.

THE SOUTH CAROLINA TOBACCO CROP

Mr. HOLLINGS. Mr. President, I am alarmed today that the international trade situation is worsening for American products and goods. In my State, South Carolina, our largest single industry—textiles—has been fighting to survive a rising tide of cheap textile imports. These imports come primarily from Japan. Now my State's largest single cash crop—tobacco—is facing a European threat in the form of restrictive import policies that apply in European Common Market nations.

The Senate Subcommittee on Agricultural Exports has been holding hearings to obtain the American case against recent European Common Market activities. I restate that case today before the Senate.

European Common Market nations have internal price supports for their domestic tobacco leaves which are the highest in the world. European Common Market nations are further subsidizing their own tobacco growers by paying to those who buy the domestic leaf a hefty subsidy which amounts to a discount of about 30 percent of the purchase price. The European Common Market is proposing to go one step beyond assisting their own growers to a position of penalizing foreign growers. That obviously includes American tobacco growers. This penalty would come in the form of a proposed "tax harmonization" to be imposed on the foreign leaf brought into the European Common Market. The "harmonization" would involve changing from a specific tax—that is, a tax leveled according to poundage—to an ad valorem tax—one based on the value of the foreign leaf. The specific tax applies throughout the United States and it is the tax preferred by our growers, including those in South Carolina.

We see, then, that the European Common Market is combining its weapons and attacking the American tobacco grower through supports to the European tobacco grower and tax penalties on the American leaf. There is another danger to the American tobacco leaf. As the European Common Market expands from its existing six members to take in the four new members of Ireland, Norway, Denmark, and Great Britain, our tobacco leaf would be further jeopardized simply by the geographic spread of the area of import restrictions. This geographic spread would be larger than at first meets the eye, for it would include not just the home soil of new Market members but also some of their political alliances. In the case of Great Britain, restrictive tobacco import policies would apply not just in Great Britain but also in countries which are members of the British Commonwealth. American tobacco markets in several African nations would be most seriously affected.

I cannot overstate the importance of the tobacco crop to South Carolina and the reasons why the foreign market for that crop must be protected. In 1970, the cash receipts from the farm marketing of South Carolina tobacco amounted to $102 million. That was 23 percent of our State's total cash receipts from farm marketings, making tobacco the largest cash producing crop in our State. In the same year, 1970, tobacco exports made up almost 49 percent of the total of all agricultural products exported from South Carolina. The value of South Carolina tobacco exports in 1970 was $57.4 million. As is true with tobacco products from throughout the United States, South Carolina tobacco exports in 1970 found their way, in large measure, into European Common Market countries. For the 1969–70 crop year, 414 million pounds of U.S. flue-cured tobacco were exported. Of this total, 109 million pounds—more than one-fourth—went to the original six members of the European Common Market. Another one-third of the U.S. crop—140 million pounds—went to the four countries which are presently entering the European Community. Obviously, the European Common Market must be kept open to American tobacco exports if an important segment of our agricultural income is to be maintained.

The protection of foreign markets for American tobacco is not just an economic question. In my home State, the jobs of many people, and many types of people, are at stake. We estimate that in 1970, 20.1 million man-hours were spent in producing and harvesting the South Carolina tobacco crop. This involved

landowners and their employees, and, further along the marketing line, it involved the jobs of hundreds of warehousemen. We must also consider the scientists and agricultural experts who are involved on research, including in my State, the breeding of improved tobacco varieties. These people must be protected.

The South Carolina State Legislature is understandably concerned about the Common Market threat and has taken action on the issue. I ask unanimous consent to have printed in the RECORD a resolution of the South Carolina House of Representatives, concurred in by the South Carolina State Senate.

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

A CONCURRENT RESOLUTION TO MEMORIALIZE THE SECRETARY OF AGRICULTURE AND THE CONGRESS OF THE UNITED STATES TO TAKE WHATEVER ACTION MAY BE NECESSARY TO ELIMINATE UNFAIR RESTRICTIONS ON IMPORTS OF U.S. TOBACCO PRODUCTS BY EUROPEAN COMMON MARKET NATIONS

Whereas, the tobacco growers of the Nation are concerned when they see a significant portion of their foreign market threatened as a result of unfair practices by foreign countries; and

Whereas, it is believed that a strong stand should be taken to persuade European Common Market nations to eliminate policies which raised internal support prices and provided for buyer discounts for the purchase of domestically grown leaf; and

Whereas, it is the sense of this body that retaliatory measures, perhaps a ten percent surcharge on imports, should be put into effect until such time as the European Common Market nations make such changes in their policies as will assure greater access to their markets for agricultural products of the United States. Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

That the Secretary of Agriculture and the Congress of the United States are hereby memorialized to take such action as may be necessary or desirable to protect tobacco and tobacco products exported by the United States against unfair import restrictions on such products by the European Common Market nations.

Be it further resolved that a copy of this resolution be sent to the Secretary of Agriculture of the United States and to each member of the Congress of the United States from South Carolina.

THE BIHARIS IN BANGLADESH

Mr. KENNEDY. Mr. President, the problem of the Bihari Muslim community in south Asia has been festering for a generation, particularly in Bangladesh—formerly East Bengal. The Biharis' integration into the society of both Bangladesh and Pakistan has never been accomplished, and from the beginning their presence has been a source of friction in both areas. Their situation in Bangladesh has become more critical since independence—for historical and cultural reasons, but also because many Biharis supported or actively participated in the Pakistan Army's repression of the Bengalis last year. So there can be no doubt that the Biharis' sense of being alien is real, and so is their fear of being a target of Bengali revenge.

The urgency of their plight was clear during my recent visit to Bangladesh, and this morning's unconfirmed press reports of communal violence in Khulna district underscore the need for the international community to respond in a more meaningful way to the requests of the Bangladesh Government for assistance for the Biharis.

On the basis of my field visit last month, I was impressed at the sincerity of the commitment of the government of Sheikh Mujibur Rahman in providing adequate care and protection to the Bihari communities throughout Bangladesh. I made an unscheduled stop at the Adamjee jute mill near Naranyanganj, where many Bihari families have taken shelter. And I saw that they were being fed, and sheltered and protected. Indeed, I found their conditions better than the situation of many Bengali refugees last year in India. But the Biharis were equally uncertain of their future.

There can be no question that the presence of the Bihari community poses a difficult problem for the new nation of Bangladesh, as it always posed for Pakistan. In hearings before the Judiciary Subcommittee on refugees early last month, this point was reviewed in considerable detail. On the basis of that hearing, my field visit to Bangladesh, and my conversations with the International Committee for the Red Cross and United Nations officials in Geneva, I feel it is important for our Government and others to move on four fronts in assisting efforts to ameliorate the plight of the Biharis.

First, we should support the work of the International Committee of the Red Cross which has been asked by the Government of Bangladesh to provide temporary relief assistance to the Bihari community until the government's program is fully operational. We also should urge that the Red Cross expand the purpose of its mission in Bangladesh, to include the stationing of international observers to assist the Bangladesh Government in fulfilling its sincere pledge of protecting the Bihari community.

Second, our Government must finally respond to the appeal made in January 31—over 6 weeks ago—by the International Committee on the Red Cross for assistance to support their relief program among the Biharis in Bangladesh. The Red Cross appeal for relief supplies, aircraft, and other items has met with silence from our Government.

Third, we should encourage and facilitate, where we can, arrangements for a population exchange between Pakistan and Bangladesh. I understand there are some 300,000 Bengalis in Pakistan who seek to go to Bangladesh, and many non-Bengalis in Bangladesh who seek to go to Pakistan. Proposals to carry out an exchange of population under international auspices have been made to both governments. Reports suggest that the Pakistan Government has so far not responded positively.

And finally, we should take the long overdue step of recognizing Bangladesh. We simply cannot escape the fact that the lack of U.S. recognition has crippled our ability to participate actively in the humanitarian efforts now underway in Bangladesh, including the very sensitive issue of bringing relief to the Biharis.

Mr. President, the eventual integration of the Bihari community into both Bangladesh and Pakistan will clearly be a long-term process—a process which we in the United States know only too well involves pain and friction. We should understand the strains that both countries now face, and offer our support to those international initiatives now underway to assist in the integration or exchange of minority populations. The Bangladesh Government is committed to protect and provide relief to its Bihari citizens until normal conditions are restored. We should help them fulfill that commitment, and help these people help themselves.

GENOCIDE CONVENTION: THE BUILDING OF WORLD LAW

Mr. PROXMIRE. Mr. President, every system of laws is built up slowly, starting with the establishment of certain basic principles or core values which become a basic and fundamental part of the beliefs of the individuals in the society.

For example, many of our concepts of freedom, such as those enumerated in the Bill of Rights, were established when the first colonies were founded by such documents as the Mayflower Pact. They gradually took root until they became an integral part of our beliefs and were embodied in our Constitution.

Similarly, if there is ever to be a body of World Law, it must begin with the establishment of certain basic concepts. The criminality of genocide is one of the most basic of these. Twenty-three years ago, the United Nations drafted a convention outlawing genocide, thus providing us with a way of declaring our abhorrence for this crime. As Mr. Charles Yost, the former U.S. Representative to the United Nations said:

This Genocide Convention is an assertion by the community of nations that a certain particularly heinous act, perpetrated against any national, or ethnic, or racial, or religious group whatsoever, is wrong—wrong not only in the domestic law of this or that State, but wrong also in the law and opinion of the community of nations itself.

As yet we have not taken the necessary step of ratifying this convention. The Senate should act without delay to condemn genocide, and thereby to help build a world body of laws custodying the amendmental right of man.

RESERVE STRENGTH

Mr. THURMOND. Mr. President, three outstanding editorials on the value and cost of the Reserves have been published recently in the Officer, official magazine of the Reserve Officers Association of the United States.

These articles, written by ROA executive director, Col. John T. Carlton, appeared in the November 1971, December 1971, and January 1972 issues of the magazine.

Entitled "The Value and Cost of the Reserves" I believe the Congress will find these editorials informative and valuable as we debate the current defense programs.

In the articles Colonel Carlton challenges the Reserves to attain higher goals of readiness and commitment. He also points out that costs of Reserve Forces are at least four times less than for Regular Forces.

Mr. President, I ask unanimous consent that these three editorials be published in the RECORD at the conclusion of my remarks.

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

LAIRD-NIXON POLICY—VALUE AND COST OF THE RESERVES

Secretary Laird's recent hard-hitting speech, directed as it was toward those most likely to understand its implications, made it crystal clear that the Defense Department leadership means what it says in emphasizing the intent to build new strength in the nation's military Reserves.

The Secretary has had a full year to judge the response of the Army and other Services to his historic pronouncement, of 17 August 1970, which was a reversal of the McNamara policy.

The latter in 1965 had decided to draft green young men to fight the Vietnam war rather than to call upon the trained Reserves. This policy had led to various developments within the American society, among them an undermining of national regard for the Reserves, peopled as they came to be by men suspected of being mere draft dodgers, if indeed some of them were not.

This in turn led to a distaste for the expenditure of the millions necessary to maintain the Reserves, and an overt threat by the leadership of the Senate appropriations committee to "save" the money being spent thereon.

This undesirable outcome posed a further menace to the national will to involve itself in national defense policy, and of course would have led to the eventual discard of the "Every Citizen" tradition in the national security picture. The long-range effect unquestionably would have been just as catastrophic as was the McNamara policy of gradualism on the enemy's terms of the escalation of the Southeast Asia conflict and the United States involvement there.

Secretary Laird's directive of August 1970, therefore, had far reaching implications. For one thing, it halted a deterioration of Senate support for the Reserves and actually averted, by the record, a severe reduction in appropriations without which the Reserves would melt away.

It is no secret that under the United States system of government, with its press free to criticize, and with those who lust for the illusory power which presumably men can exercise in positions such as the Secretary of Defense, announcing a policy and seeing it implemented are two completely variant operations. Thus it was that the Laird memorandum was subjected to microscopic examination, and isolated words and phrases were pulled out, and used to prove that he did not really mean to give—but to take away. Increased reliance upon the Reserves, for instance accompanied as it was by the phrasing of the announcement that they would be made stronger, did not mean greater manpower. Some even said this was a warning to the Reserves that they had better shape up.

Secretary Laird was speaking to the Association of the United States Army, embracing as it does the entire Department of Army hierarchy as well as the makers and sellers of all the things the Army buys, when he said:

"Total force is a central feature of our National Security Strategy of Realistic Deterrence and it has particular application in the Army.

"Our military planning takes the Reserve forces into account as an integral part of our defenses. The total Army force is made up of Active and Reserve elements, and in the Army, the Reserves are a much higher proportion of the Total Force than in the other Services.

"I am particularly pleased that the Congress has now in effect codified in the Selective Service Act a very important policy I issued as Secretary of Defense more than a year ago.

"Another new policy that is very important for the future effectiveness of Total Force is our objective of having National Guard and Reserve units able to deploy with regular units on quick notice—either in training or in an actual emergency. This means we must have National Guard and Reserve battalions and brigades that could, if necessary, be sent to Europe or anywhere else without months and months of delay. This objective is going to impose a tremendous leadership challenge on the National Guard and Reserves and also on the Active Forces.

"It is particularly important that we all understand that the actions we are taking to improve National Guard and Reserve Forces will be across-the-board actions affecting all the Services—Army, Navy, Air Force and the Marine Corps.

"Clearly to make Total Force work will take a lot of leadership, a lot of determination, a lot of support, and a great deal of imagination. I know that our armed forces can and will provide the necessary ingredients for success because they understand that we can no longer afford to treat the Guard and Reserve as stepchildren."

Again, his words will be subjected to analysis, but it would seem now that he has "made crystal clear" (as the Commander in Chief likes to do) that his commitment to the Reserves, or to the Citizen Army tradition, is by no means superficial. Those who believe in the Reserves, and are convinced that they can be relied upon if permitted to achieve readiness, have every reason to draw assurance from his statements.

This will place the greatest challenge before the Reserve leadership. Historically, the citizen soldier and his reputation have survived the challenge coming in every national emergency, as he will this one.

This prompts consideration of the circumstances which lead inevitably to development, as at no previous time in history, to the reliance on Reserves which the Secretary embraces.

House Armed Services Chairman F. Edward Hébert has warned repeatedly that in the severe cutbacks in store for the Army the Reserves move to the front at an increasing pace. The national move is swiftly toward much smaller military forces, and hence a proliferation of the available manpower in the military Reserve structure.

"And the Reserves cost money too," he adds.

How much the Reserves will cost, how they will thrive under the Volunteer Force program now being hawked by the Services and more especially by the Army with multimillion dollar support funneled into Madison Avenue, is a pressing question today.

Traditionally, it has always been believed—or at least the assertions have been made and accepted in some quarters—that ten Reservists can be maintained in a state of readiness for what it costs to put one Regular soldier in action.

Whether this is true remains to be seen, because it never has been put solidly to the test; at least it has not been tested in the crucible which will be the next national emergency.

It is toward an analysis of this issue . . . the cost of the Reserves . . . that ROA's capabilities are being directed, on which report will be made in the next issue.

LAIRD-NIXON POLICY—VALUE AND COST OF THE RESERVES—II

In considering the value of the Reserves to national military preparedness, we must take into consideration many factors.

Traditionally, it has been conceded that Reserves can be maintained at a much lower cost than the Active or Standing Forces—forces in being committed theoretically to instantaneous response to attack. That this is not always the case has been demonstrated time and time again by history, but it is an aspect we need not explore at this time.

With respect to the cost issue, let us consider the statement on 9 March of this year by Secretary of Defense Melvin Laird:

"Lower sustaining costs of non-active duty forces, as compared to the cost of maintaining larger active duty forces, make possible a greater flexibility in planning the Total Force Structure.

"This lower cost of non-active duty forces allows more force units to be provided for the same cost as an all active force structure, or the same number of force units to be maintained for lesser cost.

"However, it also requires that the capability and mobilization readiness of Guard and Reserve units be promptly and effectively enhanced."

Under the pre-Laird formula for maintaining the military forces, both Reserve and Active, we can by careful analysis into which we must intersperse some logical assumptions—which however logical must still be assumptions—arrive at comparative costs:

For the Navy:

Reserves, cost per individual per year, $2,337.46.

Active, cost per individual per year, $13,758.31.

For the Air Force:

Reserves, cost per individual per year, $4,722.

Active, cost per individual per year, $16,490.

For the Army:

Reserves, cost per individual per year, $1,909.

Active, cost per individual, per year, $12,869.

These figures are arrived at through mathematical calculations of monies appropriated by the Congress for both Personnel and Operation and Maintenance for each of the Services.

Officers of ROA's professional staff made their calculations carefully and with a serious view to ascertaining precisely what relative costs were, and they added cautiously the implications.

They used the active Selective Reservists (who receive drill pay) because this is the most costly element in the total Reserve structure, and they included the O&M figures which will vary among the Services due to inherent differences in their respective operations.

It also must be fully recognized that there are vast differences among the Services, with reference to the Reserves.

The Air Force and the Navy, for instance, can be precisely measured for C–1 capability—a symbol used in the Air Force to indicate that a flying unit is so proficient that it can be deployed the same day it receives a call, and be competent in combat.

Parenthetically, it will be recalled that in the so-called "Cuban crisis" of 1963, when the transport of a large body of troops appeared to be an imminent requirement, Air Reserve units were given a call on Saturday night and they were on the line with their aircraft and crews, ready for action in the wee hours on Sunday.

Likewise, the Navy, in the 1961 call-up, saw all of their reserve ships crews report to their ships immediately, and promptly assume their duties, which they performed with distinction.

The Army, too, saw more than 95 percent of its called-up Reservists in 1961 respond with a good spirit, and an obviously outstanding competence, their record being sullied only by a miniscule number who staged protests, and took the Army to court to the dismay of their compatriots. Nevertheless, they were to prove the Army Reserve in later years, and the units which went to Vietnam in 1968 and 1969 won plaudits up to the highest level.

A USAR technical unit, a Navy destroyer crew, or an F–105 unit or an A–7 unit can be precisely measured for competence and performance; an Army infantry unit is truly tested only in battle, a certification for which can be obtained also for an active Army unit only when hostilities begin.

Let us go back now to the findings of a typical outside study of the Reserve.

It is exceedingly difficult, if not impossible, to apply accurately raw budget figures and arrive at genuine comparative costs between relatively like units in the Active Force and in the Reserve Components. However, a recent study by the organization relied upon so heavily by recent Department of Defense analysts produced revealing cost figures by comparing Air National Guard and Active units. Their cost models included aircraft investment costs and annual operating costs for each authorized 90 aircraft.

Here is what the Rand Corporation found:

The Reserve Forces F–105 units cost $20 millions annually while the Regular Air Force unit cost $39.7 millions.

The Reserve Forces F–4C unit cost $20.1 million, while the Regular Air Force cost $43.8 millions.

The Reserve Forces F–4E unit cost $22.7 millions, while the Regular Air Force cost $44.5 millions.

The Reserve Forces A–7 unit cost $14 millions while the Regular Air Force units cost $28.6 millions.

We believe that the same study of the other Services would bring the same conclusion that approximately the same proportionate costs would be assessed for Reserves in comparison with the Active forces.

There must also be an awareness, in considering this matter, that the trained or experienced Reservists in the nation number in the millions, and that far less than half are in the Selected Reserve.

In the Selected Reserve units, if Congressional requirements are met (as specified by Law), there are 260,000 officers and men in the USAR, 129,000 in the USNR, 52,000 in the USAFR, 47,000 in the USMCR and 15,000 in the USCGR.

By the Laird formula, they will be given additional equipment fully trained and properly managed, and supported in every way to be a part of the Total Force relatively ready for action. This means that as the Active military forces, in being, are reduced by 1,000,000 officers and men by 1973 the portion of the gaps created which call for immediate response will be filled by elite Reservists.

Where this policy can, and no doubt will, be attacked, however, is in the theory that Reservists really can match their Active counterparts in skill, experience, and commitment.

In the Public Law of 1967 which created the new Reserve structures, Congress sought to present this challenge. It was a challenge which ROA in particular invited; but it is one which really will test the mettle of the men and women in the national community who historically have professed allegiance to the Citizen-Defender tradition.

The Chiefs of the military services, and those in the newly created statutory positions as Chief of Reserves, must shoulder the responsibility for seeing to it that the Reserves can meet these requirements.

The law gives status and power to the Reserve Chief which is not accorded any other military officer; he can be relieved only for cause; he has access not only to his Chief of Staff but to his Secretary; it is clearly implied also that he has ready access to the Congressional Committees, and he has an Assistant Secretary to work with him, to encourage him, and to support him. His selling job is not a difficult one, because it is within the tradition, and law of the land . . . and today it is consistent with the mood of our society.

What are our conclusions? Let our ROA professional staff officers speak from their long studies:

Chabot for the Army: "I view the tremendous savings possible, in maintaining units in the Army Reserve rather than in the Active Forces as indicated by the foregoing analysis, a principal criteria in determining the size of Reserve Forces and the number of units therein as part of the Total Force structure should be the following.

"That Reserve units should be established in place of Active units whenever and wherever they can meet readiness requirements of contingency and mobilization plans in the training time feasible for the Reserve environment."

Huie for the Navy: "With the drastic reductions in the numbers of active duty personnel in the Navy, it only seems logical for the Navy to proceed on a course which would employ more Naval Reservists in mission compatible active units to take advantage of this manpower resource and at the same time save dollars."

Bracket for the Air Force: "The savings on costs by maintaining a force with an increased Reserve mix, given their capability of almost instantaneous response, is so substantial that serious thought should be given to expanding both the unit and individual training programs of the USAFR."

A further presentation of the elements in such a Reserve policy will be presented in the next issue.

LAIRD-NIXON POLICY—VALUE AND COST OF THE RESERVES—III

The issue has been pretty well settled, but rationalization of the decision to place increasing reliance upon the Reserve Forces still is not amiss.

The economics of the decision has been established: Reserves do indeed cost less to maintain than do the same numbers and property in the Active Forces.

The viability of the Reserves has been accepted as has the fact that they can, and are to be, a part of the new Total Force for the national defense.

What remains, it seems to us, is first, whether the Reserves, called suddenly from their principal roles in civilian life, can indeed defend this nation as professionals, and second, whether their motivation is such as to make this performance likely.

TESTIMONY OF HISTORY

The history books are replete with testimonials to the performance of the nation's civilian participants in the Armed Forces. From the beginning of our people as a viable nation, and the defense goal enunciated so clearly by the First President, Americans have proved that they can be the fiercest and most effective fighters in the history of the world.

Much of the record of performance of our Armed Forces, with its civilian base, has been glamorized, of course. There are black spots on the pages of history, and there have been demonstrated failures and inadequacies; yet the end result has been painted as glorious because the United States of America has survived, and it has survived in terrible struggles because men and women have risen far above their issues and differences when the critical requirement for unity appeared.

ROA itself is perhaps a striking example of the ability of Americans to put differences aside to meet a situation which calls for unified action. The existence of ROA's Minute Man Memorial Building—a tangible commitment to the nation's military tradition—stands as evidence of the moving characteristics of the American man and woman.

A. A. Hoehling's recently issued book gives startling testimony to the diversions which racked America in the week before Pearl Harbor. More than one historian has made the observation that Kaiser Wilhelm would have withdrawn from the event which touched off World War I, and that Hitler would never have countenanced the aggression which started World War II—except that in both instances there was tragic miscalculation of Americans intentions, and a misreading of the American character which, one day revolted at the idea of interfering in other nations' struggles and on the next day whipped into a fervor accompanying a strongly military commitment.

THE CIVILIAN ANTIMILITARISTIC HEART

What we are approaching of course is the question of what Americans will be prompted to do when nations go to war, and what happens to the natural isolationism which is nurtured in many American hearts.

The United States has never been a warlike, or militaristic nation. This continues to be proved today. The President of the United States and other leaders of this great nation are speaking out of their intimate knowledge of their people when they seek to convince other nations that America wants only peace, that we have no designs on other peoples' territories, and that in a real sense our interest in world problems is altruistic.

Yet, the fierce and successful actions of America's men and women in war, when fully understood, support that preachment of our foreign policy. Americans, provoked into war, are committed to throw fully into it, get the victory done, and return to their civilian pursuits. That is the prior goal of America today.

This accounts, we believe, for the low rate of volunteers to the Services in the climate of today.

ABOUT THAT 3 PERCENT

The Army, which always requires some outside agency to tell it what its problems are, employed a research agency to find out how many youngsters of today would volunteer for service in either the National Guard or the Army Reserve in a no-draft environment.

The response came up as might have been expected—three percent.

There was another 14 or 15 percent which entered a tentative "probably", but this seemed to have been related to the fact that those questioned had one eye on the service, and another on the probable renewal of the draft.

This is no strange result because it was almost precisely the percentages obtained at the conclusion of World War II, when men—officers as well as enlisted men—returned for demobilization to assert they had "had it."

It was also accompanied by another result: that only five to seven percent of those queried knew anything at all about either the Guard or the Reserves.

CHALLENGE TO LEADERSHIP

Brig. Gen. Stanford Smith, an Army Reserve leader and in civilian life general manager of the American Newspaper Publishers Association, recently addressed a group taking the Reserve Components Course at the Command and General Staff College at Fort Leavenworth.

In his scholarly treatise, General Smith reminded his listeners that as officer in the national community's civilian strata, they had not been doing a very good job. Research had developed the information that few young people know very much about the Reserves, and the blunt statement was made

that, "The Army deserves more credit than it is currently getting."

General Smith commented, "As officers in the Army Reserve Components, we bear the responsibility for correcting this situation vigorously so that our Components meet their future requirements and fulfill missions which may be assigned to us in the future."

He then cited the new factor of long-range benefits for Reservists, ranging from expanded medical care, enlisted bonuses, insurance, educational benefits, survivors benefits and possibly earlier retirement benefits. He added:

"Even in today's environment, many young men—probably most—are patriotic and will react favorably to the opportunities for significant service through a second career which does not interfere with their primary civilian career. . . . Young people today are interested in their fellow man and in public service, possibly to a greater extent than ever before. Contrary to popular misunderstanding of the Army, the Reserve Components offer tremendous opportunities for satisfying public service."

THE BATTLE IS THE PAYOFF

Once the military services have surmounted the hurdle of bringing the young people in, how will they perform in the heart of a national emergency?

One need not resort to psychological tests to arrive at a rational conclusion on this score. Even the militancy of the anti-war element in our society belies any suspicion that we have become a nation of cowards—nor that our young people are not as gifted as required technology as any of those in past generations.

The record of Reserve training is exemplified by hundreds of daily performances, and we need call few witnesses to testify to their proficiency and commitment. A clear example, however, may be drawn from the Naval Reserve, which as a far reaching experiment has been manning a destroyer, with the Sixth Fleet, in the Mediterranean. These Reserve crews—all of them—have prompted this tribute from Cmdr. Lennart G. Holmberg, the Regular Navy skipper of the Destroyer *Gearling*. He heads the *Gearing's* nucleus crew which was boosted to the ship's normal complement by the Reserve groups on annual two weeks active duty. Saying he would recommend that two Naval Reserve training ships be sent to the Mediterranean next summer, Commander Holmberg said:

"This experiment proved many things. First and most importantly, it proved that a Naval Reserve training ship in good material condition and manned to 100 percent of nucleus crew can be converted into a fully active unit operating at a peak operational level within days, after a Reserve crew reports aboard. It also proved that, in general, Reservists with little or no prior preparation can become effective and efficient elements in the operational fleet."

The Air Force Reserve proves every day its ability to take its place in an emergency in the Total Force—because it already is a part of the Total Force. There can be no denial that the Marines' Fourth Division (Reserve) is as good as any other; and the Coast Guard's officers and men are good for whatever tasks are given them.

The cost and value of the Reserves? It is the best bargain America has!

KODIAK, ALASKA, NAVAL BASE

Mr. GRAVEL. Mr. President, the U.S. Navy has recently announced that it plans to close a Navy base at Kodiak, Alaska. The closing will be effective the end of the current fiscal year.

Because of this, the U.S. Coast Guard may have to discontinue its operation at Kodiak due to lack of support facilities for its ships and aircraft. In a recent near-confrontation with two Soviet fishing vessels, the Coast Guard was successful in bringing the Soviet ships in so they could be fined for their illegal activities in Alaskan waters.

Had the Coast Guard not been there, the situation would have been much worse. The nearest Navy warship was perhaps 2,000 miles away. The Coast Guard has continually proven its worth and deserves continued support for its efforts around Kodiak.

I have requested the Secretary of the Navy to give the precise reasons for the planned closing of the Navy base at Kodiak.

The people of the Kodiak area have continued to show their interest in the subject. I recently received a resolution from the Kodiak Area Native Association on the subject and a resolution from the legislature of the State of Alaska concerning the planned closing. I ask unanimous consent that these two resolutions be printed in the RECORD. I share the concerns expressed and hope for an early resolution of the situation.

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

RESOLUTION 72-3

Whereas, there have been no funds budgeted for the continued operation of the U.S. Naval Station at Kodiak after June 30, 1972, and

Whereas, the U. S. Coast Guard may have to discontinue its operation at Kodiak due to lack of support facilities for its ships and aircraft and

Whereas, the Secretary of the Interior may be able to select much of the land encompassed in the Naval Reservation under provisions of the Alaska Native Land Claims Settlement Act, and

Whereas, it is of the utmost importance both militarily and for the protection of our ocean resources that all available means of keeping the facilities operating be explored, and

Whereas, the U. S. Naval Station now has as tenants, the U. S. Coast Guard, the National Oceanographic and Atmospheric Administration and may soon have the Federal Aviation Administration, and possibly some departments or agencies of the State of Alaska, and

Whereas, there will be a number of housing units available when the U. S. Navy withdraws and

Whereas, there is presently a need in Kodiak for additional housing, and

Whereas, the Kodiak Area Regional Native Corporation now being formed, will be selecting much of the land now within the Naval Reservation and will be receiving funds for investment and should be considered as a prospective owner, either by grant or purchase of these facilities,

Now, therefore, be it resolved, that Alaska's Congressional delegation, Hon. Ted Stevens, and Mike Gravel, U. S. Senators and Hon. Nick Begich, the U. S. Navy and Dept. of Transporation be urged to implement cost studies to determine the minimum costs which would be required to keep the Naval Station support facilities on an operating basis for the present tenants,

Be it further resolved, that an immediate study be made of the income being realized from present tenants and possible income from tenants such as the FAA and ASHA, if ASHA were to take over management of housing units which are to be vacated, with the view toward determining the economic feasibility of the Kodiak Area Regional Native Corporation assuming the management of the Naval Station facilities under a lease agreement with the U. S. Navy with the possibility of acquiring ownership at a later date.

Passed and approved this 24th day of February, 1972.

HOUSE JOINT RESOLUTION RELATING TO THE ESTABLISHMENT OF THE KODIAK NAVAL STATION AS A COAST GUARD BASE

Be it resolved by the Legislature of the State of Alaska:

Whereas Coast Guard long-range aerial search and patrol operations constitute an invaluable service to the inhabitants of Alaska in performing surveillance of and law enforcement in regard to foreign and domestic fishing, in monitoring oil spills and spills of other hazardous material resulting from ocean transport, and in conducting search and rescue operations in the maritime areas of Alaska and in the North Pacific; and

Whereas the Coast Guard performs other invaluable service to the inhabitants of Alaska in maintaining aids to navigation in the form of buoys, day markers, lighthouse stations and Loran stations, in inspecting merchant marine vessels, enforcing safety regulations, performing icebreaking assignments, investigating maritime accidents, educating the public in the safe operation of watercraft, and in conducting oceanographic research; and

Whereas the Kodiak Naval Base is the most economical location in Alaska for the operation of Coast Guard long-range search and patrol aircraft in the North Pacific area and an appropriate base for other Coast Guard services;

Be it resolved by the Alaska Legislature that the Department of Transportation establish a Coast Guard base at the site of the Kodiak Naval station.

TEST BAN TREATY

Mr. KENNEDY. Mr. President, I have been concerned recently about the lack of interest and emphasis of the administration in negotiating a comprehensive nuclear weapons test ban treaty.

For that reason, I introduced a resolution, Senate Resolution 230, which urges affirmative action on the President to push for such a treaty.

Clearly, there no longer is any justification for the United States to be dragging its feet in this area because of past belief that on-site inspections were necessary to assure adequate verification. At the very least, the changes in technology, both seismological and nonseismological, permit us to enter into active negotiations from a different position than in 1963.

It is time for the United States to demonstrate a fitting concern for the opinions of the other nations of the world and to play a leadership role in turning all nations away from the spiraling course of the nuclear arms race.

The editorial in the New York Times yesterday concisely summarizes the arguments for an underground Nuclear Test Ban Treaty. Because of the importance of this subject, 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:

BANNING UNDERGROUND TESTS

The United States and the Soviet Union have come under sharp criticism at resumed United Nations disarmament talks in Geneva for their reluctance to move ahead expedi-

tiously to negotiate an underground nuclear test ban.

The principal obstacle to superpower agreement on this vital step toward curbing the nuclear arms race is continuing United States insistence on on-site inspections of suspected violations, which Moscow adamantly refuses to allow. Although the stubborn Soviet passion for secrecy is scarcely conducive to the climate of confidence in which disarmament negotiations would best flourish, Washington's demand for on-site verifiation procedures in any underground test agreement has increasingly dubious validity.

Dramatic developments in seismology and other national means of verification have made on-site inspections unnecessary in the view of many leading American and foreign scientists and disarmament experts. While conceding that it is now possible to identify very low-level explosions, Pentagon officials argue that some evasion of existing detection techniques is still possible.

This risk undoubtedly exists. But the costs of concealment would be high, the danger of detection great and the results of subterfuge testing, necessarily confined to relatively low-field weapons, could hardly affect the over-all strategic nuclear balance. Against such limited, potential hazards must be weighed the substantial benefits of an agreement that would offer a meaningful check on a costly and dangerous nuclear arms race. that would eliminate the considerable environmental dangers of underground testing and that could dramatically alter the cynical defeatist psychology that currently inhibits arms control and disarmament efforts on many fronts.

U.N. Secretary General Kurt Waldheim told the Geneva conference the other day that the problem of verification had been so fully studied that "only a political decision is now needed to reach final agreement" on an underground nuclear test ban. The time has come for the United States to make that decision.

WHAT ABOUT DEBTS AND DEFICITS?

Mr. CURTIS. Mr. President, we must either strive for a balanced budget or not so strive. Once the desire and plan for a balanced budget are abandoned the spending soars out of control. There is no such thing as limited control once deficit spending is accepted as sound procedure. We must either get the Federal budget in balance or face very serious consequences.

Mr. President, I commend to all Senators the article written by Mr. Vermont Royster which appeared in the March 1 issue of the Wall Street Journal and I ask unanimous consent that that article may be printed in the RECORD at this point.

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

[From the Wall Street Journal, Mar. 1, 1972]

THINKING THINGS OVER

(By Vermont Royster)

COMPOUND GROWTH

Ah, yes, the budget. President Nixon submitted a pretty big one, didn't he? And what was the deficit? $25 billion? $35 billion? Or did someone say $40 billion?

What with all the attention these wintry days to Messrs. Hughes and Irving, Nixon and Mao, Muskie and Wallace, hardly anybody remembers. Anyway, who can understand figures like $240 billion, which is about the federal government figures to spend this year and again next year, or an unbalanced checkbook of $39 billion, which is already the government's projected deficit this year?

A few codgers may remember the rumpus raised when federal government spending hit $100 billion. Even the "spendthrift" Democrats were apologetic, and the Council of Economic Advisers took pains to explain that deficits of a dozen billion were only temporary. The Republicans, of course, used to scream and jump and shout at the wastrels.

Now the Democratic records are toppling but nobody's shouting. The Republicans, naturally, are mum, and the Democrats can hardly complain when they are talking about spending more. The public, so far as anybody can discern from the public prints, couldn't care less.

Why should anybody? Those old decriers of mounting government spending cried to the point of boredom, yet the Republic still stands. We're all happy, aren't we? Besides, wouldn't things be worse—all that unemployment and such—if the government didn't keep increasing spending to take up the slack? And think, even so, of all those unmet needs.

Well, maybe so. But there are some interesting thoughts tucked away in the figures of the Statistical Abstract, if you can spare a little time from figuring your income tax.

For example: In 1948 the federal government's total spending—for everything—was $37 billion. By 1957 it had doubled, to $77 billion. By 1967 it had doubled again, to $158 billion. Five years later the figure spoken of is $246 billion. So you can easily look forward to another doubling about 1977.

Then add in the spending of state and local governments, which are also a part of your tax burden. The figures for the combined total are $52 billion in 1948, a doubling by 1956 and a second doubling by 1966 ($205 billion), with the third doubling well before 1977; they're already $365 billion.

It's like compound interest. In the federal government's case the growth rate is about 8% compounded each year. With the total figure—federal and local—the spending growth rate is nearly 9% compounded.

Now maybe figuring compound interest is no more your bag than it is mine. However, the math experts at David L. Babson & Co. in Boston have run these compound rates through their computers. The results offer some intriguing glimpses of the future.

If total governmental expenditures increase just at the same rate, but no more, the grand total will hit $1.5 trillion by 1986 and close to $6 trillion by the turn of the century, 28 years hence.

If you can't visualize billions, as I can't, you'll have more trouble with trillions. What it works out to in personal terms is that by the year 2000, when that first-grader will have to make a living, governmental expenditures alone will come to $21,000 per person each year. Or $42,000 per couple, and $84,000 per family per year if they have two kids.

Since all this will have to be paid for by those grown-up youngsters, one way or another, you might wonder how they'll have anything left for the rent and groceries.

The reply of the New Economics is that the dollar will decrease in value in the meantime, a proposition you can't dispute after seeing what the New Economics has done to the dollar in the past generation. So a street-sweeper may be paid $21,000, a fresh-out-of-college reporter $40,000, and a good plumber $1,200 an hour. Aside from a bit of future shock for old pensioners, won't it all wash out?

Unfortunately, it doesn't look quite that simple. For while ours is supposed to be a growth economy it isn't growing near as fast as the expenditures of government.

In 1947 government spending (federal and local) was about 22% of the spending in the private sector. Since then both private and public spending have grown, but by 1971—according to the Babson calculations—public spending had grown to equal 48% of private spending. That is, the ratio of government-to-private spending has doubled; or to put it another way, the tax-spenders are outgrowing the tax-producers.

Don't blame it all on Vietnam or that military-industrial complex, either. Since 1965 through the budget year, Mr. Nixon has just projected ('73) defense outlays have grown from $50 billion to $78 billion, a gain of 56%. But non-defense outlays have risen from $69 billion to $168 billion, or 144%.

All these figures may be a little mind numbing, but what really boggles the mind are the results of this spending, or lack of them. Since 1965 state and local spending has risen from $75 billion per year to $164 billion this year. Do we have better schools, better trash collection, better police or fire protection than before?

The federal government's non-defense spending, as noted above, has grown by 144%. But are we better off now in terms of unemployment, slums, welfare or anything else for the fact that federal spending has more than doubled in that short time?

Take unemployment, the one thing that big deficit-spending is supposedly the sure-cure for. In the past five years, including this year's big deficit, the total cumulative deficit has been $83 billion, the biggest for any like span since World War II. Yet the unemployment rate is higher now than it was in 1968.

Somehow the old ideas about the splendors of governmental spending don't square with the record. What we have really got for all this spending is a rapid rate of inflation, sharp rises in the cost of everything including local government services, peacetime wage-price controls, a dislocated economy at home and a major deterioration in our competitive position in the world.

Yet what is the cure proposed? Why, more of the same; and who cares? Once we may have thought public profligacy a vice of frightful mien, but having been seen so often it grows familiar, and what we began enduring we now embrace.

TRIBUTE TO DR. FRANCIS WRIGHT BRADLEY

Mr. THURMOND. Mr. President, it is always sad when a great man is taken from us. His community misses his unique contribution to its welfare, his friends miss his fellowship, and his family misses his love.

While the sadness of such a departure goes without saying, it is also true that death can confirm the success of one's life, because it provides the occasion when one's life is summed up by those who knew him.

The finest tribute that any man can earn in life is a simple statement at life's end, "His was a worthy existence. He left the world better than he found it."

Such a statement can be and was said about the life of the late Dr. Francis Wright Bradley, of Columbia, S.C. Following his death on December 18, 1971, the session of the Centennial Associate Reformed Presbyterian Church issued a tribute to this fine man. In addition to this outstanding tribute, several articles and editorials about Dr. Bradley appeared in two South Carolina newspapers. On December 18, 1971, an article entitled, "Former Dean at USC, Dr. Francis Bradley, Dies," appeared in the Columbia Record of Columbia, S.C. The State newspaper of Columbia, S.C., printed an article entitled, "Dr. Bradley, Former Dean, Dies at 87," on Decem-

ber 19, 1971. A letter to the editor entitled, "Francis Bradley: Gentleman, Scholar," also appeared in the State. On December 21, 1971, an editorial, "His Influence Lives," appeared in the State, and the Columbia Record also printed an editorial entitled, "Scholar and Gentleman," on December 22, 1971.

Mr. President, I ask unanimous consent that these tributes to Dr. Bradley be printed in the RECORD at the conclusion of my remarks.

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

DR. FRANCIS WRIGHT BRADLEY, JANUARY 18, 1884–DECEMBER 18, 1971

Dr. Francis Wright Bradley was born on January 18, 1884, in the Hunters community in Abbeville County, South Carolina, and died in Columbia on December 18, 1971.

In the span of these years there lived a great and useful servant of God, and the Session of the Centennial Associate Reformed Presbyterian Church desires to thank the Heavenly Father for the life of this fellow elder and to also pay appropriate tribute to his memory.

We are grateful that for 50 years, 8 months, and 15 days Dr. Bradley was a member of the Session. There are few who serve for so long as a ruling elder, and in so doing perform his serious and solemn assignment with such unparalleled ability and dedication.

We are grateful that he was a beloved and respected teacher in the Sabbath School, not for a few years but for many. He taught a class of ladies which in due time and quite properly became known as the Bradley Bible Class. In other areas of the work of the Church he gave of himself unstintingly. He loved music, sang the songs of praise with enthusiasm, and even when advanced in years took his place in the choir at Centennial Church.

Dr. Bradley was a great educator and ranked high in the academic world. The many years he served as a member of the faculty and administration at the University of South Carolina will long be remembered by those who cherish the finest in education preparation for life.

He was a great American and made no apology for being a patriot in the true and historic meaning of that word.

Dr. Bradley was a prolific writer and his native state and her people came in for much attention from his keen mind and gifted pen.

Although this faithful Christian had much about which he could boast, he ever remained humble. Walking often with the great he never lost the common touch. Perhaps sincere humility in the example of his Master was our departed friend's greatest single trait.

Dr. Bradley also possessed another characteristic which at times is lacking in the best of men. He had a tremendous sense of humor and unfailing cheerfulness, and often he was able to raise the spirits of others because of his own optimistic outlook on life.

Our friend and fellow elder sat all his life at the feet of the Great Counselor. As a result he was a wise counselor and a man of wisdom. Countless students looked to him for advice and counsel. Church members turned to him for guidance. His pastors depended on him, neighbors and friends respected his judgment and deep wisdom. Even little children saw in him a great friend and a giver of sound counseling. Children everywhere adored him, and they as much as the older generation mourned his passing.

It can be said of Dr. Bradley as it was of one in the Old Testament—He was lovely and pleasant in his life. It might also be said of him in the manner of the Scriptures that he slept with his fathers. His wish was that he be buried with his people in the cemetery of historic old Lower Long Cane Church, and so his body rests now in the soil of the countryside from which he went forth in young manhood to become great in the sight of both God and man.

We thank God for the life of Dr. Francis Wright Bradley. Our prayer is that we may have strength to honor his memory by living our lives as close to God as he did.

A copy of this tribute is being sent his children, one will be placed in the sessional records of the Centennial Church, and one given the Associate Reformed Presbyterian for publication.

[From the Columbia Record, Dec. 18, 1971]

FORMER DEAN AT UNIVERSITY OF SOUTH CAROLINA, DR. FRANCIS BRADLEY, DIES

Dr. Francis Wright Bradley, 87, of 4250 St. Clair Dr., former dean at the University of South Carolina, died this morning at Medicenter.

Funeral plans will be announced by the Dunbar Funeral Home, Gervais Street Chapel.

Dr. Bradley was born in Abbeville, son of the late Robert Foster and Martha Wideman Bradley.

He was a member of the Centennial A.R.P. Church.

Survivors include one daughter, Miss Jane Heyward Bradley of Columbia; one son, Col. Francis Trenholm Bradley of Albuquerque, N.M.; two brothers, Dr. Robert Foster Bradley of Columbia, and Eustace U. Bradley of Sherman, Texas; and two sisters, Mrs. Rosa Bradley Mayo of St. Louis, Mo., and Mrs. Caroline Bradley Cox of Troy.

A teacher of modern languages and an authority on dialects and South Carolina names, Dr. Bradley added to his services as a professor notable contributions to his nation, state and community.

His association with the University as student, teacher and dean covered 51 years before his retirement in 1953. At one time he served as acting president.

Retirement did not terminate his interest in languages and in South Carolina folklore. He wrote a weekly column for The State and carried on a voluminous correspondence on the subjects he pursued after leaving the University.

World War I interrupted his teaching career and he distinguished himself at the front as an officer and then rendered important service with the Armistice Commission in Belgium and Germany after the war.

Dr. Bradley was a native of Abbeville county. He was born in the small community of Hunter's (post office) January 18, 1884. His first schooling was in a private institution, Parkinson's School, and he later attended the graded school at Abbeville. His parents were the Rev. R. F. Bradley and Martha Rosanna Wideman Bradley. His father was a minister of the Associate Reformed Presbyterian Church and spent much of his life as pastor of that denomination's Long Cane Church, near where Professor Bradley was born.

The young man who was to become the leader of the faculty at the University of South Carolina entered that institution in 1902, but left to earn money as a teacher of a one-room school in Abbeville County. But he re-entered the University in 1903.

His teaching career began in his senior year when he was appointed to a tutorship in French. The next year he became an instructor in that language, retaining that position until 1910, when he went to the University of Marburg in Germany to work towards a doctorate in French and German. By 1911 he had been made an adjunct professor at Carolina of modern languages, a function he followed until he entered the army in 1917.

The day after the Armistice was signed. Bradley received his assignment to the Permanent International Armistice Commission. His first duties were as an interpreter. Later, promoted to the rank of major, he served as officer-in-charge of the American Section of the Armistice Commission and was stationed at Cologne.

Back at the University after his war and post-war service abroad, Dr. Bradley, in 1922, was made a professor of modern languages and given a separate Department of Teutonic Languages. He served as temporary dean in 1926 and again in 1931.

In 1936, Dr. Bradley was appointed Dean of the College of Arts and Sciences, and by 1944 had been designated dean of the faculty. This post he held until his retirement. But in the meantime he had been made head of the Department of Modern Languages, and had served as acting president when then President Donald Russell visited Europe.

Dr. Bradley's services to his fellow man outside of his many years as a professor and college executive were considerable. He served almost a quarter of a century, from 1928 to 1952, as a member of the Columbia School Board. This service was recognized in giving his name to one of the grammar schools of the system.

For 30 years he was an elder of the Centennial Associate Reformed Church and long after his retirement from the University continued to teach a Bible class in that church's Sunday School. And he served for a time on the Board of Trustees of Erskine College which is operated by the Associate Reformed Presbyterian Church.

Dr. Bradley was one of the founders of the South Atlantic Modern Language Association, and its president in 1929 and 1930. In 1954, that association presented him with a parchment scroll containing a citation for his versatile services to nation, state, education and church. The scroll noted that he was the author of "German Word Formations," "Semantic Development of the German Verbal Suffixzen" and "South Carolina Proverbs," among other publications.

Dr. Bradley held the high esteem of the faculty during his tenure as dean, and when his forthcoming retirement was announced in the spring of 1953, a faculty committee was formed to pay tribute to him. The decision was to have his portrait painted for presentation to the University.

An experience he had while studying at Marburg, Germany, was something Dr. Bradley enjoyed relating. He was arrested in Marburg and paid a fine imposed by the police there. The "crime" was singing too loud on the street at night—with other students. He preserved the Police receipt for the fine he paid.

This was a sample of a sense of humor which never failed him.

Dr. Bradley was known as a strict and firm teacher. Nothing so affected him as for students to be late to class. But he was also a man of courtly manners and with deep respect for his fellow man.

When his retirement was announced, the then President of the University, Donald Russell, said:

"Dean Bradley is an outstanding educator and teacher, a learned scholar and profound thinker. Beyond that, he is a deeply human and understanding friend and counsellor who, by his kindly advice and assistance, has left an indelible stamp of goodness upon countless students at Carolina.

"His influence upon the University, its faculty and student body will always live with Carolina. The University in the years ahead will be a better place because of Dean Bradley."

Developments in the United States in the years of his retirement deeply disturbed Dr. Bradley, and he lent his pen and voice to the protests which arose. He was staunchly conservative politically and was offended by sociological changes, in particular. He wrote strong letters to the newspapers in expressing his concern.

In 1960, when Senator Barry Goldwater was coming to Columbia to speak in behalf of the presidential candidacy of Richard Nixon, he was asked to introduce the senator, accepted and made a ringing speech for the conservative cause.

Dr. Bradley's life after retirement, was spent at his home on St. Clare Drive. Its location caused him to speak of it as being "down in the hallow." There, in addition to his continued intellectual activities, he tended many plants.

DR. BRADLEY, FORMER DEAN, DIES AT 87

Dr. Francis Wright Bradley, retired professor and former dean of the faculty of the University of South Carolina, died Saturday at Medicenter. He was 87.

A teacher of modern languages and an authority on dialects and South Carolina names, Dr. Bradley added to his services as a professor notable contributions to his nation, state and community.

His association with the university as student, teacher and dean covered 51 years before his retirement in 1953. At one time he served as acting president.

Retirement did not terminate his interest in languages and in South Carolina folklore. He wrote a weekly column for The State and carried on a voluminous correspondence on the subjects he pursued after leaving the university.

World War I interrupted his teaching career and he distinguished himself at the front as an officer and then rendered important service with the Armistice Commission in Belgium and Germany after the war.

Dr. Bradley was a native of Abbeville County. He was born in the small community of Hunter's (post office) January 18, 1884. His first schooling was in a private institution, Parkinson's School, and he later attended the graded school at Abbeville. His parents were the late Rev. R. F. and Martha Rosanna Wideman Bradley.

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Dr. Bradley's life after retirement, was spent at his home on St. Clare Drive. Its location caused him to speak of it as being "down in the hollow." There, in addition to his continued intellectual activities, he tended many plants.

Funeral services will be Monday at 11:30 a.m. in Centennial A.R.P. Church conducted by the Rev. James C. Barker. Burial will be at 3 p.m. in Long Cane Cemetery, Troy.

Pallbearers will be nephews and great-nephews.

Surviving are a daughter, Miss Jane Heyward Bradley of Columbia; a son, Col. Francis Trenholm Bradley of Albuquerque, N.M.; two brothers, Dr. Robert Foster Bradley of Columbia and Eustace U. Bradley of Sherman, Tex.; and two sisters, Mrs. Rosa Bradley Mayo of St. Louis, Mo., and Mrs. Caroline Bradley Cox of Troy.

Dunbar Funeral Home, Gervais Street Chapel, is in charge.

[From the State, Dec. 19, 1971]

FRANCIS BRADLEY: GENTLEMAN, SCHOLAR

SIR: In all my academic experience, which spans the years between 1918 and 1969 and includes undergraduate and graduate work at Carolina and 46 years of administrative experience in the public and state oriented schools, I have never known a more sincere gentleman and scholar than Dr. Francis W. Bradley.

He was an inspiration to everyone with whom he came in contact. He engendered patience, respect and kindliness.

May God rest his soul.

NORMAN M. HUCKABEE.

[From the State, Dec. 21, 1971]

HIS INFLUENCE LIVES

Many South Carolinians, over many years, incurred debts to Dr. Francis W. Bradley. They were obligations for the culture and the goodness he so effectively transmitted to them as an erudite and committed professor.

When Dr. Bradley retired in 1953, the then president of the University of South Carolina, Donald Russell, accurately documented the imprint of the professor's services. Mr. Russell said: "His influence upon the university, its faculty, and student body will always live with Carolina."

But the effects of Dr. Bradley's good and learned life extended beyond the university. He served his nation as soldier and then as a post-World War I Armistice Commission officer. He "kept the faith of our fathers" (as he described his own religious fidelity), and this included an exemplary personal life.

Dean Bradley was a romantic. This was best illustrated by a sentimental interest in South Carolina names and a scholarly curiosity about dialects everywhere. And he enjoyed the cultivation of his plants and flowers.

Yet there was time and spirit for a healthy interest in the more mundane ongoings of life, including his concern for the changes wrought by politics on Southern life in the 1950s and 1960s—alterations on which he spoke out with firmness and conviction, but with that courtesy which never failed him in his dealings with his fellow man.

His fruitful life was long, and this was very much to the advantage of those it touched. His death has removed one who left a distinguished mark.

[From the Columbia Record, Dec. 22, 1971]

SCHOLAR AND GENTLEMAN

The deservedly-long life of Dr. Francis W. Bradley was an example of the stamina which comes from a strong spirit, one never eroded by cynicism and despair even though he lived to see much in human life which deeply disturbed him.

He will be remembered as much for his faith and his enthusiasm as for the knowledge and wisdom which flowed from his teaching as a distinguished member of the faculty of the University of South Carolina.

The people and culture of his native state fascinated Dean Bradley and occupied his study almost to the time of his death. He wrote informative newspaper articles about Carolinians, their customs, their habitations and, especially, their dialects.

A life of 87 years spans several "eras" and is exposed to fundamental changes around it. Some of the alterations during Dr. Bradley's lifetime were indeed basic and among them were shifts which were shocking to him, as they were to many others. This led him, as an unshaken believer in the verities of his religion and philosophy, to speak out in convinced dissent. But it was his nature to be courteous, and as firm as were his objections they were always stated in high and even compassionate terms.

By the time of his death, his classroom teaching of foreign languages had long since

ended, but even well after his eightieth year the effects of his enlightenment and his character were being felt by many.

Not many such souls as that of Frank Bradley, as intimates knew him, come along, and his death is another setback for the high principles by which he lived and which he espoused for his fellowmen.

RESTORATION OF OLD SENATE AND OLD SUPREME COURT CHAMBERS

Mr. BENTSEN. Mr. President, a proposal to restore the Old Senate and Old Supreme Court chambers, unanimously favored by the Senate on four past occasions, was again presented at the request of the Senate Commission on Art and Antiquities to the Senate Legislative Appropriations Subcommittee, for its consideration.

It is my hope that this matter will be favorably acted upon by the Appropriations Committee and the full Senate.

Public interest in this worthy project is evidenced by four articles which appeared last week in newspapers of wide geographic distance: the Los Angeles Times, the Chicago Tribune, the Washington Evening Star, and the Capitol Hill's Roll Call.

I ask unanimous consent to have printed in the RECORD these articles which chronicle the unique histories of the Old Senate and Old Supreme Court chambers, as well as the disappointing legislative history of past efforts to restore them as a patriotic shrine for the benefit of the people of the United States.

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

[From the Chicago Tribune, Mar. 8, 1972]

OLD SENATE CHAMBER WORTH SAVING

(By Bill Anderson)

WASHINGTON, March 7.—Just about halfway between the United States Senate and House of Representatives, on the second floor of the Capitol, there is a locked door barring entry to one of the bigger rooms of the building.

In recent times, the door has been unlocked for about 20 sessions a year of the Senate and House appropriations committees so the members can sit down in private and work out their differences on the delicate matters of financing the operations of the federal government.

It is a very dull room today, with green walls and paint peeling from the egg-shell ceiling. There is an ugly gray electrical instrument box taking up a lot of space alongside the conference tables. The rug is dirty and the only natural light filters thru soot covering the glass in the dome.

Oddly enough, this mostly unused place is the old Senate chamber, designed by Benjamin Henry Latrobe, the British-born architect who was appointed by President Thomas Jefferson. It was here that some of the greatest debates of the nation, from people like Clay, Webster, and Calhoun, shaped history.

The British burned it in 1814, leaving it a "magnificent ruin." But Latrobe returned to enlarge and modify the chamber, adding space for the growing number of senators. Boston architect Charles Bulfinch later added a delicate and graceful metal balcony for the public and the press.

Then, after the "new" Senate wing was completed, the Supreme Court of the United States moved from the floor below into the "old" chambers to sit in the slightly modified space. Some of the country's early landmark decisions were handed down by the justices from the place before they moved across the street.

In the years since, the room—No. S228—has been used for a variety of affairs, the most public functions being luncheons held for Presidents after their inaugurations. But for the most part in recent times, the approximately 5 million people who do business and visit the Capitol each year are denied access.

Once, when the "new" Senate was being refurbished, the Senate actually met in its old chambers. Many of the members still like to talk about the richly ornamented dome, with deep sunken panels and the circular apertures to admit light. They admire the screen of columns stretching across on either side of the President's chair [placed in a niche on an elevated platform] in front of the marble taken from near the Potomac.

The Senators admire the place so much, with justification, that for many years they have voted in the most bipartisan manner to have the chambers restored so the public can share in this history and beauty. Testimony can be found from 12 years ago from Sen. John D. Stennis [D., Miss.] saying it was a most important project. The cost of restoration was then placed at $400,000.

This kind of favorable testimony has had to continue for more than a decade, however, even with growing support in the House of Representatives. This has been because House Appropriations Committee members have not been able to cross the lines of compromise in the dealings between the two legislative bodies.

In the meanwhile, every estimate of the restoration cost has been growing. In a hearing late last week, Capitol architect George White said the two-year project would now cost $1,521,000, but he recommends it as "one of the most worthy and outstanding restorations ever accomplished in this country."

One of the sticking points for the House has been that the appropriations committee might not have a centerpoint meeting place with the Senate. Today's plan has removed this argument because the restoration project has been revised to keep either the court room or Senate chambers available at all times. The two chairmen most directly concerned, Sen. Allen J. Ellender [D., La.] and Rep. George Mahon [D., Tex.], soon will have another opportunity to resolve the project. From almost any point of view, public or historical, an agreement to go ahead would look good on their records I think it would be especially good for the public.

[From Roll Call, Mar. 9, 1972]

ARCHITECT WHITE AGAIN URGES RESTORATION OF OLD CHAMBERS

Architect of the Capitol George White has again requested $1.5 million for the restoration of the Old Senate and Supreme Court chambers in the Capitol.

Acting at the request of the Senate Commission on Arts and Antiquities, which has restoration of the historic meeting places as a goal for the 200th birthday celebration of the U.S. in 1976, White repeated the suggestion he made in supplemental hearings last year that the chambers be restored separately.

This compromise proposal by the Senate would seem to remove what has been the chief objection of the House, i.e., that restoration of the chambers would rob the Appropriations Committees of a place to hold joint conferences.

In fact the Appropriations Committees have only met in the chambers since 1962 when House Members decided it was time for Senate Members to come to their side of The Hill for the joint meetings. The Senate responded that it was an interesting idea and while interesting ideas were being considered, why not allow them to introduce appropriations bills. The House refused and so the Senate refused and for several months no funds were appropriated.

Finally it was decided that the Old Senate and Supreme Court chambers were large enough and centrally enough located between the two governing bodies to be a compromise location for the conference meetings of the committees.

While funds were requested for restoration of the chambers in 1966, the Senate approved but the House deleted the bequest in conference. Restoration was again proposed in 1970 and twice last year. Each time the House deleted the funds in conference.

White has said that in his professional opinion restoration of the historic chambers would become "one of the most worthy and outstanding restorations ever accomplished in this country."

This work, he said, "will bring to life the Halls where Clay, Webster, Calhoun, and other notable figures in our history debated, deliberated, and reached decisions; where Thomas Jefferson was twice inaugurated as President of the United States; and where the Supreme Court of the United States reached decisions which shaped the future of the nation.

White said the restoration would take approximately two years. He proposes restoring the lower chamber, used by the Supreme Court until 1860, first and then restoring the upper, Old Senate, chamber.

[From the Washington Star, Mar. 8, 1972]

HISTORIC CHAMBERS: NEW CONCERN

(By Martha Angle)

Just over 113 years ago, as a troubled nation edged closer to dissolution and civil war, the U.S. Senate moved out of the historic chamber it has occupied since 1800 and into its present quarters.

On the day of departure, Jan. 4, 1859, Vice President John C. Breckinridge addressed the 64 senators assembled from 32 states then making up the union and made a prediction that remains only partially fulfilled to this day.

"The Senate," Breckinridge said, "is assembled for the last time in this chamber. Henceforth it will be converted to other uses; yet it must remain forever connected with great events, and sacred to the memories of the departed orators and statesmen who here engaged in high debates and shaped the policy of their country.

"Hereafter the American and the stranger, as they wander through the capitol, will turn with instinctive reverence to view the spot on which so many and great materials have accumulated for history."

Breckinridge was right in one respect—the old chamber was indeed "converted to other uses," first as the home of the U.S. Supreme Court until 1935 and more recently as a conference room for Senate and House Appropriations committees.

But the stately old chamber where Daniel Webster, Henry Clay and John C. Calhoun once clashed in great debate over the Compromise of 1850 remains closed to Americans and strangers alike who wander through the capitol. Not even a wall plaque marks its presence on the second floor of the capitol.

This year, Senate leaders and Architect of the Capitol George M. White are making a renewed effort to win funds for a restoration of the Old Senate Chamber and of the Old Supreme Court Chamber one floor below.

No project, they believe, could be more appropriate for the celebration of America's forthcoming bicentennial observance.

Plans for restoration of the two chambers—which were originally one large two-story room—were approved by Congress in 1965 and the first appropriation was requested a year later.

But each time the funds were sought, the House Appropriations Committee—concerned

at the scarcity of conference space in the capitol—blocked any appropriation. As a result, the estimated cost of restoration has doubled from $700,000 in 1965 to $1.5 million today.

With the firm backing of Senate leaders, White last week asked the legislative appropriations subcommittee to include the necessary $1.5 million in his office's budget for the fiscal year that starts July 1. Sen. Ernest F. Hollings, D-Fla., chairman of the panel, assured the capitol architect he is ready to do battle with the House for the project.

To make sure the restoration is more palatable to House members worried about conference space, White this year is proposing that work be done in two stages.

First, the architect would like to restore the first-floor Old Supreme Court Chamber, now used for storage only. It was here that the high court met from 1810 to 1860, when it moved upstairs to the chambers vacated by the Senate.

Once the old court chamber is restored, it could be used for legislative conferences when needed while work progressed on the second-floor Old Senate Chamber.

Both chambers, once restored, would be open to the public except when needed for House-Senate conferences.

The restoration would recreate the two chambers as they existed in the 1850s, a period when the Senate was enmeshed in titanic debates over slavery, states rights and the future of the union.

Its membership of that era, which included some of the greatest lawmakers the nation has known, was generally a well-mannered lot, aside from a fondness for tobacco chewing which resulted in frequent use of spittoons placed by each member's desk.

IT HAS KNOWN VIOLENCE

But emotions ran high on occasion, and at times violence erupted in the chamber. On April 17, 1850, a bitter quarrel broke out between Sens. Thomas Hart Benton and Henry Foote. The latter drew and cocked a revolver, aiming it at Benton, and only the intervention of other senators prevented a tragedy.

On May 22, 1856, Congressman Preston Brooks of South Carolina became incensed over a speech by Sen. Charles Sumner of Massachusetts which he thought libeled his home state and attacked Sumner with a cane. Seriously injured, the Massachusetts senator did not return to the chamber for 3½ years.

Most of the time, however, it was the debate rather than debacles which attracted visitors to the now-destroyed galleries overlooking the Senate floor. The graceful metal balcony on slender cast-iron columns which once ran in a semi-circle around the chamber would be recreated as part of the proposed restoration.

An authentic touch which might be added would be the reproduction of notices which were once posted in the gallery, according to Mary Cable's "Avenue of the Presidents." The notices politely requested visitors not to put their feet on the balcony railing "as the dirt from them falls upon the senators' heads."

[From the New York Times, Mar. 8, 1972]

CAPITOL HISTORY HIDDEN AWAY IN STOREROOMS

(By Marlene Cimons)

WASHINGTON.—The galleries were so crowded that the doors to the chamber had to be closed. Henry Clay, the aged, ill senator from Kentucky, rose to address his colleagues.

Standing in the middle of the room, holding a piece of George Washington's coffin for emphasis, he pleaded for national unity and begged the South not to secede. While he spoke, avid states' righter John C. Calhoun glowered at him from his place near Vice President Millard Fillmore.

The time was Jan. 29, 1850, and Clay's speech, which was to evolve into the Compromise of 1850, was only one of the striking orations which resounded from within the colonnaded walls of the old U.S. Senate chamber between the years of 1810 and 1859.

ONCE AN ELITE PLACE

Today, paint peels dangle from its ceiling. Chairs, piled on top of one another, are stacked against a wall. Most of the galleries, once the very best place to be seen socially in Washington, have been removed.

The chamber serves as a storeroom and occasional committee meeting place.

A second room, located directly below the old Senate chamber, was the onetime home of the Supreme Court, where Chief Justice John Marshall presided for 20 years—more than half of his court career—and where, in 1857, Chief Justice Roger B. Taney handed down the Dred Scott decision. It was also where Thomas Jefferson was twice inaugurated President.

It is now being used to store furniture.

Both of these rooms—sites of some of the most dramatic moments in American history—are hidden from the estimated 5 million people who visit the Capitol every year. Visitors walk by them every day as they go to and from the Capitol rotunda and, once in a while, a Capitol tour guide will point out the closed doors and identify them. But for the most part, tourists do not know they exist.

OF GREAT HISTORICAL INTEREST

"Thousands upon thousands of schoolchildren and visitors pass by and never have a chance to see where so much of the nation's history was enacted," said Sen. Norris Cotton (R.-N.H.) in a speech to the Senate last summer.

The Senate would like to restore both rooms to the way they looked in 1850, at the height of their use, and open them to the public as part of the Capitol tours. It would be the first restoration of its kind in the Capitol.

"In my opinion these chambers will be among the most outstanding and important historical shrines in our nation," said Sen. John Stennis (D.-Miss.), who first proposed the idea in 1960.

For almost a decade the Senate has been attempting to secure funds for the project. It has unanimously approved appropriations for it four times and, each time, members of the House Appropriations Committee have killed it in conference.

Ironically, since 1962 the meeting place of these conferees has been the old Senate chamber.

The cost of the restoration, as presented March 1 by Capitol architect George M. White, would total $1,521,000, a figure more than twice that of the first appropriation of $700,000 approved by the Senate in 1965.

Opponents of the restoration complain that they would be deprived of a meeting place if the plan goes through. "Working space is at a premium in the Capitol and we can't take a chance on losing the one place we have," said a spokesman for Rep. George H. Mahon (D.-Tex.), chairman of the House Appropriations Committee.

But the new restoration plan, as revised last November, counters this opposition. It calls for an expected two years of work to proceed in two stages; while restoration is being completed in one chamber, the conferees may meet in the other. After both rooms are finished, the conferees will be allowed to use one of them for their estimated 20 meetings a year.

"Well, I suppose that does blunt the argument," Mahon's spokesman said, "But there would still be a heck of a lot of noise going on there while the work was being done."

CITES U.S. DEFICIT

He continued: "With a $45 billion deficit, how high a priority should this be, anyway? I'd be surprised if Mr. Mahon decided to promote this. His feeling is that the Capitol is a workshop, not a museum. Before we do any of this restoration, we should wait until our fiscal affairs are in better shape and we have more space."

Implicit in his comments is what supporters believe to be the real reason for opposition. For more than ten years, House leaders have given priority consideration to a proposal for a west front extension, a project which would extend the principal side of the Capitol, as seen by the city of Washington, to include new restaurants, offices and meeting rooms.

"I know some members of the full committee are holding out for this," said Rep. Robert Casey (D-Tex.), the new chairman of the House appropriations subcommittee for the legislative branch. "I don't think the west front should be a consideration but some members have just been stubborn about it."

SENATE OK SEEN

Casey, who last year spoke in favor of the restoration, has promised to push for it again in his new position as head of the subcommittee. "I'm going to try to work out some kind of compromise this year so that we can at least get started on it," he said.

In addition to Stennis, the plan has been enthusiastically supported by Sens. Mike Mansfield (D-Mont.) and Hugh Scott (R-Pa.), who are also chairman and vice chairman respectively of the U.S. Senate Commission on Art and Antiquities.

The proposal, which is now in the Senate Appropriations Committee and due to be reported out this month, is expected to again pass the Senate easily, probably unanimously, when it reaches the floor. It will then go to the conferees for the fifth time where trouble, as usual, is anticipated.

The old Senate chamber, a semicircular room about one-third the size of the current chamber, held 62 senators in 1850. The walls were hung with fluted drapery between the marble pillars and a painting of George Washington by Rembrandt Peale—now in the vice president's room of the Capitol—was hung in the center of the main gallery. The mahogany desks of the senators were moved to the larger, present quarters in 1859 and are the same desks being used by senators today.

The old Supreme Court chamber, also semicircular, is slightly smaller than the old Senate chamber.

In 1850, judges sat on raised seats of mahogany behind a long bench. The attorney general sat on the judges' right. In front of the judges, on an opposite wall, was a marble bas-relief depicting Justice holding the scales, an eagle guarding "the laws" and "Fame," crowned with the rising sun, pointing to the U.S. Constitution.

"Whereas so many of this nation's historic restorations are in truth re-creations, the architectural details of both chambers, for the most part, remain intact," said James R. Ketchum, curator of the Senate. "This is extraordinary when you realize that the U.S. Senate and Supreme Court have not met in these rooms for more than a century."

SURFACE TRANSPORTATION—CONCURRENT RESOLUTION BY THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES

Mr. THURMOND. Mr. President, the South Carolina House of Representatives, with the Senate concurring, recently enacted a resolution memorializing the Congress of the United States to enact the Surface Transportation Act of 1971.

The resolution points out that there is a need to modernize the regulations pertaining to surface transportation. These regulations govern an industry of utmost importance to the economy of each of our States and the Nation as a whole.

Mr. President, on behalf of Senator

HOLLINGS and myself I ask unanimous consent that the resolution be printed in the RECORD at the conclusion of my remarks.

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

A CONCURRENT RESOLUTION TO MEMORIALIZE THE CONGRESS OF THE UNITED STATES TO ENACT THE SURFACE TRANSPORTATION ACT OF 1971

Whereas, the present and future needs of the United States for a stable and an expanding economy require the smooth functioning of a balanced surface transportation system making the best possible use of all modes, rail, highway and waterway; and

Whereas, there is perhaps no single industry upon which the economy of this State and Nation depends as much for its growth and even its continued functioning as surface freight transportation; and

Whereas, much of the surface transportation system is today in a precarious financial position which impedes its ability to modernize and to meet increasing needs of both shippers and consumers alike; and

Whereas, existing federal policies relating to regulation and financing have lagged far behind and have impeded the progress and health of the transportation industry; and

Whereas, the need for revising and modernizing the regulatory laws affecting all modes of surface transportation has been recognized for many years, and numerous proposals for such revision have been advanced and considered by the Congress; and

Whereas, the Association of American Railroads, the American Trucking Association and the Water Transport Association are unanimously supporting this legislation.

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

That the Congress of the United States is hereby memorialized to enact the Surface Transportation Act of 1971.

Be it further resolved that copies of this resolution be forwarded to each member of the South Carolina Congressional Delegation in Washington.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. GAMBRELL). Is there further morning business? If not, morning business is concluded.

NATIONAL VOTER REGISTRATION ACT

The PRESIDING OFFICER (Mr. GAMBRELL). Under the previous order, the Chair now lays before the Senate the unfinished business which the clerk will state.

The legislative clerk read as follows:

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.

The PRESIDING OFFICER. The pending question is on the motion to refer the bill (S. 2574) to the Committee on the Judiciary.

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.

ORDER ON FILING OF REPORT TO ACCOMPANY URGENT SUPPLEMENTAL APPROPRIATION BILL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Appropriations have until midnight tonight to file its report to accompany the urgent supplemental appropriation bill which will be considered this afternoon.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The 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.

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. McGEE. Mr. President, I want to say a word or two about the pending business. We do not need to torture its substance at the moment. We have been over it many times in the past several days. I do want to reemphasize the relevance of the idea of a post card registration system at this time. This is a time when the course of events and the course of the progress we have been making over the last 15 years toward a higher voter participation in the affairs of the land really is the pressing factor in this particular proposal for post card registration.

The history of registration in the beginning, in our country's history, as we know, is one that was designed to limit voting, to restrict voter participation, for an accumulation of reasons. In historical tests, some of them stand up better than others. But now we are at that point where we are seeking maximum participation.

The fact that our country's record in voter participation is not the best but rather at the lower end of the scale of participation among the larger democratic governments of the world should say a great deal to us.

We remind each other daily here, many times a day, that we should stand out to the rest of the world as an example, and yet we have to do this with a gnawing fact that will not go away, and that is that at the last presidential election in our country, in 1968, the winning candidate, now President Richard Nixon, got 31 million votes.

The runner-up, No. 2, HUBERT HUMPHREY, received approximately 30 million votes. Forty-seven million Americans did not vote, and that ought to hit every Member of this body between the eyes.

It is that fact to which we address our attention in the effort to make it a little bit easier for voters to register—all kinds of voters to register.

There are misgivings entertained by some persons. We have heard them on the floor. They have appeared in print and elsewhere that they are a bit uncertain or squeamish about how these newly registered voters would vote. I say to you, Mr. President, if that is our reason for objecting to voter registration, then, as a practicing democracy in the world, we are in the wrong business. We have no right in this body to ask how an individual is going to vote or to delay or procrastinate over an outmoded system because we are afraid of how he might vote. It is to be our policy, if we have integrity in the view of voter participation, to encourage in every way we can voter participation, because our record also shows that those who are indeed registered do vote. Ninety percent of registered voters in this country cast their ballots in 1968, but it was those who, for one reason or another did not get registered or could not get registered or failed to meet the registration technicalities who were among the 47 million nonvoting Americans otherwise qualified to vote.

It is with that in mind, Mr. President, that we are seeking the opportunity on the floor of this body for a substantive dialog and debate and consideration of this matter. We believe that this is the only way to bite this bullet; that we gain nothing by trying to divert it, to re-refer it, or whatever you want to call it; that that is not only ducking the issue, but it is going to loom large in the eyes of people of this country who would be judging it as another evasive action on the part of this body.

Let the Senate work its will. Let it exercise its judgment.

There are many groups that are beginning to express themselves on this question, groups that have had a very strong hand in registering voters in the past, groups that have volunteered their own funds to register voters, like some of the units in organized labor, units in both political parties.

Millions of dollars are spent in each presidential year, not alone by would-be candidates on all sides, but on the part of civic-minded groups that are interested in having more people vote.

The uncertainties about the trying of a new system are understandable, but I think the record of nonvoting, no voting, ought to assume a far higher priority among our misgivings than the fears that, somehow, the system will be difficult to implement or in other ways to work out.

I think the fact that one State, North Dakota, has in effect no registration—they register as they vote—makes something of a point. I think the fact that in the largest State in the Union, Texas, they can even register by clipping a coupon out of a newspaper, says a great deal more: That we have overreacted to what might happen under the process of post card registration.

The careful examination of all of the registration forms in nearly all of the

States that we have undertaken in the studies by this committee of registration processes suggests that there is nothing novel, unique, intricate, or extensive in the present registration forms in most States that could not be reduced to the same effect on a post card.

For those reasons, we believe that this is indeed a procedure whose time has come, as one of the recent writers about the question had occasion to say.

I wish to make a part of the record here today, Mr. President, the comments of some groups that indeed believe the time for this idea is now.

A letter from the Bipartisan Committee on Absentee Voting, for example, says:

(We) wanted to take this opportunity to confirm that the Bipartisan Committee on Absentee Voting wholeheartedly endorses your bill, S. 2574.

The committee expresses a deep concern that this remaining gap in the process of voter participation be closed without delay.

I ask unanimous consent that the entire letter from the Bipartisan Committee on Absentee Voting, with its detailed endorsement, be printed in the RECORD, at this point.

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

BIPARTISAN COMMITTEE
ON ABSENTEE VOTING,
March 8, 1972.

Hon. GALE W. MCGEE,
Chairman, Senate Committee on Post Office and Civil Service, U.S. Senate, Washington, D.C.

DEAR SENATOR MCGEE: I wanted to take this opportunity to confirm that the Bipartisan Committee on Absentee Voting wholeheatedly endorses your bill, S. 2574, to amend Title 13, U.S. 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. As you recall, representatives of the Bipartisan Committee appeared before the Senate Post Office and Civil Service Committee on October 12, 1971, to testify in support of this legislation.

The Bipartisan Committee, furthermore, expresses its complete support for two sets of amendments to S. 2574 that have been submitted by Senator Barry M. Goldwater. The first set of amendments (No. 607) would provide that the places of distribution of registration forms under S. 2574 shall include Federal offices abroad, such as embassies, consulates, military installations, and USIA offices.

The second set of Goldwater amendments (No. 608) would have the effect of providing states with financial assistance under S. 2574 even if they choose to utilize the registration procedures under the 1968 Amendments to the Voting Assistance Act of 1955 rather than, or in addition to, those of S. 2574. This financial assistance could be an effective incentive for the states to adopt the provisions of the 1968 Amendments covering civilians temporarily residing abroad. This set of Goldwater amendments would also provide that S. 2574 generally should not be construed as limiting the 1955 Act (as amended in 1968) or section 202 of the Voting Rights Act of 1965 (as amended in 1970).

Please do not hesitate to let us know if we can be of further assistance to you in the support of this legislation.

Sincerely yours,

J. EUGENE MARANS,
(For the Committee).

Mr. MCGEE. Another group—and a prestigious group, whose qualifications and established interest in voter responsibility and voter activism in this country is beyond question—the American Association of University Women, in a letter from its legislative program chairman, says, among other things:

The American Association of University Women has long been concerned about restrictions on the constitutional right to vote. The Association's current legislative program focuses on "the institutional crisis" in this era of unparalleled change. In other words, there is a growing lack of confidence that people feel in government at all levels, in education, in the courts and in equality under the law for educational and job opportunities. At the same time people have failed to exercise their public obligations. Guided by these concerns, we support S. 2574, the National Voter Registration Act.

I ask unanimous consent that the entire letter from Mrs. Sherman Ross, the legislative chairman of the American Association of University Women, be printed in the RECORD.

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

AMERICAN ASSOCIATION OF
UNIVERSITY WOMEN,
Washington, D.C., March 8, 1972.

Hon. GALE W. MCGEE,
Chairman, Committee on Post Office and Civil Service, U.S. Senate, Washington, D.C.

DEAR SENATOR MCGEE: The American Association of University Women has long been concerned about restrictions on the constitutional right to vote. The Association's current legislative program focuses on "the institutional crisis" in this era of unparalleled change. In other words, there is a growing lack of confidence that people feel in government at all levels, in education, in the courts and in equality under the law for educational and job opportunities. At the same time people have failed to exercise their public obligations. Guided by these concerns, we support S. 2574, the National Voter Registration Act.

We believe S. 2574 will provide much needed protection and promotion of the constitutional right to vote in federal elections. Also, by virtue of the fact that it does protect and facilitate voting, we believe S. 2574 to be a constructive step toward resolving the institutional crisis. Facilitating access to the the ballot by qualified voters is one way of reducing alienation and increasing confidence in government. We believe people will give greater support to a political system in which they participate. The staggering number of non-voters in the U.S.—some 47 million in 1968—is cause for concern for both the democratic accountability and the stability of the system.

We are pleased that S. 2574 addresses itself to voter registration procedures. The significance of registration has not always been appreciated, but it is the principal barrier to voter participation today. Current research sheds new light upon this "first step" in voting, indicating *inter alia* that voter registration laws actually create so-called "apathy" and disfranchise qualified voters by being unnecessarily and unreasonably restrictive and inconvenient. Unlike other democratic nations, we have "personal registration" in this country which places the burden of registration upon the individual rather than upon government. The results have been devastating. Statistical analysis suggests that voter registration procedures are more important than social-economic variables as explanatory factors of non-voting. Furthermore, our voter registration procedures operate in a discriminatory fashion, keeping out minorities and low income groups in larger proportions than other groups. It is time to do something about these procedures.

S. 2574 would certainly make voter registration easier by providing for registration by federal postcard. It would eliminate the need to go to an inconvenient location at inconvenient hours, required in many states. The postcards would also facilitate registration drives by civic groups. And reducing the registration deadline to 30 days before an election would help in the few states having earlier cut-off dates. By offering financial incentives to the states, S. 2574 will encourage convenient registration practices on a uniform basis, which is a desirable step toward equal treatment of the fundamental right to vote throughout the country. S. 2574 offers many registration improvements while at the same time retaining local registration lists and decentralized administration.

Some fears have been expressed about the possibility of increased fraud when registration is by postcard. In our view these fears are exaggerated. For example, in Texas registration by mail has supplemented registration in person for several years without noticeable increase in fraud. In fact, a proposal to eliminate the mail system for initial registrants was defeated by the Texas House of Representatives in 1971. S. 2574 contains safeguards against fraud; and in any event, we believe the greater evil is disfranchisement of millions of qualified voters by cumbersome "overkill" requirements based on the premise that every voter is a potential criminal against whom society must take special precautions.

From our reading of constitutional law and expert interpretation, we think Congress possesses ample authority under Section 4 of Article I and other constitutional provisions to pass voter registration legislation applicable to federal elections. Many of the constitutional objections to S. 2574 are based on pre-1964 constitutional law doctrine or even pre-1940 doctrine and do not take into account the changes in the U.S. Supreme Court's treatment of voting rights. It is significant that the Court has upheld far-reaching Congressional suffrage laws with only one exception in recent years. In fact that part of the *Oregon* v. *Mitchell* decision upholding the constitutionality of Title II of the 1970 Amendments to the 1965 Voting Rights Act lends considerable support to S. 2574. True, the provision of S. 2574 that reduces durational residency requirements in Congressional elections to 30 days may raise a new issue; but long durational residence requirements are at present under attack in the courts and may be on the way out regardless of what Congress does.

In conclusion we believe Congress has a duty to adopt public policy that protects and promotes the exercise of the fundamental right to vote to the ends that our democratic ideals of participation may be realized and our system preserved. We urge passage of S. 2574.

Sincerely,

(Mrs.) SHERMAN ROSS,
Legislative Program Chairman.
Dr. JANICE C. MAY,
Member, Legislative Program Committee.

Mr. MCGEE. Mr. President, another letter, from the National Education Association, written on behalf of the 1.3 million members of that organization—and I hope that I do not reflect any conflict of interest in this respect, having been a member of the National Education Association for so many years myself as a teacher—written by Stanley J. McFarland, assistant executive secretary for the Office of Government Relations of the NEA, says:

On behalf of the 1.3 million members of the National Education Association, I applaud the fine work done by you and your committee in drafting and reporting S. 2574 to establish a National Voter Registration Administration within the Bureau of the Census. We wholeheartedly endorse this program to facilitate and increase voter registration as a vehicle to maximize citizen participation in our democracy.

I ask unanimous consent that the entire contents of this letter of endorsement from the National Education Association be printed in the RECORD at this point.

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

NATIONAL EDUCATION ASSOCIATION,
Washington, D.C., March 6, 1972.

Hon. GALE W. MCGEE,
Chairman, Senate Post Office and Civil Service Committee, Old Senate Office Building, Washington, D.C.

DEAR SENATOR MCGEE: On behalf of the 1.3 million members of the National Education Association, I applaud the fine work done by you and your committee in drafting and reporting S. 2574 to establish a National Voter Registration Administration within the Bureau of the Census. We wholeheartedly endorse this program to facilitate and increase voter registration as a vehicle to maximize citizen participation in our democracy.

The National Education Association has long recognized the importance of voting and citizen involvement in the political process. Resolution C–40, "Teacher as Citizen," reaffirmed by the Representative Assembly in 1971, states:

"The National Education Association believes that every educator has the right and obligation to be an informed and politically active citizen. It urges local affiliates to seek written school board policies to guarantee educators their political rights, including registering and voting, participating in party organizations, performing jury duty, discussing political issues publicy, campaigning for candidates, contributing to campaigns of candidates, lobbying, organizing political action groups, and running for and serving in public office. Provisions should be made to enable educators to serve in public office without personal loss and without curtailment of annual increments, tenure, retirement, or seniority rights.

"Major decisions affecting schools are made by elected officials or their appointees. Therefore, the Association believes that it is the duty and responsibility of educators to involve themselves in the selection, election, and reelection of qualified, committed candidates who support the established goals that will provide quality education."

The exercise of the franchise is the most basic and fundamental expression of citizen participation in our representative government. Voting is the very cornerstone of our democracy. Yet with an increasingly mobile voting population the many restrictive requirements for voter registration effectively disenfranchise significant numbers of America's qualified citizens. The Association recognized the excessive durational residency requirements as a major hindrance to voting. In Resolution 71–36 the Association called for a reduction in the durational residency requirement. By reducing residency to 30 days for Federal elections, S. 2574 makes a great stride toward eliminating this barrier.

The path to the ballot box must no longer be encumbered with unnecessary roadblocks. We believe passage of S. 2574 would eliminate many of them and encourage greater citizen participation in the election process.

We stand with you in the hope that the Senate will again act to insure suffrage to the thousands of qualified—but presently disenfranchised—citizens.

Sincerely,

STANEY J. MCFARLAND,
Assistant Executive Secretary for the Office of Government Relations.

Mr. MCGEE. I have a letter and a news release from the American Civil Liberties Union, to the same effect. I ask unanimous consent that those documents be printed in the RECORD at this point.

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

AMERICAN CIVIL LIBERTIES UNION,
Washington, D.C., March 8, 1972.

Hon. GALE W. MCGEE,
Chairman, Senate Post Office and Civil Service Committee, Washington, D.C.

DEAR SENATOR MCGEE: The American Civil Liberties Union strongly supports the passage of S. 2574, the National Voter Registration Act, which seeks to simplify election registration procedures so as to increase the number of Americans who exercise their right to vote.

The ACLU has long supported measures to expand the franchise, in the belief that democracy functions best when the largest number of citizens play a role in selecting those who will lead them.

The Congress and the courts have recognized that the right to vote is a fundamental right which the government cannot abridge. Yet the right to vote can be abridged as effectively by cumbersome election machinery as it can by more deliberate decisions to discriminate against certain voters. Existing registration systems, your Committee noted in its report on this bill, often prevent people from registering. Many states, for example, keep registration offices open only during normal business hours. This practice and others fall most heavily, but not solely, on the poor, the uneducated and minority groups who are thereby effectively denied the right to vote.

This bill would end these problems for all federal elections. It would utilize the U.S. Postal Service to distribute registration cards to every citizen who would register to vote by returning the card to designated state or local election officials.

The bill provides financial assistance to the states to aid them in implementing the proposed federal registration system. The bill would not alter state and local election requirements, but would provide financial incentives to states which adopt the proposed registration system for their own elections.

In testimony submitted to your Committee, Senator Robert Dole opposed this bill, asserting that voter apathy is responsible for low voter turnout. Registration difficulties, however, play a much greater role than Senator Dole would have us believe. According to conclusions reached in a 1969 Gallup Poll, "it is not the lack of interest but rather the residency and other registration qualifications that proved to be the greatest barrier to wider voter participation in our nation."

The American Civil Liberties Union believes that this bill will contribute significantly to the elimination of these registration requirements and procedures which have denied far too many eligible Americans the right to vote. We commend you for your support of this legislation.

Sincerely,

HOPE EASTMAN,
Acting Director.

AMERICAN CIVIL LIBERTIES UNION,
Washington, D.C., March 8, 1972.

ACLU ENDORSES NATIONAL VOTER REGISTRATION ACT

The American Civil Liberties Union today endorsed enactment of S. 2574, the National Voter Registration Act which is currently being considered by the United States Senate.

In a letter to Senataor Gale W. McGee, Chairman of the Senate Post Office and Civil Service Committee, Hope Eastman, Acting Director of the ACLU's Washington Office emphasized that existing registration practices, such as keeping registration offices open only during working hours, place an especially heavy burden "on the poor, the uneducated, and minority groups who are thereby effectively denied the right to vote."

Challenging Senator Robert Dole's assertion that apathy is responsible for low voter turnout, the ACLU pointed to a 1969 Gallup Poll indicating that "residency and other registration qualifications" were the "greatest barrier to wider voter participtaion."

The ACLU urged speedy Senate passage of the bill, in the "belief that democracy functions best when the largest number of citizens play a role in selecting those who will lead them."

A copy of the complete text of the letter is attached.

Mr. MCGEE. Mr. President, an article written by Milton Viorst entitled "New Noble GOP-Dixiecrat Cause," discussing this proposal and its implications, appeared in the Washington Star yesterday, March 13. I ask unanimous consent that that article be printed in the RECORD.

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

NEW NOBLE GOP-DIXIECRAT CAUSE

(By Milton Viorst)

It seems that another filibuster is shaping up this week in the Senate—for one of those noble Republican-Dixiecrat causes: Keeping Americans from casting their vote.

The looming filibuster is directed against a bill by Sen. Gale McGee, a Wyoming Democrat. The bill aims to simplify the national system of voter registration which is now considered responsible for keeping as many as a third of all Americans from the polls in every federal election.

There is nothing complex and certainly nothing sinister about McGee's proposal.

It would require the Postal Service to deliver registration forms to every household in the United States at a fixed time prior to each election. A citizen could then register to vote by completing a form and mailing it back to his local election official.

The proposal builds on the momentum of the voting rights legislation of the last decade and the recent enfranchisement of 18–20-year-olds. It seeks to extend popular participation in American democracy.

In the presidential election of 1968, for example, 47 million registered Americans did not vote. Richard Nixon, in that election, won with only 31 million votes. Obviously, the abstainers could have had a major impact on the outcome.

In federal elections generally, average participation is about 60 percent. In Canada, it's 75 percent, in England 80 percent, and in some of the smaller democracies the figure is well over 90 percent.

Some analysts contend that the principal obstacle to higher voting percentages is not the registration system at all, but voter apathy. Yet before state governments adopted their various intricate systems of registration late in the last century, an average of 80 percent of adult Americans voted.

Furthermore, a Gallup poll concluded, on the basis of an extensive survey in December 1969, that: "It was not a lack of interest but rather the residency and other registration qualifications that proved to be the greatest barrier to wider voter participation in our nation."

Obviously, what troubles the Republican leadership and the traditional Dixiecrats is not an increase in the electorate's size, but a change in its composition.

The complexities of registration work overwhelmingly against the poor, the black and others who lack a sophisticated understanding of their self-interest and who feel alienated from the machinery which governs society.

What this bill threatens to do, then, is to chip away a little further at the powers of a ruling elite which is dead set against change. It promises to push the electorate a little leftward, both North and South, and a bit more to the Democratic side.

That, of course, is why the White House has opposed it from the beginning and why the Justice Department has devised a variety of specious arguments—like, it might increase voter frauds—to spearhead the fight against the bill.

Obviously, the administration is exerting pressure. Sen. Mark Hatfield, a liberal Republican, had been listed as a cosponsor, but withdrew his support last week, presumably in the wake of a warning that he might lose some of the friends he needs for his Oregon re-election campaign this fall.

Other Republicans also have shifted their position under duress, and the Senate Republican leader, Hugh Scott, recently circulated an official letter citing his objections.

On Thursday, the bill lost its first vote by a 44–37 count—largely because so many Democrats were off campaigning for the presidency. McGee succeeded in getting the Friday session of the Senate canceled, and hopes to get enough bodies back today to reverse the result.

Even if he does, however, he will run into the promised GOP-Dixiecrat filibuster, led by Republican Sen. Hiram Fong of Hawaii and Democratic Sen. Sam Ervin of North Carolina.

Ironically, some of the "new" Southerners, like Chiles of Florida and Hollings of South Carolina, are for the bill, but the old Claghorn crowd is determined to fight to the end. Whether McGee will be able to break the filibuster is doubtful.

Yet if precedent suggests anything, it's probably that this bill will pass within the next few years. The right to vote, after all, surely is an idea whose time has come.

Mr. McGEE. Yesterday's New York Times likewise carried an excellent summary of the status of this legislation and its content and implications in an article entitled "Democratic Concessions Likely on Postcard Registration Bill," written by John W. Finney. I ask unanimous consent that the article be printed in the RECORD.

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

DEMOCRATIC CONCESSIONS LIKELY ON POST CARD REGISTRATION BILL

(By John W. Finney)

WASHINGTON, March 12.—Only with some last-minute concessions does it now appear that the Senate Democratic leadership can rescue legislation designed to increase voter participation by permitting registration by post card.

The bill has run into considerable opposition from a bipartisan bloc of Senate Republicans and Southern Democrats, who are seeking to refer it to the Senate Judiciary Committee.

Their argument is that the legislation, which was handled by the Senate Post Office Committee, would open the door to voter frauds and impinge upon the constitutional righte of states to determine voter qualifications.

Should the bill be referred to the Judiciary Committee, which is dominated by Southern conservatives, it would probably mean its death.

On a preliminary test of strength last Thursday, the Democratic leadership failed by a 44-to-37 vote to table a motion by Senator Sam J. Ervin Jr., Democrat of North Carolina, to refer the bill to the Judiciary Committee. It was not a clear-cut test, however, because 19 senators were absent for the vote.

TWO POSSIBLE CONCESSIONS

A more crucial vote is scheduled for Wednesday—a time designed to permit the Senate Presidential candidates to return after the Florida primary on Tuesday. If virtually all the Democratic senators are present, it appears that the leadership could win by one or two votes.

The legislation would establish a Federal system under which persons could register to vote in Federal elections simply by mailing a post card to the state or local voter registration office. The system would be administered by an administration, created within the Census Bureau, which would arrange for the post card applications to be sent to every Post Office address in the nation.

In addition, as was done in the Voting Rights Act of 1970 for Presidential elections, the residency requirement to vote in Congressional elections would be reduced to 30 days.

To win over some votes, particularly among moderate and liberal Republicans, the Democratic leader, Senator Mike Mansfield of Montana is prepared to make some concessions.

One proposal would defer the effective date of the legislation until next year to make clear that Democrats are not seeking to obtain a potential advantage in this fall's Presidential election.

Another would require the registration applications to be received at least 30 days before an election, thus giving time to local officials to check on their validity.

Mr. McGEE. With that, Mr. President, I am prepared to yield to the Senator from Hawaii. Does the Senator want me to yield the floor?

Mr. FONG. Yes.

Mr. McGEE. I am glad to yield the floor to my friend from Hawaii today, yesterday from Florida.

Mr. FONG. Yesterday I was from Florida.

Mr. President, the parliamentary situation is this: We have before us the national voter registration bill, which has come from the Committee on Post Office and Civil Service. The motion pending before this body is a motion to refer the bill to the Committee on the Judiciary.

The reasons which have been cited for the referral include the fact that this bill has many substantive provisions over which the Committee on the Judiciary has jurisdiction. For example, there is the question of constitutionality. There are many constitutional questions in the bill which the Judiciary Committee should review, and see whether they come within the purview of any of various provisions in the Constitution.

We have also the question of impact this bill would have on State voter registration laws. The question of registration of voters has always been a matter for the States. It is now within the jurisdiction of the States, and it has always been the responsibility of the States to register voters for elections, regardless of whether they were voting for State, local, or Federal offices.

There is also the question of precedents. We have had many voting rights bills which have been referred to the Committee on the Judiciary, and that committee has heretofore been given priority in the matter of oversight of voting rights bills.

There are in this bill several provisions dealing with criminal penalties. For example, if one were to commit a fraud in sending in his postcard, that fraud would involve a penalty of $10,000, or 5 years in jail, or both; or if one should prevent any person from exercising his rights under this bill, he would be subject to a fine of $5,000, or 5 years in jail, or both.

There is the question whether the completed postcard is a Federal or State document, you are subject to the penalties which have been set forth under 18 U.S.C. 1001. If it is not a Federal document, if it can be considered only a State or local document, then you will not be subject to the penalty provisions of that section.

So we have a bill before us which has been worked on by the Post Office and Civil Service Committee, which does not have expertise in the matters to which I have referred. That is why a motion has been made on this floor to send the bill to the Judiciary Committee, so that the Judiciary Committee can take a look at it.

Let us examine the bill itself. This bill is to make it easier for people to register to vote. All you have to do is to fill out a post card sent to you by the National Voter Registration Administration. This registration procedure is to take place whenever there is a primary election, every time there is a general election for President or Vice President or for Members of Congress, and it also comes into operation when delegates are voted upon for the national party conventions. In fact it even goes further than just delegates to the national conventions. It starts back in the precincts where you have party caucuses, where you have district caucuses, and where you have State caucuses.

According to the definition which have been written into this bill defining a Federal election, the National Voter Registration Administration would have to send registration post cards to the occupants of all U.S. households. According the Bureau of the Census, there are approximately 64 million households in the United States. Is the National Voter Registration Administration going to send one card to each household, two cards to each household, or three or four cards to each household? How would the National Voter Registration Administration know how many people reside in one household? How would it know that a child in that household had reached the age of 18 years so that he or she might be able to vote?

We have here a system that will entail tremendous duplication—duplication of work being done by the States in voter registration, and duplication of cards to be sent to the various households.

It is estimated that in a presidential election year the cost could be as high as

$120 million. It is also estimated that in such an election year there could be 66 different mailings because of the different times at which Federal elections would be held in the States or in the local municipalities.

This bill is designed to make registration for voting easier. If we look at the voting laws of the various States and the laws of the various municipalities, we find that registration for voting is not a difficult task. In almost every State there is provision for the opening of the registrars' offices on Saturdays, for the opening of the registrars' offices at night, and in some places registrars go from house to house registering voters. So the present State laws are very simple. There are very simple laws, under which a person can register, if he really wants to vote.

The distinguished Senator from Wyoming has stated that approximately 47 million people did not vote in the last election. A survey was made to find out why some people did vote and why others did not. Many people do not register because they just do not want to register. They just do not want to vote.

A survey was made by the Bureau of the Census in 1968. The Bureau of the Census took a survey of 50,000 households—50,000 households, as distinguished from the Harris poll and the Gallup poll which take surveys of approximately 1,400 or 1,500 people, sometimes as little as 400 people, to get an idea as to what the Nation is thinking.

In 1968 the Bureau of the Census took a survey of 50,000 households on voter participation, and this is what the Bureau of the Census found: Of the 50,000 households surveyed, 26,942 reported that they did not register to vote. The question asked on voter registration was, "What was the main reason this person was not registered to vote?" The answers were recorded in one of the following categories: "Not a citizen of the United States," 10.6 percent—10.6 percent said they did not vote because they were not citizens of the United States.

"Had not lived long enough to be qualified to vote"—11.2 percent. In other words, 11.2 percent of the 26,000 households said they had not lived long enough to be qualified to vote.

More than a majority of the 26,000 households—53.3 percent—that said they did not register to vote—said they were not interested or they never got around to registering or they did not like politics.

Only 13.5 percent said they did not register because of illness; no transportation; or, they could not take time off from work.

"Other reason"—9.5 percent.

"Do not know"—2.2 percent.

Of the 26,000 households—53.3 percent—that did not register to vote said they were not interested in politics. Somehow, they thought politicians were not good people, and they did not care to meddle in politics. Only 13.5 percent said they did not register because they could not get down to register or that they could not find time or because they were ill.

Even if we had this procedure of voter registration by post card, how do we know that the 53.3 percent of the people who said they did not care about politics would vote? The most we can get is the 13.5 percent, or, out of 50,000 households, the most we can get will be approximately 6,000 households. So there is no indication here that even with voter registration by post card we are going to get all the people to vote who did not vote.

When we consider that this would cost, in a presidential election year, more than $120 million; when we consider the costs which will be entailed here because this bill provides that we will pay 15 percent more, above the cost for the States and the local governments to process these cards if they will conform to a voter registration system, and when we consider that we will give them another 15 percent, in addition to what they are getting for processing these cards, we can begin to see the tremendous Federal expenditure called for by this bill.

This bill will duplicate to a very large extent the present system of voter registration. It will open up opportunities for a tremendous amount of fraud. Presently, when one wishes to register, he goes down to the registrar's office, or he appears before a registrar if he happens to be a roving registrar, and he signs his name and he swears to that signature in person. Here we will have a system in which the NVRA sends a post card to a household and we do not know who will sign the post card. We do not know whose name will appear on the post card. We do not know whether the name is fictitious or not. We do not know whether the name is taken from a tombstone. We do not know whether the voter is living in one State or another. We can see here the great opportunity for fraud in this system.

As I stated before, the bill will drastically change the manner of voter registration in the whole of the United States. It will impose Federal controls and guidelines on such procedures. Each State would want to secure that 30 percent over the cost of their processing costs. It will impose Federal controls and guidelines over State and political party organizations because the Federal Government will inject itself into the various party caucuses and elections. It would change radically our traditional and well established voter registration systems. It will multiply the opportunity for fraud in elections and it will impose Federal registration costs in excess of $120 million. It will have serious adverse implications on our entire system of elections and our system of government.

It is because the bill has so many defects, because we do not know where we are going and we cannot see the light at the end of the tunnel, that it is wise for the Senate to send the bill to the Committee on the Judiciary enabling that committee to work its expertise on the bill. That committee could then bring back to the floor of the Senate a real, good voter registration bill. It would also allow the Judiciary Committee to amend the bill to answer all the various arguments that we have presented here on the floor of the Senate showing that the pending bill is detrimental to our system of elections and our system of government.

Mr. President, I am ready to yield the floor.

Mr. BROCK. Mr. President, as the author of one of the first constitutional amendments to give 18-year-olds the right to vote, I am proud of Tennessee's early ratification of the amendment as well as their reduction of the age of majority to 18.

By involving as many people as possible in public decisionmaking, this Nation will be in a better position to choose its course for the future. Such participation is essential to the preservation of freedom; however, I cannot support the National Voter Registration Administration as proposed.

Simply stated, it will not work effectively. Certainly it would be easier for individuals to be registered, but the possible ills that might result from such a program without sufficient safeguards deserve attention.

In the proposal now being debated, such safeguards are nonexistent. The bill removes every protection now in existence under our present precinct system and offers virtually nothing as a replacement. This bill proposes that an individual who desires to vote will complete a postal card and that local registrars will never know or see the face behind the card. Election officials will not be able to know the relevant qualifications of an individual card signer or their veracity.

Conduct and demeanor are relevant to the electoral right. In the face-to-face confrontation now possible under our present system, election officials have the opportunity to determine the qualification of the electorate. Under this bill public officials have no access to knowledge whether a face exists behind the computer card. He is not given any power to do anything except read the card and on the basis of the card make a determination of the validity, qualification, and honesty of its applicant.

Further, if, by chance, a local official does know of some fraud, he is helpless to correct it. Who does he report this crime to? Who does he notify? Can it be remedied? If so, how long will it take? If not, will it throw elections into permanent, absurd chaos? Half the Senators in this Chamber could have election results pending in disputes over the legality of the election returns.

These questions must be met before I can support any changes in the administration of elections.

The bill, as it is presently written, appears to have been drafted by the ghost of Boss Tweed and Tammany Hall. We must differentiate between concept and reality. I advocate this concept and urge reforms which would make it possible for more people to vote. I cannot and will not vote for a bill which I feel does not give adequate protection to the constituency it is attempting to serve.

ORDER FOR RECOGNITION OF SENATOR BYRD OF VIRGINIA ON THURSDAY, MARCH 16, 1972

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent, on Thursday next, immediately following the re-

marks of the distinguished Senator from Illinois (Mr. PERCY), the distinguished senior Senator from Virginia (Mr. BYRD) be recognized for not to exceed 15 minutes.

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

WAIVER OF RULE OF GERMANENESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Pastore rule with respect to germaneness be waived for the remainder of the afternoon today.

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

AUTHORIZATION FOR SECRETARY OF THE SENATE TO MAKE TECHNICAL AND CLERICAL CORRECTIONS IN S. 2601

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of Senate amendments to House amendment to S. 2601.

The PRESIDING OFFICER. 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 National Voter Registration Administration for the purpose of administering a voter registration program through the mail.

Mr. LONG obtained the floor.

Mr. LONG. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Wyoming without losing my right to the floor.

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

Mr. McGEE. Mr. President, I appreciate the courtesy of the Senator from Louisiana (Mr. LONG) in yielding to me at this time. I should like to append to the remarks made earlier here today on the matter of voter registration, a statement made by the distinguished majority leader last Thursday in regard to this issue. On that occasion, he addressed himself to the question of the jurisdiction of the committee. The remarks of the distinguished majority leader are so sharply drawn and are so much on target to the pending issue that I think it would be helpful if his remarks were printed in the RECORD again in connection with the matters that were discussed here earlier on the floor today. I therefore ask unanimous consent to have the remarks printed in the RECORD.

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

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.

* * * * *

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, I will have something more to say tomorrow on this question in regard to modifications and adaptations in the pending measure that we have had here at the desk for some time in updating it and simplifying it in ways that have been suggested from those who have spent time on the question. They include questions raised by the Senator from North Carolina and questions raised by other Members of this body that will pertain to matters of the jurisdiction of existing State responsibilities in this field, suggesting that there is no intent to preempt, and this is guaranteed. It will pertain to the allowance of sufficient time, a 30-day interval before an election, for the local authorities to process whatever post cards have come in or are received. It will address itself to the methods by which the prospect of one person submitting several registration cards would be dealt with.

On that latter point, I might add there is no difference than at the present time where a voter cannot be prevented from going into 10 or 20 different areas and claiming an address and signing an affidavit that that is where he lives. The States already have the capability and

the prospects for that kind of verification. There is nothing in this measure that would call into question the validating processes now existent within the States.

Our intent is simply to register voters and not to complicate the problem.

I want to thank my colleague from Louisiana for yielding to me.

Mr. FONG. May I ask the distinguished Senator from Wyoming, do I correctly understand that it is his intention to have a vote tomorrow?

Mr. McGEE. Yes. The intention is to vote about 4 o'clock tomorrow.

Mr. FONG. May I ask whether the Senator intends a vote on this question up or down?

Mr. McGEE. That is on the referral question?

Mr. FONG. Yes, on the referral question.

Mr. McGEE. The answer is no. I would intend to offer a tabling motion at 4 o'clock or whatever else might be more relevant at that time, if there have been conversations that have been going on informally, as I understand it, for any other options that would be more relevant.

Mr. FONG. Does the Senator wish to set a time for that vote?

Mr. McGEE. If it is agreeable with the ranking minority member of the committee, I would be willing to say 4 o'clock arbitrarily, if that would be helpful to clear the air.

Mr. GRIFFIN. Mr. President, is there a request pending?

Mr. McGEE. We were trying to arrive at an agreement here on a 4 o'clock time, if the Senator wanted to fix it specifically; otherwise, I would be willing simply to say, barring that, I would be willing to proceed at that time with a tabling motion; but I was trying to accommodate all the interests to a time that would be reasonable.

Mr. GRIFFIN. Mr. President, may I be recognized briefly?

Mr. BYRD of West Virginia. The Senator from Louisiana (Mr. LONG) has the floor.

Mr. LONG. Mr. President, I yield 1 minute to the Senator from Michigan without losing my right to the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 1 minute.

Mr. GRIFFIN. Mr. President, having just arrived in the Chamber, the point I want to make—and probably it has already been made—is that we are ready on this side to vote on the pending question, the Ervin motion to refer the bill to the Committee on the Judiciary. Having already voted before on a tabling motion, it seems rather useless and futile to go through that exercise again. Of course, it is within the province of any Senator to make such a motion to table. However, I certainly want the RECORD to show that on this side we are ready to vote today on the pending question. We are ready to vote tomorrow. We are ready to vote on Thursday. We are ready to vote Friday on the pending question.

Mr. McGEE. Mr. President, may I ask the Senator from Michigan if he would be prepared to proceed to a substantive vote on the pending issue, voter registration.

Mr. GRIFFIN. The junior Senator from Michigan would be. However, I cannot speak for all my colleagues on that point at the present time. We are prepared to take up one question at a time. The pending question is the motion of the Senator from North Carolina. We are ready to vote on that question.

Mr. McGEE. Mr. President, as the Senator well knows, the reason that the Senator from Wyoming is proceeding in this fashion is to permit time for the exploratory work that may be possible to determine the arrival at some sort of an approach to a consensus or some possible approach that might be acceptable. Not knowing what that is at this time, but knowing that the conversations are going on, it was felt desirable to agree tentatively at least to an approximate time that this might be surfaced or brought to a head to see what we could arrive at. However, because one individual cannot agree to such things, I would be prepared to table at approximately that time, if that were the one course that remained.

Mr. FONG. Mr. President, we have already tabled the tabling motion to refer the measure to the Judiciary Committee. Three days having elapsed, I inquire whether another tabling motion can be made at any time.

The PRESIDING OFFICER. The answer of the Chair is that another tabling motion could be made after 3 days under the precedents of the Senate.

Mr. FONG. Even though the motion had been defeated.

The PRESIDING OFFICER. After 3 days, the answer is yes.

Mr. FONG. I thank the Chair.

Mr. GRIFFIN. Mr. President, of course, the manager of the bill is within his rights. However, it seems very unusual that he would not want to get to a vote on the pending question. I will not go through the exercise of propounding a unanimous consent request, although I am tempted to do so. It is clear that the manager of the bill would object. So I will not put him in that position. However, he has reported a bill and obviously he is for the bill. There has been some suggestion that this side is filibustering. Obviously there is no filibuster on this side.

The proponents of the measure apparently are not anxious to get to a vote.

Mr. McGEE. Mr. President, we are very anxious to get to a substantive vote on voter registration. I think the Senate ought to be able to work its will on that. And we think that is the real test.

Mr. GRIFFIN. Mr. President, I say in all due respect that the proper way to proceed would be to dispose of procedural matters. There is only one such matter pending. That is whether or not the Committee on the Judiciary should have an opportunity to consider the measure.

WELFARE CHEATING

Mr. LONG. Mr. President, in the past several months, there has been considerable discussion in connection with the President's welfare expansion bill concerning fraud and deceit under the existing welfare system and the potentially larger problem that might accompany enactment of the President's program in the form in which he has proposed it.

In the next few pages of the RECORD, I will show how fraud and misrepresentation and simply bad management of the welfare system have led to the inclusion on the welfare rolls of literally thousands of people all around the country who should not, under any reasonable interpretation, be eligible for benefits, or whose benefits should be substantially less than they are receiving.

It has been said that a few bad apples should not discredit the whole barrel and that welfare recipients, in general, should not be tarred with the same brush that paints horrible pictures of welfare cheating and malingering. I agree completely with the thesis that millions of people on welfare rolls are there through no fault of their own. These people would like nothing better than to leave the welfare rolls and regain their independence. They need the help of their fellow Americans and we should all do what we can to aid them. The rhetorical question posed by the passage from the Bible—"Am I my brother's keeper?"—should be answered with a resounding "Yes," but only when we refer to the destitute, the disabled, and the orphaned.

But our personal compassion for the needy must be tempered by a responsibility to the people whose money we are entrusted with spending for the public good. Frankly, if we continue a system which tolerates fraud, administrative laxity, petty chiseling and deceitful practices, we are doing a double injustice. First, we violate the trust of the people by allowing Federal funds to be used for purposes other than for relief of the needy; and, second, we are unfair to the needy themselves who could otherwise be better provided for with available funds.

In my opinion, if the taxpayers of America knew that the welfare system was as shot full of holes as it is, and if they understood that the President's welfare expansion program, embodied in H.R. 1, does nothing to correct the glaring deficiencies in the system—but in fact makes them worse—I know they would not tolerate it. And if the people representing them in Washington knew how their constituents felt about the matter, then they would not tolerate it either.

I am no newcomer to the welfare scene. My record on behalf of the poor is clear. But I am concerned—gravely concerned—that the welfare system, as we know it today, is being manipulated and abused by malingerers, cheats and outright frauds to the detriment not only of the American taxpayers whose dollars support the program, but also to the detriment of the truly needy on whose behalf the Federal-State system of cash assistance is so important.

There is no question in anyone's mind that the present welfare program is a mess. It is only fair to say that no one really believed, until recently, that this also might be true of the adult programs—old age assistance, aid to the blind, and aid to the disabled categories.

THE ADULT PROGRAMS

I say, "until recently," in the adult programs, which include 3.1 million people, because on January 3, 1972, the Department of Health, Education and Welfare released the results of a preliminary survey indicating that errors in eligibility or payment status were found in 17 percent, or one-sixth, of the adult recipient cases. Of the approximately 500,000 recipients in these cases, 4.9 percent, or about 152,000 recipients, were ineligible for any payment, and over 7.9 percent, or about 245,000 recipients, received overpayments.

The survey covered only 34 States and only about half of the Nation's public assistance caseload, because many States were unable to review enough cases in April 1971 to provide a valid quota for a national subsample. HEW officials pointed out that it was not possible to show the percentage of errors or ineligibility by separate programs of old age assistance, aid to the blind, or aid to the disabled, but only by the three programs combined.

THE DEPENDENT CHILDREN'S PROGRAM

The survey also showed that erroneous welfare payments are going to 28.6 percent, or 772,000 families with 2,974,000 recipients, in the aid to families with dependent children—AFDC—program. Only 5.6 percent, or about 151,000 families with 582,000 recipients, were ineligible for any AFDC payment. Over 14.6 percent, or about 394,000 AFDC families with 1,518,000 recipients, received overpayments.

There were even underpayments in 9.7 percent of AFDC cases and in 4.9 percent of the adult cases.

(See exhibit 1.)

Mr. LONG. According to the article which appeared in the Washington Post on January 4, 1972, HEW officials said that, if all the errors could be corrected, there might be a net taxpayers' savings of $500 million in welfare costs.

(See exhibit 13.)

Mr. LONG. I was quite concerned to note that in spite of the ineligibility and incorrect payment figures, there was no mention in the press release of a crackdown on administrative inefficiency in the Nation's welfare bureaucracies. It would appear that most of the States would have a higher ineligibility figure than 3 percent. An HEW regulation listed in the Code of Federal Regulations, Title 45, Public Welfare Chapter II, Section 205.20(c)(5)(ii) clearly states the procedures to be followed when such a percentage is determined:

(iii) Provide for a 3 percent tolerance level on incorrect eligibility decisions. When it is determined that the rate of incorrect eligibility decisions exceeds a 3 percent tolerance level, the state and/or large urban agency must conduct a 100 percent verification on those specific factors of eligibility identified as causing the unacceptable incorrect decision rate. This more intensive investigation on specific factors of eligibility will be continued until the federal agency and the state assess the situation and work out a solution. The system contemplates periodic review and monitoring of operations by the Department of Health.

Unfortunately, it does not appear that HEW is taking any steps to improve the administration of the system, nor that they want to.

QUALITY CONTROL

Since 1962, HEW has used quality control results as a basis for claiming that ineligibility rates were 1 or 2 percent. Quality control is a method of reviewing a random sample of the eligibility decisions made by the caseworkers to determine the percentage of incorrect decisions.

Quality control results have been HEW's answer and its support against the critics of the program who claimed ineligibility and cheating were widespread in the caseloads, particularly, AFDC.

In fact, in November 1971, HEW again issued a rebuttal in a pamphlet widely distributed throughout the country and widely quoted by the proponents of the permissive welfare system. This pamphlet, entitled "Welfare Myths Versus Facts," claimed that ineligibility was only 1 to 2 percent in the total welfare caseload in the Nation.

(See exhibit 2.)

Mr. LONG. What HEW did not say, however, is that this information consisted of national estimates based on quality control findings—none of which is more recent than the April 1967 through March 1968 period. The pamphlet was issued, in fact, at a time when HEW had evidence that later quality control figures were much higher than that.

The disclosure in the recent survey is in sharp contrast to HEW's past claims that an insignificant number of welfare families are technically ineligible. No doubt, we will now hear the argument that 5 percent is not very high, and that we should not become alarmed. But let us not forget that a half billion dollars is a lot of money and that 5 percent of the families represent over one-half million people who are receiving assistance to which they are not entitled either through inefficiency, fraud, or because of administrative and court-made loopholes.

And, when we think of HEW's past claims of fraud being less than 1 percent, let us not forget that overpayments amounted to more than 14 percent in AFDC and that at least one-half of these families, involving about three-quarters of a million recipients, did not report the income, resources, or other circumstances which caused the overpayments.

THE DECLARATION SYSTEM DISCREDITED

What the HEW report does is to repudiate the rationale of the simplified method of eligibility determination adopted in 1969 in which States were permitted to simplify welfare applications by allowing the applicants to declare their eligibility with little or no checking by caseworkers.

This method was nothing but an open invitation for anyone desiring financial assistance to aply for it and receive it without more ado. This simplified method should really have been called the "blank check" method. Despite the criticism of many critics of this approach and their warnings that the caseloads would sharply increase because of ineligibles if such a method were adopted, HEW approved the method for the adult categories and approved first testing it in AFDC and later encouraged its adoption statewide.

As one who has labored for 24 years to help construct the programs for the aged and disabled, I am determined to do what I can to bring about a total improvement in the program to aid little children. I am frank to say, after a 2-year study of the President's family assistance plan, that it does not constitute welfare reform at all. It has every prospect of being just the opposite.

We all know what has been happening in the aid to families with dependent children—AFDC—program over the last 4 years. The 100-percent growth since 1967 has threatened to bankrupt the States, and it certainly has not helped the Federal budget. What is most alarming about this explosive growth is the large number of cheats and ineligibles who get on the welfare rolls. Once these people get on welfare, it is usually very difficult to get them off—sometimes next to impossible.

The program to assist families with dependent children has gone astray so badly that the children are described as its victims, rather than its beneficiaries. It is this program that has mushroomed without planning, grown like Topsy, until it has caused the entire program to take on the appellation of the "welfare mess."

CHEATING THE TAXPAYERS TAKES MANY FORMS

One form of cheating applies to the actions of the recipients of welfare who, because of their actions, receive overpayments or assistance payments to which they are not eligible.

Another form of cheating applies to the applicants for welfare benefits who deliberately fail to disclose all information pertaining to their income resources, or other factors of eligibility, to receive benefits.

Still another form of cheating is caused by the case workers and eligibility workers who, for whatever reason, be it lack of training, lack of sympathy for the rules and regulations, or too great a feeling that the applicant or recipient is "deserving" of financial assistance, grant assistance and overpayments to the recipient. Cheating is also the result of improper management techniques or management controls.

Another type of cheating occurs when grown children persuade their aged mother or father to transfer or assign property to them, thereby depleting their resources and making themselves eligible for old-age assistance.

Cheating is also involved when a man who is employed under the WIN program forces his employer to discharge him because he deliberately breaks too many dishes, if he is a dishwasher, or deliberately causes the factory machinery to break down, if he is a factory employee. Since he is not a voluntary quitter, he may return to the welfare rolls with no diminution of his benefit.

Cheating occurs when the mother drawing AFDC assistance allows a man to move in with her and sponge off the welfare check, thus depriving the dependent children, on whose behalf the check was provided in the first place, of their food and clothing. Why should that be permitted? If he is there acting like the man of the house and enjoying the

privileges of the man in the house, why should not he be obligated to bear the burdens of the man of the house?

CHEATING BY DESERTION

One of the worst types of cheating is the situation where the father either is not married to the mother, or, if he is married, he deserts or abandons his family. This situation exists in 55.8 percent of the AFDC families, according to the 1971 AFDC study issued by HEW. Six out of seven of the fathers of such children provide no support of any kind to the children they have sired.

This is the most vicious form of cheating of them all and, unfortunately, it not only is condoned by the law, the law actually encourages and fosters it—and so does the President's welfare expansion plan.

Should our welfare system be made to support the children whose father cavalierly abandons them—or chooses not to marry the mother in the first place? Is it fair to ask the American taxpayer—who works hard to support his own family and to carry his own burden—to carry the burden of the deserting father as well? Perhaps we cannot stop the father from abandoning his children, but we can certainly improve the system by obtaining child support from him and thereby place the burden of caring for his children on his own shoulders where it belongs. We can—and we must—take the financial reward out of desertions. We can—and we must—stop both the legal cheating and the illegal cheating which have transformed our welfare system into a welfare mess.

I have said many times before, and I want to reiterate it—I plan to insist that the deserting or runaway father assumes his parental responsibility and support to his family so that the children will not be dependent upon Government. We must put a stop to this ridiculous situation by which almost any man can leave his children and avoid supporting them or even worrying about them because he knows that the taxpayers under our system will support them regardless of his conduct.

Regardless of the form of cheating, the end result is an unnecessary and onerous burden on the taxpayer.

I have been talking about cheating on welfare for years. One of the causes for some of the cheating was HEW's regulation, issued in January 1969, which instituted the simplified method of eligibility determination. However, cheating is not just something of recent origin. Nor is cheating confined to any particular geographic region in the country. To the contrary—it is nationwide.

DISTRICT OF COLUMBIA

In the District of Columbia, my distinguished colleague, Senator ROBERT C. BYRD of West Virginia, initiated an investigation in November 1961, which showed 59 percent of the AFDC cases were ineligible for financial benefits, and continued investigations over the years showed a high percentage of ineligibles among newly approved AFDC applications for money payments.

NEW YORK CITY

A special review of AFDC in New York City in 1969 disclosed that 9.4 percent of the sample were ineligible and eligibility could not be determined in 1.4 percent. It was also found that 6.9 percent of the families, though eligible for AFDC, included one or more family members who were improperly included in the payment because they were not individually eligible.

The principal reasons for ineligibility were:

First, that the AFDC children were not deprived of parental support or care as required for eligibility. This group comprised 6.4 percent of all sample cases, and

Second, that the families' income or financial resources exceeded agency standards. This group comprised 3 percent of all sample cases.

Ineligibility was found to have continued for periods of more than 6 months in 57 percent of the ineligible cases. Overpayments were found in 29.9 percent of the sample cases.

(See exhibit 3.)

CALIFORNIA

Mr. LONG. In February 1971, Governor Reagan of California disclosed that 12 Californians, all fully employed, had applied for and received welfare payments merely to demonstrate the ineffectiveness of the simplified method for eligibility determination. One of the 12 had applied for welfare under four different names at the same welfare office on the same day and was approved. This group had formed an organization called Cheaters, Inc., and had hired a lawyer to protect themselves.

In his testimony before the Senate Finance Committee on February 1, 1972, Governor Reagan stated that an actual case evaluation study done in California in 1970 proved that fraud existed in at least 15 percent of the cases. He also said that to prove how easy it is to obtain public assistance in California under the HEW rules and regulations, a person with four children, all females, went to the welfare office, applied for assistance and filled out a form stating that her four children were all males. In spite of the fact that the four female children were standing beside her and it could clearly be seen that they were not of the sex the woman had said they were, the worker asked no questions about the children, accepting the statement of the applicant without any reservations.

MARYLAND

In August 1971, eight persons in Baltimore, Md., were named in 68 indictments for using false names and addresses to obtain welfare payments. One person received more than $2,300 a month and another $1,700 monthly.

(See exhibit 4.)

Mr. LONG. In November 1971, Lt. Gov. Blair Lee of Maryland estimated that at least $15 million of the $160 million in State and Federal funds paid out for welfare assistance is going to persons who either are ineligible or receiving overpayments.

(See exhibit 5.)

NEVADA

Mr. LONG. In December 1970, following investigations by the State of Nevada of all of its AFDC cases, it was reported that 22 percent of the welfare recipients in that State were dropped from the rolls for cheating. Subsequent developments indicated that the 22-percent figure probably overstated ineligibility; a better estimate is that about 15 percent of those on the rolls at the time of the investigation were probably ineligible.

(See exhibit 6.)

NEW YORK STATE

Mr. LONG. New York State, in its fourth month report on employment referrals and job placements under its welfare reform program which was instituted in July 1971, showed that 51,416 welfare recipients were referred to the division of employment. Of those referred, 3,733, or approximately 7 percent, were removed from the public assistance rolls for failure to comply with the work requirements.

(See exhibit 7.)

Mr. LONG. In the fifth month report, covering November 1971, on employment referrals and job placements under the New York welfare program, there were 50,532 referrals, of which 4,335 persons, or 9 percent, were dropped from the welfare rolls—bringing the 5-month total of those for whom assistance was terminated to 20,160. The recipients referred in November are approximately 3 percent of the 1.7 million people on public assistance rolls in New York.

(See exhibit 8.)

Mr. LONG. Governor Rockefeller, in his testimony before the Senate Finance Committee on February 3, 1972, stated that the 6-month report of the employment referral and job placements program covering December 1971, showed that 15,755 people have been placed in jobs and a total of 23,000 had been found ineligible during the 6-month period and had their assistance terminated.

NEW YORK CITY

In New York City, according to Human Resources Administrator Jule Sugarman, late closings in processing welfare cases is costing the city approximately $2 million a month. There are 10,400 of the 162,000 transactions that are in arrears representing suspensions and terminations on which delay could cost up to $24 million on an annual basis. In addition, there were 5,100 cases of suspected fraud. Mr. Sugarman also said that savings from speeding closings would be augmented by swifter recovery in identifying duplicate check frauds which have been estimated as high as $4 million a year.

(See exhibit 9.)

WASHINGTON, D.C.

Mr. LONG. In hearings on the District of Columbia appropriations for fiscal year 1972, before the Subcommittee on District of Columbia Appropriations of the Committee on Appropriations, House of Representatives, the director of social services administration—SSA—of the District of Columbia Department of Human Resources testified that $6 to $8 million was being expended annually to recipients who were ineligible. As a result, Congress cut $4.5 million from the District's welfare program proposal. The director of human resources, reportedly perturbed over her testimony that ineligible welfare recipients were defrauding the District of some $8 million a year, removed the SSA director from her position in January 1972.

The recently completed quality control review of the April-June 1971 AFDC caseload in the District of Columbia showed that 6.2 percent, or approximately 5,200 AFDC recipients, were totally ineligible for benefits and 20.5 percent or approximately 17,000 recipients, were receiving overpayments.

(See exhibit 10.)

NEW YORK STATE

Mr. LONG. Mr. George Berlinger, who was appointed New York Inspector General for Welfare in August 1971, mentioned the following cases which had come to his attention:

A woman receiving $241 a month for the last 18 months after having declared that her husband had deserted her. Investigation disclosed that the husband still lived at home, earned $4.28 an hour and owned a 1971 Mercury. The family had received $5,663 in Aid to Dependent Children payments.

A similar case involving an "absent husband" who is actually living with the family and earning $132 a month. The family had received $9,458 in Aid to Dependent Children payments over the last 38 months.

A Bronx woman who had been receiving $274 a month for Aid to Dependent Children while working and earning $135 a week. Total overpayments since May, 1966, when she was placed on the rolls, were $17,509.

(See exhibit 11.)

MARYLAND

Mr. LONG. In 1971, Richard Smith, a welfare worker in Prince Georges County, Md., noticed three different applications for emergency welfare assistance submitted by women whose children included twins. The results of his investigation was the discovery that an organized ring had been cheating the county out of about $40,000 in food stamps and welfare benefits.

The investigators learned that women applying for welfare exchanged wigs among themselves in order to change their appearance and often gave nonexistent addresses when they applied for welfare help.

Mr. Smith said:

Most of our clients are still honest, but for someone who is criminally inclined and wants to pick up $200, it (welfare fraud) is cheaper than bank robbery, it's easier to get away with, and it involves a lesser charge if you are caught.

At the root of the fraud in Prince Georges County is the so-called declaration—or simplified method—system of applying for welfare and food stamp benefits—especially as this system relates to emergency or immediate assistance. The aim of emergency assistance is to provide immediate help for those who need it, such as people who have been evicted from their homes, or who are disabled, or who have no money to feed their children.

Alerted by the recurrence of twins on applications for welfare, Mr. Smith decided to check the recent emergency applications in the county. He discovered that over a 12-day period, the department had received 12 different applications from people who brought notes from their landlords saying they had been evicted. Seven of the 12 cases involved women with twins.

Letters were sent to the 12 people at the addresses listed on the applications. All the letters came back stamped "addressee unknown." Mr. Smith alerted his supervisors, who instructed the welfare workers to check carefully all persons who applied for emergency aid. Several times, when women did apply for emergency benefits, and welfare workers explained that the names and birthdates of their children would have to be verified through hospital records, the women walked out of the office. Mr. Smith said that—

The welfare office will not detain or arrest an individual until it is absolutely certain it can prove fraud.

The scheme continued because the emergency applicants changed their tactics. So that they would not be recognized, Smith says the women wore different wigs which they exchanged among themselves. After a while, their stories were not always the same. Sometimes they had twins and sometimes they did not. Sometimes they said they needed emergency help because they or their husbands were disabled and other times because they were evicted. Usually, the welfare office would discover they had been defrauded only after the emergency help had been given.

In addition to the emergency payments, the welfare office also found that they were being cheated out of AFDC payments. Smith says:

When applying, some of the women gave real addresses and managed to keep and cash subsequent check as well as the emergency checks. Welfare officials later discovered that these addresses were sometimes used several times under different names. As we got more sophisticated, so did they. We underestimated them completely.

As Smith admitted to a reporter:

If you wanted to come in here tomorrow, dress shabbily, say your name was Ralph Royster Doyster and show us you are out of work, you could get public assistance for 30 days.

(See exhibit 12)

LOUISIANA

Mr. LONG. Now, here is a case known personally to me. Here was a woman in Louisiana. She came in planning to go on welfare for herself and her children a fifth time and she succeeded in getting on welfare five times. But in the course of it she ran into one of the aides who had processed one of the first four applications with the result that this matter came to the attention of the office, and they got out a search warrant and learned the truth. She had five social security numbers, she had five driver's licences.

Her neighbor was on welfare two times but planned to go on three times. The neighbor had three driver's licenses and three social security numbers.

ARKANSAS

Samuel Weems, prosecuting attorney for the 17th Judicial District for the State of Arkansas, in his testimony on January 21, 1972, before the Senate Finance Committee, described various situations that he had handled in Arkansas. In one example, an individual wrote a check for $1,041 to pay back the value of food stamps obtained illegally. This particular individual had a bank account of over $5,000. Another individual had a substantial bank account and had received some $2,225 in food stamps when, in fact, he was employed by a local rice mill.

In another case, the AFDC mother had told the welfare department that the father and "his" family had moved to Chicago. Mr. Weems' investigation revealed that the father was actually working in Little Rock. Mr. Weems has taken bastardy action against the father. If the judge declares him to be the legal father, a civil suit will be filed to recover the State funds as the father is employed.

In another case, Mr. Weems' investigation disclosed that the husband and wife in an AFDC case were living together. She had told welfare workers repeatedly she had not seen the father and did not know where he was—yet he is employed in Little Rock, Ark. He has filed a civil suit against the father to obtain the $875 paid to support the children and is examining the case to determine if criminal charges will be filed against the wife for obtaining money under false pretenses.

In another AFDC case of a mother with three illegitimate children, Mr. Weems' investigation revealed that a county judge in 1966 made a judicial determination as to whom was the legal father. The father was ordered to pay support; yet he never did. The State welfare department certified that $5,026 had been paid for support. The father is in Little Rock and is employed. Mr. Weems had a warrant of arrest for child abandonment issued and has filed a civil suit to recover support payments made. I commend Mr. Weems' testimony to the entire Senate. It is quite enlightening.

Let me digress from my prepared remarks to say that in the last few days, Mr. Weems has forwarded to me a copy of a report of the grand jury in Lonoke County, Ark. The grand jury has looked into the welfare fraud in the county and has brought 25 indictments. More importantly, they have indicted Ivan Smith, chief attorney for the Arkansas Welfare Department, on 25 counts of accessory after the fact to the fraudulent offense of obtaining property under false pretenses. It was the grand jury's conclusion that by knowing the fraud existed and by not turning over that information to the lawful prosecuting officials of the State, Mr. Smith had in fact concealed the fraud and prevented its proper prosecution.

During his testimony before the Committee on Finance, Mr. Weems said the welfare system was shot through with fraud and I asked him if he could prove it. He said, "I guarantee it." The grand jury report is part of his proof.

In my opinion it describes a horrible situation, and the country should be made aware of the type of outrage that can come about under a system which promotes fraud and cheating, and then authorizes it to be hidden from the public prosecutors by disloyal servants of the government.

I ask unanimous consent that the report of the grand jury be printed at the end of my remarks.

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

(See exhibit 14.)

Mr. LONG. Mr. President, I very much commend Mr. Weems for the courageous and diligent job he has done in exposing welfare fraud and welfare cheating, and in obtaining the indictment of some of the establishment in the welfare cheating industry—I mean the people who work for Government pay, who deliberately cover up fraud and thieving in this program, which has the effect of victimizing the people intended to be benefited, because it diverts money intended for the poor to people who are not poor at all, who are just thieves, frauds, and cheats, and little short of burglars.

I think one of the most healthful things that has been done by this diligent district attorney, Mr. Weems, in Arkansas, was to indict a State official whose salary was paid for in large part by the Federal Government, for his corrupt activities in covering up fraud when it was exposed and pointed out to him, and for his part in firing an honest Government employee who cooperated with the district attorney in helping disclose the kind of corruption that was going on in the department, in which this so-called lawyer had an important task which he failed to discharge as required by his duties, as indicated by the indictment of the Lonoke County Grand Jury in Arkansas.

ALAMEDA COUNTY, CALIF.

One of the most bizarre incidents to come to my attention involved a refusal by welfare workers in Alameda County, Calif., to provide information to their own director regarding the number of county employees who were also receiving welfare aid. The director was simply trying to do his job and determine whether persons were on his welfare rolls who should not be there, but he had to go to court to fight an injunction, sought by his own employees, to prevent his obtaining from them the information about his own program. As it developed, one of the county employees receiving AFDC, according to the Oakland Tribune of May 15, 1970, was a full-time, senior social worker whose total income was almost $14,000. She was placed on AFDC by another social worker so that the county would be liable for a lion's share of the $300 a month it is costing to keep her son in a private boys' home.

Can you imagine that? Welfare workers putting each other on welfare and then refusing to divulge it to their supervisor even when specifically requested to do so. The whole sordid matter was documented in the hearing before the Committee on Finance on welfare reform in 1970.

COLORADO

My distinguished colleague on the Finance Committee, Senator HARRY F. BYRD, JR., of Virginia, rendered a great service when he pointed out on February 25 how easy it is to get on welfare in Colorado Springs.

A reporter from the Colorado Springs Sun set out to determine whether any dishonest person could secure welfare payments. As a result of her experience, she found that almost anyone can get on welfare. All she needs is a good imagination, a convincing personality and a cooperative social worker, which is easy enough to find.

The reporter used a false name, an address where she does not live and listed two children whom she does not have. When the social worker asked about her husband, she said he had deserted her unexpectedly. On the basis of nothing more substantial than her own declaration, which was purposely false, the reporter was told by the social worker that she would have little trouble, and would be receiving a check for $175 in about 10 days. The worker then volunteered food stamps and rent. The reporter then went to the food stamp center, where for 75 cents she received $42 worth of food stamps without any questions being asked.

The social worker scheduled a home visit with the reporter, but canceled it, and substituted a letter notifying her that her application had been approved. In addition, she even offered free Christmas presents for the reporter's nonchildren. About a week after completing the application for welfare, a check for $175 arrived. This check was mailed to an address where she did not live, to help support two children she does not have. The check, food stamps, and cards were made out in her fictitious name. In my opinion, this is illustrative of the cheating that goes on every day under the welfare program. It is disgraceful.

ELEMENTS OF WELFARE REFORM

Any good welfare reform measure should remove from the rolls the vast number of recipients who have no business being there in the first place. If we do this, then, in my judgment, we can afford to do a better job of caring for those truly needy persons, for whom the welfare program was designed. We could provide for them far more liberally with the additional funds by eliminating the ineligibles and the cheaters. But I, for one, cannot agree that the way to solve the present welfare mess is to double the welfare caseload. Nor can I agree that the way to solve the present welfare mess is to disregard the corruption that has permeated the system. To the contrary. Having knowledge that the present welfare system—and, indeed, H.R. 1 itself—condones and even encourages cheating and malingering, we have the responsibility to try to correct the shortcomings by whatever means it takes to assure an honest administration of the program.

We owe that much to the taxpayers who pay for the welfare system. Equally important, we owe it to the recipients themselves who often fail to get their full entitlement of benefits because of the big payments going to the cheaters.

Frankly, those who decry the verification of need to establish eligibility for benefits, those who would prevent the search for cheaters, and those who would cloak the welfare system in secrecy under color of privacy, in reality do not represent the best interests of the truly needy. Rather, they would have us continue a program which rewards and encourages the dishonest, the cheat, and the malingerer—those who have brought discredit to the welfare system. They make it difficult for us—who want to help—to exercise greater compassion for the destitute, the infirm, and the orphaned.

I firmly believe that the American taxpayers whose own activities and incomes are closely scrutinized by the Federal Government through the tax process want to help their fellow Americans who, because of peculiar misfortunes, are unable to help themselves. But the American people do not want their hard-earned tax dollars squandered under a program which openly condones the sort of corruption I have described in this statement. We must go after the welfare cheat just as we go after the tax cheat. In this respect, there is no reason to make the American taxpayer a second-class citizen, while the welfare cheat is made a first-class citizen.

ANTICHEATING PROGRAM

To deal with this situation I have described, I propose to offer amendments to the Committee on Finance when we meet to mark up H.R. 1 which would establish an Office of Inspector General to oversee the operation of the welfare system and to assure that public moneys voted for welfare go to the people who need it, and not to those who merely want it. I also plan to offer a number of amendments to strengthen the eligibility determination process and to provide for more orderly rules for verifying continued eligibility. In addition, I plan to offer amendments to penalize fraud and willful misrepresentations and to seek higher standards of performance among welfare workers.

It is my hope that these amendments will make it possible for us to assure that those who need our help will get a full measure of help. Coupled with a program of workfare rather than welfare, which I advocate, and about which I plan to say more at a later time, I do believe we can provide a system of aiding the poor and the needy of which the American people justly can be proud.

I yield to no man in my desire to help the deserving poor. But I cannot and I will not support welfare for the undeserving poor—those who cheat to get on the rolls.

For example, in Louisiana, the help provided for dependent children had to be reduced from 80 percent of need to 50 percent of need when the Supreme Court struck down the State's man-in-the-house rule. This meant the deserving poor were forced to suffer in order to share their welfare payments with the undeserving poor.

The entire program loses credibility and public support because the chiselers and cheaters are allowed to move in on the deserving poor in droves—like vultures feeding on the truly needy.

Mr. President, I ask unanimous consent to have exhibits 1 through 14 printed in the RECORD at this point.

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

EXHIBIT 1

HEW NEWS RELEASE, JANUARY 3, 1972

HEW's Social and Rehabilitation Service today released a preliminary survey indicat-

ing that approximately 5 percent of the Nation's welfare families were ineligible for payment they received in April 1971.

The HEW analysis showed that 4.9 percent of the aged, blind, and disabled cases, and 5.6 percent of the AFDC families should not have been receiving benefits.

Most of the errors were identified as honest mistakes by State and local welfare agencies or by those who received the payments. More than half were agency errors. In many cases, backlogged agencies did not reduce benefits promptly enough when a client reported an increase in outside income. Cases prosecuted for fraud amount to less than 1 percent of the total.

"The results of this survey make it all the more urgent that Congress enact the Administration's welfare reform legislation, which calls for a thorough management overhaul of the public assistance system," said Dr. Richard P. Nathan, HEW Deputy Under Secretary for Welfare Reform Planning.

He said that these survey results, although partial and preliminary document the basic structural inadequacy of present welfare administrative systems.

Nathan said, "Enactment of H.R. 1 would take a heavy administrative burden off the backs of States and localities, by transferring responsibility for determining eligibility and making payments to a new, uniform, and automated national system.

"At present," he noted, "over 80 percent of State and local welfare agencies are not automated, and as a result agencies are inundated with paperwork. Mistakes, delays and abuses are inevitable under these conditions."

Dr. Nathan also pointed out that the Nation's 1,152 State and local welfare administrations lack compatible record systems. This is due in part to the fact that 21 States operate decentralized welfare administrations. "Each welfare agency tends to be an island unto itself," he said, "and under these circumstances systems for checking on eligibility, avoiding duplicate payments, locating responsible parents and other key administrative controls are frequently inadequate."

Under the new system called for by H.R. 1, he pointed out, a single Federal agency using the most modern computer equipment, and related management tools would be able to ensure that the Nation's welfare program was carried out "with efficiency and integrity." Dr. Nathan likened such a new system to the administration of Social Security which, he said, "has enjoyed a high reputation for efficiency throughout the 35 years of its existence."

The HEW survey showed overpayments and underpayments in 24.3 percent of the AFDC cases and 17.8 percent of adult category cases.

Overpayments to adults averaged $22.43 and underpayments $14.23.

AFDC overpayments averaged $44.92 per family and underpayments $18.32.

These errors arose from three kinds of miscalculations:

Family living expenses were computed too high or too low;

Income deducted from living expenses was erroneously calculated; or

The maximum payments or percentage reduction in payment was incorrectly determined.

Errors by recipients were due to incorrect or incomplete information or not reporting changes in their circumstances. In most cases, there was no evidence of a deliberate misrepresentation.

Officials pointed out that a State-by-State breakdown of results was not attempted, since the number of samples submitted by each State was too small to yield a statistically valid picture.

The April survey was part of a new HEW quality control effort, that went into effect in October 1970. The new system, designed to pinpoint errors and correct deficiencies more effectively than in the past, has not yet been fully implemented by at least 16 States.

"The fundamental problem," SRS Administrator John Twiname said, "is that no quality control system can be universally enforced unless you can apply sanctions, where needed, such as withholding all or part of the Federal share of public assistance to States that fail to measure up. The only Federal sanction prescribed by law is the Hearing process, which is slow and cumbersome. We apply this only as a last resort because it could mean punishing welfare families, the old and disabled, for the failures of a basically unworkable system."

The major reason why the new quality control system isn't fully operating, Twiname said, is because understaffed State welfare agencies, burdened with rising caseloads, have not been able to afford the cost of hiring the additional staff the system requires.

The quality control system is administered by State welfare agencies under HEW rules. Special staffs are assigned to carry out the independent eligibility investigations upon which the quality control system is based.

SRS is providing a 60-member staff working mostly out of its ten regional offices to monitor State welfare agencies and help them improve their operations.

State quality control reviewers determine for each ineligible case the principal reason for ineligibility. These reasons fall into three groupings, as shown in Tables 3 and 6:

(1) Agency errors, including

(a) inadequate determinations of eligibility,

(b) failure to follow-up on known or indicated changes in circumstances and

(c) misinterpretations of policy and administrative errors of local staff;

(2) Changes in family size or income that are not reported by recipients; and

(3) a combination of 1 and 2.

Federal regulations require the welfare agency to make an initial determination for eligibility, periodic redeterminations, and to conduct a prompt follow-up any time that eligibility status might be affected by changes in the family's makeup or a recipient's income. Recipients themselves are supposed to report any change in their circumstances.

Although the first period covered by the new quality control system was October 1970 through June 1971, the data collected were not complete enough to give a true national picture. To fill this gap, SRS asked States to submit a subsample of cases from their April 1971 caseload.

The analysis of this subsample in the attached tables has two important limitations, officials warned:

1. Only about half of the Nation's public assistance caseload is represented because many States were unable to review enough cases in April to provide a valid quota for a national subsample;

2. Some of the largest States are therefore not represented, including California, Colorado, Maryland, New Jersey, North Carolina, Texas and Virginia. Moreover, New York, Ohio, Pennsylvania, and Wisconsin submitted only a small fraction of the quota requested of them.

TABLE 1.—*Eligibility status of families receiving AFDC, April 1, 1971*

Eligibility status:	Percent
All families	100.0
Eligible families	94.4
Ineligible families	5.6

TABLE 2.—*Overpayments and underpayments of eligible assistance families* receiving *AFDC*, April 1971

PERCENT OF ELIGIBLE FAMILIES	
Payment status:	
All families [1]	100.0
Received correct amount of assistance	75.7
Received overpayment	14.6
Received underpayment	9.7
AMOUNT	
Average amount of overpayment to overpayment to overpaid families	$44.92
Average amount of underpayment to underpaid families	$18.32

[1] Does not include ineligible families.

TABLE 3.—*Reasons for ineligibility, overpayment and underpayment of assistance to AFDC families, April 1971*

PERCENT	
Error status:	
All families	100.0
Families with error (in eligibility or payment status)	28.6
Families with agency error only	13.2
Families with client error only	12.0
Families with agency and client error	3.4
Families with no error (in eligibility or payment status)	71.4
PERCENT OF ALL FAMILIES	
Eligibility factor causing error [1]—Families with error in:	
Basic program requirements [2]	3.0
Resources [3]	0.8
Need—income [4]	11.4
Need—requirements [5]	12.4
Other [6]	1.0

[1] Only one factor is reported for a family. For families totally ineligible, the first error found contributing to the ineligibility is reported. For families with error in payment status the factor involving the largest amount of income or need is reported, although all of the errors contributing to the net error are taken into consideration.

[2] Includes errors in requirements for age, institutional status, disability or blindness, living with specified relative, and deprivation.

[3] Includes errors in such resources as real estate (home and other), insurance, savings, investments, and disposal of property.

[4] Includes errors in earnings, insurance benefits and pensions, support payments, contributions, other income, and the treatment of income according to the State's policy.

[5] Includes errors in the basic budgetary allowance, special circumstances allowance, and in proper persons included in the client's budget.

[6] Includes errors in computation and in State requirements not included elsewhere.

TABLE 4.—*Eligibility Status of Adult Category Cases Receiving Assistance,[1] April 1971*

Eligibility status:	Percent
All adult cases	100.0
Eligible cases	95.1
Ineligible cases	4.9

[1] Includes recipients of OAA, APTD, and AB.

TABLE 5.—*Overpayments and underpayments of eligible Adult Category Cases Receiving Assistance, April 1971*

PERCENT OF ELIGIBLE CASES	
Payment status:	
All eligible adult cases [1]	100.0
Received correct amount of assistance	87.2
Received overpayment	7.9
Received underpayment	4.9
AMOUNT	
Average amount of overpayment to overpaid cases	$22.43
Average amount of underpayment to underpaid cases	$14.23

[1] Does not include ineligible cases.

TABLE 6.—*Reasons for Ineligibility, Overpayment and Underpayment of Assistance to Adult Category Cases, April 1971*

PERCENT	
Error status:	
All adult cases	100.0
Cases with error (in eligibility or payment status)	17.1
Cases with agency error only	9.6
Cases with client error only	5.8
Cases with agency and client error	1.7
Cases with no error (in eligibility or payment status)	82.9
PERCENT OF ALL CASES	
Eligibility factor causing error [1]—Cases with error in:	
Basic program requirements [2]	0.4
Resources [3]	2.5
Need—income [4]	6.6
Need—requirements [5]	7.5
Other [6]	0.1

[1] Only one factor is reported for a case. For cases totally ineligible, the first error found contributing to the ineligibility is reported. For cases with error in payment status the factor involving the largest amount of income or need is reported, although all of the errors contributing to the net error are taken into consideration.

[2] Includes errors in requirements for age, institutional status, disability or blindness, living with specified relative, and deprivation.

[3] Includes errors in such resources as real estate (home and other), insurance, savings, investments, and disposal of property.

[4] Includes errors in earnings, insurance benefits and pensions, support payments, contributions, other income, and the treatment of income according to the State's policy.

[5] Includes errors in the basic budgetary allowance, special circumstance allowance, and in proper persons included in the client's budget.

[6] Includes errors in computation and in State requirements not included elsewhere.

EXHIBIT 2

WELFARE MYTHS VERSUS FACTS

MYTH

Welfare people are cheats.

FACT

Suspected incidents of fraud or misrepresentation among welfare recipients occur in less than four-tenths of one percent of the total welfare caseload in the Nation, according to all available evidence. Cases where fraud is established occur even less frequently.

Another 1 to 2 percent of welfare cases are technically ineligible because of a misunderstanding of the rules, agency mistakes, or changes in family circumstances not reported fast enough. These are human and technical errors; it is not cheating.

While the proportion of those who deliberately falsify information is very low, both the Federal and State governments seek to eliminate them from the welfare rolls as well as to remove all errors in determining eligibility. The overwhelming majority of recipients, like most other Americans, are not wilfully misrepresenting their situations.

State agencies are required to check the eligibility of AFDC families at least once every six months; those with unemployed fathers, once every three months. The Federal Government also analyzes State records and makes on-site checks of a portion of each State's welfare cases.

Many publicized charges of cheating or ineligibility simply have not stood up under investigation.

EXHIBIT 3

REPORT OF FINDINGS OF SPECIAL REVIEW OF AID TO FAMILIES WITH DEPENDENT CHILDREN IN NEW YORK CITY

SUMMARY OF FINDINGS

The Federal-State eligibility review carried out a comprehensive redetermination of eligibility and amount of assistance payment in a statistical sample of 543 AFDC cases on the payroll of the N.Y.C.D.S.S. between November 1, 1968 and January 15, 1969. The existence of potential resources (i.e., resources not available through some form of recipient or agency action) was also examined.

ELIGIBILITY

The review determined that 89.2 percent of all families in the sample were eligible for AFDC, 9.4 were ineligible, and eligibility could not be determined in 1.4%. It was also found that 6.9% of the families, though eligible for AFDC, included one or more family members who were improperly included in the payment because they were not individually eligible.

The principal reasons for ineligibility were: (1) that the AFDC children were not deprived of parental support or care, as required for eligibility (6.4% of all sample cases), and (2) that the families' income or financial resources exceeded agency standards (3.0% of all sample cases). . . . Ineligibility was found to have continued for periods of more than six months in 29 of the 51 ineligible cases (5.3% of all sample cases).

OVERPAYMENTS AND UNDERPAYMENTS

Payments in excess of the correct amount under N.Y.C.D.S.S. need standards were found in 29.9% of the sample cases. Amounts of overpayment ranged from $1.00 to more than $200.00. The average amount was $43.00. (The average payment in AFDC in N.Y.C. in January 1969 was $244.00.) Overpayments occurred principally because amounts included as income available to the family were incorrect or because an error was made in computing basic requirements, most often shelter costs.

EXHIBIT 4

MARYLAND JURY INDICTS EIGHT IN WELFARE SWINDLE

BALTIMORE, Aug. 7.—Three persons were arrested Friday for allegedly engineering a scheme which bilked the state welfare department of as much as $40,000 in the past four years.

Benjamin Brown, an assistant state's attorney, said at least eight persons were named in 68 indictments handed down late Thursday and more indictments were expected next week.

The scheme involved persons applying for welfare payments under false names and addresses in Baltimore, Brown said, with one individual getting more than $2,300 a month and another $1,700 monthly.

Arrested were Vernon Harris, 26, alias Anthony McCray; his brother, Percy Harris, 28, also known as Calvin Wilson, both of Baltimore; and Miss Flora Green, also known as Flora Hersey, of Hyattsville in Prince George's County.

Because the investigation is continuing, officials declined to say how the scheme came to light. The indictments by a special session of the grand jury capped a four-month investigation.

Brown, who noted the scheme did not appear to involve the collusion of state employes, said that after the recipient got on welfare rolls, his checks came to false addresses, where they were picked up by members of the ring and cashed.

Miss Green was named in nine indictments alleging she received checks totalling $1,971 between November, 1970, and last month.

Vernon Harris was named in 29 different indictments which charged he received $3,538 in welfare funds in a 15-month period, while his brother Percy was named in seven counts with accepting $754.

EXHIBIT 5

[From the Washington Post, Nov. 12, 1971]

MANDEL SAYS HE'LL PURGE WELFARE ROLL

(By Lawrence Meyer)

ANNAPOLIS, Nov. 11.—Gov. Marvin Mandel said today that he is intent upon purging ineligible recipients from Maryland's welfare rolls. He denied charges that his administration is attempting to discredit the state welfare program as a preliminary to cutting the 1973 welfare budget.

Although Mandel said he could not cite precise figures on the number of ineligible welfare recipients, he said, "We know there are a number on the rolls. We have evidence that there are a number on the rolls."

Mandel's comments on the state welfare program at his press conference here were his first since Lt. Gov. Blair Lee III said early this week, that "drastic action" would be taken to eliminate "crooks and cheats" among welfare recipients.

Lee's remarks, in an interview with two reporters, followed by several weeks the leak of a confidential report by the State Department of Budget and Fiscal Planning suggesting how Mandel might cut $20 million from the state's welfare budget.

The Mandel administration was accused today of "attempting to condition the minds of Maryland citizens to the popular myths that welfare recipients are dishonest and cheaters," by Thomas J. S. Waxter Jr., president of the Maryland Conference of Social Welfare. The conference claims a membership of 1,000 persons, including social workers and private citizens interested in welfare programs.

Waxter said the administration "is mounting a campaign to cut the budget of the Department of Employment and Social Services." As evidence, Waxter cited the budget bureau report and Lee's comments, which concerned a program under way since February by the Department of Employment and Social Services to strike ineligible welfare recipients.

Lee, who said he was using figures supplied by the state agency, estimates that at least $15 million of the $160 million in state and federal funds paid out for welfare assistance is going to persons who either are ineligible or who should be receiving reduced payments.

Don Nave, an assistant to Employment and Social Services Secretary Rita Davidson, said in an interview earlier this week that the department estimates the total overpayment at about $8 million a year.

Lee, in a separate interview, said, "It isn't worth all the hair splitting. The point is to stop worrying about this kind of nonproductive argument and get on with the job of cleaning them up."

Virtually all of the money paid out in assistance to welfare clients is state and federal money, but control and direct super-

vision of the distribution of these funds is left to local jurisdictions.

About 232,000 of Maryland's 3.9 million residents, are expected to receive welfare assistance in Maryland during the current fiscal year, an increase of about 51,000 over fiscal 1971. In fiscal 1973, the department estimates, another 61,000 persons will be added to the welfare rolls.

About 66 per cent of the state's welfare recipients live in Baltimore.

Mrs. Davidson's department in July, 1970, instituted a new system for applying for welfare assistance. Discarding the face-to-face interviews that had been required, the department employed a 12-page form that welfare applicants could fill out and mail to their local office. There, a local welfare official reviewed the form to see if the applicant was eligible and if he or she was, welfare payments would be made. The amount was determined by a complicated formula that allows a maximum payment of $200 a month to a family of four.

Following this initial application, welfare recipients are required—under threat of criminal prosecution—to report any change in their employment status or income. Local welfare workers also are expected to make periodic checks to see if recipients still qualify for welfare or if their payments should be reduced.

According to Mrs. Davidson and Nave, the state department, realizing that a problem existed, last February began a review of welfare recipients in Baltimore. Out of a sample of 10,000 cases, according to Nave, discrepancies were found in 1,900 cases. A careful review of 157 of these cases now has been completed, according to Nave, and the estimate that $8 million in overpayments has been made is based on that review. Lee says the true figure is $15 million.

Nave said the U.S. Department of Health, Education, and Welfare has set a standard of 3 per cent as the reasonable limit for overpayment and other discrepancies.

That is, an estimate that 3 per cent that can be tolerated, of all welfare dollars will be paid to people who should not get them is built into the program. The Maryland study shows a discrepancy of about 5 per cent.

Mrs. Davidson, Nave, Lee and Mandel all agree that a serious problem exists. That problem has two elements. One is "crooks and cheats," as Lee describes them, who though not eligible are fraudulently receiving welfare. Nave said that only 2 per cent of welfare recipients can be properly considered to be guilty of fraud.

The other element results largely from administrative problems, according to Mandel, Lee, Nave and Mrs. Davidson.

For example, welfare recipients may report a change in their employment status or income, Nave said, but city welfare workers fail to process the report. As a result, the welfare check remains unchanged and the client, having reported the change in status, assumes that he is getting what is rightfully his.

Or, the welfare workers fail to make the periodic or "reconsideration" checks on clients that the state requires. Or, the welfare workers fail to process the reconsiderations when they are sent in by the welfare client.

Mrs. Davidson said Baltimore City has a backlog of 28,000 unprocessed reconsiderations. Past attempts to persuade city welfare workers to deal with this administrative problem have been unsuccessful, she said. Mandel said today that it is this "administrative failure" that is largely accountable for the overpayment problem.

Mandel said Mrs. Davidson had carried a message from him to Baltimore's welfare workers, "That if we don't get cooperation, drastic measures will have to be taken." He declined to say what the measures might be.

Mrs. Davidson said recently that she has reached agreement with the city welfare department and expects to make significant progress on the problem.

Maryland presently sets a standard of $3,958 as the subsistence level, or amount of annual income needed to live, for a family of four. The present welfare payment of $200 a month is only about 61 per cent of that standard. Mrs. Davidson, who sought unsuccessfully last year to increase the payments to 65 per cent of the standard, is asking for $35.5 million in fiscal 1973 to cover the additional case load expected and to raise benefits.

Lee made it clear to reporters that no increase in benefits could be expected until the welfare rolls were "cleaned up." Mandel, citing the overpayments and a projected budget deficit in fiscal 1973, says the prospects are not "optimistic" for increasing benefits.

Mandel denies any connection between the leak of the budget bureau report, which suggested lowering the subsistence standard and raising the eligibility requirements, and Lee's strong statements. "The fact that the budget bureau made a report is totally unrelated to the discussion of the question by the lieutenant governor," Mandel said today. "There is absolutely no relationship there.

"I don't think any of us would condone keeping in the system those who are not entitled to benefits," Mandel said, because the ineligible cost taxpayers unnecessary dollars and deprive the eligible of what is rightfully theirs.

With the state facing a budget deficit, some observers who believe that the state's welfare benefits already are too low—although Maryland was one of only seven states to increase benefits this year—fear that Mandel is beginning a campaign against welfare.

"I can only believe," Waxter said today, "that the governor finds it politically expedient on the state level to encourage popular prejudices against the welfare recipients when he is faced with the pressures of a rising case load in Maryland."

Lee denies that there is any campaign against welfare. "If we have to cut it back (the welfare budget)," he said earlier this week, "we don't need a campaign."

EXHIBIT 6

[From the Evening Star, Jan. 9, 1971]

TWENTY-TWO PERCENT OF WELFARE RECIPIENTS DROPPED FROM NEVADA ROLLS

CARSON CITY, NEV.—Nevada has dropped 22 percent of its welfare recipients—about 3,000 men, women and children—on grounds they've been cheating the state to the tune of about $1 million a year, according to Welfare Director George Miller.

Miller yesterday said the recipients, including 889 family units, were cut off relief rolls as they were discovered.

The fact that a door-to-door check of aid recipients in Nevada was being conducted was not disclosed until it was completed.

Miller said he believed Nevada is the first state to make such a check and that similar ones would turn up even more cheating in other states.

"The other states are in much worse boats, they just haven't found out about it yet. The only reason Nevada could is that it's small enough to take an inventory," Miller said.

Miller blamed the cheating mainly on a federal rule that allows applicants to get aid merely by declaring they meet all qualifications.

Most of those declared ineligible—658 income sources, unemployment benefits or that there was a man living in the home, Miller said.

Most of those cut off failed to report other families of the 889 families—came on welfare after the start of the declaration system in June 1969, he said. Payments to the now ineligible families have averaged $87.20 a month.

The bulk of those found ineligible were in Nevada's two urban areas, Las Vegas and Reno. The rest of Nevada is mainly rural "and it's hard to cheat in the rural areas because everyone knows everyone else and what their facts of life are," Miller said.

EXHIBIT 7

STATE OF NEW YORK RELEASE, DECEMBER 3, 1971

Governor Rockefeller today released the fourth monthly report from Social Services Commissioner George K. Wyman and Industrial Commissioner Louis L. Levine on the operation of the Governor's 1971 Welfare Reform program:

STATE OF NEW YORK,
DEPARTMENT OF LABOR,
Albany, N.Y., November 30, 1971.

The Honorable NELSON A. ROCKEFELLER,
Governor,
State of New York,
Albany, N.Y.

DEAR GOVERNOR ROCKEFELLER: This is the fourth monthly report on employment referrals and job placements under your welfare reform program. It is the second time a joint report on this program is being made by the Department of Social Services and the Department of Labor which share responsibility for implementation. Cooperative efforts by these departments to unify the reporting system have made substantial progress toward this end. The report on the December activity is expected to reflect the result of this combined effort.

The October statistics show a decline in the number of referrals to the Division of Employment, reflecting the action taken in the first three months of the program which resulted in job placements and removal from the public assistance rolls and also New York City action on those who claim to be unemployable.

In October

2,229 public assistance recipients found employment. It brings to 11,142 the number who have taken jobs since the program went into effect on July 1.

3,733 were removed from the public assistance rolls for failure to comply with the work requirements, bringing the four-month total of those for whom assistance was terminated to 15,833.

A more detailed report on our findings for October indicates that:

51,416 recipients were referred to the Division of Employment.

15,077 recipients, 29% of those referred, have failed to comply with the requirement that they report, accept work, job referrals, or training.

8,666 individuals, 58% of those who failed to comply with reporting requirements, have had their cases reviewed by local welfare districts and a final determination of their eligibility has been made.

Of these cases which have been disposed of, 3,733, 43% have been dropped from the welfare rolls.

2,971, 34% have been reclassified as nonemployable.

1,445, 17% were found to have been temporarily ill or with a valid reason for not reporting and have been re-referred to the Division of Employment.

517, 6%, applications denied or withdrawn.

Of the 36,339 who did comply, 2,229 have been placed in jobs.

Of 51,416 of those referred, 3,733, approximately 7% were dropped from the rolls during the month of October.

Sincerely,

LOUIS L. LEVINE,
State Industrial Commissioner.
GEORGE K. WYMAN,
State Commissioner of Social Service.

EXHIBIT 8

STATE OF NEW YORK RELEASE JANUARY 7, 1972

Governor Rockefeller today released the fifth monthly report from Social Services Commissioner George K. Wyman and Industrial Commissioner Louis L. Levine on the operation of the Governor's 1971 Welfare program:

STATE OF NEW YORK,
DEPARTMENT OF SOCIAL SERVICES,
Albany, December 30, 1971.

Honorable NELSON A. ROCKEFELLER,
Governor, State of New York,
Albany, N.Y.

DEAR GOVERNOR ROCKEFELLER: This is the fifth monthly report on employment referrals and job placements under your welfare reform program. It continues to show noticeable progress in the realization of the welfare reform objectives of helping recipients to self-sufficiency and restoring public confidence by removing from the rolls those who are unwilling to comply with work reporting and counseling requirements.

November showed a 4.1% increase over October in the number of recipients placed in jobs, and a 16.1% increase in the number who were dropped from the welfare rolls for failure to comply with the requirement that they report, accept work, job referrals, or training.

It is important in analyzing the figures to note that the number of persons required to report to the State Employment Service in November totaled 50,532, approximately three percent of the 1.7 million recipients currently on public assistance rolls. We are continuing to screen this caseload to determine the number of additional persons considered employable by legislative definition.

We are pleased to report that the main field phase of a special study of this program has been completed, a joint undertaking by our departments, the United States Department of Labor and the United States Department of Health, Education, and Welfare, and analysis of the data collected is now underway. This study will yield information not otherwise available on the characteristics of employables required to report, particularly as related to job placement, failures to comply, and local social services agencies' disposition of such failures to comply.

In November:

2,320 public assistance recipients found employment, 4.1% more than October. It brings to 13,462 the number who have taken jobs since the program went into effect on July 1.

4,335 were removed from the public assistance rolls for failure to comply with the work requirements, 16.1% more than October. This brings the five-month total of those for whom assistance was terminated to 20,168.

A more detailed report on our findings for November indicates that:

50,532 recipients were referred to the Division of Employment.

15,528 recipients, 30% of those referred, have failed to comply with the requirement that they report, accept work, job referrals, or training.

11,268 individuals, 72.6% of those who failed to comply with reporting requirements, have had their cases reviewed by local welfare districts and a final determination of their eligibility has been made.

Of these cases which have been disposed of, 4,335, 38.5% have been dropped from the welfare rolls.

4,911, 43.5% have been reclassified as non-employable.

1,466, 13% were found to have been temporarily ill or with a valid reason for not reporting and have been re-referred to the Division of Employment.

556, 5% applications denied or withdrawn.

Of the 35,004 who did comply, 2,320 have been placed in jobs.

Of 50,532 of those referred, 4,335, approximately 9% were dropped from the rolls during the month of November.

Sincerely,

GEORGE K. WYMAN,
State Commissioner of Social Services.
LOUIS L. LEVINE,
State Industrial Commissioner.

EXHIBIT 9

[From the New York Times, Jan. 4, 1972]

SUGARMAN PLANS DRIVE TO CUT WELFARE BACKLOG—H.R.A. CHIEF SEEKS TO SAVE CITY $2 MILLION MONTHLY BY CLEANUP PROJECT

(By Peter Kihss)

A drive to clear up a paper-work backlog in processing welfare cases, aiming to save the city $2 million a month by earlier closings alone, was announced yesterday by Human Resources Administrator Jule M. Sugarman.

The plan has authorized the spending of $355,000 for 52,685 hours of paid overtime to reduce a backlog of 161,724 transactions. Of these, 10,400 represent suspensions and terminations on which delay could cost up to $24 million on an annual basis.

Mr. Sugarman said the extent of the backlog became known as a result of new management approaches and also the virtual completion of a separation of payment and case-work functions.

CENTER 45 DAYS BEHIND

The 13-week cleanup plan followed a report by the new office of management engineering under Deputy Administrator Arthur Spiegel that showed the Waverly Center, with a top backlog of 19,544 actions, 45 days behind in its work. The report said some centers had transactions awaiting action since last February.

A part of the backlog involves terminations required by state law effective last July 1 for employables who fail to pick up checks in person or to take jobs or training through state employment centers. Mr. Sugarman said, however, that such clients' checks go to the state centers where the so-called "no-shows" then cannot collect them.

A breakdown of the backlog, in addition to the 10,400 pending closings and suspensions, listed approximately 5,100 cases as involving suspected fraud. Other categories were 1,000 new applications, 6,500 reclassifications, 22,200 budget changes, 15,200 transfers (usually between centers), 1,000 changes of address, 45,450 "filing work" and 57,000 "others."

CHANGE-OVER A FACTOR

Mr. Sugarman said the savings from speeding closings would be augmented also by swifter recovery in identifying duplicate check frauds, which have been estimated as high as $4 million a year.

The management staff report attributed the growth of the backlog in part to disruptions of former administrative processes during the two years of change-over to the separation system, some caused by "numerous widespread and localized work actions" by employes.

Another factor was described as the increase in case load while the Department of Social Services staff engaged in income maintenance had decreased. The number of case-workers has gone from 9,500 to something over 5,000 in three years, although about 1,900 employes have been hired in other categories since last October.

The welfare case load has risen to 485,766 cases involving 1,228,274 persons through October, with a rise of 12,456 persons that month bringing the average growth since the city budget year started last July to 8,175 persons a month.

The upward spurt occurred despite the new "get-tough" state law changes, and followed an actual average monthly decrease of nine persons from the rolls during April, May and June.

EXHIBIT 10

[From the Washington Post, Jan. 7, 1972]

DISTRICT WELFARE SEEN OVERPAYING—STUDY SHOWS OTHERS ARE UNDERPAID

(By J. Y. Smith)

About 6,000 of the 100,000 welfare recipients in the District of Columbia may be ineligible for any of the benefits they are receiving.

About 17,000 of the 85,000 persons receiving benefits under Welfare's Aid for Families with Dependent Children program may be receiving more than they are entitled to.

Another 7,650 AFDC beneficiaries may be receiving less than they are entitled.

These are among the major findings of a study carried out by District welfare officials and submitted to the Department of Health, Education, and Welfare. The figures—the first of their kind to be made public here in recent years—are based on a "quality control" report covering the period from last April 1 to June 30.

"Quality control" is a process under which welfare families are selected at random and subjected to a full investigation of their circumstances. Based on the results of the investigations, officials make statistical projections to determine the probable margin of error in the entire case load.

The April–June study was submitted to HEW as part of a federal effort to determine the margin of error in the nation's welfare programs.

HEW released the results of the national survey Monday. They showed, according to a statement, "that approximately 5 per cent of the nation's welfare families were ineligible for payment they received in April, 1971."

For AFDC families, who make up the largest category of welfare recipients in the country, 5.6 per cent (6.2 percent in D.C.) were totally ineligible for benefits, 14.6 per cent (20.5 per cent in D.C.) were receiving overpayments, and 9.7 per cent (9.2 per cent in D.C.) were receiving underpayments.

Joseph P. Yeldell, the new head of the District's department of human resources, commented that the HEW reports showed that the number of "frauds on welfare rolls here is extremely small." He said he would make every effort "to clean the rolls of these frauds" while ensuring that eligible clients receive all they are entitled to.

The D.C. Revenue Bill, passed by Congress in the closing days of the last session, directed the city to hire 45 welfare investigators to cut down on the rising case loads here and on fraud. Congress provided $204,000 for this purpose.

Last Nov. 20, Superior Court Judge Paul F. McArdle sentenced Ethel Holden, 23, of 1604 16th St. SE, to 18 months in jail after her conviction on three charges of fraud.

Mrs. Holden was the first person convicted of welfare fraud here since 1968, according to Kenneth West, assistant D.C. corporation counsel. At that time, officials said about one dozen other cases were being reviewed but that only a few involved violations flagrant enough likely to result in court action.

Congress also cut $5 million from the sum District officials said they needed to maintain welfare payments at their present levels. This level is 75 per cent of the standard of living ($3,816 a year in D.C.) as determined by the Department of Labor in February, 1970. For an AFDC family of four that pays no more than 25 per cent of its income for rent, this amounts to a monthly welfare payment of $238.50.

Congress said payments could be maintained at the 75 per cent level if overpayments and frauds were eliminated.

At a meeting this week with Etta Horn, president of the City-Wide Welfare Rights Organization, Yeldell said that "frauds" here were "extremely small."

Mrs. Horn and a dozen members of her group, one of two principal welfare rights groups in the city, called on Yeldell to ask, among other things, how the 45 investigators would be used.

"We want no surveillance of our homes, no searches and seizures, nobody looking under the beds, no questions of the neighbors, no degrading questions, and no Gestapo tactics," Mrs. Horn said.

The city's other welfare rights group, which is the local affiliate of the National Welfare Rights Organization, has expressed similar concerns to Yeldell. He has promised there will be "no return to the day of investigators looking under beds." He said the U.S. Supreme Court had thrown out the rule that would deny an AFDC beneficiary any benefits if there were a man in the house.

Yeldell emphasized that he has not decided precisely how the investigators would be utilized or how they would operate. He said he would not make a decision on this without further consultation with Mrs. Horn's group and other interested parties.

Under the present quality control system, investigators made appointments with the families to be investigated. The Supreme Court has ruled that, with or without an appointment, a welfare recipient does not have to admit an investigator to the household.

Henry R. Ronson, who is in charge of quality control in the District, said that the average overpayment, based on the sampling submitted to HEW, was $46 per month. The average underpayment was $18 per month. For families who were not eligible for any benefits, the average payment was $168 per month.

According to both Ronson and Yeldell, the major factors leading to error are mistakes in determining the number of people in a household and failure to take into account outside sources of income, such as part-time employment, child-support payments, or retirement benefits.

Most of these errors are caught within three months, Yeldell said, and many of them are reported by the clients themselves.

Last November, the most recent month for which figures are available, the District paid out $6.5 million in welfare payments in 40,343 cases, representing 102,160 people. If that level were maintained, the annual welfare bill here would be $78 million, not counting salaries and other administrative costs.

But Ronson and other officials point out that the case load has been rising at a rate of nearly 1,000 a month.

Ronson estimated that, despite quality control, as much as 10 per cent of the annual outlay may go to overpayments and outright frauds. But he emphasized that this was a high estimate. It would amount to $7.8 million at the current rate of spending.

Comer Coppie, Mayor Walter E. Washington's budget adviser, recently estimated that the loss due to fraud and other causes was less than $5 million.

In his meeting with Mrs. Horn, Yeldell pledged that there would be no cutback in welfare payments despite the trimming of the budget by Congress.

Prior to passage of the city budget, Congress had threatened to cut $8 million from the welfare request. Welfare officials reacted by saying such a cut would result in halving payments to recipients. Congressional critics of welfare told the city it could make up the difference by cutting out overpayments and ineligible recipients.

Congress later restored $3 million of the amount cut. City welfare officials still argue that they do not have enough money allocated to maintain payments at existing levels, although they promise recipients that payments will not be cut.

They'll try to make it by cutting down on mistakes, and then seeking from Congress supplemental appropriations or the permission to reallocate appropriation within the city budget.

Under law, D.C. officials cannot transfer more than $25,000 from one part of the budget to another without congressional approval.

On another matter, Yeldell told Mrs. Horn that he has not determined how to implement a congressional mandate concerning the rent allotments for welfare recipients.

The order, also part of the D.C. Revenue Bill, said that if a welfare client fails to pay his rent within 10 days of the due date, the landlord can ask Mayor Washington to withhold the rent from the welfare check and pay it directly to the landlord. Before the mayor can do this, the law said, the landlord must demonstrate that the premises in question meet all health and building code regulations.

Mrs. Horn characterized this regulation as "demeaning" and "unconstitutional."

Yeldell said one study showed it would cost $500,000 and 50 employees to implement the provision.

"I don't have the money and I don't have the staff right now," he said.

Mrs. Horn replied that she hoped he would put the law into effect so that her group could challenge its constitutionality with the aid of the Urban Law Institute.

Yeldell said he agreed that the constitutionality of the statute should be tested in the courts.

EXHIBIT 11

[From the New York Times, Nov. 16, 1971]

WELFARE FRAUD: LAID TO LAXITY BY CITY

(By Alphonso A. Narvaez)

The state's Welfare Inspector General yesterday sharply criticized the city administration of the welfare program and said that frauds were made easier here by laxity and permissiveness on the part of Social Services Department personnel.

George F. Berlinger, who was appointed to the post in August by Governor Rockefeller, charged that frauds were encouraged by the attitude of some of our welfare officials who say, publicly, that "these are not serious crimes and excuse violators because they are subject to 'strains and stresses.'"

Mr. Berlinger told about 60 persons attending the 105th annual meeting of the Brooklyn Bureau of Community Services at the Bossert Hotel, 89 Montague Street, that "an attitude of tolerant laxness seems to pervade the city's welfare administration and this, I believe, leads to all sorts of abuses within the system."

Mr. Berlinger said his office had received more than 3,000 complaints of alleged frauds and abuses from persons who "are incensed that others are receiving funds improperly through deceit, fraud or as a result of administrative inefficiency."

He said that he was "shocked" at the number of frauds involving persons receiving Aid to Dependent Children allotments and the number of duplicate checks issued by the Department of Social Services.

Abuses alleged by Mr. Berlinger included:

A woman receiving $241 a month for the last 18 months after having declared that her husband had deserted her. Investigation disclosed that the husband still lived at home, earned $4.28 an hour and owned a 1971 Mercury. The family had received $5,663 in Aid to Dependent Children payments.

A similar case involving an "absent husband" who is actually living with the family and earning $132 a month. The family had received $9,458 in Aid to Dependent Children payments over the last 38 months.

A Bronx woman who had been receiving a $274 a month for Aid to Dependent Children while working and earning $135 a week. Total overpayments since May, 1966, when she was placed on the rolls, were $17,509.

A man who was receiving two checks from the same welfare center. The case was discovered when he went to a New York State employment office to pick up his checks and a clerk noted that there was two made out for the same person.

EXTENT OF FRAUD A SURPRISE

Mr. Berlinger said that when he took over the post of Inspector General, which was created by the state legislature to weed out corruption, fraud and inefficient administrative practices, he felt that the welfare program was not being administrated properly.

"I knew there was fraud," he said, "but I didn't realize it was to this extent."

Robert F. Carroll, assistant administrator of the Human Resources Administration, which oversees the Department of Social Services, denied Mr. Berlinger's charges.

"The Inspector General has once more put forth a series of speculations and possibilities unsubstantiated by investigation serving only to cast doubt and suspicion on the poor," Mr. Carroll said.

"During the six months since the creation of his office not a single fraud case has been referred to the District Attorney and only 19 unsubstantiated cases were referred to the Department of Social Services, five of which were child abuse cases, having nothing to do with fraud."

EXHIBIT 12

[From the Washington Post, Dec. 12, 1971]

WELFARE CHEATING RING UNCOVERED

(By Jim Mann)

One day last winter, Richard Smith, a quiet, unassuming welfare supervisor in Prince George's County, noticed something peculiar as he looked through the pile of papers on his desk.

That day there had been three different applications to the county's department of social services for "emergency" welfare assistance, submitted by women whose children included twins.

Knowing that twins are relatively rare, Smith grew suspicious and began to investigate.

The result, four months later, was the discovery that an organized ring has been cheating the county out of about $40,000 in welfare and food stamp benefits.

The investigators learned that women applying for welfare exchanged wigs among themselves in order to change their appearance, and often gave non-existent addresses when they applied for welfare help.

At one point, Prince George's warned three neighboring Maryland counties to beware of one "Red Willis" and his brown Cadillac, said to be roving the area with a number of women who were schooled to apply for welfare.

Welfare officials across the state exchanged notes and photographs of people they suspected were submitting fake welfare applications.

Federal investigators from the Department of Agriculture quietly attempted to take pictures of people applying for food stamps.

And some measures taken in an effort to halt the fraud were met by sophisticated countermoves on the part of the welfare recipients.

"Most of our clients are still honest," Smith said in a recent interview. "But for someone who is criminally inclined and wants to pick up $200, it (welfare fraud) is cheaper than bank robbery; it's easier to get away with,

and it involves a lesser charge if you're caught."

Smith and Prince Georges County are far from alone in their problems. Officials in many other jurisdictions across the country, including the District of Columbia and Baltimore, have had their own cases of food stamp fraud, sometimes with greater losses than Prince Georges.

But the Prince Georges episode illustrates the dilemma facing welfare officials generally as they attempt to guard against fraud while at the same time taking care of people who legitimately need help.

At the root of the fraud in Prince Georges County is the so-called "declaration" system of applying for welfare and food stamp benefits—especially as this system relates to "emergency" or immediate assistance.

(Food stamps are coupons sold for a price below their face value, to recipients who later use them like cash to buy food at a grocery store or supermarket.)

Basically, the declaration system means that a local welfare agency accepts a request for welfare benefits and distributes money or other aid without any prior investigation to determine if the applicant's claims are true.

The rationale is to avoid the invasions of privacy and atmosphere of suspicion that, civil libertarians have argued, have often pervaded welfare programs. There are no home visits, requests for birth certificates, or other checks.

SAVES HIGH COSTS

Supporters of the declaration system also argue that it saves the high oosts of policing welfare programs and investigating every single application.

About half of the states operate under a declaration system for the largest and most common welfare program, known as aid for families with dependent children (AFDC). Those states include Maryland and the District of Columbia, but not Virginia, in which some but not all counties operate under a declaration system for AFDC payments.

Ordinarily, even under the declaration system, there is a delay between the time a person fills out a welfare application and the time he or she receives the benefits.

But it is possible in many places, including the District of Columbia, Maryland and parts of Virginia, to receive "emergency" aid—to fill out an application and then receive cash or food stamps on the same day.

The aim of emergency assistance is to provide immediate help for those who need it—people who have been evicted, or disabled, or who have no money to feed their children.

In Prince Georges, the emergency aid was at the heart of the fraud scheme uncovered by Smith.

Alerted by the recurrence of twins, Smith decided to check the recent emergency applications in the county. He discovered that over an eight-day period, the department had received 12 different applications from people who brought notes from their landlords saying they had been evicted.

Seven of the 12 cases involved women with twins.

Smith and other officials then sent out letters to these 12 people at the addresses listed on their applications. All the letters came back stamped "addressee unknown."

Smith wrote a memo to his superiors on Feb. 11 stating his conviction that there was "an organized kind of fraud, the twins being added so that there are a large number of children who are preschool age (so we cannot call schools and easily verify existence)." In general, the more children an applicant has, the more welfare money she receives.

CAREFUL CHECK MADE

For the next several months, welfare workers were under instructions to check carefully all persons who applied for emergency aid.

Several times, when women did apply for emergency benefits, and welfare workers explained that the names and birth dates of their children would have to be verified through hospital records, the women walked out of the office.

(Smith says that the welfare office will not detain or arrest an individual until it is absolutely certain it can prove fraud.)

The workers noticed, Smith recalls, that the women applying for emergency welfare—the ones who walked out of the office when questioned—were "so much better dressed than anyone else, including the workers. They went first class."

But the scheme continued, because the emergency applicants changed their tactics. So that they wouldn't be recognized, Smith says, the women wore different wigs, which they exchanged among themselves.

After a while, their stories were not always the same, either. Sometimes they had twins and sometimes they didn't. Sometimes, they said they needed emergency help because they were evicted; sometimes they said they needed help because they or their husbands were disabled.

Usually the welfare office would discover it had been defrauded only after the emergency help had been given.

For example, one applicant brought a detailed statement of physical disability, complete with blood pressure, pulse rate and an illness that was described in technical medical terms.

Much later it turned out that the disability was similar—and the blood pressure and pulse rate were identical—to those on at least one other disability statement submitted under a different name.

In addition, the welfare office began to discover that it was being cheated out of other payments besides those initial emergency payments.

Ordinarily, so long as a woman applying for emergency aid also qualifies financially for regular monthly AFDC (welfare) checks, the county routinely begins mailing those checks the month after it gives emergency payment.

NONEXISTENT ADDRESSES

Smith said that sometimes, because the applications for emergency aid gave addresses that did not exist, the AFDC checks for the following months would be returned by the post office.

But sometimes, Smith says, those women gave real addresses and managed to keep and cash subsequent checks as well as the emergency checks. Welfare officials later discovered that these addresses were sometimes used several times under several different names.

"We lost so much money to one address on Southern Avenue that we could really have improved the neighborhood," Smith says.

On a few occasions, too, the women would not apply for emergency assistance at all, but would apply for regular public assistance at the outset.

"As we would get more sophisticated, so would they," Smith says. "We underestimated them completely."

In mid-April, county officials got what they thought was a break. A woman applied for emergency assistance, and while she waited in the office, the welfare worker, checking carefully, discovered that she had given a phony address.

This time—in contrast with similar cases in the past—the woman did not get up and walk out. Instead, she calmly told welfare officials a lengthy story about how she had come to apply for welfare.

According to welfare officials, the woman said she had been picked up in the District of Columbia by a man named Red Willie who drove a brown Cadillac and taught women how to apply for welfare.

The woman also said that "Red Willie" claimed to be in league with welfare department staff members, according to welfare department officials.

How much if any of what the woman said was true, or whether there actually was a "Red Willie," has never been determined.

COLLUSION DENIED

Smith dismisses the idea that any welfare official was involved in the fraud scheme, and federal investigators, who have since conducted investigations in Prince George's, say there is absolutely no evidence of any collusion by officials.

Smith says he assumes some women were, in fact, told that a supervisor was cooperating, by someone who later took a portion of the welfare checks "for the supervisor" and kept it himself.

In any case a few days later after the Red Willie incident the Prince George's department of social services sent out an official letter to its counterparts in Montgomery, Anne Arundel and Baltimore counties and Baltimore city, warning them that Red Willie and his brown Cadillac might strike at their offices, too.

Such contact with welfare and food stamp officials in other counties was beginning to produce results. District of Columbia officials provided Prince George's with a full report, including names and photographs, of people suspected of welfare and food stamp fraud in the District. Baltimore City also reported it was having troubles strikingly similar to those in Prince George's.

FEDERAL PROBE PUSHED

In addition, federal food stamp investigators, under the direction of Department of Agriculture Inspector General Nathaniel Kossack, noticed apparent irregularities in Washington-area food stamp programs and began their own investigation, in Prince George's County and other jurisdictions.

At one point, Smith says, Prince George's officials attempted to call a person suspected of participating in the fraud scheme into their office, so that federal officials could take pictures of that person receiving food stamps. It never happened, because the suspect would not come into the office, Smith says.

It was apparently not the only time during their Maryland investigation that federal investigators tried to take pictures of food stamp recipients.

Beulah Carter, director of social services for Caroline County on Maryland's Eastern Shore, says that pictures were taken in her county of a food stamp recipient suspected of fraud.

The federal investigators arranged to have local police photograph the recipient through a telescopic lens at a prearranged signal as the woman was leaving the county courthouse, Mrs. Carter says. The picture was taken, but Mrs. Carter says the suspect turned out to be a legitimate food stamp recipient.

Federal officials have refused to comment on the reported picture-taking. Kossack said he does not discuss his department's investigative techniques.

Meanwhile, in early May, the Prince George's department of social services began to examine every single public assistance case it had processed since the previous September—about 2,000 in all.

That study has turned up at least 45 different cases of fraud between September, 1970, and June, 1971. These 45 cases cost a total of "between $20,000 and $45,000—maybe more," Smith says, in welfare benefits. (Of those welfare costs, 50 per cent are paid by the federal government.)

Those laws generally were in the form of AFDC checks of $200 to $300 per month. Smith says, but the study uncovered one

woman apparently participating in the fraud who was receiving a check of $700 per month.

Those dollar estimates include only the money lost in welfare benefits. Most of the people obtaining welfare assistance also obtained food stamps at the same time, Smith says. He estimated that the food stamp losses amounted to about 45 per cent of the welfare losses—roughly $10,000 to $20,000.

ADDITIONAL LOSSES

It is possible there were additional losses besides, Smith says that those people who were discovered to be using fake names and addresses also obtained medicaid cards, enabling them to get medical care at public expense. But he says that his department does not know whether these cards were used.

In June, Prince George's officials began contacting and questioning most people who had received emergency assistance or who were otherwise suspected of being involved in the fraud scheme.

"The heat was really on," Smith says. Within weeks, applications with fake names and fake addresses stopped coming in.

No criminal charges have been filed in connection with the fraud in Prince George's.

Smith says the scattered instances of fraud "are continuing in Prince George's, but not on the scale that occurred earlier this year."

In an effort to further cut down on the possibility of fraud, Smith said, Prince George's County will begin within a week or two to check all Social Security numbers of welfare recipients against computerized records.

But this screening will not affect the emergency food program. The social security numbers will not be checked until after a person is given emergency assistance or emergency food stamps, Smith said, unless for some reason an official becomes suspicious of the emergency application.

As Smith admitted to a reporter: "If you wanted to come in here tomorrow dress shabbily, say your name was Ralph Roystor Doyster, and show us you are out of work, you could get public assistance for 90 days."

EXHIBIT 13

[From the Washington Post, Jan. 4, 1972]

FIVE PERCENT HELD INELIGIBLE FOR RELIEF

(By Vincent J. Burke)

A government survey indicated yesterday that erroneous welfare payments are going to one-fourth of the nation's welfare families and to one-sixth of the aged, blind and disabled on the rolls.

Officials said these errors may be costing the taxpayers half a billion dollars a year.

The Health, Education and Welfare Department said that of the 2.7 million welfare families with children it appeared that 14 per cent are being overpaid, 9 per cent are being underpaid and 5.6 per cent—or about 160,000 families—are ineligible for any payment.

Similar errors occur in payments to one-sixth of the 3.1 million aged, blind and disabled welfare recipients, the survey indicated. Of the 3.1 million, 4.9 per cent—or about 155,000 persons—appear to be ineligible for any payment.

HEW conducted the survey in 41 states. It said more than one half of the erroneous payments resulted from "honest mistakes" by state and local welfare offices. Most of the other wrong payments, it said, were due to honest mistakes by recipients. Fraud accounted for only a small fraction of the total, according to HEW.

If all of the errors could be corrected, officials said, there might be a net taxpayer savings of $500 million in welfare costs, which are now running $9.6 billion a year. But they told a news conference there was no hope of correcting the errors without a massive overhaul of welfare management.

The officials said the survey documented that the management of welfare—now handled by 1,152 state and local offices—is breaking down under a flood of excessive paperwork, complex rules and antiquated techniques. Unless this is changed, they said, taxpayers can have no confidence in the operation of public assistance.

The remedy, they said, is to jettison the existing "non-system of management and erect in its stead a national uniform automated system of income maintenance, such as that embodied in President Nixon's welfare reform bill."

This appraisal was given at a news conference by Dr. Richard P. Nathan, HEW deputy under secretary who is charged with planning all details of the proposed new federal welfare system, and John Twiname, administrator of HEW's social and rehabilitation service, which provides federal grants to help finance the existing state-run welfare systems.

EXHIBIT 14

SAM A. WEEMS,
PROSECUTING ATTORNEY,
SEVENTH JUDICIAL DISTRICT,
FEBRUARY 26, 1972.

Senator RUSSELL LONG,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: I am enclosing a copy of a Grand Jury report just released by one of the counties in my district regarding welfare. Some of the points referred to in the report were mentioned in my testimony before your committee.

It is regretable that action such as this has to be taken.

Sincerely yours,

SAM A. WEEMS.

GRAND JURY REPORT

(In the Circuit Court of Lonoke County, Ark.)

To: The Honorable William Lee, Circuit Judge within and for the 17th Judicial District of the State of Arkansas, of which Circuit Court, Lonoke County, is a part:

The Grand Jury selected and empaneled for the regular February, 1972 terms of the Lonoke County Circuit Court, desires to submit the following as a full report upon the labors performed by said body upon the three days it has been in session.

During the past several months there has been a great deal of publicity arising from investigations made by the prosecuting attorney's office of the 17th Judicial District as to the welfare program of said Lonoke County.

It was felt by the Grand Jury that an investigation of this matter be conducted; and the prosecuting attorney of the 17th Judicial District in response to the Grand Jury's desire to inquire into the welfare question requested that this Grand Jury at the conclusion of its investigation submit a detailed report of its findings and document whether or not there was justification for prior investigations made by the prosecuting attorney's office. The following is the position of the Grand Jury:

The Grand Jury has subpoenaed and interviewed a number of witnesses and has studied heretofore subpoenaed welfare department files. Based upon the interviews with witnesses and a review of said files, the Grand Jury instructs the prosecuting attorney in and for the 17th Judicial District to file criminal informations charging twenty five individuals with obtaining property under false pretenses.

The most serious aspect of the above mentioned cases is the fact that officials of the Arkansas Welfare Department knew of these cases and did little, if anything, to correct the situation.

The findings of the Grand Jury are: that the local county welfare office is doing a good job. However, it is this Grand Jury's findings that there is a serious problem with the Lonoke County Welfare System that is caused by officials in the department in Little Rock.

The Grand Jury will cite the following examples of the breakdown of the welfare system.

1. Even though all of the cases cited above were known to officials in the Arkansas Welfare Department they expressly failed and concealed these cases from criminal prosecution. This Grand Jury determined that the officials of the department had never prior to this investigation referred a single case of any type fraud to the prosecuting attorney for action.

2. The Grand Jury after examining several witnesses concluded that a local employee, Johnnie Davis, referred the above cases to the prosecuting attorney's office. He thereupon subpoenaed the above said case files. This employee has now been discharged by the Welfare Department, even though she lacked some five months having worked twenty (20) years for the Arkansas Welfare Department.

It seems strange to this Grand Jury that her services were no longer needed when the above cases were revealed.

The proof is: (a) That she was given some two days' notice of her dismissal. (b) That her performance evaluation sheets made by her supervisors rate her as a satisfactory employee. (c) That on October 12, 1971, the Lonoke County Welfare Board met with Mr. Dalton Jennings, Commissioner of the Welfare Department and requested that Mrs. Davis not be discharged. At the time of the meetings the Commissioner was rude and abrupt with the local board. (d) On October 12, 1971, the entire Lonoke County Welfare Board signed the following letter that was sent to Mr. Dalton Jennings, Commissioner:

"After our meeting October 12, 1971, in regard to Mrs. Johnnie D. Davis, employee of Lonoke County Social Services Office, the Lonoke County Welfare Board has discussed the matter at length and are asking you to reconsider your decision and reinstate her as caseworker in our county. After hearing her case, we feel she has the welfare work at heart and has proven her ability in public relations. We feel she will be on the job full time and carry her share of the work. Mrs. Davis is highly respected in our county and we have come to the conclusion the trouble is some animosity coming from the State Social Service Office. We think we are due the respect of this Commissioner of Arkansas State Social Service Office toward our people in our county."

It is the conclusion of the Grand Jury that it is very clear that the Commissioner does not have any respect or consideration for the local board.

That on October 22, 1971, each of the seven duly elected county officials wrote a letter to the Commissioner requesting Mrs. Davis to be reinstated. The county officials stated: "Mrs. Davis is highly respected in our county and we have come to the conclusion the trouble is some animosity coming from the State Social Service Office.

There is no doubt to this Grand Jury that the true reason why Mrs. Davis was dismissed with only two days' notice is because she cooperated with the prosecuting attorney of this judicial district in seeking prosecution of the above mentioned cases.

This Grand Jury commends Mrs. Davis's courage in seeking to convert a very bad situation.

This Grand Jury further takes the position from the proof offered that officials from the State Welfare Department have deliberately hampered the prosecution of fraudulent cases and that said officials have in fact steadfast-

ly refused to cooperate in any manner whatsoever with proper officials in the judicial branch of government.

Exhibits have been produced to the Grand Jury dated February 14, 1972 from the office of the Secretary of the Department of Health, Education and Welfare, wherein the following official federal position was stated: "Disclosure required under mandatory fraud referral procedures, HEW's regulations specifically require state welfare agencies to cooperate with law enforcement officials in developing procedures for referral of situations in which the existence of welfare fraud is suspected by the welfare agency itself. Under such procedures, of course, the State Welfare agency has an affirmative obligation to disclose to law enforcement authorities all information it has concerning a welfare recipient which is pertinent to the question of welfare fraud."

The Grand Jury also heard testimony from the U.S. Department of Agriculture's Food Stamp Director for Arkansas. The testimony was that this department also had a policy to prosecute fraud cases and to cooperate with local enforcement officials.

It is clear from the proof that the State Welfare Department has not followed this policy. In fact it is apparent to this Grand Jury that the Commissioner, Dalton Jennings, and his staff maintain a complicated reporting system that insures a lack of cooperation with local enforcement officials and makes it difficult to determine who is responsible for the messy way the system is administered.

The Grand Jury can see no useful purposes in requiring the local office once it finds fraud to start the following chain of events: (1) local office finds fraud, reports it to the county supervisor who reports the fraud to the department's finance section (2) the finance section reports the fraud to the food stamp coordinator (3) the food stamp coordinator reports the fraud to the committee on the overpayments (4) the committee on overpayments refers the case to the department's 21 member legal staff (5) one form letter is then sent out and as a rule no further action is taken by the Arkansas Welfare Department and there is little or no communication as to this case with the local office.

It is also apparent to the Grand Jury from the statements made by the chief attorney of the Welfare Department that he has little control over the 20-full and part-time attorneys working under him as most of these attorneys are in fact employed by the Governor's office and are not accountable to the department's chief attorney.

This Grand Jury would be interested to know the following since there are 20 attorneys receiving from $7,700 to $9,100 each of taxpayer's money:

(1) How many cases per month does each attorney file in court?

(2) How much state funds does each attorney recover each month?

(3) What is the actual case load of each attorney?

It is apparent that the Welfare attorneys do little to recover funds in Lonoke County and that the only concentrated effort made therefore to recover taxpayer's funds is being made by the prosecuting attorney of this district, and it is deplorable that the Welfare Department employees and the legal staff do not assist him in these efforts.

The Grand Jury also heard witnesses set forth the manner in which the Welfare Department develops programs. It is the position of this Grand Jury that our government must help those who cannot help themselves.

However, this Grand Jury does not approve of the present department policy of mostly handing out a meager check each month.

The Arkansas Welfare Department has an obligation to develop specific programs to help our citizens. Thus, this Grand Jury finds the Department has failed to meet its real obligations to the people of Arkansas.

It is the finding of the Grand Jury that responsibility for allowing criminal acts to go unreported is a serious matter. Arkansas law (Ark. Stat. 41–120) sets forth the offense of accessory after the fact. Thus, it is the law of the State of Arkansas that when any person who, after a full knowledge that a crime has been committed, conceals it from the magistrate, or harbors and protects the person charged with or found guilty of the crime is an accessory guilty of the crime is an accessory after the fact of said crime.

The Grand Jury has determined that 25 specific acts of obtaining property under false pretense has been committed in Lonoke County.

From the testimony there is no doubt that several state welfare department employees knew of the specific acts. Yet the only employee to comply with Arkansas law has been dismissed by the department for complying with the law of this state.

The only issue to be determined is whether or not the conduct of the state department officials warrant a finding that by their silence they concealed the crime from the courts.

The Grand Jury finds a true bill against Ivan Smith, chief attorney of the Arkansas Welfare Department on 25 counts of being an accessory after the fact to the offense of obtaining property under false pretenses occurred by his actions and in fact concealed the offense from the proper courts.

The Grand Jury further finds that this policy was directed by the Commissioner, Dalton Jennings. However, the Grand Jury finds his actions and conduct toward the people of Lonoke County deplorable as no governmental agency should be above the law.

The Grand Jury realizes the seriousness of this report but the Grand Jury also realizes the terrible condition of the Welfare program as it presently exists and therefore the reason for this strong report and strong action.

It is the finding of this Grand Jury and is recommended to the prosecuting attorney to show leniency if restitution is made to the State of Arkansas by the above stated twenty five defendants as it is the conclusion of said Grand Jury that the present administration of the food stamp program encourages such activity.

LEON MINTON, Foreman.
C. A. GRIMSTEAD, Clerk.

Read to the Court in open Court before the entire Grand Jury this 23rd day of February, 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 agreed to the concurrent resolution (S. Con. Res. 68) to authorize the preparation of official duplicates of S. 2097.

The message also announced that the House had passed a joint resolution (H.J. Res. 1097) making certain urgent supplemental appropriations for the fiscal year 1972, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H.J. Res. 1097) making certain urgent supplemental appropriations for the fiscal year 1972, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

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. ALLEN. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending question is on the motion of the Senator from North Carolina to refer S. 2574 to the Committee on the Judiciary.

Mr. ALLEN. I thank the Chair.

Mr. President, it is my intention, at the conclusion of my remarks, to move to lay on the table the pending bill.

Last Thursday, a motion was made by the distinguished Senator from North Carolina (Mr. ERVIN) to commit the pending bill to the Committee on the Judiciary, to which it would seem to the junior Senator from Alabama the bill originally should have been referred. A motion was made by the distinguished majority leader to lay on the table the motion to commit made by the distinguished Senator from North Carolina. That motion to table was defeated; so that the motion of the distinguished Senator from North Carolina to commit the bill to the Judiciary Committee was then, as it remains now, the pending business of the Senate.

Mr. President, we have seen the unusual spectacle of the proponents of the bill filibustering their own bill. They say that they want to see the Senate work its will on the pending bill. Yet, they will not allow the motion to commit to come to a vote. Why would that not be working the will of the Senate with respect to the bill? If the Senate, in its wisdom, wants to refer the bill to the Judiciary Committee, why is that not working its will on the bill? Working its will on the bill does not necessarily mean passing the bill. It would mean taking definitive action with respect to the bill.

So if the proponents of this measure—this vicious voter-registration-by-post-card bill—want to see the Senate take definitive action with respect to the bill, why do they not allow the motion to commit to come to a vote? They know that it is the mood of the Senate, based on the vote of the motion to table on last Thursday, to send this bill back to the proper committee that will iron out some of the terrible bugs that exist in the bill. So the proponents of the measure can wait for any length of time that they desire, and postpone for any duration of time, consideration of the motion to commit by continuing the debate. A motion to table the bill will bring the matter to a head. It will allow the Senate to work its will with respect to the bill.

Last December, here in this Chamber, the voter registration by post card bill was under consideration. I spoke at the time in opposition to it. When it became

apparent that the bill was in for lengthy discussion, it was postponed until the second half of the 92d Congress and is now the bill presently under consideration, it being the unfinished business, and the pending business being the motion of the distinguished Senator from North Carolina (Mr. ERVIN) to recommit the bill.

Mr. President, this bill was bad to begin with. It has not improved one bit with age. It would establish a national voter registration system operated by a new agency within the Bureau of the Census. Voter registration cards with mail-back cards attached simply addressed to "household" or "resident" of every postal address in the United States would be mailed between 30 and 45 days before every primary or general election of Federal officials. The mailing would take place in the area to be covered by the election, so that in a presidential election there would be a tremendous mass mailing of postcards all over the country. To every household, to every postal patron, into every post office box in the country, into every rural mailbox in the country, one or more of these postcards would be stuffed into the boxes irrespective of whether the recipient of that card was already a qualified elector.

Why would he need, continually, year after year, as apparently is provided by this bill, to be called on to receive unwanted mail? That is something that we are all afflicted with, I am sure; that is, receiving through the mail many types of unwanted mail. I cannot think of anything less useful to a registered voter than to receive a postcard that he can send back to the registration official to register him when he is already registered.

In addition to that, Mr. President, they would flood the country with these postcards and put them into retail stores, into filling stations, put them into all the post offices and into all the city halls in the country.

I do not know why provision was made for this tremendous mass mailing of postcards all over the country prior to every primary and every general election. I assume that in New Hampshire and in Florida prior to those primaries, because Federal officials are subject to being chosen through that process, those States would be flooded with these postcards and then they would be flooded with them again prior to the November elections.

It appears that would continue on year after year and year after year with no indication that it would ever stop as long as we have a semblance of free elections in this country. Anyone would be able to fill out one of these cards, using any name. The post card would then be mailed back to State or local officials, who would be expected to add the names to the polling lists for Federal elections, without having the right to see the registrant or have the opportunity to question him to determine his eligibility.

Aside from the tremendous expense involved, and I read in the minority report it is suggested that this voter registration by post card during a presidential year might cost as much as $125 million—that is what the minority members of the committee stated in their minority report—I repeat, as much as $125 million.

Why, Mr. President? For the purpose of allowing pressure groups, political machines, do-gooders throughout the country to coddle people and persuade them to sign up registration forms in order that they might be added to the voting lists when they do not have enough interest in voting to go to the little trouble involved to go in and register.

Any 18-year-old can go in and register before any registration board in the entire country without passing any literacy test, without passing any kind of educational test. All he has to do is to come in and present himself, show that he is 18 years old or more, and say, "I want to register."

That is all he has to do. Why go to all the trouble and the expense of millions of dollars to try to get people to vote who do not have enough interest in voting to go to the registration office and present themselves and register to vote? That is mighty little trouble.

Mr. President, in the past, people have fought for the right to vote. Yes, somewhere in the committee report they speak of the Revolutionary War as being fought because of taxation without representation. Yes, they wanted the right to vote. Yes, they wanted the right to be represented. But here, it does not take any fight to be allowed to vote. All one has got to do is to go in and present his body to the registration officials; reach out and get a pen and sign his name or sign by a mark and become qualified to vote. No poll tax is required and there would be no expense whatsoever, but just a little bit of inclination and just a little bit of desire and just a little bit of energy. That is all that is required.

Why should we spend millions of dollars to hand the franchise, this priceless gift, this right that a person ought to be willing to fight for, and just present it to a disinterested person on a silver platter? That is what the pending bill would do.

Let us see how it proposes to go about this. Aside from the tremendous expense involved, let us consider for a moment how this post card registration would clutter the mail.

I read from this committee report, a report that was prepared by or at the direction of the managers of the bill. It is stated in there that estimating that there would be a return of 40 million cards, the cost would be thus and so. I use that 40 million card estimate not for the purpose of showing the cost, but to indicate how many cards would have to be mailed out. Certainly if a return of 50 percent of the cards could be arrived at, I feel sure that would be the highest possible return from what might be called a direct mail advertising campaign. I am sure that the presidential candidates seeking political funds by mail would be satisfied, I dare say, with a 10-percent return. However, computing the number of cards sent out by the estimate of the committee as to the cards that would be returned, it would certainly indicate that as many as 80 million cards would be sent out before every primary and before every general election.

I assume that each of these cards would have to be a double card, because it goes to the householder and half of the card would be torn off and signed by the person who is a registrant and sent back. So there would be two thicknesses to the card.

Everyone would get a card whether he was already qualified to vote or not. If these cards were stacked up one on top of the other, figuring 25 double cards to be 1 inch, that would mean that there would be 300 such cards to the foot. So a stack of cards the height of the 555-foot Washington Monument would be 160,000 cards. The 80 million cards would make 482 stacks each the height of the Washington Monument. Think of that, Mr. President, there would would be 482 stacks each the height of the Washington Monument. And each card would cost the taxpayer at least 8 cents to send out.

It also appears that this procedure would last on, year after year, as long as we have primary elections and as long as we have general elections of Federal officials. A Federal official would include a Member of the House of Representatives. It would include a Member of the U.S. Senate. It would include a delegate to the House of Representatives. It would include, of course, the President and Vice President of the United States.

Mr. President, if one thinks that the mail is slow now, he should think of what this would do to the delivery of mail, to dump in the mail 482 stacks of cards, each stack as tall as the Washington Monument. It would seem to the junior Senator from Alabama that is going to cause a little bit of confusion in the mails.

If one has already voted, what does he need with a registration card that is sent to him again and again? That is just one of the many bugs in the bill.

Supporters of the bill claim that they are simply trying to make registration easier for the 47 million potential voters who did not take part in the 1968 general elections.

Mr. President, about 20 million of these 47 million persons were registered, but did not bother to vote. This card will not register them. The card will not help these 20 million who are already registered. All the card could do would be to get them registered if they are not already registered. But if there are approximately 20 million, out of the 47 million, that were already registered to vote but did not have enough interest to vote, only the remaining 27 million are the ones who are not registered and supposedly would be registered by this tremendous mass mailing.

Mr. President, here is an area where civic minded citizens can work and get everyone to vote who is eligible to vote and encourage all eligible persons to register, and in person and not by post card registration.

To my mind if people are not sufficiently interested to spend a few minutes to register, they are not interested enough to stand in line to vote. And that is the crux of this bill. Why go to all of this

trouble to try to accommodate people who are not even interested in voting. Why should we force this priceless heritage and privilege and right and duty on disinterested people?

Mr. President, if registering by mail is accomplished, what will be the next step. They propose having every eligible person receive in the mail the registration card and filling it in and sending it back at Government expense, of course. There will be a postage-paid stamp on the return card. If they are going to go to all of this trouble to get them registered and they are still not interested enough to go to the polls, what will be the next step? Of course, it will be a vote by post card if they are permitted to register by card. They are too lazy or too trifling—and that is a good word down in the State I come from, trifling—too trifling to vote or go to register.

So after registration by post card voting by post card. Mark my word, Mr. President, that would be the next step. This will be nothing more or less than a way to legalize stuffing the ballot box.

More than a billion Chinese, Russians, and Eastern Europeans, and hundreds of millions of other people in Africa and South America live under the mailed fist of dictatorial governments. They are forced to take part in meaningless staged elections or having no voting voice whatsoever. But Americans have a unique and precious opportunity freely to engage in free elections, and it is deeply disturbing to me that many people do not care enough about our Government to take a few minutes to register or to vote. There is no excuse because it takes less time to register or to vote than it does to go to a movie or to a ball game.

I want to encourage more people to participate in elections and in the operation of their Government. But this cannot be done by further injecting Federal bureaucrats into local and State elections. The postcard registration plan would take away power now vested in the 50 States and would place this authority in the hands of three bureaucrats in the Bureau of the Census.

The bill presents many opportunities for fraud, for undue influence by pressure groups and political machines and it calls for the expenditure of millions of dollars needlessly.

Mr. President, it is interesting to note in this bill the subtle attempt to lessen, to tone down the opposition of local government and local registration officials because, they say, the Federal Government will pay for the cost of registering these post card registrants. They toss in a couple of other bones for the local officials to chew on if the local government were to put in the post card registration system for qualification of voters. One concession the bill supposedly makes to local governments is that it is supposed to apply only in Federal elections. That is doing no favor to the local governments to require them to keep one set of records for Federal elections and another set of records for State and local elections, to have machines for State and local elections, and other machines for Federal elections. A man coming in to vote will not understand why he could not vote on certain machines. So they say, "Well, we will pay for this registration. If you will put in the post card registration, too, we will pay you a bonus of 15 percent, or whatever the cost of registering the voter is. We will toss you this bone to gnaw on. If you go a step further and put in this 30-day residency requirement that we are providing in the Federal elections, we will give you another 15 percent."

They say, "We are going to be so good to you, State and local people, so you will not fight too hard against this vicious voter registration post card bill."

Mr. President, it occurs to the junior Senator from Alabama that the motion to recommit this bill to the Committee on the Judiciary will come to a vote only when the proponents of the measure are willing for it to come to a vote. Mr. President, that is going to be when the presidential Senators have returned to the Chamber. When all of them have come back then we will be ready to vote on the motion of the distinguished Senator from North Carolina (Mr. ERVIN).

Until that time, though, we will only discuss the bill. We are not ready for the motion of the Senator from North Carolina to be decided. They say, "We want to pick our time."

Well, Mr. President, this bill has been under discussion for days. It has been argued pro and con. I believe everyone has read the bill, and I believe everyone has read the committee report. I believe that the Senate is ready to vote on this issue, and in order that a motion might be made that can come to a vote, Mr. President, I move——

Mr. BYRD of West Virginia. Mr. President, will the Senator withhold making that motion in order that I might make a unanimous-consent request, with the understanding he will not lose his right to the floor?

Mr. ALLEN. And with the understanding that no intervening motion would be made.

Mr. BYRD of West Virginia. Yes.

Mr. ALLEN. Yes, under those circumstances I will yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

ORDER FOR RECOGNITION OF SENATOR McGEE, SENATOR CRANSTON, AND SENATOR BYRD OF WEST VIRGINIA AND FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow, immediately following recognition of the two leaders under the standing order, the distinguished Senator from Wyoming (Mr. McGEE) 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, and that he be followed by the Senator from West Virginia (Mr. BYRD) for not to exceed 15 minutes, and that there then be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

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

Mr. BYRD of West Virginia. I thank the Senator for yielding.

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.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. ALLEN. Now, Mr. President, in order that we can have a vote on the merits of this bill up and down without any delaying tactics on the part of the proponents of the measure, I move that the bill be laid upon the table——

Mr. MANSFIELD. Will the Senator withhold that briefly?

Mr. ALLEN. I will withhold it provided I do not lose the floor.

Mr. MANSFIELD. Yes.

Mr. ALLEN. Or the precedence of my motion.

Mr. MANSFIELD. I indicated to the leadership on the other side today, and got permission from the Senate to file a report on the appropriation bill until midnight tonight, so that we could take up the urgent supplemental appropriation bill.

Would the Senator be averse to a unanimous-consent request that at the conclusion of the morning business tomorrow, it be in order to take up the urgent supplemental appropriation bill, which will not take too long, but may take a rollcall vote?

Mr. ALLEN. I do not understand the Senator's inquiry. After the motion has been voted on, the new matter would be before the Senate, if the bill is tabled. I do not understand something that might take place tomorrow, when this is to be decided right now.

Mr. MANSFIELD. I will not make my request at this time, and trust to luck.

Mr. ALLEN. I wish to accommodate the majority leader.

Mr. MANSFIELD. I appreciate it, but the Senator should be aware of the fact that when he makes his motion I intend to make a motion.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. ALLEN. Mr. President, I move to lay on the table the pending bill.

The PRESIDING OFFICER. The question is on the motion to table.

Mr. ALLEN. Mr. President, I ask for the yeas and nays.

Mr. MANSFIELD. Mr. President——

Mr. GRIFFIN. Mr. President, the yeas and nays have been requested.

Mr. MANSFIELD. Mr. President, I had the floor, I believe. I move that the Senate stand in adjournment.

The PRESIDING OFFICER. The question is on the motion to adjourn.

Mr. GRIFFIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a

sufficient second? There is not a sufficient second.

The yeas and nays were not ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

Mr. MANSFIELD. Mr. President, were the yeas and nays requested on the motion of the Senator from Alabama or on the motion to adjourn?

Mr. ALLEN. I made a motion to lay the bill on the table.

The PRESIDING OFFICER. The yeas and nays have been requested on the motion to adjourn.

The absence of a quorum has been suggested, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, as long as no Senator has answered, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MANSFIELD. So that the distinguished Senator from Alabama, the proponent of the motion now pending, can be given the opportunity to have the yeas and nays ordered.

Mr. ALLEN. Mr. President, I request the yeas and nays on my motion to table.

The PRESIDING OFFICER. Without objection, the question is on the yeas and nays on the motion to table.

Is there a sufficient second? There is now a sufficient second.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, I move that the Senate stand in adjournment, and I ask for the yeas and nays.

The PRESIDING OFFICER. The question is on the motion to adjourn. The yeas and nays have been requested.

Is there a sufficient second? There is a sufficient second, and the yeas and nays are ordered.

The clerk will call the roll on the motion to adjourn.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from North Dakota (Mr. BURDICK), the Senator from Florida (Mr. CHILES), the Senator from Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Oklahoma (Mr. HARRIS), the Senator from Iowa (Mr. HUGHES), 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 Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I also announce that the Senator from Connecticut (Mr. RIBICOFF) is absent because of illness in the family.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. FANNIN), the Senator from Illinois (Mr. PERCY), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Kansas (Mr. DOLE) is detained on official business.

If present and voting, the Senator from Texas (Mr. TOWER) would vote "nay."

The result was announced—yeas 30, nays 45, as follows:

[No. 96 Leg.]

YEAS—30

Aiken	Hart	Nelson
Bellmon	Hartke	Pastore
Bentsen	Hollings	Pell
Bible	Inouye	Proxmire
Brooke	Javits	Randolph
Byrd, W. Va.	Kennedy	Schweiker
Case	Long	Stevenson
Cranston	Magnuson	Symington
Eagleton	Mansfield	Tunney
Gravel	McGee	Williams

NAYS—45

Allen	Eastland	Packwood
Allott	Ellender	Pearson
Baker	Ervin	Roth
Beall	Fong	Saxbe
Bennett	Gambrell	Scott
Boggs	Goldwater	Smith
Brock	Griffin	Spong
Buckley	Gurney	Stafford
Byrd, Va.	Hansen	Stennis
Cannon	Hatfield	Stevens
Cook	Hruska	Taft
Cooper	Jordan, N.C.	Talmadge
Cotton	Jordan, Idaho	Thurmond
Curtis	Mathias	Weicker
Dominick	Miller	Young

NOT VOTING—25

Anderson	Hughes	Moss
Bayh	Humphrey	Mundt
Burdick	Jackson	Muskie
Chiles	McClellan	Percy
Church	McGovern	Ribicoff
Dole	McIntyre	Sparkman
Fannin	Metcalf	Tower
Fulbright	Mondale	
Harris	Montoya	

So Mr. MANSFIELD's motion to adjourn was rejected.

CALL OF THE ROLL

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

The PRESIDING OFFICER. The clerk will call the roll.

Mr. GRIFFIN. Mr. President, regular order.

Mr. MANSFIELD. I suggest the absence of a quorum, which is the regular order.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 97 Leg.]

Aiken	Cranston	Mathias
Allen	Curtis	McGee
Allott	Dominick	Packwood
Baker	Eastland	Pearson
Beall	Ervin	Proxmire
Bellmon	Fong	Roth
Bennett	Gambrell	Saxbe
Bentsen	Goldwater	Schweiker
Bible	Griffin	Scott
Boggs	Gurney	Smith
Brock	Hansen	Stafford
Buckley	Hatfield	Taft
Byrd, Va.	Hollings	Talmadge
Byrd, W. Va.	Hruska	Thurmond
Cannon	Javits	Weicker
Case	Jordan, Idaho	Young
Cook	Long	
Cooper	Mansfield	

The PRESIDING OFFICER. A quorum is present.

Mr. MANSFIELD. Mr. President, I move that the Senate stand in adjournment until the hour of 12 o'clock noon tomorrow.

Mr. GRIFFIN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana. On this question the years 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 New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from North Dakota (Mr. BURDICK), the Senator from Florida (Mr. CHILES), the Senator from Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Oklahoma (Mr. HARRIS), the Senator from Iowa (Mr. HUGHES), 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 Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I also announce that the Senator from Connecticut (Mr. RIBICOFF) is absent because of illness in the family.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) would vote "yea."

Mr. GRIFFIN. I announce the Senator from Arizona (Mr. FANNIN), the Senator from Illinois (Mr. PERCY), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Texas (Mr. TOWER) would vote "nay."

The result was announced—yeas 30, nays 46, as follows:

[No. 98 Leg.]

YEAS—30

Bellmon	Hart	Nelson
Bentsen	Hartke	Pastore
Bible	Hollings	Pell
Brooke	Inouye	Proxmire
Byrd, W. Va.	Javits	Randolph
Cannon	Kennedy	Schweiker
Case	Long	Stevenson
Cranston	Magnuson	Symington
Eagleton	Mansfield	Tunney
Gravel	McGee	Williams

NAYS—46

Aiken	Eastland	Pearson
Allen	Ellender	Roth
Allott	Ervin	Saxbe
Baker	Fong	Scott
Beall	Gambrell	Smith
Bennett	Goldwater	Spong
Boggs	Griffin	Stafford
Brock	Gurney	Stennis
Buckley	Hansen	Stevens
Byrd, Va.	Hatfield	Taft
Cook	Hruska	Talmadge
Cooper	Jordan, N.C.	Thurmond
Cotton	Jordan, Idaho	Weicker
Curtis	Mathias	Young
Dole	Miller	
Dominick	Packwood	

NOT VOTING—24

Anderson	Hughes	Montoya
Bayh	Humphrey	Moss
Burdick	Jackson	Mundt
Chiles	McClellan	Muskie
Church	McGovern	Percy
Fannin	McIntyre	Ribicoff
Fulbright	Metcalf	Sparkman
Harris	Mondale	Tower

So Mr. MANSFIELD's motion to adjourn was rejected.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I move that the Senate stand in recess until the hour of 5 o'clock.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana that the Senate stand in recess until the hour of 5 o'clock.

Mr. ALLEN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

Mr. GRIFFIN. Mr. President, a parliamentary inquiry.

Mr. MANSFIELD. Mr. President, regular order.

The PRESIDING OFFICER. No debate is in order. A parliamenary inquiry is not in order at this time, a quorum call having been ordered.

Mr. GRIFFIN. Mr. President, I ask for the regular order.

Mr. MANSFIELD. This is the regular order under the rules.

The PRESIDING OFFICER. The regular order, the Chair announces, is the suggestion of the absence of a quorum that has been made. The clerk will call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that only 10 minutes be used on this quorum.

The PRESIDING OFFICER. Is there objection?

Mr. MANSFIELD. Objection.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk called the roll and the following Senators answered to their names:

[No. 99 Leg.]

Aiken	Dominick	Jordan, Idaho
Allen	Eastland	Magnuson
Allott	Ervin	Mansfield
Beall	Fong	Mathias
Bennett	Gambrell	Proxmire
Boggs	Goldwater	Roth
Brock	Griffin	Schweiker
Brooke	Gurney	Scott
Buckley	Hansen	Smith
Byrd, Va.	Hatfield	Stafford
Byrd, W. Va.	Hruska	Talmadge
Dole	Jordan, N.C.	Weicker

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of absent Senators.

Mr. MANSFIELD. I move that the Senate stand in adjournment due to the fact that a quorum is not present.

Mr. GRIFFIN. Regular order.

The PRESIDING OFFICER. The Chair will say to the Senator from Michigan that it is in order for a motion to be made to adjourn without the presence of a quorum.

The motion having been made——

Mr. ALLEN. I call for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays are requested on the motion to adjourn. Is there a sufficient second? There is a sufficient second, and the yeas and nays are ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from the North Dakota (Mr. BURDICK), the Senator from Florida (Mr. CHILES), the Senator from Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Oklahoma (Mr. HARRIS), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), 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 Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. Moss), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I also announce that the Senator from Connecticut (Mr. RIBICOFF) is absent because of illness in the family.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. FANNIN), the Senator from Illinois (Mr. PERCY), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Texas (Mr. TOWER) would vote "nay."

The result was announced—yeas 30, nays 46, as follows:

[No. 100 Leg.]

YEAS—30

Bellmon	Hart	Pastore
Bentsen	Hartke	Pell
Bible	Hollings	Proxmire
Brooke	Javits	Randolph
Byrd, W. Va.	Kennedy	Schweiker
Cannon	Long	Stevens
Case	Magnuson	Stevenson
Cranston	Mansfield	Symington
Eagleton	McGee	Tunney
Gravel	Nelson	Williams

NAYS—46

Aiken	Eastland	Pearson
Allen	Ellender	Roth
Allott	Ervin	Saxbe
Baker	Fong	Scott
Beall	Gambrell	Smith
Bennett	Goldwater	Sparkman
Boggs	Griffin	Spong
Brock	Gurney	Stafford
Buckley	Hansen	Stennis
Byrd, Va.	Hatfield	Taft
Cook	Hruska	Talmadge
Cooper	Jordan, N.C.	Thurmond
Cotton	Jordan, Idaho	Weicker
Curtis	Mathias	Young
Dole	Miller	
Dominick	Packwood	

NOT VOTING—24

Anderson	Hughes	Mondale
Bayh	Humphrey	Montoya
Burdick	Inouye	Moss
Chiles	Jackson	Mundt
Church	McClellan	Muskie
Fannin	McGovern	Percy
Fulbright	McIntyre	Ribicoff
Harris	Metcalf	Tower

So Mr. MANSFIELD's motion to adjourn was rejected.

Mr. ALLEN. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. ALLEN. I raise the point of order, Mr. President, that if there is any further motion to adjourn or any quorum call, it is a dilatory tactic, inasmuch as we have had two quorum calls and two motions to adjourn since any business was last transacted. I raise the point of order that the motion is out of order, as being dilatory.

Mr. MANSFIELD. Mr. President, I call for the regular order. I think we are acting under the rules.

Mr. ALLEN. I ask for a ruling.

The PRESIDING OFFICER (Mr. STAFFORD). According to the understanding of the Chair, there is nothing in the rules about dilatory motions except in connection with matters of cloture. The Chair overrules the point of order. The clerk will call the roll.

Mr. ALLEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ALLEN. Is there no point at which the Chair would rule that further motions to adjourn or further quorum calls would be dilatory?

The PRESIDING OFFICER. The Chair is not prepared to rule in anticipation on some event that might occur in the future.

The clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. BYRD of West Virginia, I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from North Dakota (Mr. BURDICK), the Senator from Florida (Mr. CHILES), the Senator from Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Oklahoma (Mr. HARRIS), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), 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 Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. Moss), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I also announce that the Senator from Connecticut (Mr. RIBICOFF) is absent because of illness in family.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. FANNIN), the Senator from Illinois (Mr. PERCY), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Texas (Mr. TOWER) would vote "nay."

The result was announced—yeas 29, nays 47, as follows:

[No. 101 Leg.]

YEAS—29

Bellmon	Hart	Pastore
Bentsen	Hartke	Pell
Bible	Hollings	Proxmire
Brooke	Javits	Randolph
Byrd, W. Va.	Kennedy	Schweiker
Cannon	Long	Stevenson
Case	Magnuson	Symington
Cranston	Mansfield	Tunney
Eagleton	McGee	Williams
Gravel	Nelson	

NAYS—47

Aiken	Eastland	Pearson
Allen	Ellender	Roth
Allott	Ervin	Saxbe
Baker	Fong	Scott
Beall	Gambrell	Smith
Bennett	Goldwater	Sparkman
Boggs	Griffin	Spong
Brock	Gurney	Stafford
Buckley	Hansen	Stennis
Byrd, Va.	Hatfield	Stevens
Cook	Hruska	Taft
Cooper	Jordan, N.C.	Talmadge
Cotton	Jordan, Idaho	Thurmond
Curtis	Mathias	Weicker
Dole	Miller	Young
Dominick	Packwood	

NOT VOTING—24

Anderson	Hughes	Mondale
Bayh	Humphrey	Montoya
Burdick	Inouye	Moss
Chiles	Jackson	Mundt
Church	McClellan	Muskie
Fannin	McGovern	Percy
Fulbright	McIntyre	Ribicoff
Harris	Metcalf	Tower

So Mr. MANSFIELD's motion to recess was rejected.

Mr. MANSFIELD. Mr. President, I move that the Senate stand in recess until the hour of 6 o'clock.

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

Mr. ALLOTT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. ALLOTT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ALLOTT. Mr. President, I propose this parliamentary inquiry:

Rule XXII provides:

> When a question is pending, no motion shall be received but—
>
> To adjourn.
>
> To adjourn to a day certain.

And so forth. Then it ends;

> Which several motions shall have precedence as they stand arranged; and the motions relating to adjournment . . . shall be decided without debate.

I make the point that, the motion having been made as prescribed, a motion for recess is not in order.

Mr. MANSFIELD. Mr. President, I call for the regular order.

The PRESIDING OFFICER. The Chair advises the Senator from Colorado that this particular motion has not been made before.

Mr. ALLOTT. But a motion has been made to recess in accordance with rule XXII.

I appeal from the ruling of the Chair.

The PRESIDING OFFICER. The Chair will say to the Senator that it was to a different hour than the current motion to recess.

Mr. ALLOTT. Mr. President, I do appeal from the ruling of the Chair.

The PRESIDING OFFICER. The Chair understands that there is an appeal from the ruling of the Chair.

Mr. MILLER. I ask for the yeas and nays, Mr. President.

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

Mr. ALLOTT. I ask for the yeas and nays, Mr. President. I still have the floor.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate? The yeas and nays have been requested. Is there a sufficient second?

The yeas and nays were ordered.

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

Mr. PROXMIRE. Mr. President, is that debatable?

The PRESIDING OFFICER. No more debate is in order.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. LONG. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LONG. Is an appeal from the ruling of the Chair debatable?

The PRESIDING OFFICER. It is not debatable, the Chair says to the Senator, under these circumstances.

The clerk will call the roll to ascertain the presence of a quorum.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 102 Leg.]

Aiken	Dole	Pastore
Allen	Dominick	Pearson
Allott	Ervin	Proxmire
Baker	Goldwater	Roth
Bible	Gurney	Saxbe
Boggs	Hatfield	Smith
Buckley	Hruska	Sparkman
Byrd, Va.	Jordan, Idaho	Stafford
Byrd, W. Va.	Long	Stevens
Case	Magnuson	Talmadge
Cook	Mansfield	Thurmond
Cooper	Miller	Weicker
Cotton	Packwood	Young

The PRESIDING OFFICER (Mr. STAFFORD). The Chair is advised that a quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Senate stand in adjournment.

Mr. ERVIN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana (Mr. MANSFIELD) to adjourn.

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 New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from North Dakota (Mr. BURDICK), the Senator from Florida (Mr. CHILES), the Senator from Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT), 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 Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I also announce that the Senator from Connecticut (Mr. RIBICOFF) is absent because of illness in the family.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) would vote "yea."

Mr. GRIFFIN. I announce the Senator from Arizona (Mr. FANNIN), the Senator from Illinois (Mr. PERCY) and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from New Jersey (Mr. CASE) is detained on official business.

If present and voting, the Senator from Texas (Mr. TOWER) would vote "nay."

The result was announced—yeas 32, nays 45, as follows:

[No. 103 Leg.]

YEAS—32

Aiken	Hartke	Pastore
Bellmon	Hollings	Pell
Bentsen	Hughes	Proxmire
Bible	Inouye	Randolph
Brooke	Javits	Schweiker
Byrd, W. Va.	Kennedy	Stevens
Cannon	Long	Stevenson
Cranston	Magnuson	Symington
Eagleton	Mansfield	Tunney
Gravel	McGee	Williams
Hart	Nelson	

NAYS—45

Allen	Eastland	Packwood
Allott	Ellender	Pearson
Baker	Ervin	Roth
Beall	Fong	Saxbe
Bennett	Gambrell	Scott
Boggs	Goldwater	Smith
Brock	Griffin	Sparkman
Buckley	Gurney	Spong
Byrd, Va.	Hansen	Stafford
Cook	Hatfield	Stennis
Cooper	Hruska	Taft
Cotton	Jordan, N.C.	Talmadge
Curtis	Jordan, Idaho	Thurmond
Dole	Mathias	Weicker
Dominick	Miller	Young

NOT VOTING—23

Anderson	Harris	Montoya
Bayh	Humphrey	Moss
Burdick	Jackson	Mundt
Case	McClellan	Muskie
Chiles	McGovern	Percy
Church	McIntyre	Ribicoff
Fannin	Metcalf	Tower
Fulbright	Mondale	

So Mr. MANSFIELD's motion to adjourn was rejected.

The PRESIDING OFFICER (Mr. GRAVEL). The question now recurs on whether the decision of the Chair shall stand as the judgment of the Senate.

Mr. BYRD of West Virginia. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BYRD of West Virginia. May we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD of West Virginia. Mr. President, if the ruling of the Chair is not sustained, what effect would this have on the longtime precedents and practices of the Senate under Senate Rule XXII?

The PRESIDENT OFFICER. The Chair has already ruled, based on long-established practices and precedents of the Senate; so if the ruling of the Chair is not sustained, quite obviously this precedent would be reversed.

Mr. BYRD of West Virginia. I thank the Chair.

Mr. ALLOTT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ALLOTT. Mr. President, I am very loath to say what I am about to say, but an inquiry was made of the Parliamentarian earlier by me and I did not get the answer at that time which the Chair has announced. Be that as it may, I want to inquire what the question is before the Senate. Does a vote of yea sustain the Chair?

The PRESIDING OFFICER. A vote of yea would sustain the Chair, and the judgment of the Chair would stand. A yea vote would sustain the Chair.

Mr. ALLOTT. And a vote of nay will not sustain it?

The PRESIDING OFFICER. A nay vote overrules the Chair and the precedent will be reversed.

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

The PRESIDING OFFICER. The Senator will state it.

Mr. BAKER. If the Chair is not sustained on the appeal taken by the distinguished Senator from Colorado, would that vote as well have the effect of overturning the statement of the Chair just now in response to the inquiry by the Senator from West Virginia to the effect that such an action would overturn precedents under rule XXII? Would that be included automatically in an appeal taken by the Senator from Colorado?

The PRESIDING OFFICER. That is the question before us: Whether or not the Chair shall be sutained.

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

The PRESIDING OFFICER. The question is: Shall the decision of the Chair stand as the judgment of the Senate. If that is overruled, quite obviously the decision of the Chair does not stand as the judgment of the Senate.

Mr. BAKER. Was the statement made by the Chair in response to the inquiry by the Senator from West Virginia (Mr. BYRD) included as a part of the ruling of the Chair, and, therefore, is it being appealed under the motion of the Senator from Colorado, that statement being that an affirmative vote would overturn the precedents of the Senate under rule XXII?

The PRESIDING OFFICER. The only matter before the Senate is: Is the judgment of the Chair to be sustained or not sustained?

Mr. BAKER. The statement with respect to rule XXII does not constitute a part of the ruling of the Chair?

The PRESIDING OFFICER. No. The only question to be voted on will be on the judgment of the Chair, the decision of the Chair, as the judgment of the Senate.

Mr. BAKER. Which decision was made prior in response to the inquiry by the Senator from West Virginia?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. Do I understand the statement with respect to the precedents of the Senate relating to rule XXII has no effect and is not the ruling of the Chair in this instance?

The PRESIDING OFFICER. Responses with respect to parliamentary inquiries are not appealable, in any event. Would the Senator like the Chair to state the question one more time?

Mr. BAKER. I would like the Chair to state it one more time.

The PRESIDING OFFICER. The question is: Shall the decision of the Chair stand as the judgment of the Senate? A yea vote is to sustain the decision of the Chair; a nay vote is to overrule the decision of the Chair. Debate is not in order.

Mr. BAKER. Mr. President, a parliamentary inquiry. What is the "judgment" of the Chair on which the appeal is being taken?

The PRESIDING OFFICER. The decision of the Chair previously was to rule that the motion to recess until 6 o'clock under rule XXII was in order. That was the ruling of the Chair at that time, and that ruling was appealed.

Mr. GRIFFIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it. The Chair would like to make sure the Senator from Tennessee had his inquiry satisfied before moving to additional parliamentary inquiries.

Mr. BAKER. I have not, but I wish to note that that is the sole extent of the challenge by the Senator from Colorado and has no effect on any other precedent with respect to rule XXII.

Mr. PASTORE. Mr. President, regular order. We are debating here.

Mr. MANSFIELD. We have lots of time.

[Laughter.]

The PRESIDING OFFICER. Obviously, debate is not in order but the Chair wants to be lenient in satisfying all points of inquiry. Does the Senator from Tennessee have a further inquiry?

Mr. BAKER. I do not, but I shall not pursue it further.

Mr. GRIFFIN. In view of the opinion of the Chair, which is being appealed, is it not true that unless the ruling of the Chair is overruled we have seen develop here today a new form of filibuster, which there is no way to end?

Mr. MANSFIELD. Oh, no; quite the contrary. This is an old established custom.

The PRESIDING OFFICER. That is a matter the Chair will not get into.

The yeas and nays have been ordered; and unless there are further inquiries, the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from North Dakota (Mr. BURDICK), the Senator from Florida (Mr. CHILES), the Senator from Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT), 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 Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah Mr. Moss), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I also announce that the Senator from Connecticut (Mr. RIBICOFF) is absent because of illness in the family.

I further announce that if present and voting, the Senator from Washington (Mr. JACKSON) would vote "yea."

Mr. GRIFFIN. I announce the Senator from Arizona (Mr. FANNIN), the Senator from Illinois (Mr. PERCY), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from New York (Mr. BUCKLEY) is detained on official business.

If present and voting, the Senator from Texas (Mr. TOWER) would vote "nay."

The result was announced—yeas 51, nays 26, as follows:

[No. 104 Leg.]

YEAS—51

Aiken	Gambrell	Pearson
Allen	Gravel	Pell
Bellmon	Hart	Proxmire
Bentsen	Hartke	Randolph
Bible	Hollings	Schweiker
Brooke	Hughes	Smith
Byrd, Va.	Inouye	Sparkman
Byrd, W. Va.	Javits	Spong
Cannon	Jordan, N.C.	Stafford
Case	Kennedy	Stennis
Cooper	Long	Stevenson
Cranston	Magnuson	Symington
Dominick	Mansfield	Talmadge
Eagleton	Mathias	Thurmond
Eastland	McGee	Tunney
Ellender	Nelson	Williams
Ervin	Pastore	Young

NAYS—26

Allott	Dole	Miller
Baker	Fong	Packwood
Beall	Goldwater	Roth
Bennett	Griffin	Saxbe
Boggs	Gurney	Scott
Brock	Hansen	Stevens
Cook	Hatfield	Taft
Cotton	Hruska	Weicker
Curtis	Jordan, Idaho	

NOT VOTING—23

Anderson	Harris	Montoya
Bayh	Humphrey	Moss
Buckley	Jackson	Mundt
Burdick	McClellan	Muskie
Chiles	McGovern	Percy
Church	McIntyre	Ribicoff
Fannin	Metcalf	Tower
Fulbright	Mondale	

So the appeal from the ruling of the Chair was not sustained.

The PRESIDING OFFICER (Mr. GRAVEL). The question recurs on agreeing to the motion to recess until 6 p.m.

Mr. ALLEN. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from North Dakota (Mr. BURDICK), the Senator from Florida (Mr. CHILES), the Senator from Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT), 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 Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I also announce that the Senator from Connecticut (Mr. RIBICOFF) is absent because of illness in the family.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from New York (Mr. BUCKLEY), the Senator from Arizona (Mr. FANNIN), the Senator from Illinois (Mr. PERCY), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Texas (Mr. TOWER) would vote "nay."

The result was announced—yeas 32, nays 44, as follows:

[No. 105 Leg.]

YEAS—32

Aiken	Hart	Nelson
Bellmon	Hartke	Pastore
Bentsen	Hollings	Pell
Bible	Hughes	Proxmire
Brooke	Inouye	Randolph
Byrd, W. Va.	Javits	Schweiker
Cannon	Kennedy	Stevens
Case	Long	Stevenson
Cranston	Magnuson	Symington
Eagleton	Mansfield	Tunney
Gravel	McGee	

NAYS—44

Allen	Ellender	Pearson
Allott	Ervin	Roth
Baker	Fong	Saxbe
Beall	Gambrell	Scott
Bennett	Goldwater	Smith
Boggs	Griffin	Sparkman
Brock	Gurney	Spong
Byrd, Va.	Hansen	Stafford
Cook	Hatfield	Stennis
Cooper	Hruska	Taft
Cotton	Jordan, N.C.	Talmadge
Curtis	Jordan, Idaho	Thurmond
Dole	Mathias	Weicker
Dominick	Miller	Young
Eastland	Packwood	

NOT VOTING—24

Anderson	Harris	Montoya
Bayh	Humphrey	Moss
Buckley	Jackson	Mundt
Burdick	McClellan	Muskie
Chiles	McGovern	Percy
Church	McIntyre	Ribicoff
Fannin	Metcalf	Tower
Fulbright	Mondale	Williams

So Mr. MANSFIELD's motion to recess until 6 p.m. was rejected.

Mr. MANSFIELD. Mr. President, I move that the Senate stand in recess until the hour of 7 o'clock.

Mr. ALLEN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators answered to their names:

[No. 106 Leg.]

Allen	Curtis	Mathias
Allott	Dole	Miller
Baker	Dominick	Roth
Bennett	Ellender	Saxbe
Bentsen	Ervin	Scott
Boggs	Gambrell	Sparkman
Brock	Gravel	Stennis
Brooke	Hansen	Taft
Byrd, Va.	Hart	Talmadge
Byrd, W. Va.	Hatfield	Thurmond
Cannon	Hollings	Weicker
Case	Hruska	Young
Cook	Jordan, Idaho	
Cotton	Mansfield	

The PRESIDING OFFICER (Mr. GRAVEL). A quorum is not present.

Mr. COOK. Mr. President, I move that the Sergeant at Arms be directed to request the presence of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kentucky.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Aiken	Hartke	Pell
Beall	Hughes	Proxmire
Bellmon	Inouye	Randolph
Bible	Javits	Schweiker
Cooper	Jordan, N.C.	Smith
Cranston	Kennedy	Spong
Eagleton	Magnuson	Stafford
Eastland	McGee	Stevens
Fong	Nelson	Stevenson
Goldwater	Packwood	Symington
Griffin	Pastore	Tunney
Gurney	Pearson	Williams

The PRESIDING OFFICER. A quorum is present.

The question is on agreeing to the motion to recess until 7 o'clock. The yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT), 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 Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from North Dakota (Mr. BURDICK), the Senator from Nevada (Mr. CANNON), the Senator from Florida (Mr. CHILES), and the Senator from Louisiana (Mr. LONG) are necessarily absent.

I also announce that the Senator from Connecticut (Mr. RIBICOFF) is absent because of illness in the family.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), would vote "yea."

Mr. GRIFFIN. I announce that the Senator from New York (Mr. BUCKLEY), the Senator from Arizona (Mr. FANNIN), the Senator from Illinois (Mr. PERCY), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Texas (Mr. TOWER) would vote "nay."

The result was announced—yeas 30, nays 45, as follows:

[No. 107 Leg.]

YEAS—30

Bellmon	Hartke	Pastore
Bentsen	Hollings	Pell
Bible	Hughes	Proxmire
Brooke	Inouye	Randolph
Byrd, W. Va.	Javits	Schweiker
Case	Kennedy	Stevens
Cranston	Magnuson	Stevenson
Eagleton	Mansfield	Symington
Gravel	McGee	Tunney
Hart	Nelson	Williams

NAYS—45

Aiken	Eastland	Packwood
Allen	Ellender	Pearson
Allott	Ervin	Roth
Baker	Fong	Saxbe
Beall	Gambrell	Scott
Bennett	Goldwater	Smith
Boggs	Griffin	Sparkman
Brock	Gurney	Spong
Byrd, Va.	Hansen	Stafford
Cook	Hatfield	Stennis
Cooper	Hruska	Taft
Cotton	Jordan, N.C.	Talmadge
Curtis	Jordan, Idaho	Thurmond
Dole	Mathias	Weicker
Dominick	Miller	Young

NOT VOTING—25

Anderson	Harris	Montoya
Bayh	Humphrey	Moss
Buckley	Jackson	Mundt
Burdick	Long	Muskie
Cannon	McClellan	Percy
Chiles	McGovern	Ribicoff
Church	McIntyre	Tower
Fannin	Metcalf	
Fulbright	Mondale	

So Mr. MANSFIELD's motion to recess until 7 p.m. was rejected.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may proceed for 2, 3, or, if necessary, 4 minutes.

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

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I am about to propound a unanimous-consent

request, after discussing the matter directly and indirectly with the parties most concerned.

We are faced with a situation where this sort of tactic, which I must say to my colleagues I am not at all enjoying, could be kept up all night, all day tomorrow, and ad infinitum if need be. But it is not a good way to run a railroad.

Commonsense has taken over, and if the Senate agrees, I would like to make the following unanimous-consent request:

I ask unanimous consent that when the Senate completes its business tonight, it stands in adjournment until the hour of 10 o'clock tomorrow morning; that then there be a period for the transaction of routine morning business, with a time limitation of 3 minutes for each Senator wishing to be recognized; that at the conclusion of morning business, the urgent supplemental appropriation bill be laid before the Senate, and that a vote on that bill occur at 11:45 a.m., that immediately following the vote on the urgent supplemental appropriation bill, the vote occur on the Allen amendment to lay on the table the pending legislation, and that rule XII be waived.

Is that in accordance with the understanding of the Senator from Alabama?

Mr. ALLEN. Yes. Reserving the right to object, there would be only one vote on the appropriation bill; is that correct?

Mr. MANSFIELD. The final vote.

Mr. ALLEN. The final vote; no amendment is to be offered?

Mr. MANSFIELD. I understand it is noncontroversial. It is a very selective supplemental bill, and the distinguished chairman of the Appropriations Committee has indicated to several of us that there is no argument expected.

Mr. ALLEN. There would be only one up or down vote on the supplemental appropriation bill?

Mr. MANSFIELD. That is my understanding.

Mr. ALLEN. And in no event would the vote on the motion to lay on the table the pending bill be delayed beyond 12 o'clock?

Mr. MANSFIELD. That is correct.

Mr. ALLEN. I thank the majority leader.

Mr. GRIFFIN. Mr. President, reserving the right to object, would the majority leader indicate, is there any particular time when the supplemental appropriation bill would be laid before the Senate?

Mr. MANSFIELD. I would guess it would be laid down somewhere between 10:30 and 10:45. It was reported out unanimously by the Appropriations Committee.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. MAGNUSON. Mr. President, will the Senator yield for a moment?

Mr. MANSFELD. I yield.

Mr. MAGNUSON. The urgent supplemental bill contains only three items, of which only one would cause any debate. The big item in the bill is to furnish the money for the extension of the unemployment insurance for 13 weeks.

I do not think there will be any problem at all. It should not take 15 minutes of the Senate's time to approve. It was unanimously approved this morning by the Appropriations Committee.

Mr. GRIFFIN. Only in order that there might be some time for the consideration of it. I wonder whether the majority leader might want to indicate that it be laid before the Senate not later than 11 o'clock or 11:15.

Mr. MANSFIELD. I would say somewhere between 10:30 and 10.45, which would give more than an hour for its consideration.

Mr. BYRD of Virginia. Does the majority leader know the amount of this supplemental appropriation?

Mr. MANSFIELD. I do not.

The PRESIDING OFFICER. Would the Senator from Montana advise the Chair as to how long he wants the morning business to run?

Mr. MANSFIELD. Not to exceed 30 minutes.

Mr. MAGNUSON. The House limited the amount to $600 million.

Mr. MANSFIELD. Here is the Senator from North Dakota, the ranking Republican Member. Perhaps he could give us the information.

Mr. MAGNUSON. The amount for June 30 is $315 million.

Mr. YOUNG. I think that is correct. I do not have the figures before me.

Mr. MAGNUSON. To keep us going until June 30. The House limited $600 million on the bill for any further proceeding. Of course, if unemployment decreases, we would not have to use a great deal of it at all. But if it continues, this is the situation. It is now the law. It is practically mandatory.

Mr. BYRD of Virginia. Is that the total of the supplemental, or is that one item in the supplemental?

Mr. MAGNUSON. There are two other items. One is $28 million for the ICC.

Mr. YOUNG. They are all items for which we have an obligation. Presently, we are paying 6-percent interest on those that are unpaid.

Mr. BYRD of Virginia. What is the total?

Mr. MAGNUSON. If the Senator will yield, I do not know the total; but it is my understanding, in talking to the distinguished chairman of the Appropriations Committee earlier today, that everything was taken out of the supplemental bill which could be taken out and put on regular appropriation bills, and what was agreed to was what is in effect mandatory at this time. I do not know the total sum.

Except three items.

Mr. YOUNG. Our bill is the same as that of the House.

Mr. BYRD of Virginia. I thank the Senator.

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

NATIONAL VOTER REGISTRATION

Mr. HANSEN. Mr. President, I have listened with great interest to the debate in the Senate on the subject of national voter registration. The statements made on the Senate floor in the last week have only confirmed my belief that the proposed post card registration is a basic and fundamental change in our election system which is ill considered and which could lead to complete chaos.

The question before us today is whether or not this piece of basic legislation, S. 2574, should be referred to and reported by the Judiciary Committee before being considered on the merits by the Senate. This is a question which goes to the very heart of our legislative system. On March 8, the distinguished chairman of the Post Office and Civil Service Committee, the senior Senator from my own State of Wyoming, stated:

> I would think, Mr. President, that in times like these in particular, when we are being watched for the example we set for the rest of the world, we must not be caught nitpicking the fearful possibilities of a measure that is elementary and simple both in its concept and in its operation.

I agree that the rest of the world is watching the example of this body. That is why I am so distressed that the Senate would even entertain the possibility of casting aside the usual procedure and, under the thin guise that the new proposal would be administered by the Bureau of the Census, circumvent consideration of the measure by the appropriate Senate Committee.

The Senate Committee on the Judiciary is the proper committee to consider the Natitonal Voter Registration proposal. With all due respect to the hard-working members of the Post Office and Civil Service Committee and their fine staff, it is the Judiciary Committee which possesses the knowledge and expertise gained from many years of attention to election matters. The recommendations of the Judicial Committee are essential if the Senate is to give thorough consideration to this proposal.

The bill, S. 2574, is obviously an election bill, not a Bureau of the Census administrative bill. The post cards designed to register a person to vote in an election are mailed to the State elections officer, not to the Bureau of the Census. They are intended to qualify a person to vote.

This brings me to another very important point. That is the impact which the post card proposal will have on the orderly registration of voters. It is easy for the Federal Government to print and distribute millions of forms. But the Federal Government then would turn around and have those millions of forms sent to the election authorities in the individual States. It would be the State's burden to try to provide administrative order from the flood of forms which would arrive shortly before election day. It would be the State's burden to find and hire additional personnel to process the forms within the period arbitrarily set by the Federal Government. Admittedly the Federal Government would share a small part of the cost, but this would not solve the administrative problems which the

proposal now before us will heap on State election officers.

Most States do not require an individual to register for each election. In my State of Wyoming, if an individual voted in the last general election or the primary election preceding the general election, he is automatically registered to vote in the general election. In other words, an individual might only be required to appear in person to register only once in his lifetime, and thereby would qualify to vote in every Federal election.

In this manner, the State or local election officer is not required to process a registration form for each vote in every election.

But under the bill before us, the registration forms must be sent to each postal address before every Federal election. This is both inefficient and confusing. The Government would go to the expense of mailing forms to millions of persons who are already registered and do not need to reregister. The State elections offices would be forced to the expense of processing registration forms sent in by confused citizens who were already registered but feared that their registration would lapse if they did not send in another form. And most tragic of all is the distinct possibility that confused voters, thinking that they must send in the post card to be eligible to vote, and having failed to do so by inadvertence, will not vote thinking they are not registered even though they are registered by having voted in the past election.

My learned colleague, the senior Senator from Wyoming, is a former history professor of high reputation, and therefore, I noted with interest his comments last week that registration laws were not enacted to prevent fraud but to discriminate against certain nationalities and prevent them from voting. If this is true, would it not be better to abolish the registration of voters completely? Obviously almost everyone agrees that the ever present threat of fraud must be the compelling reason for registration. It does indeed seem foolish to go to the extreme expense which will be imposed by this national voter registration proposal if the purpose of registration is to discriminate against some nationalities or races. Parenthetically I note that drives to register minorities have been successful and have been able to comply with current State registration systems, Conversely, registration among high school and college groups—not the object of any discrimination—has been disappointingly low.

Now let us look at the expense to maintain this charade proposed by S. 2574. The ranking minority member of the Post Office and Civil Service Committee, the able senior Senator from Hawaii, last week indicated that it will cost $5 to $10 million to establish an address system for the distribution of the forms. Then the list must be kept up to date. Each mailing would cost between $15 and $20 million, and two or more mailings would be required each election year. In addition, the cost of processing the forms by the State election officers must be added.

The proposal offers to send Federal investigators to assist in fraud prevention. How much will it cost to provide sufficient investigators to meet the needs of 184,000 election precincts. The proponents of the bill cite the Internal Revenue Service and its tax collection system as a good example of how well the post card registration would work. It is my understanding that the IRS employs approximately 67,000 people. Does this indicate the size of the bureaucracy we might expect from this legislation?

It is my belief that the voter registration system provides an important safeguard to voter fraud. It provides a checklist which helps to prevent and discover voter irregularities. The various ways in which the national voter registration post card system would lead to voter fraud have been discussed in detail on this floor. I have spoken previously on this subject myself, and therefore will not cover that ground again. However, the proposal before us would severely tie the hands of election officials to insure that individuals casting a ballot are fully qualified and eligible electors.

To my mind it is not asking too much of a citizen to appear once before a designated representative of the people to qualify as an elector. This is a small price to pay to add credibility to the election of Government officials and give them the opportunity to govern without a cloud of election irregularities hanging over them.

RESCISSION OF ORDERS TO RECOGNIZE SENATOR McGEE AND SENATOR CRANSTON TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the orders recognizing the distinguished Senator from Wyoming (Mr. McGEE) and the distinguished Senator from California (Mr. CRANSTON) on tomorrow be vacated.

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

RECOMMITAL OF NATIONAL COASTAL AND ESTUARINE ZONE MANAGEMENT ACT OF 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Calendar No. 510, S. 582, the National Coastal and Estuarine Zone Management Act of 1971, be recommitted to the Committee on Commerce.

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

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the Senate will convene tomorrow at 10 a.m. Immediately after the two leaders have spoken under the standing order, the junior Senator from West Virginia (Mr. BYRD) will be recognized for not to exceed 15 minutes; after which there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes; at the conclusion of which the Chair will lay before the Senate the urgent supplemental appropriation bill. A vote on final passage of that bill will occur at 11:45 a.m. That will be a rollcall vote.

Immediately upon disposition of the urgent supplemental appropriation bill at 12 noon, the Senate will proceed to vote by yea-and-nay vote on the motion by the distinguished Senator from Alabama (Mr. ALLEN) to table the pending bill, the unfinished business, which is S. 2574.

The leadership therefore alerts all Senators to the fact that there will be at least two yea-and-nay votes on tomorrow—and possibly more.

ADJOURNMENT TO 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and at 7:02 p.m. the Senate adjourned until tomorrow, Wednesday, March 15, 1972, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 14, 1972:

NORTH ATLANTIC TREATY ORGANIZATION

David M. Kennedy, of Illinois, to be the U.S. permanent representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Philip Birnbaum, of Maryland, to be an Assistant Administrator of the Agency for International Development.

DISTRICT OF COLUMBIA GOVERNMENT

Tedson J. Meyers, of the District of Columbia, to be a member of the District of Columbia Council for the remainder of the term expiring February 1, 1974.

John J. Gunther, Esq., for appointment as a member of the Board of Directors of the District of Columbia Redevelopment Land Agency for a term of 5 years, effective on and after March 4, 1972, pursuant to the provisions of section 4(a) of Public Law 592, 79th Congress, approved August 2, 1946, as amended.