to honor such an outstanding man I lead a group of my distinguished colleagues in asking that such action be taken. Today our work is done because that stamp has been issued.

Fiorello LaGuardia was a man who embodied the tenets of good and responsible city government and contributed significantly to the unification of the people of New York City.

The stamp, which is in the Prominent Americans series of regular stamps, was designed by Robert Geissman, of New York. It is vertical and bears a portrait of LaGuardia, with a portion of the New York skyline in the background. The inscription at the bottom in two lines is "U.S." and "LaGuardia/14¢." The stamp was engraved by Arthur W. Dintaman—vignette—and Robert G. Culin, Sr.—lettering. The initial printing order is for 40 million stamps, printed in brown on the Cottrell press.

LaGuardia was born in New York in 1882, was elected to Congress in 1916, left office to join the U.S. Air Service during World War I, from which he emerged as a major, returned to Congress, where he served until 1933. He was associated with some of the most liberal legislation of the day, notably the Norris-LaGuardia Act (1932) which banned the strike-breaking injunction.

Among Mayor LaGuardia's contributions was his adherence to progressive ideals. He was, as said before, a co-author in 1932 of the Norris-LaGuardia Act, the famed legislation that banned yellow dog labor contracts and strike-breaking by injunction. Among his most notable credits were his efforts to obtain a new charter for the city. He also did much to reorganize the cumbersome machinery of municipal government by revamping the agency system.

New Yorkers called Fiorello LaGuardia "the Little Flower," a literal translation of his Italian-derived first name. He was colorful, he was flamboyant, LaGuardia liked to chase fire engines. When a strike closed the city's newspapers, he went on radio to read the comic strips.

He was also a hard worker and able administrator who left his mark on the city. LaGuardia reorganized the machinery for municipal government, balanced the budget, involved himself with slum clearance, beautification, construction of parkways and bridges and the airport that later was to bear his name.

As a former staff assistant to Fiorello LaGuardia, I knew he was a firm believer in nonpartisanship. He demonstrated his true commitment to the abolition of human problems. The mayor was regarded as a champion of immigration and made strong efforts to aid the drive for slum clearance. His move to improve the city's health and sanitary conditions further exemplified his grave concern for the welfare of all New York City residents.

For these reasons and many more, LaGuardia won widespread respect and affection. His last term of public service, performed as Director of the United Nations Relief and Rehabilitation Administration, demonstrated the humanitarian zeal which characterized his efforts and ideals.

Mr. Speaker, it is with great pleasure that I call to the attention of my colleagues this commemorative issue and I am proud to have played a part in honoring New York's Fiorello LaGuardia.

SENATE—*Tuesday, March 28, 1972*

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

PRAYER

The Reverend Ben Hayden, pastor, First Presbyterian Church, Chattanooga, Tenn., offered the following prayer:

God, our Father, thank Thee for loving us. Thank Thee for the men and women of this Senate who seek, with legislative ingenuity and integrity, to lead our Nation. Bless their private lives. May they do business today with the living God in the confidence of His love. Bless their families.

Lord, we praise today, in this Week of National Concern, remembering that no man or woman can be paid for the agony or anguish of imprisonment, for the loss of human dignity, for the death of his body.

Give us the rare ability to project ourselves into the other man's shoes—even into his barefoot situation.

Bless the Vietnamese—North and South—and all who share in the agony of this Southeast Asian war.

Lord, our Father, protect, preserve, and encourage the POW's and the men missing in action—and their families. We pray for their soon return.

Father, in this season we thank Thee for the sacred promise of the resurrection of the body and of eternal life. I praise Thee in the name of Jesus Christ. Amen.

REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of May 14, 1971, Mr. HOLLINGS, from the Committee on Appropriations, reported favorably, with amendments, on March 24, 1972, the bill (H.R. 13955) making appropriations for the legislative branch for the fiscal year ending June 30, 1973, and for other purposes, and submitted a report (No. 92–719) thereon, which was printed.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

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:

On March 23, 1972:

S. 1977. An act to establish the Oregon Dunes National Recreation Area in the State of Oregon, and for other purposes.

On March 24, 1972:

S. 888. An act for the relief of David J. Crumb; and

S. 1362. An act 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 WELFARE SYSTEM—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was referred to the Committee on Finance:

To the Congress of the United States:

The American welfare system is a national disgrace.

Thirty-one months ago, I first proposed to the Congress my plan for total reform of that system.

Since that time, the welfare situation has continued to worsen, and sweeping changes have become even more imperative.

There can be absolutely no excuse for delaying those changes any further. The present system must be reformed.

Its shocking inequities continue to drain incentive from the many poor who work but who see some families making as much or more on welfare.

Its widely varying, discriminatory benefits continue to force needy families, millions of children, and the needy aged, blind and disabled into a web of inefficient rules and economic contradictions.

Its vast costs have continued to escalate, undermining State and local governments and threatening to erode taxpayer support for a welfare system of any kind.

The present system continues to contribute to the breakup of poor families, rather than reenforcing the role of the family in our national life. The welfare life-style continues to dehumanize those who are caught in it, and threatens now to create yet another "welfare generation."

NOW IS THE TIME FOR ACTION

This year must be the year in which we raze the ramshackle welfare system, patched up so many times in the past but still basically unchanged since it was first enacted as emergency legislation in the mid-1930s. In its place, we must build a new system, taking a new direction. We must create an environment that will draw forth and support—rather than smother—the innate ambitions and personal obligations of all needy Americans.

Last December, the Congress did pass transitional legislation which took parts of my welfare reform package—certain of the workfare provisions for job training and work requirements for all employable welfare recipients—and applied them to the present system of welfare. These actions will become effective later this year.

Acceptance of those workfare provisions by the Congress was a step in the right direction, as I said when I signed the measure. But it is still part of the patchwork approach. Now something far

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better than a patchwork approach is required if the needy are to receive rational assistance, if waste and inefficiency are to be abolished, and if America's work incentive-job reward system is to be placed within reach of every citizen.

We should never forget that it is precisely this system that has enabled us to develop the highest standard of living—with the most widely shared advantages—in the history of the world. We should continue to rely on it as we drive to close the final gaps between economic promise and economic reality.

On June 22 of last year the House of Representatives, for the second time, passed by a wide majority omnibus legislation which would implement my overall welfare reform. This legislation is now being closely scrutinized by the Senate Finance Committee, whose able Chairman, Senator LONG, has assured me that the committee will report H.R. 1 to the Senate floor as soon as possible. H.R. 1 continues to have my full support, and I hope that it will be enacted into law this year in the basic form approved by the House of Representatives.

We need reform this year so that, instead of pouring billions more into a system universally recognized as a failure, we can make a new start.

We must not forget that H.R. 1 contains basic reforms in social security and medical benefits, as well as welfare reform.

These benefits, by themselves, are pathbreaking in scope and impact—including a further 5-percent benefit increase in social security, the automatic adjustment of social security benefits in the future to make them inflation proof, and a host of additional reforms discussed in my recent message to the Congress on older Americans. As I said in that message, even one more year of delay in the passage of H.R. 1 would cost older Americans some $5½ billion in annual benefits.

H.R. 1 clearly lies at the heart of economic progress of millions of Americans in 1972—and into the future. It is the most important single piece of social legislation to come before the Congress in several decades. I strongly urge the Congress to pass it as soon as possible this year. No legislation should have a higher priority.

THE WELFARE MESS WORSENS

When I first presented my welfare reform proposal to the Congress on August 11, 1969, I declared that "America's welfare system is a failure that grows worse every day."

Nine hundred and fifty eight days have passed since that message and that comment. The welfare landscape today is a greater fiscal and ethical wasteland than ever:

—*Injustice and inequities are widespread:* There are glaring differences between welfare benefits paid in various parts of the country—they can range from $60 a month to $326 a month for a woman with three children, depending on in which State she happens to live. Moreover, too many Americans can get more money by going on welfare than by going to work. There is no real requirement that a recipient seek, much less accept, a job.

—*The basic immorality of the system still prevails:* In most States welfare still offers a man a bounty to desert his family.

—*Incentive continues to be penalized:* A man working hard for low wages can see neighboring families on welfare that are better off than his own family.

—*Millions of children suffer:* They are forced to live in degrading and deplorable conditions because the present system precludes their families from any benefits.

—*Waste continues unabated:* State quality control surveys indicate that as many as one in 20 welfare recipients may actually be ineligible for benefits, and that inaccurate payments are being given to as many as one case in every four—a potential total annual waste of more than $500 million.

—*Administration remains a quagmire of red tape:* There are 1,152 separate State and local welfare jurisdictions, with separate eligibility determinations and administrative procedures—making program integrity a virtual impossibility.

What we have in short, is a crazy quilt of injustice and contradiction that has developed in bits and pieces over the years with little serious thought of basic reform. I believe that H.R. 1 is the best and most comprehensive answer yet devised to meet this challenge.

FISCAL CRISIS: WASHINGTON AND THE STATES

The present welfare system is not only morally bankrupt—but is a significant factor in driving the States toward fiscal bankruptcy.

Since I first proposed reform in 1969, the costs of maintaining the present system have mounted at an alarming rate. Each day of delay means further costs—without any offsetting benefits. For example:

—Welfare costs have skyrocketed from $6.2 billion in 1969 to an estimated $9.4 billion in 1971, *a 51 percent increase in just two years.*

—The overall welfare caseload has risen from 9.6 million people in 1969 to 13.5 million today. It has been estimated that, if no changes are made, 17.3 million people will be on welfare in 1974, *an 80 percent rise in just five years.*

What we have on our hands is nothing less than a social and political time bomb. And, in a development of concern to all of us, the patience and support of the American public for welfare programs has been slipping dangerously. Those who are truly needy are becoming scapegoats in the eyes of taxpayers understandably angered about waste and inconsistency.

What we are seeking is an end to the need for public support for people who are essentially employable, but have not been able to work for reasons beyond their control, just will not work, or will not even make themselves available for work-related training—and this is what H.R. 1 would cure.

We also need to establish a nationally uniform system of efficient aid for totally needy families and the old and infirm—and H.R. 1 would achieve that goal, too.

OUTLINE OF REFORM

My program, as embodied in H.R. 1, would place a floor beneath the income of all American families not able to adequately support themselves. Its payments would vary, according to family size and resources, from a minimum of $1,600 to a maximum of $3,600. The basic benefit for a family of four with no other income would be $2,400.

Employable adult members of such families would have to register with the Department of Labor in its Opportunities for Families Program for manpower services, work training and employment availability before *any* benefits were paid to such persons. Exceptions would include mothers of children younger than 6, and mothers whose husbands were either working or registered for work.

Families without employable adult members would not be subject to registration requirements but would receive the same basic benefits under the Department of Health, Education, and Welfare's Family Assistance Program.

For the first time in our history, national wage supplements would be paid to the working poor on a proportionate sliding scale designed to spur, rather than kill, the incentive to start working and keep on earning.

Eligible persons would be able to keep the first $720 earned during the year without reduction in their supplements. As job income rose beyond that, supplements would be reduced by two-thirds of job income until a cut-off point were reached and the recipient had attained a degree of self-sufficiency.

A family of four thus could earn $720 and receive a benefit of $2,400—for a total income of $3,120. When such a family's earnings reached $3,600, it still would be eligible for a supplement of $480 for a total income of $4,080.

When such a family reached earnings of $4,320 it would move completely out of the Federal assistance program.

Under the terms of H.R. 1, the Opportunities for Families program, the Family Assistance Plan and programs for the needy, aged, blind and disabled would be totally financed by the Federal Government—thereby providing much-needed financial relief for the States, which now share welfare costs.

In several respects, the proposed payments to the working poor constitute the basic conceptual foundation of my new approach.

These payments would encourage those who are working to keep on working, rather than sliding into welfare dependency. And they would motivate welfare recipients to start work.

We must hit head-on the cruel fallacy that any income, no matter how low, is sufficient for an American family merely because that money comes from full-time work.

We must establish the more humane and relevant principle that the total income of each American family must reach a certain minimum standard.

Another foundation of my approach is the strong work requirement and the provisions which would help implement

that requirement, including child care benefits, manpower services, job training and job locating, and a program of 200,000 transitional public service jobs.

Recipients, with very few exceptions, would have to register for training and accept jobs which were offered, or benefits would be terminated for that recipient.

An entirely separate new Federal program would be established for needy aged, blind and disabled individuals and couples. While no work requirements would be included, of course, those who could work would be provided with strong incentives for doing so.

The current State payments to such individuals and couples, varying widely across the Nation, would be replaced by a Federal benefit of $130 a month for an aged, blind, or disabled individual, rising to $150 in two steps. For a couple in these categories, $195 a month would be provided, rising to $200. Such benefits now can be as low as $70 a month for an individual and $97 a month for a couple.

In all, some $2 billion in new money would go directly into the hands of the aged, blind and disabled in the first full year.

TIGHT ADMINISTRATION AND PROGRAM INTEGRITY

Those who receive welfare, while they are the most visible victims, are not the only ones who suffer because of the myriad confusions and contradictions of the present welfare mess. The taxpayers are victims as well, for they are paying for a program that not only fails to accomplish its objectives, but is virtually impossible to administer.

Welfare administration is woefully outmoded in this country, with its 1,152 separate State and local welfare jurisdictions. Although virtually all have the same basic programs—Aid to the Blind, Aid to the Disabled, Aid to the Aged, and Aid to Families with Dependent Children—each operates with its own eligibility determination and administrative methods.

In the administrative area, especially, there is nearly an incomprehensible variety of management philosophies, operating policies and methods, and personnel arrangements. Only 20 percent of these jurisdictions have automated management techniques.

Under such conditions, it is not surprising that there are major management problems which exacerbate the skyrocketing costs and add to the growing public concern about welfare. Moreover, because of current open end financing arrangements, States and localities have what amounts to a blank check on the Federal treasury for this activity.

Thousands of dedicated people are doing their best to operate this ponderous machinery. But this system has been patched and repaired too many times. The frustration of current State program managers has resulted in very substantial support among Governors and State welfare administrators for Federal administration of the benefit payments function.

In recent months we have documented the failings of the current system, including the absence of cross-checks of records in adjacent areas, inadequate verification of income and benefits from a variety of benefit programs, and rapid turnover of personnel.

While decentralized management is highly desirable in many fields and is indeed central to my philosophy of government, I believe that many of these problems in welfare administration can best be solved by using a national automated payments system, which would produce economies and considerably increase both equity of treatment and tightened administration.

Such a unified system—partially modeled on the Social Security system—would reduce errors and provide greater controls for fraud and duplicate payments.

H.R. 1 would require each recipient to have a social security number for identification to prevent duplicate benefits and to facilitate the receiving of recipient income information from such sources as the Social Security Administration, the Internal Revenue Service, the Veterans Administration, and other units.

National administration and standards would also ensure equitable treatment for individuals: they would no longer be subject to conflicting rules in different areas, to delays caused by back-ups, and to the confusing tangle of red tape.

Under such a system, States and counties would be freed to concentrate on social services to recipients, making use of their closer understanding of the needs of local residents.

AN INVESTMENT IN THE FUTURE

Because we want a *better* system—not just a new one—welfare reform will cost more in the early years and cover more needy people.

Against the increased initial costs of my proposals in H.R. 1, however, we must weigh the unknown future costs—both human and fiscal—if the present chaotic system, with its present soaring growth rates, is continued. The new system contained in H.R. 1 would be far less costly in the long run—both in terms of dollars and in terms of people.

Historians of the future no doubt will focus on America's 200th birthday—and the years leading up to that significant anniversary—as one important point for measuring the progress of our Republic.

They will find, of course, that over 200 years America's mastery of the industrial revolution, its bountiful economic system, its military might and its technological triumphs helped to make it preeminent in the family of nations.

They will rightfully highlight our moon landings, our deep space probes, our satellite communications, our electronic innovations, and our extraordinary gross national product.

Penetrating observers, however, will also ask other questions:

What did all of this mean to the average American?

What was the quality of the daily life and the basic spirit of all the American people in the 1970's?

How, in particular, did our great Nation provide for those citizens who—through no fault of their own—were unable from time to time to provide for themselves and their families?

I believe that the program contained in H.R. 1 will stand us in good stead when such historical evaluations are considered, for this is a program which has grown out of a fundamental concern for our least fortunate citizens.

The enactment of H.R. 1 would demonstrate both our concern for what is responsible and our concern for what is compassionate.

RICHARD NIXON.

THE WHITE HOUSE, *March 27, 1972.*

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H.R. 9526) to authorize certain naval vessel loans, and for other purposes.

The message also announced that the House had agreed to the concurrent resolution (S. Con. Res. 63) to establish a Joint Committee on Inaugural Ceremonies of 1973.

The message informed the Senate that, pursuant to the provisions of Senate Concurrent Resolution 63, 92d Congress, the Speaker had appointed Mr. ALBERT, Mr. BOGGS, and Mr. GERALD R. FORD as members of the joint committee to make the necessary arrangements for the inauguration of the President-elect and the Vice-President-elect of the United States on the 20th day of January 1973, on the part of the House.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills:

S. 18. An act to amend the U.S. Information and Educational Exchange Act of 1948 to provide assistance to Radio Free Europe and Radio Liberty; and

S. 1975. An act to change the minimum age qualification for serving as a juror in Federal courts from 21 years of age to 18 years of age.

The enrolled bills were subsequently signed by the President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, March 24, 1972, be dispensed with.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 678 and 679.

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

DELEGATE TO THE HOUSE OF REPRESENTATIVES FOR GUAM AND THE VIRGIN ISLANDS

The Senate proceeded to consider the bill, H.R. 8787, to provide that the unincorporated territories of Guam and the Virgin Islands shall each be represented in Congress by a delegate to the House of Representatives.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-709), explaining the purposes of the measure.

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

PURPOSE

The purpose of H.R. 8787 is to provide that the organized, unincorporated territories of Guam and the Virgin Islands shall each be represented in Congress by a non-voting Delegate to the House of Representatives. The Committee also considered S. 1400, a companion measure introduced by Senators Jackson and Allott as the result of an Executive Communication submitted to the Congress by the Secretary of the Interior.

BACKGROUND

The territories of Guam and the Virgin Islands are organized, but unincorporated, territories of the United States. Guam was ceded to the United States by Spain in the Treaty of Paris in 1898, and the Virgin Islands were purchased from Denmark in 1917. Since their acquisition, the status and development of both territories parallel one another.

Congress through the passage of organic acts has provided for each territory a formal structure of government. Both territories are governed by a locally elected legislature. The Judiciary is separate from the executive and legislative branches of government. Congress, in 1968, provided for the popular election of a Governor and Lieutenant Governor for each of the territories, and on November 3, 1970, the citizens of both territories elected their first chief executive.

In both territories the people and their elected legislatures have shown an increasingly mature grasp of their responsibilities. Politically, the people of both areas have developed meaningful party systems. The private economy in both territories is experiencing growth and prosperity, largely because of the increase in tourism, supporting services, and manufacturing enterprises. Both territorial governments have responded to the growing social needs in health, education and welfare, and public improvements.

American history is replete with examples where areas under the American Flag were permitted nonvoting representation in Congress—and territorial size and population were not barriers to such representation.

A nonvoting delegate seved in the Congress as early as 1794, from an area that is now the State of Tennessee. The Congress granted Hawaii a nonvoting delegate throughout her status as a territory; the same privilege was afforded Alaska. A nonvoting Resident Commissioner for Puerto Rico has been sitting in the House since 1904, and in 1971, the District of Columbia elected its own nonvoting delegate. And in the cases of Puerto Rico and the Philippines (another area which had nonvoting representation), Congressional representation was granted when the residents of these two territories were not U.S. citizens.

The territory of Alaska, when granted its delegate in 1906, had a population of less than 65,000. Other U.S. territories with earlier representation in Congress had even smaller populations.

According to the preliminary figures of the 1970 census, the Government of Guam must provide for the general welfare of 86,926 people, and the Government of the Virgin Islands must provide the public services for 63,200 inhabitants. While neither of the territories is entirely self-supporting financially, both are able to finance their affairs through revenues generated locally, either directly or indirectly, which are retained and expended pursuant to federal laws.

NEED

This legislation providing that the unincorporated territories of Guam and the Virgin Islands shall each be represented in Congress by a Delegate to the House of Representatives has been before every Congress since the 84th Congress. The need or justification for direct territorial representation for Guam and the Virgin Islands in the House of Representatives becomes apparent when viewed in the context of territorial growth, human aspirations, and the principles of American democracy.

The rapidly changing economic and social conditions in both the continental United States and in the territories of Guam and the Virgin Islands provide an urgent basis for direct representation of these territories in the House of Representatives. At the present time, the unincorporated territories of the United States are not affected by general legislation unless they are specifically mentioned in the legislation or the legislation is made applicable to the territories and possessions of the United States.

The fact is that the rapidly changing economic and social conditions in Guam and the Virgin Islands are no longer so limited in scope that the national interest and general welfare of the inhabitants of these territories can be so easily handled in one Committee of the Congress. For example, the legislative objectives of these territories range inter alia, from education and welfare assistance, to housing, agricultural assistance, food stamps, unemployment compensation, prevailing wage rates, immigration amendments, airport construction assistance, federal highway and harbor assistance, air routes, water and electric power, oil and watch quotas, veterans benefits, and voting rights.

The various and complex Federal programs which affect the needs of these territories are now so numerous and so varied that the territories require direct representation to meet conditions in each territory. The enactment of the bill will place the responsibility for the furtherance of the legislative objectives of these territories upon the popularly elected Delegates.

The people of these territories have long been in support of having direct representation in the Congress. In 1959, hearings in both Guam and the Virgin Islands on similar legislation, disclosed unanimous endorsement of the people for a Delegate to the House of Representatives. In furtherance of these aspirations the people of Guam and the Virgin Islands, through the elected legislatures, have provided for the popular election of a Washington Representative.

The Washington Representatives for Guam and the Virgin Islands are representatives of the people in each territory but have no official status in the Congress. These representatives, while effective in their present status, must still present the territorial views and legislative objectives to the various officials of the Executive Branch, the elected Members of Congress and the appropriate Committees of the Congress. H.R. 8787 provides for the election of a Delegate from each of the territories to the House of Representatives who can more effectively represent and interpret the needs, welfare and interest of the inhabitants of each territory. He will carry the responsibility of maintaining the contacts and liaison with the Committees of the Congress and the officials of the Executive Branch of Government to meet territorial concerns. In doing so, the elected Delegate will relieve other Members of Congress of the necessity of dealing with individual problems in these territories in addition to meeting the usual calls upon them from their own constituencies.

This bill is in keeping with the modern trend of democratic governments to encourage fuller representation of people. Congress by a series of enactments over the years has continually provided greater self-government and responsibility for its territories. The enactment of this legislation providing for a non-voting Delegate for the territories of Guam and the Virgin Islands in the House of Representatives should put to rest any lingering impressions of "American colonialism".

Currently, the expenses of the two offices of elected representatives from Guam and the Virgin Islands are payable out of local funds. Under H.R. 8787, each Delegate will be entitled to receive the same compensation and allowances that are received by a Member of the House of Representatives, unless the Rules of the House are amended to provide otherwise. The Federal cost that would be incurred by enactment of this legislation would be the cost of compensation and allowances for the two delegates beginning with the 93rd Congress, and the two territories would be relieved of the expenses involved in supporting their two representatives.

Mr. BURDICK. Mr. President, the bill now pending before the Senate, H.R. 8787, is still further proof that American democracy as an institution is dynamic, growing, and very much viable. The title of the bill states its purpose: To provide that American citizens of the American territories of the Virgin Islands and Guam may each elect a delegate to the Congress of the United States. These delegates will not have a vote, but they will sit in the House of Representatives and have a voice in the shaping of the laws and policies of their country. These laws and policies have the same impact upon the people of the two territories as upon all other American citizens everywhere.

While this is the first occasion on which a bill for an elected representative to Congress for Guam and the Virgin Islands has been before the Senate for action, the subject is by no means new. Proposed legislation for the purpose has been before successive Congresses for the past 15 years. It has had the support and backing of both Democratic and Republican administrations and is truly nonpartisan. Public hearings have been held both in the territories and in Washington and all points of view given full consideration.

Since the Virgin Islands and Guam delegates will sit in the House, the Senate has very appropriately waited for the other body to take the initiative in acting on the proposed legislation. On January 18, 1972, the House did act and, by the overwhelming vote of 232 to 104, H.R. 8787 was passed and sent to the Senate. The Subcommittee on Territories, of which I have the honor to serve as

chairman, held public hearings on the House-passed bill and the Senate Interior Committee has reported it unanimously.

Mr. President, at this historic moment for the Virgin Islands and Guam, it seems appropriate to outline, very briefly, the steps by which we have arrived at this point. Guam came under the American flag in 1898 as a result of the war with Spain. It was governed by the Navy under a two-line Executive order of President McKinley until 1950 when the 81st Congress enacted Public Law 630 on August 1, 1950, the Organic Act for Guam. This act declared Guam to be an unincorporated territory of the United States and established civil government granting American citizenship to its citizens. The territory now has a total population of approximately 100,000; it is our western most defense line in the Far Pacific, and its economy is developing with great rapidity.

The Virgin Islands were purchased from Denmark in 1917 when there was fear that they might fall into the hands of then Imperial Germany and could, under the weapons and warfare of that day, be a threat to the Panama Canal. The Virgin Islands likewise were governed by the Navy for some years, but in 1932 President Hoover transferred administration to the Department of the Interior and appointed a civilian Governor. An organic act constituting the islands as an unincorporated territory, establishing civil government, and granting American citizenship was enacted.

The Virgin Islands also have grown and prospered, economically, politically, and socially.

I should mention the fact that each of the territories has exercised the doctrine of self-help and have sent Representatives to Washington on their own under local law. Guam is represented by Antonio B. Won Pat, who had been a member of the Guam Legislature for many years, and the Virgin Islands by Ronald de Lugo, who has had many years experience in the Virgin Islands government. Both of these men are able and hard working, but neither has any official status. As was pointed out in our hearings on H.R. 8787, both are primarily lobbyists. H.R. 8787 gives the American citizens of both areas the right to choose an official representative in the capital of their country with official recognition and standing.

The fact is that the rapidly changing economic and social conditions in Guam and the Virgin Islands are no longer so limited in scope that the national interest and general welfare of the inhabitants of these territories can be so easily handled in one committee of the Congress. For example, the legislative objectives of these territories range, inter alia, from education and welfare assistance, to housing, agricultural assistance, food stamps, unemployment compensation, prevailing wage rates, immigration amendments, airport construction assistance, Federal highway and harbor assistance, air routes, water and electric power, oil and watch quotas, veterans benefits, and voting rights.

The various and complex Federal programs which affect the needs of these territories are now so numerous and so varied that the territories require direct representation to meet conditions in each territory. The enactment of the bill will place the responsibility for the furtherance of the legislative objectives of these territories upon the popularly elected delegates.

In the 91st Congress we provided for an elective Governor and Lieutenant Governor for both of these territories, and the first elections were held in November of 1970.

Thus, Mr. President, the election of a nonvoting delegate to Congress from each is a logical and equitable development in the growth of democracy and self-government in each of these areas. Our record which has been one in which all Americans, everywhere, can take just pride. Enactment of H.R. 8787 enhances still further that great record of our American democracy in action.

The bill was ordered to a third reading, read the third time, and passed.

THADDEUS KOSZIUSZKO HOME NATIONAL HISTORIC SITE

The Senate proceeded to consider the bill (S. 1973) to provide for the establishment of the Thaddeus Kosziuszko Home National Historic Site in the State of Pennsylvania, and for other purposes which had been reported from the Committee on Interior and Insular Affairs with an amendment on page 2, line 22, after the word "this", strike out "Act." and insert "Act not to exceed, however, $592,000 for development of the area, plus or minus 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 herein."; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve in public ownership the historically significant property associated with the life of Thaddeus Kosciuszko for the benefit and inspiration of the people of the United States, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire by donation, purchase with donated or appropriated funds, or exchange in accordance with the provisions of 35(b) of the Act of July 15, 1958 (16 U.S.C. 4601–22 (Supp. V)), the land and interests in land, together with buildings and improvements thereon, located at, or in the vicinity of, 301 Pine Street, Philadelphia, Pennsylvania, together with such other lands and interests in land, including scenic easements, as the Secretary shall deem necessary for the administration of the area. The Secretary shall establish the Thaddeus Kosciuszko Home National Historic Site by publication of a notice to that effect in the Federal Register at such time as he deems sufficient lands and interests in lands have been acquired for administration in accordance with the purpose of this Act.

SEC. 2. Pending establishment and thereafter, the Secretary shall administer lands and interests in lands acquired for the Thaddeus Kosciuszko Home National Historic Site in accordance with the Act approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented, and the Act approved August 21, 1935 (49 Stat. 666; 16 U.S.C. 416 et seq.), as amended.

SEC. 3. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, not to exceed, however, $592,000 for development of the area, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering costs indices applicable to the types of construction involved herein.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–710), explaining the purposes of the measure.

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

PURPOSE

The primary purpose of S. 1973 is to provide proper and lasting recognition to General Thaddeus Kosciuszko, the great Polish patriot and soldier whose genius as a military engineer contributed materially to the success of the American Revolution.

General Kosciuszko was an outstanding figure in American history, and without question, merits an appropriate memorial. His complete devotion to liberty and Polish independence has made him an immortal Polish hero, and it is evident that tribute should be paid to one who came to this country to help in our struggle for independence.

It would seem fittting, therefore that the house in Philadelphia where General Kosciuszko lived in 1797–98, modest though it may be, would be the place to commemorate this exceptional man who played a significant part in the American Revolution and whose name has great meaning now not only for Americans of Polish descent but for all Americans.

BACKGROUND

America's debt to the foreign officers who came to fight for our independence has long been recognized. There were many of them; the Marquis de Lafayette, Baron Johann DeKalb, Baron Frederic Steuben, Count Kazimierz Pulaski, and Thaddeus Kosciuszko, to been recognized. There were many of them: Among all of them, best known was Thaddeus Andrzej Bonawentura Kosciuszko, a man who represented the finest traditions of the Polish Lithuanian Commonwealth that nurtured him.

Kosciuszko's part in the American Revolutionary War was unique for many reasons. Among those who came to fight for the cause of liberty, he was the first foreign soldier of destination to volunteer his services on behalf of our freedom. He arrived at Philadelphia at the end of August 1776, when the attempt of the Americans to gain their freedom was considered hopeless by most European soldiers and statesmen. While those who came in the hope of securing advancement or financial gain, as happened after France and Spain joined the colonists in the war against England, Kosciuszko came to fight for that freedom he was then unable to fight for in his own exploited native land.

Kosciuszko was also unique among the foreign officers who volunteered their services to the cause in that he was able to play a major part in the most decisive battle of the war, the Battle of Saratoga, October 1777. It was the surrender of Gen. John Burgoyne, following this battle, that convinced the European powers of the fighting ability of the American militiamen and brought France and Spain into the war on the side of the colonists. Gen. Horatio Gates, the commander of the American forces at Saratoga, described Kosciuszko's part in this battle as follows:

"Let us be honest. In war as in medicine, natural causes not under our control do much. In the present case (i.e., Saratoga), the great tacticians of the campaign were hills and forests, which a young Polish engineer was skillful enough to select for my encampments."

From the time of his arrival, Kosciuszko's engineering skill contributed greatly to the

security and defense of America. His plans for the fortification of Billingsport, an island on the Delaware River, and his defensive works at Red Bank, on the New Jersey side of the Delaware, contributed much to the defense of Philadelphia. His fortification of West Point, to which he directed his attention from 1778 to 1780, helped protect New York City from British attack by way of the Hudson.

Following his services at West Point, he was attached as chief engineer with Gen. Nathaniel Greene and the Army of the South, where he contributed greatly to the American successes there. His chief functions were to survey the fields of operations, to indicate strategic points, to determine possible sources of food and water, and to devise means for the rapid transportation for troops and provisions. When the campaign turned into guerrilla warfare, as was so often the case, Kosciuszko disregarded his rank and fought with the rest as a common soldier. For his services he was promoted to brigadier general at the war's end.

THE RESIDENCE IN PHILADELPHIA

The historical significance of the Philadelphia residence of Kosciuszko cannot be viewed apart from his special relationship with Thomas Jefferson. During his term as Vice President, Jefferson visited Kosciuszko at the Philadelphia residence and asked him to travel to France on behalf of the United States to act as a peacemaker.

The relationship between the two men was so close that Kosciuszko, while living at the Pine Street residence, wrote and delivered to Jefferson his will and testament in which he bequeathed his fortune for the purchase of freedom of enslaved blacks.

As for the Philadelphia residence itself, where Kosciuszko took up lodging on November 29, 1797, it appears that most of the brick walls, and probably the flooring, are original. Although the house is in poor condition, and although many changes were made in the house during the 19th century, the committee believes it is feasible to restore the house to its general appearance at the time General Kosciuszko lived there. Moreover, such a restoration would enhance restoration projects already underway in Philadelphia. The residence is located near the Philadelphia Society Hill project, where many other colonial homes are being restored for posterity. The inclusion of Kosciuszko's residence as a national historic site in this project would be a fine and appropriate addition.

COST

Since the structure would be donated to the Federal Government by Mr. Edward J. Piszek, an industrialist of Philadelphia, there would be no acquisition cost. It is estimated that the cost of restoring the three-story house in the style and furnishings of the late 18th century would be approximately $592,000.

AMENDMENT

The committee amended S. 1973 to limit the cost of development to $592,000.

COMMITTEE RECOMMENDATIONS

The Committee on Interior and Insular Affairs in executive session unanimously recommended enactment of S. 1973.

Mr. SCHWEIKER. Mr. President, I am delighted that the Senate Interior Committee has taken quick action to approve legislation S. 1973, designating Philadelphia's Thaddeus Kosciuszko home as a national historic site.

As one of the original cosponsors of this legislation, I want to extend my personal thanks for the speed with which Chairman JACKSON and the rest of the Senate Interior and Insular Affairs Committee responded to the tremendous support this legislation has received this year, not only in Philadelphia and Pennsylvania, but across the Nation.

We have been working on this legislation for several years. On June 25, 1970, Senators HART, HARTKE, SCOTT, and I introduced S. 2046, the predecessor in the 91st Congress to the bill we are considering today, S. 1973. Just over 1 year later the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments decided against recommending the house as a national historic landmark. The primary reason for rejection seemed to be that General Kosciuszko lived in the house some time after the American Revolution, and for only about 6 months. Also, the house has been altered since the time of Kosciuszko's residence there.

At that time, I did not agree with the reasoning of the Advisory Board. Significantly, neither did Mr. Edward Piszek, who has devoted a considerable amount of his own time and efforts in the last several years toward getting this designation made. Neither did several Polish organizations including the Polish American Congress, and the Central Council of Polish Organizations.

I was pleased to testify in support of this legislation before the Interior Committee on July 26, 1971. At that time, I pointed out that the city of Philadelphia and Polish American citizens in general, were vitally interested in the preservation of the last and only dwelling associated with Gen. Thaddeus Kosciuszko.

General Kosciuszko fought in the American Revolution and later returned to his native Poland to lead a revolution to secure the freedom of his own people. After returning again to the United States he gave the moneys granted him by the Congress to the cause of freeing the slaves.

It is entirely fitting that we dedicate his home in Philadelphia at 301 Pine Street as a national memorial in order to preserve the deeds and works of this great Polish American patriot and I am certainly pleased that our efforts over the last few years will come to fruition as a result of the Senate action today.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEGISLATIVE BRANCH APPROPRIATIONS, 1973

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Calendar No. 490, S. 1821 which had previously been laid before the Senate as the pending business, and is now the unfinished business, be replaced by Calendar No. 689, H.R. 13955, an act making appropriations for the legislative branch, and made the pending business at the conclusion of morning business today.

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

ACCOMPLISHMENTS OF THE SECOND SESSION OF 92D CONGRESS

Mr. MANSFIELD. Mr. President, I would like to point out that today marks the 45th day the Senate has met since convening on January 18. It has passed a total of 130 measures—no small achievement for 2 month's work. Of these, 34 have already become public laws. Two treaties have been acted upon favorably and 7,875 nominations have been confirmed. During the first quarter of this session, there have been 116 rollcall votes.

Mr. President, I ask unanimous consent that a report of Senate legislative activity for the second session of the 92d Congress, prepared by the Democratic policy committee, under the guidance and direction of the new chief clerk of the committee, Mrs. Elizabeth Shotwell, be printed in the RECORD.

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

SENATE LEGISLATIVE ACTIVITY—92D CONGRESS, SECOND SESSION

(By Senate Democratic Policy Committee)

Days in Session	44
Hours in Session	262:59
Total measures passed	130
Public Laws	34
Treaties	2
Confirmations	7,875
Record Votes	116

Symbols: P/H—Passed House; P/S—Passed Senate.

Following is a brief summary of major Senate activity.

AGRICULTURE

Grapefruit marketing orders

Permitted marketing orders for Florida Indian River grapefruit to provide for crediting a handler's direct market promotion expenditures against his assessment under the order for that purpose. S. 1058. Public Law 92— .

Pest control research

Directs the Secretary of Agriculture to carry out pilot field research programs in integrated methods of controlling agricultural and forest pests; authorizes him to reimburse farmers for losses sustained as a result of such research being conducted on their lands, crops, or livestock; and authorizes expanded research on integrated control by the National Science Foundation. S. 1794. P/S 1/31/72.

APPROPRIATIONS 1972

Foreign assistance and related programs

Appropriated $3,189,437,000 for foreign assistance and related programs. H.R. 12067. Public Law 92-242.

Urgent supplemental appropriations

Appropriated $957,476,059 for certain urgent supplemental appropriations. H.J. Res. 1097. Public Law 92-256.

CONGRESS

Cornelia Fasset painting

Auuthorizes the Architect of the Capitol, on behalf of the Congress, to loan to the Smithsonian Institution a painting, "The Electoral Commission of 1877," by Cornelia Fasset, for an exhibit by the National Portrait Gallery. S. Con. Res. 59. P/S 3/24/72.

Equal time requirement and political broadcasting

Repeals the equal opportunities requirement of section 315 of the Communications Act of 1934 insofar as it applies to legally qualified candidates for the office of President and Vice President in the general election campaign. S. 3178. P/S 3/23/72.

Federal Election Campaign Act

Required broadcasters to charge all candidates (Federal and State) no more than the lowest unit rate in the same period for 45 days before primaries and 60 days before general elections; provided that a person sell-

ing space in any newspaper or magazine to candidates for Federal office may not make a charge in excess of the charges made for a comparable use of such space for other purposes; imposed a limitation on expenditures for the use of communications media by candidates for Federal office of the greater of (1) 10 cents times voting age population, or (2) $50,000, but not more than 60 percent of the overall limitation can be spent for the use of broadcasting stations; provided that no candidate for Presidential nomination can spend for the use in a State of communications media, or for the use in a State of broadcast stations, on behalf of his candidacy, a total amount in excess of either the overall communications media limitation, or the broadcast limitation, which would have been available to him had he been a candidate for the office of Senator from that State; provided that the communications media expenditure limitations shall be increased in proportion to increases in the Consumer Price Index, with the base period being calendar year 1970; provided that the States may make the broadcasting spending limit applicable to State-wide elections, and made the limitation applicable to any money spent by a candidate or on his behalf; required broadcasters selling time on behalf of a candidate to obtain a written certification that the amount to be spent will not put the candidate over the limitation, and applied the same requirement to spending for non-broadcast media; made the provisions of the act respecting disclosure of Federal campaign funds applicable to every elective process, every candidate, and every political committee (national, state or local) which accepts contributions in a calendar year in excess of $1,000; provided that responsibility for receiving, compiling, and publishing financial statements of contributions and expenditures for candidates and political committees shall be vested in the Secretary of the Senate with respect to candidates for Senator, the Clerk of the House of Representatives with respect to candidates for Representative, and the Comproller General in other cases; and contained other provisions. S. 382. Public Law 92–225.

Joint Committee on Inaugural Ceremonies of 1973

Established a Joint Committee on Inaugural Ceremonies of 1973. S. Con. Res. 63. Senate adopted 3/24/72.

Senate intervention in Supreme Court proceedings

Authorized Senate intervention in the Supreme Court proceedings involving Senator Gravel on the issue of the scope of article 1, section 6, the so-called speech and debate clause of the Constitution. S. Res. 280. Senate adopted 3/23/72.

CRIME-JUDICIARY

Administrative Assistant to the Chief Justice

Added a new section 677 to title 38, United States Code, creating the Office of administrative assistant to the Chief Justice of the United States. H.R. 8699. Public Law 92–238.

Bankruptcy receivers and trustees

Amends the Bankruptcy Act to increase the maximum compensation allowable to receivers and trustees. S. 1395. P/S 2/18/72.

Bankruptcy referees' salaries and expenses

Amends the Bankruptcy Act to abolish the criteria for fixing the salaries of full-time referees and thus permit the Judicial Conference of the United States to fix the salaries of all full-time referees at the same level and to abolish the referees' salary and expense fund. S. 1394. P/S 2/18/72.

Bankruptcy referees

Amends the Bankruptcy Act to permit a full-time referee in bankruptcy to perform the duties of a U.S. magistrate. S. 1396. P/S 2/18/72.

Care for narcotic addicts

Authorizes the Attorney General to provide for narcotic addicts who are placed on probation, released on parole, or mandatorily released; and clarifies the intent of Congress that release under a program of supervisory aftercare is an appropriate mode of treatment for both parolees and mandatory releasees who may have been narcotic addicts or drug dependent persons. S. 2713. P/S 3/3/72.

Commission on bankruptcy laws extension

Extended the Commission on the Bankruptcy Laws from July 24, 1972, to June 30, 1973, and increased the limit on appropriations to the Commission from $600,000 to $826,000. S.J. Res. 190. Public Law 92–251.

Federal court jurors

Amends the Jury Selection and Service Act of 1968 to change from 21 years to 18 years the minimum age qualification for service on grand juries in the district courts of the United States. S. 1975. P/S 12/1/71. P/H amended 3/6/72.

U.S. Magistrates temporary assignment

Added a new subsection to section 636 of title 28, United States Code, to permit the temporary assignment of U.S. magistrates from one judicial district to another in emergency situations and only upon the concurrence of the chief judges of the districts involved. H.R. 9180. Public Law 92–239.

DEFENSE

Boy Scouts loans

Provided permanent authority for the Secretary of Defense to lend Army, Navy, and Air Force equipment and to provide transportation and other services to the Boy Scouts of America in support of their national jamborees and world jamborees. H.R. 11738. Public Law 92–249.

Disposals from national and supplemental stockpiles

Authorizes disposal from the national and supplemental stockpiles of various materials, as follows:

Chromite, metallurgical grade

1,313,600 short dry tons. S. 733. P/S 3/21/71.

Lead

498,000 short tons. S. 764. P/S 3/21/72.

Nickel

38,876 short tons. S. 3086. P/S 3/21/72.

Naval vessel loans

Authorizes the loan of a total of 16 vessels of the destroyer and submarine category of the Reserve fleet to certain foreign countries for a period of 5 years. H.R. 9526. P/H 12/6/71. P/S amended 3/24/72.

DISTRICT OF COLUMBIA

Healing Arts Practice Act Amendments

Revises the makeup of the Commission on Licensure; provides for temporary licensure of certain physicians and osteopaths; and broadens the use of endorsement as a method of licensure, by eliminating the application of reciprocity as a barrier to the admission of competent physicians to practice in the District of Columbia. H.R. 8589. P/H 6/14/71. P/S amended 8/6/71. House requested conference 3/9/72.

Potomac River reservoirs

Gives broad authorization to the D.C. Commissioner to enter into contracts to provide for payment to the United States of the District's equitable share of the non-Federal costs of any reservoir which may be authorized by Congress for construction on the Potomac River or any of its tributaries which would benefit the D.C. water supply. S. 1362. Public Law 92– .

ECONOMY-FINANCE

Federal Reserve Bank branch buildings

Increases the $60 million limitation in section 10 of the Federal Reserve Act on construction of buildings for branches of the Federal Reserve banks to $120 million. S. 3197. P/S 2/22/72.

Par Value Modification Act

Authorized and directed the Secretary of the Treasury (1) to take the steps necessary to establish a new par value of the dollar of one dollar equals one thirty-eighth of a fine troy ounce of gold; (2) to maintain the value in terms of gold of the holdings of the United States dollars of the International Monetary Fund, the International Bank for Reconstruction and Development, the Inter-American Development Bank, the International Development Association and the Asian Development Bank to the extent provided for and required by the Articles of Agreement of these institutions; (3) authorized the appropriation, to remain available until expended, of such amounts as may be necessary to satisfy these maintenance of value obligations; and (4) directed that the increase in the value of the gold held by the United States resulting from the change in the par value of the dollar be covered into the Treasury as a miscellaneous receipt. S. 3160 (H.R. 13120). Public Law 92– .

Public Debt Limit

Increased from $430 billion to $450 billion the public debt limit through June 30, 1972. H.R. 12910. Public Law 92–250.

Small Business Act Amendments

Amends section 4(c) of the Small Business Act to increase the total amount of loans, guarantees, and other obligations or commitments outstanding by the Small Business Administration; includes an increase from $3.1 billion to $4.1 billion in the SBA's lending authority for certain direct, immediate participation and guaranteed loans, an increase from $450 million to $500 million in the SBA's lending authority to SBIC's, and an increase from $300 million to $350 million in SBA's lending authority under title IV of the Economic Opportunity Act of 1964 for loans to low-income individuals and for business located in areas of high unemployment or low income; increases the SBA's lending authority under section 7(a) from a maximum loan of $350,000 to $500,000; increases from $25,000 to $50,000 the maximum loans that the SBA is authorized to make, participate in, or guarantee to small business concerns in urban or rural areas with high proportions of unemployed or low-income individuals or to small business concerns owned by low-income individuals. S. 3166. P/S 3/22/72.

EDUCATION

Education amendments

Revises the Higher Education Act of 1965 to constitute a single law including all continuing higher education financial assistance programs, and, in general, extends the authorization for higher education programs through fisal year 1975; amends the Vocational Education Act of 1963, and extends authorizations for funds for programs thereunder through fiscal year 1973; establishes an Education Division within the Department of Health, Education, and Welfare to include the present Office of Education and the newly created National Foundation for Secondary Education and National Institute of Education; and contains other provisions. S. 659. P/S 8/6/71. P/H amended 10/4/71. P/S amended 3/1/72. In conference.

GENERAL GOVERNMENT

Air taxi mail transportation claims

Provided authority for the filing of claims by air taxi transportation operators; authorized determinations by the Postal Serv-

ice of the amounts due claimants for certain additional operational expenses; authorized and directed the Secretary of the Treasury to pay such amounts; and contained other provisions. S. 996. Public Law 92– .

American Revolution bicentennial commemorative medals

Authorized the American Revolution Bicentennial Commission to utilize the facilities of the Bureau of the Mint on a fully reimbursable basis to strike a series of commemorative national medals, including a medal commemorating the year 1776 and its significance to American independence and a maximum of 13 separate medals commemorating historical events of great importance recognized nationally as milestones in the continuing progress of the United States. H.R. 7987. Public Law 92–228.

American Revolution Bicentennial Commission

Authorized $4.3 million for the Commission for fiscal year 1972; enlarged the Commission representation from 37 to 50 members; and contained other provisions. S. 1857. Public Law 92–236.

Civil Service survivor annuities

Defined "child" for the purpose of a survivor anuity to include children living with an adoptive parent and made them eligible for a survivor benefit if the child is in the process of being adopted at the time of death of the employee or annuitant and the adoption process is later completed by the surviving spouse. S. 2896. Public Law 92–243.

Equal rights for men and women

Submitted to the State legislatures an amendment to the Constitution of the United States which, if ratified, would insure equal rights under the law for men and women. H.J. Res. 208.

New Mexico land

Disclaims U.S. interest in the title to about seven acres of the Antoine Leroux Spanish Land Grant along the Rio Hondo near Taos, New Mexico. S. 2674. P/S 3/17/72.

Transpo '72 commemorative medals

Authorized and directed the Secretary of the Treasury to strike and furnish at cost to the Secretary of Transportation medals commemorating the First United States International Transportation Exposition ("Transpo 72)" to be held at Dulles Airport May 27 through June 4, 1972; and contained other provisions. S. 3353. Public Law 92——.

Trust Territory of the Pacific Islands

Authorized approximately $3.1 million in additional Federal funds to the trust territory economic development loan fund, thus bringing the total in the fund to $5 million; and contained other provisions. S. 860. Public Law 92–257.

Volunteers in national forests

Authorizes the employment of volunteers to work without compensation in areas administered by the Forest Service; authorizes the Secretary of Agriculture to provide for their incidental expenses; authorizes a maximum annual appropriation of $200,000; and contains other provisions. S. 1379. P/S 3/21/72.

HEALTH

Drug Abuse Office and Treatment Act of 1972

Strengthened and improved the administrative structure within the Department of Health, Education, and Welfare (HEW) through which the Secretary of HEW is responsible for delivering a broad range of coordinated drug abuse prevention, treatment, and rehabilitation services; established a Special Action Office for Drug Abuse Prevention in the Executive Office of the President; established a national Institute on Drug Abuse within the National Institute of Mental Health to be created on December 31, 1974; establish a National Advisory Council for Drug Abuse Prevention; and provided for extensive new Federal assistance to promote and improve the development of State and local drug abuse prevention, treatment, and rehabilitation programs. S. 2097. Public Law 92–255.

Nutrition program for the elderly

Amend the Older Americans Act of 1965 to authorize $100 million for 1973 and $150 million for fiscal year 1974 in grants to the States for establishing and operating nutrition projects to provide low cost, nutritionally sound meals to individuals 60 years of age or older and their spouses, provided such individuals fall within certain categories. S. 1163. Public Law 92– .

Sickle cell anemia

Establishes a national program to control, to conduct research, and to improve procedures in the treatment of persons suffering from, sickle cell trait or sickle cell anemia; authorizes grants and contracts to public and nonprofit private agencies, organizations, or institutions to assist in establishing and operating voluntary sickle cell anemia screening and counseling programs; and contains other provisions. S. 2676. P/S 12/8/71. P/H amended 3/22/72.

HOUSING

Housing and Urban Development

Overhauls legislation involving the Federal Housing Administration mortgage insurance program and the low-rent public housing program; contains a new block grant program to provide Federal assistance to localities for community development; establishes a new program of Federal grants to communities to help meet operating expenses of the Nation's mass transit systems; and contains other provisions. S. 3248. P/S 3/2/72.

INDIANS

Blackfeet and Gros Ventre Tribes, Montana

Authorized division and disposition of judgment funds awarded to the Blackfeet Tribes of the Blackfeet Reservation, Montana, and the Gros Ventre Tribe of the Fort Belknap Reservation, Montana. S. 671. Public Law 92–254.

Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana

Authorized disposition of judgment funds awarded to the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana. S. 602. Public Law 92–253.

Confederated Tribes of the Colville Reservation

Authorized disposition of judgment funds awarded to the Confederated Tribes of the Colville Reservation, and contained other provisions. H.R. 6291. Public Law 92–244.

Indian Claims Commission Act of 1946—Extension

Extended the life of the Indian Claims Commission for 5 years, from April 10, 1972, to April 10, 1977, and contained other provisions. H.R. 10390 (S. 2408). Public Law 92– .

INTERNATIONAL

Agreements With Portugal and Bahrain

Stated the sense of the Senate that any agreement with Portugal or Bahrain for military bases or foreign assistance should be submitted as a treaty to the Senate for advice and consent. S. Res. 214. P/S 3/3/72.

Asian Development Bank—U.S. Contributions

Authorized the Secretary of the Treasury, in his capacity as U.S. Governor of the Bank, to agree to a U.S. contribution of $100 million in two installments to the Bank's Consolidated Special Funds; authorized appropriations therefor of $60 million and $40 million for fiscal years 1972 and 1973, respectively; required the President to instruct the U.S. Executive Director of the Bank to vote against any loan to any country which expropriates property; and contained other provisions. S. 749. Public Law 92–245.

Diplomatic privileges and immunities to the mission of the European communities

Authorizes the President to extend or enter into an agreement extending to the mission of the Commission of the European Communities and its members the same privileges and immunities now enjoyed by diplomatic missions in Washington, D.C. S. 2700. P/S 3/17/72.

Foreign aid authorization

Authorized for fiscal year 1972 $1,518,000,000 for military assistance and for fiscal year 1973 $984 million for economic and humanitarian assistance; imposed a ceiling of $341 million on funds which may be obligated in or for Cambodia in fiscal year 1972 and put a ceiling of 200 on the number of American civilian and military government personnel in Cambodia; and contained other provisions. S. 2819. Public Law 92–226.

Inter-American Development Bank (IDB—U.S. contributions

Authorized the Secretary of the Treasury in his capacity as U.S. Governor of the IDB to pay to the Fund for Special Operations the second and third installments of $450 million each for U.S. contributions; authorized appropriations therefor; required the President to instruct the U.S. Executive Director of the Bank to vote against any loan to any country which expropriates property; and contained other provisions. S. 748. Public Law 92–246.

International agreements other than treaties

Requires that international agreements other than treaties, hereafter entered into by the United States, be transmitted to the Congress within sixty days after the execution thereof, except where the immediate public disclosure of an agreement would, in the opinion of the President, be prejudicial to national security, the agreement shall not be so transmitted to the Congress but to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House under an appropriate injunction of secrecy to be removed only upon due notice from the President. S. 596. P/S 2/16/72.

International Coffee Agreement, 1968—extension

Extended the authority of the President to October 1, 1973, to carry out and enforce certain provisions of the International Coffee Agreement Act of 1968. H.R. 8293. Public Law 92– .

International Development Association (IDA—)—U.S. contributions

Authorized the Secretary of the Treasury, in his capacity as the U.S. Governor of the Association, to contribute to the IDA three annual installments of $320 million each; authorized appropriations therefor; required the President to instruct the U.S. Executive Directors of the International Bank for Reconstruction and Development and the IDA to vote against a loan for any country which expropriates property; and contained other provisions. S. 2010. Public Law 92–247.

Olympic Games

Extended the good wishes of the Senate to the citizens of Japan and the participants of the Eleventh Winter Olympic Games and affirmed the Senates support for the designation of Denver as host city for the Twelfth Winter Games in 1976. S. Res. 246. Senate adopted 1/31/72.

Radio Free Europe and Radio Liberty

Authorized $36 million for fiscal year 1972 to the Department of State for grants to Radio Free Europe and Radio Liberty. S. 18. Public Law 92– .

Recognition of Bangladesh

Expressed the sense of the Congress that the President should recognize Bangladesh

as an independent foreign country and recognize its Government. S. Con. Res. 55. Senate adopted 3/21/72.

TREATIES

Amendment to Statute of International Atomic Energy Agency

Increases the membership of the Board of Governors of the International Atomic Energy Agency from 25 to 34 or 35 members, for the purpose of achieving more equitable representation on the Board for the countries of the lesser developed regions as well as to increase the representation of countries most advanced in the technology of atomic energy.

Seabed Arms Control Treaty

Provided that the parties undertake not to emplant or emplace nuclear weapons or other weapons of mass destruction on the seabed and the ocean floor and in the subsoil thereof beyond the outer limit of a "seabed zone" as defined therein. Ex. H, 92–1st. Resolution of ratification agreed to 2/15/72.

LABOR

Equal Employment Opportunities Enforcement Act

Provided the Equal Employment Opportunity Commission with a court enforcement method for enforcing the rights of workers who have been subjected to unlawful employment practices; expanded the coverage of title VII of the Civil Rights Act of 1964 from those employers and labor organizations having 25 or more employees or members to those having 15 or more one year after the date of enactment and expanded the coverage to include employees of educational institutions and most employees of State and local governments; and contained other provisions. H.R. 1746 (S. 2515). Public Law 92–

Manpower Development and Training Act Amendment of 1972

Deletes the existing provision in the Manpower Development and Training Act of 1962 which prohibits the further disbursement of funds under that act after December 30, 1972 (6 months after the act's expiration date of June 30, 1972), in order to enable MDTA contracts to continue to make commitments extending over the period of a full year in accordance with past practice. S. 3054 P/S 2/15/72. P/H amended 3/16/72.

West coast dock strike

Provided a procedure for settlement of the dispute on the Pacific coast and Hawaii among certain shippers and associated employers and certain employees, by providing for the appointment of a board or arbitration to make a determination of all issues in the dispute, which will be final and binding on the parties, subject only to judicial review in the Court of Appeals for the Ninth District; and contained other provisions. S.J. Res. 197. Public Law 92–235.

MEMORIALS AND TRIBUTES

Chapel of the Astronauts

Authorized the Administrator of the National Aeronautics and Space Administration to convey for fair market value to the Chapel of the Astronauts, Inc., a nonprofit Florida corporation not to exceed 7 acres of unimproved land at the John F. Kennedy Space Center, NASA, in Florida, for the purpose of constructing, operating, and maintaining a public facility for worship or meditation and a memorial to our Astronauts. H.R. 11487. Public Law 92–227.

George William Andrews Lock and Dam

Named the Columbia lock and dam, Chattahoochee River, Alabama, in honor of the late Honorable George William Andrews. H.R. 12488. Public Law 92–229.

Girl Scouts of America

Commended the Girl Scouts of the United States, during the week of March 12 through 18, on the occasion of their 60th birthday for a progressive spirit and lasting contribution to the social welfare of this Nation. S. Res. 259. Senate adopted 2/21/72.

John D. Rockefeller, Jr., Memorial Parkway, Wyoming

Authorizes the establishment and designation of the John D. Rockefeller, Jr., Memorial Parkway, to extend from west Thumb in Yellowstone National Park to the south entrance of Grand Teton National Park in Wyoming. S. 3159. P/S 3/24/72.

Law enforcement officers

Requests that on Law Day, May 1, 1972, special emphasis be given in tribute to law enforcement officers. S.J. Res. 169. P/S 2/18/72.

PROCLAMATIONS

National Beta Club Week

Authorized and requested the President to proclaim the week which begins on the first Sunday in March, 1972, as "National Beta Club Week." S.J. Res. 153. Public Law 92–234.

National Day of Prayer for World Peace

Declared it to be the sense of the Congress that the President designate Sunday, February 20, 1972, as a National Day of Prayer for the cause of world peace. H. Con. Res. 524. P/H 2/16/72. P/S 2/16/72.

National Hunting and Fishing Day

Requests the President to declare the fourth Saturday of each September "National Hunting and Fishing Day." S.J. Res. 117. P/S 3/2/72.

National week of concern for prisoners of war/missing in action

Authorized 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 March 26, 1972, as a national day of prayer for these Americans. S.J. Res. 189. Public Law 92–248.

RESOURCE BUILDUP

Buffalo National River, Arkansas

Established the Buffalo National River in the State of Arkansas, said area to include not more than 95,730 acres. S. 7. Public Law 92–237.

Fossil Butte National Monument, Wyoming

Establishes the Fossil Butte National Monument in the State of Wyoming to consist of 8,200 acres. S. 141. P/S 3/24/72.

Golden Eagle Passport program

Establishes a uniform Federal fee system to defray some of the expenses incidental to the establishment and operation of Federal recreational facilities, and continues the "Golden Eagle Passport" annual permit for entrance to designated recreational areas. S. 1893. P/S 11/22/71. P/H amended 2/7/72. In conference.

Gulf Island National Seashore, Florida and Mississippi

Amends the existing law which created the Gulf Islands National Seashore by increasing the land acquisition acreage on the Mississippi mainland from 135 to 400 acres and by increasing the amount authorized for land acquisition by $342,000; increases the development ceiling for the seashore by $2,995,000. S. 3153. P/S 3/23/72.

Interstate Environment Compact Act of 1972

Permits the States involved to establish regional waste management organizations with the necessary authority, including capability to incur debt and sell bonds, to implement existing and future water pollution requirements without the lengthy delay often associated with usual compact approval, and contains other provisions. S. 907. P/S 3/1/72.

Longfellow National Historic Site

Establishes the Longfellow National Historic Site in Cambridge, Mass., and authorizes the Secretary of the Interior to acquire by donation the former home, together with furnishings and other property of the popular American poet of the 19th century, Henry Wadsworth Longfellow. S. 3129. P/S 3/22/72.

National Park System

Increased ceilings in appropriation for land acquisition at nine areas in the national park system; increased ceilings on appropriations for development at three areas; and authorized boundary revisions at eleven areas. S. 2601. Public Law 92– .

Oregon Dunes National Recreation Area

Established the Oregon Dunes National Recreation Area of 32,237 acres within and adjacent to the Siuslaw National Forest in Oregon. S. 1977 (H.R. 8763). Public Law 92– .

Sycamore Canyon Wilderness, Arizona

Designated approximately 48,500 acres as the Sycamore Canyon Wilderness within and as a part of the Coconino, Kaibab, and Prescott National Forests, Arizona. S. 960. Public Law 92–241.

Van Buren National Historic Site

Establishes the Van Buren National Historic Site, which includes the former residence, called Lindenwald, of Martin Van Buren, eighth President of the United States, at Kinderhook, N.Y. S. 1426. P/S 3/22/72.

Washakie Wilderness and the Shoshone National Forest, Wyoming

Designates the Stratified Primitive Area as a part of the Washakie Wilderness, heretofore known as the South Absaroka Wilderness, Shoshone National Forest, Wyoming. S. 166. P/S 5/3/71. P/H amended 2/7/72. In conference.

Water Pollution Control Act—Extension

Extended authorizations for salaries and related expenses under Section 5(n) of the Federal Water Pollution Control Act in an amount of $9 million for the period November 1, 1971, to June 30, 1972 and for grants for State water pollution control programs under Section 7 in an amount of $15 million for fiscal year 1972. S. 3122. Public Law 92–240.

Westlands Water District

Provides for deferment of construction charges against Westlands Water District for facilities to serve irrigation water to certain lands within the district which are presently in Federal ownership. H.R. 1682. P/H 11/1/71. P/S amended 3/1/72.

TRANSPORTATION AND COMMUNICATIONS

Alaskan Ferry Vessel Operation

Authorized the MV "Wickersham," a ferry vessel of foreign registry owned by the State of Alaska, to be utilized for a limited period of time in the transportation of passengers and their personal effects and private vehicles, and vehicles engaged in the transportation of passengers but not merchandise, between ports in southeastern Alaska and between ports in Alaska and ports in the State of Washington, commencing on the date a binding contract is entered into by the State of Alaska and a United States shipbuilder for the construction of a replacement vessel. H.R. 10834. Public Law 92– .

High-Speed Ground Transportation Act Extension

Removes the ceiling and termination date on authorization for research and development in the field of high speed ground transportation. S. 979. P/S 6/15/71. P/H amended 3/2/72.

International Aeronautical Exposition of 1972

Increased from $3 million to $5 million the funds authorized for appropriation under the fiscal year 1970 Military Construction Authorization Act for the conduct of an international aeronautical exposition to be held at Dulles International Airport from May 27, 1972, through June 4, 1972. S. 3244. Public Law 92–252.

Rates in Foreign Air Transportation

Gave the Civil Aeronautics Board discretionary authority, subject to disapproval by the President, to suspend or reject tariffs in international air transportation to and from the United States; imposed on U.S. and foreign air carriers engaged in foreign air transportation a duty to establish just and reasonable individual and joint rates and practices; maintained the present mechanism for establishing international air transportation rates through the International Air Transport Association, but gave the Board the statutory tools needed to perform its responsibility to protect the traveler, the shipper and air carriers by suspending and rejecting rates which are too high and rates which are destructively low; in essence, gave the Board the same degree of control over rates and practices of foreign air carriers operating into U.S. territory as foreign countries now have over operations of their own carriers and over operations of carriers foreign to those nations. H.R. 11416 (S. 2423), Public Law 92-259.

Uniform Time Act Amendment

Permitted any State which is divided by a time zone boundary to exempt all of the State lying within one time zone from the observance of advanced or "daylight saving time." S. 904 (H.R. 4174). Public Law 92- .

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, for not to exceed 30 minutes, with statements therein limited to 3 minutes.

Is there morning business?

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

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

The second assistant legislative clerk proceeded to call the roll.

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

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

(The remarks Mr. JAVITS made on the introduction of S. 3421 and on the submission of Senate Concurrent Resolution 71 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions and under submission of a concurrent resolution, respectively.)

QUORUM CALL

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

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

The second assistant legislative clerk proceeded to call the roll.

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

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

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Problems in Making the Concentrated Employment Program Work in Rural Mississippi", Department of Labor, dated March 15, 1972 (with an accompanying report); to the Committee on Government Operations.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A resolution of the Senate of the State of Hawaii; to the Committee on Government Operations:

"RESOLUTION No. 210

"Congratulating President Richard M. Nixon, the Congress of the United States, and the Commission on Population Growth and the American Future for their concern and work towards a better America.

"Whereas, the subject of population growth is presently a most vital and volatile issue to the people of the United States; and

"Whereas, the Commission on Population Growth and the American Future was proposed by President Nixon and established by Congress in March 1970; and

"Whereas, the first of three final reports was recently released after a detailed, two-year assessment of the impact of population growth on the economy, the environment, government, and the quality of life; and

"Whereas, the twenty-four member Commission chaired by John D. Rockefeller, III, and composed of members of Congress, businessmen, union leaders, foundation and university officials, youth, and minority groups concluded: 'no substantial benefits would result from continued growth of the Nation's population'; and

"Whereas, the report expressly rejected views at the extremes of current public debate over population, challenging both 'bigger-the-better' boosterism on the one hand and 'the emergency-crisis response' on the other; and

"Whereas, the operative word is 'prudence', not 'crisis' nor 'complacency'; and

"Whereas, the Commission's report thereby called on the United States to become the first nation to adopt a deliberate population policy and enable parents now to avoid unwanted childbearing; and

"Whereas, the Commission's main concern in preparing this first report was not the quantity of people in the future but the quality of life; and

"Whereas, it concluded that unless population growth is checked, social freedom will be choked by fees, forms, licenses, lines, regulations, and red tape; and

"Whereas, the resulting society would be so oppressive that 'the population of the year 2020 may look back with envy on what, from their vantage point, appears to be our relatively unfettered way of life'; and

"Whereas, the size of the population as well as the distribution of the population is important in promoting the future welfare of Americans; and

"Whereas, the stabilization of the national population would greatly allay the burdens of metropolitanization; and

"Whereas, the report also expresses that 'the time has come to challenge the tradition that population growth is desirable: what was unintended may turn out to be unwanted, in the society as in the family'; and

"Whereas, the Commission intimated that in the next two reports it would offer recommendations concerning regional and metropolitan government and the idea of purposely establishing alternate growth centers to ease pressures on existing metropolitan areas; now, therefore

"Be it resolved by the Senate of the Sixth Legislature of the State of Hawaii, Regular Session of 1972, that this body extend its congratulations and appreciation to Richard M. Nixon, President of the United States, members of the Congress of the United States, John D. Rockefeller, III, Chairman of the Commission on Population Growth and the American Future, and members of the Commission on Population Growth and the American Future for their unselfish concern and work towards the betterment of America for the people; and

"Be it further resolved that certified copies of this Resolution be transmitted to the President of the United States, the Speaker of the United States House of Representatives, the President and President Pro Tempore of the United States Senate, and John D. Rockefeller, III, Chairman of the Commission on Population Growth and the American Future."

A resolution of the House of Representatives of the State of Hawaii; to the Committee on Finance:

"HOUSE RESOLUTION

"Whereas, the number of persons receiving financial assistance from public welfare in Hawaii has more than tripled in the past ten years, and more than two-thirds of this growth has occurred in the past four years; and

"Whereas, welfare costs in Hawaii have risen even faster, increasing more than five-fold in the past ten years; and

"Whereas, the main immediate reason for the rising caseload and cost is simply that more eligible needy people are applying for assistance from the programs that were intended to help them, yet this includes perhaps only one-third of those who might be eligible; and

"Whereas, local welfare officials acknowledge that no more than one per cent of Hawaii's welfare recipients could be considered cheaters who are not entitled to the benefits they are receiving; and

"Whereas, a large majority of the persons receiving financial assistance are not employable since they are children, mothers of pre-school children, the sick, the blind and disabled, and the elderly; and

"Whereas, many other persons who do work must still resort to welfare to supplement their incomes because of low earnings combined with Hawaii's high cost of living; and

"Whereas, there are not now enough jobs in Hawaii even for those able-bodied persons who want to work; and

"Whereas, a recent study by the Department of Social Services and Housing shows that newcomers to Hawaii who have resided here less than one year receive only about five per cent of the total financial assistance; and

"Whereas, current welfare benefits in Hawaii are among the highest in the nation but still require the average non-working recipient families to live below the federal poverty standard; and

"Whereas, it is desirable that all persons have at least a minimum income that will assure them a decent standard of living above the poverty level; and

"Whereas, because of rising welfare caseloads and costs and declining State revenues, the State of Hawaii would find it difficult to maintain this standard without additional help from the federal government; and

"Whereas, the State of Hawaii is already bearing a relatively greater burden than other States by maintaining higher benefit levels and receiving a smaller share of the cost from the federal government; and

"Whereas, the most desirable way to deal with these immediate fiscal problems is not to cut back welfare benefits to recipients but instead to seek greater fiscal support from the federal government; and

"Whereas, weaknesses in the present welfare system include not only the fiscal burden it imposes on states, but also its inadequate benefit levels, unfair variations from state to state, disintegrating effects on family life,

disincentives to work, and cumbersome, costly, dehumanizing procedures; and

"Whereas, these problems must be dealt with through meaningful, comprehensive, enlightened, and progressive reform of the welfare system at the national level; and

"Whereas, in addition to dealing with the immediate problems of the welfare system, all levels of government and the community must deal meaningfully with the underlying issues and problems, including the shortage of decent jobs, educational barriers, inflation, housing shortages and costs, and the breakdown of the family social unit; now, therefore,

"Be it resolved by the House of Representatives of the Sixth Legislature of the State of Hawaii, Regular Session of 1972, that the Congress of the United States be, and hereby is, respectfully requested to enact public welfare reform legislation embracing the concepts of federalization of costs, elimination of unfounded variations from state to state, a guaranteed minimum annual income for all persons, more jobs and work incentives, and simpler administration of benefits; and

"Be it further resolved that the national welfare program, as reformed, shall include the following features:

"(1) Basic Benefits

"(A) A minimum annual income should be guaranteed by the federal government to all needy persons falling within the income limits.

"(B) The minimum income standard should be uniform throughout the nation but adjusted for regional differences in cost of living.

"(C) The standard should be no less than the official poverty level, which should be revised to reflect a more realistic minimum standard of living.

"(D) Under the new program no recipient should be allowed to receive less than his current level of benefits plus the value of food stamp bonus.

"(E) Where necessary, states should be required to supplement the federal standard, but with the federal government assuming any increased cost to the state over 1971 expenditures.

"(F) Eventually, the regionally adjusted minimum income should be funded fully by the federal government, with the states allowed to deal with special and emergency needs and persons not covered by the basic federal program.

"(2) Earnings and Assets

"(A) Over and above the minimum income assured, recipients should be allowed to retain a portion of any earnings sufficient to make it worthwhile to work.

"(B) Recipients should also be allowed to retain a reasonable amount of savings and other liquid assets as well as property such as a home, automobile, personal property, and other property essential to their well being.

"(3) Work

"(A) Any work or training requirement should not apply to mothers or other caretakers if and when they are needed to care for children or other family members. This safeguard should be applied on an individual basis, taking into account such factors as the availability of child care, the child's needs, mother's needs, and other pertinent factors.

"(B) Jobs offered under any mandatory work requirement should be required to pay at least the prevailing wage in the locality for the type of work involved or the federal minimum wage, whichever is higher, and to be suitable to the individual in terms of his qualifications, past experience, interests and proficiencies, personal health, safety factors, and working conditions.

"(C) More federally funded public service career jobs should be created for those who want to work, not only those who may be required to work.

"(4) Procedures

"(A) Procedures for determining and checking eligibility, making payments, and periodic reporting should be no more complex or stringent than those used for federal social security benefits.

"(B) All recipients should be guaranteed due process in any action denying, reducing, or otherwise materially affecting their rights and benefits under the program; and

"Be it further resolved that the Congress of the United States be, and hereby is, respectfully requested to review and reassess the totality of income maintenance programs in relation to other federally sponsored programs which purport to serve the needy; and that those programs which prove to be ineffective or inefficient be curtailed or abolished and be replaced with programs which will benefit the needy, directly and equitably; and

"Be it further resolved that certified copies of this Resolution be transmitted to the President of the United States, the President Pro Tempore of the United States Senate, the Speaker of the United States House of Representatives, and the members of Hawaii's Congressional delegation."

"HOUSE RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO ENACT PUBLIC WELFARE REFORM LEGISLATION INCLUDING A FEDERALIZATION OF THE PRESENT STATE WELFARE SYSTEMS

"Whereas, the number of persons receiving financial assistance from public welfare in Hawaii has more than tripled in the past ten years, and more than two-thirds of this growth has occurred in the past four years; and

"Whereas, welfare costs in Hawaii have risen even faster, increasing more than five-fold in the past ten years; and

"Whereas, the main immediate reason for the rising caseload and cost is simply that more eligible needy people are applying for assistance from the programs that were intended to help them, yet this includes perhaps only one-third of those who might be eligible; and

"Whereas, local welfare officials acknowledge that no more than one per cent of Hawaii's welfare recipients could be considered cheaters who are not entitled to the benefits they are receiving; and

"Whereas, a large majority of the persons receiving financial assistance are not employable since they are children, mothers of pre-school children, the sick, the blind and disabled, and the elderly; and

"Whereas, many other persons who do work must still resort to welfare to supplement their incomes because of low earnings combined with Hawaii's high cost of living; and

"Whereas, there are not now enough jobs in Hawaii even for those able-bodied persons who want to work; and

"Whereas, a recent study by the Department of Social Services and Housing shows that newcomers to Hawaii who have resided here less than one year receive only about five per cent of the total financial assistance; and

"Whereas, current welfare benefits in Hawaii are among the highest in the nation but still require the average non-working recipient families to live below the federal poverty standard; and

"Whereas, it is desirable that all persons have at least a minimum income that will assure them a decent standard of living above the poverty level; and

"Whereas, because of rising welfare caseloads and costs and declining State revenues, the State of Hawaii would find it difficult to maintain this standard without additional help from the federal government; and

"Whereas, the State of Hawaii is already bearing a relatively greater burden than other States by maintaining higher benefit levels and receiving a smaller share of the cost from the federal government; and

"Whereas, the most desirable way to deal with these immediate fiscal problems is not to cut back welfare benefits to recipients but instead to seek greater fiscal support from the federal government; and

"Whereas, weaknesses in the present welfare system include not only the fiscal burden it imposes on states but also its inadequate benefit levels, unfair variations from state to state, disintegrating effects on family life, disincentives to work, and cumbersome, costly, dehumanizing procedures; and

"Whereas, these problems must be dealt with through meaningful, comprehensive, enlightened, and progressive reform of the welfare system at the national level; and

"Whereas, in addition to dealing with the immediate problems of the welfare system, all levels of government and the community must deal meaningfully with the underlying issues and problems, including the shortage of decent jobs, educational barriers, inflation, housing shortages and costs, and the breakdown of the family social unit; now, therefore,

"Be it resolved by the House of Representatives of the Sixth Legislature of the State of Hawaii, Regular Session of 1972, that the Congress of the United States be, and hereby is, respectfully requested to enact public welfare reform legislation embracing the concepts of federalization of costs, elimination of unfounded variations from state to state, a guaranteed minimum annual income for all persons, more jobs and work incentives, and simpler administration of benefits; and

"Be it further resolved that the national welfare program, as reformed, shall include the following features:

"(1) Basic Benefits

"(A) A minimum annual income should be guaranteed by the federal government to all needy persons falling within the income limits.

"(B) The minimum income standard should be uniform throughout the nation but adjusted for regional differences in cost of living.

"(C) The standard should be no less than the official poverty level, which should be revised to reflect a more realistic minimum standard of living.

"(D) Under the new program no recipient should be allowed to receive less than his current level of benefits plus the value of food stamp bonus.

"(E) Where necessary, states should be required to supplement the federal standard, but with the federal government assuming any increased cost to the state over 1971 expenditures.

"(F) Eventually, the regionally adjusted minimum income should be funded fully by the Federal government, with the states allowed to deal with special and emergency needs and persons not covered by the basic federal program.

"(2) Earnings and Assets

"(A) Over and above the minimum income assured, recipients should be allowed to retain a portion of any earnings sufficient to make it worthwhile to work.

"(B) Recipients should also be allowed to retain a reasonable amount of savings and other liquid assets as well as property such as a home, automobile, personal property and other property essential to their well being.

"(3) Work

"(A) Any work or training requirement should not apply to mothers or other caretakers if and when they are needed to care for children or other family members. This safeguard should be applied on an individual basis, taking into account such factors as the availability of child care, the child's needs, mother's needs, and other pertinent factors.

"(B) Jobs offered under any mandatory work requirement should be required to pay

at least the prevailing wage in the locality for the type of work involved or the federal minimum wage, whichever is higher, and to be suitable to the individual in terms of his qualifications, past experience, interests and proficiencies, personal health, safety factors, and working conditions.

"(C) More federally funded public service career jobs should be created for those who want to work, not only those who may be required to work.

"(4) Procedures

"(A) Procedures for determining and checking eligibility, making payments, and periodic reporting should be no more complex or stringent than those used for federal social security benefits.

"(B) All recipients should be guaranteed due process in any action denying, reducing, or otherwise materially affecting their rights and benefits under the program; and

"Be it further resolved that the Congress of the United States be, and hereby is, respectfully requested to review and reassess the totality of income maintenance programs in relation to other federally sponsored programs which purport to serve the needy; and that those programs which prove to be ineffective or inefficient be curtailed or abolished and be replaced with programs which will benefit the needy, directly and equitably; and

"Be it further resolved that certified copies of this Resolution be transmitted to the President of the United States, the President Pro Tempore of the United States Senate, the Speaker of the United States House of Representatives, and the members of Hawaii's Congressional delegation."

A letter, in the nature of a petition, from Mr. Victor H. Ashe, House of Representatives, State of Tennessee, praying for the enactment of legislation to lower the age of majority from 21 to 18 insofar as it affects Federal statutes; ordered to lie on the table.

A letter, in the nature of a petition, from Bernard Botein, President of the Association of the Bar, New York, New York, relating to the appointment of a National Commission to help assure for the future the more effective enforcement and observance of the laws of war; to the Committee on Armed Services.

By Mr. FONG:

A concurrent resolution of the Legislature of the State of Hawaii; to the Committee on the Judiciary:

"CONCURRENT RESOLUTION

"Ratifying a proposed amendment to the Constitution of the United States providing for equal rights under the law without discrimination on account of sex

"Whereas, the Congress of the United States has proposed an amendment to the Constitution of the United States to prohibit the denial or abridgment of equal rights under the law on account of sex; and

"Whereas, the transformation of our legal system to one which establishes equal rights for men and women under the law is long overdue; and

"Whereas, what was begun in the Nineteenth Amendment to the United States Constitution, extending to women the right of franchise, should now be completed by guaranteeing equal treatment to women in all areas of legal rights and responsibilities; and

"Whereas, the proposed Equal Rights Amendment provides for the establishment of complete legal equality so that before the law women and men will be treated without discrimination and individuals will be accorded the dignity and respect to which they are entitled politically and morally; and

"Whereas, House Joint Resolution 208, approved by the Ninety-Second Congress, Second Session, reads as follows:

"HOUSE JOINT RESOLUTION 208—JOINT RESOLUTION

"Proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), that the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress;

"ARTICLE

"Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

"Section 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

"Section 3. This amendment shall take effect two years after the date of ratification."; now, therefore

"Be it resolved by the Senate of the Sixth Legislature of the State of Hawaii, Regular Session of 1972, the House of Representatives concurring, that the Article proposed as an amendment to the Constitution of the United States as set forth in the United States House Joint Resolution 208, dated March 22, 1972, be hereby ratified by the Legislature of the State of Hawaii; and

"Be it further resolved that a certified copy of this Concurrent Resolution be transmitted to the Administrator, United States General Services Administration, and that certified copies of this Concurrent Resolution also be transmitted to the President of the United States Senate and to the Speaker of the United States House of Representatives and to the members of Hawaii's delegation to the Congress of the United States."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HARTKE, from the Committee on Veterans' Affairs, without amendment:

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 (Rept. No. 92–720).

By Mr. BROCK, from the Committee on Government Operations, with amendments:

S. 1819. A bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to provide for minimum Federal payments after July 1, 1972, for relocation assistance made available under federally assisted programs (Rept. No. 92–721).

By Mr. ROBERT C. BYRD (for Mr. MAGNUSON), from the Committee on Commerce, with an amendment:

S. 2684. A bill to amend section 509 of the Merchant Marine Act, 1936, as amended (Rept. No. 92–722).

By Mr. ROBERT C. BYRD (for Mr. MAGNUSON), from the Committee on Commerce, with amendments:

H.R. 8140. An act to promote the safety of ports, harbors, waterfront areas, and navigable waters of the United States (Rept. No. 92–724).

By Mr. MANSFIELD (for Mr. ANDERSON), from the Committee on Interior and Insular Affairs, with an amendment:

S. 50. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Brantley project, Pecos River Basin, New Mexico, and for other purposes (Rept. No. 92–723).

ORDER FOR ADDITIONAL REFERRAL OF BILL

Mr. ROBERT C. BYRD. Mr. President, on behalf of the distinguished senior Senator from Arkansas (Mr. MCCLELLAN), I ask unanimous consent that, after consideration by the Committee on the Judiciary of the bill (S. 3316) to consent to the Arkansas Basin Compact, Arkansas-Oklahoma, the bill may be referred to the Committee on Public Works for further consideration.

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

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. JAVITS (for himself, Mr. BOGGS, Mr. BROOKE, Mr. HATFIELD, and Mr. SCHWEIKER):

S. 3421. A bill to provide for a phased assumption by State and local governments in combination with other local institutions of the responsibility of planning and conducting programs providing manpower training and employment opportunities and related services to economically disadvantaged, unemployed, and underemployed individuals with emphasis upon persons most in need, to increase the availability of such opportunities, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. THURMOND:

S. 3422. A bill for the relief of Sukhdev Singh Guram. Referred to the Committee on the Judiciary.

By Mr. HARTKE:

S. 3423. A bill to amend the Federal Aviation Act of 1958 so as to limit the power of the Secretary of Transportation to delegate his authority to examine medical qualifications of airmen. Referred to the Committee on Commerce.

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

S. 3424. A bill to amend title 38, United States Code, in order to authorize an agreement with the Republic of the Philippines providing for hospital care and medical services to be furnished Commonwealth Army veterans and new Philippine Scouts for service-connected disabilities, and for other purposes. Referred to the Committee on Veterans' Affairs.

By Mr. MONTOYA:

S. 3425. A bill for the relief of Murray A. Getz. Referred to the Committee on the Judiciary.

By Mr. ANDERSON:

S. 3426. A bill to establish the El Malpais National Monument, in the State of New Mexico, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. NELSON:

S. 3427. A bill to amend the River and Harbor Act of 1968 in order to preclude consideration of a certain portion of the St. Croix River in a survey to determine the advisability of a waterway between Lake Superior and the Mississippi River. Referred to the Committee on Public Works.

By Mr. MANSFIELD (for Mr. JACKSON) (for himself and Mr. ALLOTT) (by request):

S. 3428. A bill to designate certain areas in the United States as wilderness areas; and

S. 3429. A bill to designate certain areas in the United States as wilderness areas. Re-

ferred to the Committee on Interior and Insular Affairs.

By Mr. MANSFIELD (for Mr. JACKSON) (for himself, Mr. ALLOTT, Mr. MOSS, and Mr. FANNIN) (by request):

S. 3430. A bill to designate certain areas in the United States as wilderness areas. Referred to the Committee on Interior and Insular Affairs.

By Mr. PELL:

S. 3431. A bill to amend the Federal Employees' Compensation Act so as to permit injured employees entitled to receive medical services under such Act to utilize the services of podiatrists. Referred to the Committee on Post Office and Civil Service.

By Mr. COTTON (by request):

S.J. Res. 219. A joint resolution to establish a national policy relating to conversion to the metric system in the United States. Referred to the Committee on Commerce.

By Mr. PELL (for himself, Mr. WILLIAMS, Mr. RANDOLPH, Mr. KENNEDY, Mr. MONDALE, Mr. EAGLETON, and Mr. CRANSTON):

S.J. Res. 220. A joint resolution making additional appropriations for the Office of Education for the fiscal year ending June 30, 1972. Referred to the Committee on Appropriations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JAVITS (for himself, Mr. BOGGS, Mr. BROOKE, Mr. HATFIELD, and Mr. SCHWEIKER):

S. 3421. A bill to provide for a phased assumption by State and local governments in combination with other local institutions of the responsibility of planning and conducting programs providing manpower training and employment opportunities and related services to economically disadvantaged, unemployed, and underemployed individuals with emphasis upon persons most in need, to increase the availability of such opportunities, and for other purposes. Referred to the Commitee on Labor and Public Welfare.

THE COMMUNITY MANPOWER TRAINING AND EMPLOYMENT ACT OF 1972

Mr. JAVITS. Mr. President, I introduce the Community Manpower Training and Employment Act of 1972, a bill designed to establish a community-based program of manpower training and jobs for economically disadvantaged, unemployed and underemployed persons. I am joined by the following cosponsors: Senators BOGGS, BROOKE, HATFIELD, and SCHWEIKER.

The bill—which consists of two titles—would authorize $10.6 billion for training and employment programs over a 4-year period, beginning in fiscal 1973; for the current fiscal year 1972, Federal expenditures total approximately $1.6 billion under existing authority. The administration proposes the expenditure of $2.0 billion in fiscal 1973.

THE NEED FOR REFORM

Mr. President, there is no area in the field of human resources where the gap between promise and performance is more keenly felt by the poor than that of manpower training programs.

A decade of experience under the Manpower Development and Training Act of 1962 and title I of the Economic Opportunity Act of 1964 and related authorities has taught us the importance of a Federal commitment to assist individual efforts toward self-support, but in their present form the programs increasingly have failed to meet their original objectives.

As funds have increased—from $100 million in fiscal 1962 to more than $1.6 billion in the current fiscal year, administration of programs directly from the Federal level has become an increasingly ineffective manner of doing business.

Moreover, programs conducted under these authorities—so-called remedial manpower programs—have been carried out too much in isolation on the one hand, from related vocational activities in the schools and, on the other, from poverty and other community-based organizations which represent the greater portion of persons to be served.

They have failed to provide sufficient resources and direction to zero in upon—and in fact have often excluded—those most in need of assistance, such as criminal offenders, ex-addicts and particularly disadvantaged persons.

And, by too frequently concentrating upon training for its own sake, they have often failed to attain their most relevant objectives—to get the participant into a meaningful and satisfying job.

These shortcomings—in contrast to the tenets of the free enterprise system and the call for "workfare" in connection with welfare reform—have become a source of despair and frustration to the poor, who want to provide for themselves even more than society—hit by rising welfare costs—urges or would require them to do.

It is not surprising that for a large segment of the economically disadvantaged, manpower training is viewed as an empty promise thrown out by the "establishment" to keep people off the streets or forever out of the mainstream of the economy.

Mr. President, the manpower system clearly demands reform—as much as the welfare reform to which it so closely relates.

President Nixon called for manpower reform as early as August 1969.

The Congress sought to achieve it—through enactment in 1970 of S. 3867, the Employment and Manpower Act of 1970.

But, the failure of the administration and the Congress to reach agreement on its terms and the resulting Presidential veto of that act in December 1970 have left this crucial matter of business unfinished.

THE ELEMENTS OF REFORM—AN ALTERNATIVE TO MANPOWER REVENUE SHARING

The President's remedy for the shortcomings of the current system is: S. 1243, the Manpower Revenue Sharing Act of 1971.

It proposes, in short, to eliminate the existing "categorical" programs and to distribute each year beginning in fiscal 1973, all but 15 percent of approximately $2 billion in flexible funds directly to the States and units of general local government for use as they see fit, generally without Federal review or approval.

Mr. President, the day that programs can be said to be more effectively run directly from Washington has long passed, but the solution to our problems does not automatically call for throwing them almost completely and immediately at the States and the cities—which are only just now developing their capacity in this area.

Mr. President, this bill—which is designed as an alternative to the administration's proposal—has as its sole objective the reform of the existing manpower training system. It is not intended to meet the need for public service employment—although such employment is an element which may be funded by States and other governmental prime sponsors as they assume manpower training responsibility. I consider the question of the amount of additional public service employment funds to be run through that system to be a separate one, properly considered in an economic context, and I expect to introduce in the near future my own separate proposal to that end.

I shall now indicate how the bill would meet each of the four deficiencies with the existing programs and manpower delivery system which I previously noted.

First, the bill would decentralize and decategorize existing programs, now conducted directly by the Federal Government, but on a phased basis—not all at once as the administration has proposed.

Under title I, State and local governmental and other prime sponsors would be given flexible funds for the conduct of a wide range of training and related employment programs.

In general, cities with a population of 75,000 or more, counties of 100,000 or more, and combinations thereof would be eligible to serve as prime sponsors under title I, with States responsible for other areas and for insuring coordination and the effective use of resources over the entire State; under these provisions approximately 700 sponsors would deal directly with the Secretary, as in the case of the Emergency Employment Act. The Secretary would review local plans, or program statements, but principally from the standpoint of national criteria relating to priorities, objectives and procedures, as opposed to programmatic content.

Title II authorizes the Secretary to continue to fund existing "categorical" programs of special importance—for example Job Corps, Neighborhood Youth Corps, and opportunities industrialization centers, and to provide support, technical assistance, and job matching services.

Of the basic amounts authorized—$2.5 billion for fiscal year 1974, $3 billion for fiscal year 1975, and $3.5 billion for fiscal year 1976—the amounts allocated to title I would increase from 65 percent in the first year to 85 percent in the third year, with the remainder applied to title II.

The substantial amount of new funds each year should act as a real incentive for improvements in performance at the local level: assuming full appropriation of the amounts authorized, the funds for title I would increase from $1.6 billion in fiscal year 1974 to $2.9 billion in fiscal year 1976, while the Secretary's account would decrease from $900 million in fiscal year 1974 to $500 million in fiscal year 1976.

The Secretary, in allocating among State and local sponsors the amount

added to local programs under title I in each subsequent year, is directed to take into account past performance, in accordance with objective criteria established in consultation with an independent interdisciplinary committee, as well as such factors as the number of unemployed persons in the area.

The Secretary would fund programs under title II directly to public and nonprofit private agencies and organizations, or if he wishes, through prime sponsors designated under title I; in so doing the Secretary would be governed by criteria relating to particular categorical programs and to the specific purposes of the act, as well as to allocation provisions to assure equitable coverages of States and other areas.

Mr. President, in vetoing the Employment and Manpower Act, the President stated that the bill's continued categorization of programs would "hamstring efforts of communities to adjust to changes in their local needs." Although this bill proposes a different timetable for decategorization and would identify the programs specifically in the legislation, I do not believe that it should be subject to that criticism. What is contemplated is a transitional period in which the Secretary, through his use of title II funds, will act as a catalyst weaving past efforts of demonstrated effeciveness and relevancy into the local fabric. As the Secretary's funds to do so decrease over the 3-year period, sponsors of categorical programs, having established a role in the new system, may look more securely to State and local prime sponsors for funding.

Second, it would provide for the involvement of educational, community action and similar agencies by insuring their eligibility for direct assistance under each title, their review and comment on the program statement, and their participation on Employment Councils, which each prime sponsor must establish; under the administration's bill they would not be given such a direct role.

Mr. President, the doctrine underlying revenue sharing—that those on the local level are in the best position to determine what is in their interest—must be applied beyond traditional units of government to various other institutions of the community which share interest in the objective of making it possible for more persons to obtain meaningful employment.

The bill contains unique provisions under which special funds are set aside on the one hand, divided equally between governmental prime sponsors and community action and similar anti-poverty agencies and, on the other, between governmental prime sponsors and educational agencies, for cooperative programs on the local level, in each instance these funds would be available only if the governmental prime sponsor and the other agency reach agreement on cooperative programs otherwise they would be redirected to other governmental prime sponsors and agencies who are able to agree upon such programs.

In respect to the schools, this is particularly important in light of the fact that about 40 percent of young people in poverty drop out of junior or senior high school without earning a diploma.

Third, it would give clear priority to economically disadvantaged persons with specific reservations of funds for migrants, Indians, older persons and other persons with particular needs, provisions for poor youth including the establishment of a summer youth employment fund and a new program and provisions to meet the employment and training needs of heroin addicts and other drug-abusing persons.

Mr. President, at the current time, manpower programs cover approximately 1 million of the more than 12 million persons which the Department of Labor estimates could benefit therefrom.

Therefore, although we must fight for more funds, hard decisions must sometimes be made with respect to the allocation of existing resources.

The economically disadvantaged—those persons who live below the poverty level of approximately $4,000 for a family of four—must receive special attention not only because they are the major recipients under existing authority, but because of the welfare problem. In the category of families on welfare alone, the Department estimates that there are approximately 2 million persons who would be subject to the work requirements under H.R. 1, the proposed Family Assistance Act, who will be difficult to place without further training or employment opportunities. In comparison, the President's Family Assistance Act, in its present form in H.R. 1, will provide only 200,000 employment and 412,000 training opportunities per year, against these overwhelming needs.

We should give special attention to the needs of poor youth—who constantly experience unemployment levels of four to seven times the national norm, and whose lack of opportunity is aggravated particularly in the summer months, according to the most recent statistics, unemployment in poverty levels is at 25.7 percent, with a rate of 34.7 percent among black teenagers.

The bill provides continued authority for the Job Corps, insures that youth, like their campus counterparts, have a voice on advisory councils, establishes a special youth employment assistance fund for the summer months and authorizes special model youth programs on a neighborhood basis.

Without this emphasis I am concerned that the priority given to youth, who constitute approximately 73 percent of those now served under existing authority, will be lost; preliminary results from the Emergency Employment Act show that where States and cities hired without such priority, youth constituted less than 14 percent of persons covered by the act.

Mr. President, no facts are more startling in combination than that there are as many as 560,000 drug addicts in the Nation—half of which are in New York City—and that expenditures of the Department of Labor in fiscal year 1972 for manpower training programs for such persons is at $728,356—less than one-twentieth of 1 percent of the Department of Labor's manpower budget; there is much we do not know, but clearly much more must be done.

The bill would establish a special national emphasis program of employment and training for heroin addicts and other drug-abusing persons, require State and local prime sponsors to coordinate their activities with programs providing methadone maintenance and other treatment, and insure that such persons are not "screened out" of existing programs.

Any comprehensive program should give attention also to the employment needs of criminal offenders. During this fiscal year, Department of Labor manpower programs will reach only 4,000 defendants, approximately three-tenths of 1 percent of the total of one and a quarter million individuals who are under the jurisdiction of the criminal justice system at any one time. With respect to correctional institutions, the Department of Labor programs will reach 6,000 inmates nationwide while 400,000 persons—60 times that number—are not incarcerated in correctional institutions in the Nation.

S. 2962, the Correctional Manpower Training Act, which I introduced on December 7, 1971, with 18 cosponsors, as an amendment to the Manpower Development and Training Act, would establish a special program for that group; I hope that this subject will be considered by the Subcommittee on Employment, Manpower, and Poverty as a part of manpower reform.

Fourth, it contains new provisions to insure that training leads to jobs and that public service employment opportunities, which sponsors may fund under the act, lead transitionally to nonsubsidized job opportunities, as well as provisions to encourage the greater involvement of the private sector.

Mr. President, there is a growing disenchantment with training programs as such and an increasing desire for the allocation of available resources to public service jobs.

This is understandable in light of the fact that training too often has failed to lead to a job.

But this does not mean that we should drop training and pour all of our resources immediately into public service employment.

The use of training programs will still represent a sound allocation of resources since so many jobs continue to go unfilled, for example, in January 1972 there were 87,000 jobs available in manufacturing firms. We must, however, link training to the jobs that are or will become available.

The bill I introduce today authorizes training programs only where the Secretary determines that there is a reasonable likelihood that they will lead to employment.

And it provides 100 percent Federal matching, in contrast to the 90 percent which would apply usually under the bill, in cases where prior to training arrangements are made for a job upon the completion of training.

Mr. President, just as we need training to match unemployed or underemployed people with available jobs, we need to create additional jobs since even at so-

called acceptable unemployment—in the 4-percent range—there are approximately 3 million persons who are unemployed.

We therefore need—and I support—an enlarged public service employment program; this proposal, like the administration's would permit State and local prime sponsors to use their allocated funds on a flexible basis for such programs, which would be permanent in the sense that they would be operative irrespective of the unemployment rate.

Mr. President, training for its own sake is clearly poor policy, but so, in my view will be job creation for its own sake.

We need a carefully honed policy of job creation in the public sector which focuses on individual needs, with attention to those most in need. And we need a program which supplements training in some instances and complements it in others and which proceeds in cooperation with rather than in isolation from the regular public and private sectors.

The bill I introduce extends priority to the economically disadvantaged for participation in public service employment programs.

And importantly, it is designed to view public service employment, although permanent as a program, as transitional as to the individual—that is to lead wherever possible to nonsubsidized job opportunities in the public or private sector.

This does not mean that mobility shall be the rigid rule, but that it, rather than permanency, shall be our starting point, assumption, and goal.

The bill directs the Secretary to establish procedures for review of other opportunities on a regular basis, and grants full Federal payment to the cost of programs in which prior arrangements have been made for nonsupported employment in the public or private sector, thus providing an incentive for the public sector to review and upgrade participants for regular public opportunities and to seek arrangements with the private sector for other participants.

I reject as arbitrary and unrealistic the administration's proposal, which would place a 2-year limit on an individual's participation in a public service job program.

Mr. President, it is important to emphasize the continued need for involvement of the private sector in meeting the manpower training and employment needs of the disadvantaged. Despite great past contributions—for example the provision of more than 700,000 jobs over the past 5 years by the National Alliance of Businessmen under the JOBS program—there is danger, with all the talk of public sector employment, that the private sector will not contribute to its full capacity.

The bill authorizes private sector programs on the local level and contains a new authority for a 2-year demonstration program to test the use of certificates or vouchers in the provision of training and manpower services. This proposal, which is described more fully in materials which I shall place in the RECORD, would apply in the manpower field the approach which has been a success on a trial basis in the housing field, upon the urging of Senator BROOKE, a cosponsor of this bill.

Of course, we must learn also from the experience with tax credits under the recent amendments to the Social Security Act, and improve those provisions if necessary.

Unfortunately, attention on H.R. 1, the Family Assistance Act, has elevated the promise of "workfair" far above our ability to deliver the resources which individuals require to cut their own road out of poverty and unemployment. Most Americans want to work; indeed statistics provided by the Department of Health, Education and Welfare to the Senate Committee on Finance show that 70 percent of family heads on welfare work to some extent, but in jobs that are inadequate to provide for their families.

We should not assume that the poor do not want to work—because they do—merely because we as a Nation have failed to provide the opportunity for training and related employment.

There will soon be a Senate-House Conference to deal with the interim extension of the Manpower Development and Training Act; the House has voted to extend the Act for one year, through June 30, 1973, while the Senate has voted to extend only the contract authority to permit funding of programs lasting for as much as a year beyond this June 30 if entered into before that date. An extension of the authority under title I of the Economic Opportunity Act, proposed by Senator NELSON and myself in S. 3010, is now before the Senate Committee on Labor and Public Welfare. If the Conference does not deal adequately with the problem of extension of the Manpower Development and Training Act then I shall add the one-year extension of the MDTA authority, which this bill contains, to the extension of the Economic Opportunity Act.

Mr. President, with these basic elements in mind, I hope that we will move quickly to establish a new direction in training and related employment programs for the 1970's.

Mr. President I ask unanimous consent that in addition to the bill itself, the following documents be printed at this point in the RECORD: a section-by-section analysis of the bill; which includes a summary of funds authorized thereunder; a comparison of the bill with S. 1243, the Manpower Revenue Sharing Act and S. 3867, and with the vetoed Employment and Training Act of 1970; a copy of my remarks in introducing S. 2962, the Comprehensive Correctional Employment and Training Act; a letter dated February 1, 1972, from Assistant Secretary of Labor, Malcolm Lovell, Jr., regarding the programs for drug addicts an article from the New York Times, dated December 14, 1971, describing a program conducted by VERA Institute of New York in providing employment opportunities to drug addicts and an excellent article by Sar Levitan, Center for Manpower Studies, the George Washington University entitled "Manpower Programs for a Healthier Economy."

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

S. 3421

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 Community Manpower Training and Employment Act of 1972".

STATEMENT OF FINDINGS AND PURPOSE

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

(1) millions of economically disadvantaged persons, including youth, continue to suffer from lack of opportunity for employment and training, resulting in hardship to such individuals and in increased welfare dependency;

(2) there are many millions of other persons who are unemployed or are employed below their capacity who, with appropriate employment and training opportunities, could make a greater contribution to the national economy and share more fully in its benefits;

(3) at the same time, the prosperity, economic stability, and productive capacity of the United States are limited by a shortage of workers to perform many tasks in the private sector, and substantial needs in the public sector, in fields such as environmental quality, health care, education, public safety, and other areas, which remain unfulfilled;

(4) It is within the capability of the United States to attain the objective of the Employment Act of 1946 "to provide maximum employment, production and purchasing power" by assuring to every American seeking work a full opportunity, within the framework of a free society to prepare for and obtain employment at the highest level of productivity, responsibility, and remuneration within the limits of his or her abilities;

(5) experience under programs conducted under title I of the Economic Opportunity Act of 1964 and the Manpower Development and Training Act of 1962 and related programs have demonstrated the importance of the application of substantial Federal resources to attain the objectives of maximum employment;

(6) at the same time, experience under such programs has identified the need to increase the responsibilities of State and local governments and other local institutions in the conduct of such programs, to give greater attention to the employment-related objectives of such programs and to apply more substantial resources for such programs, with particular emphasis upon persons most in need.

(b) It is therefore the purpose of this Act to establish an increasingly flexible and decentralized system for the provision of employment and training opportunities, by providing Federal funds for such purposes on an increasing basis to State and local governments in combination with other local institutions, to increase the availability of such opportunities, with emphasis upon persons most in need, and to insure that training and other programs lead to employment.

AUTHORIZED APPROPRIATIONS

SEC. 3. (a) For the purpose of carrying out this Act, there are authorized to be appropriated $2,500,000,000 for the fiscal year ending June 30, 1974, $3,000,000,000 for the fiscal year ending June 30, 1975, and $3,500,000,000 for the fiscal year ending June 30, 1976.

(b) For the purpose of providing training, technical assistance, planning and such other activities as the Secretary deems necessary and appropriate to prepare for the implementation of this Act and for the purpose of programs authorized pursuant to paragraphs (6) and (7) of section 202 and section

205 and section 206 of this Act, there is authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1973.

(c) The amounts appropriated under subparagraph (a) to carry out this Act for any fiscal year shall be allocated among the titles of this Act in such a manner that of the amounts appropriated—

(1) there shall be allocated for Community Training and Employment programs pursuant to title I of this Act an amount equal to 65 per centum of the amounts appropriated for the fiscal year ending June 30, 1974, 75 per centum of the amounts appropriated for the fiscal year ending June 30, 1975, and 85 per centum of the amounts appropriated for the fiscal year ending June 30, 1976; and

(2) the remainder in each fiscal year shall be allocated for Special Federal Responsibilities under title II of this Act.

(e) In order to make funds available to complete any grant or contract entered into prior to the effective date of this Act under the Manpower Development and Training Act of 1962, or title I of the Economic Opportunity Act of 1964, the Secretary may transfer sums newly authorized under this Act for that purpose.

(f) Notwithstanding any other provision of law, unless enacted in specific limitation of the provisions of this subsection, 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 succeding fiscal year, and any funds obligated in any fiscal year may be expended during a period of two years from the date of obligation.

ADVANCE FUNDING

SEC. 4. (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 effect a transition to the advance funding method of timing approportion action, the provisions of 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.

DEFINITIONS

SEC. 5. As used in this Act, the term—

(1) "Secretary" means the Secretary of Labor.

(2) "State" means the several States and the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(3) "Local service company" means a community development corporation or other corporation, partnership, or other business entity organized to operate an employment or training program or compenent thereof and owned or operated in substantial part by economically disadvantaged, unemployed or underemployed, residents of the area to be served.

(4) "Health care" includes, but is not limited to, preventive and clinical medical treatment, family planning services, nutrition services, and appropriate psychiatric, psychological, and other services.

(5) "City" means an incorporated municipality having general governmental powers.

(6) "Wagner-Peyser Act" means "An Act to provide for the establishment of a national employment system and for cooperation wtih the States in the promotion of such system, and for other purposes", approved June 6, 1933 (48 Stat. 113), as amended.

(7) "Public service" includes, but is not limited to, work in such fields as environmental quality, health care, education, public safety, anti-poverty work in local public and private nonprofit organizations, crime prevention and control, prison rehabilitation, transportation, recreation, housing and neighborhood improvements, rural development, and other fields of human betterment and community improvement.

(8) "Unemployed persons" means—

(A) persons who are without jobs and who want and are available for work and

(B) adults who or whose families receive money payments pursuant to a State plan approved under title I, IV, X, or XVI of the Social Security Act or food stamps or surplus commodities under the Agriculture Act of 1949 or the Food Stamp Act of 1964 (1) who are determined by the Secretary of Labor, in consultation with the Secretary of Health, Education, and Welfare, to be available for work, and (2) who are either (i) persons without jobs, or (ii) persons working in jobs providing insufficient income to enable such persons and their families to be self-supporting without welfare assistance;

and the determination of whether persons are without jobs shall be made in accordance with the criteria used by the Bureau of Labor Statistics of the Department of Labor in defining persons as unemployed;

(9) "Underemployed persons" means—

(A) persons who are working part time but seeking full-time work;

(B) persons who are working full time but receiving wages below the poverty level determined in accordance wtih criteria as established by the Director of the Office of Management and Budget;

(10) "Economically disadvantaged person" means a person whose annual income is less than the "poverty level" as defined by the Director of the Office of Economic Opportunity.

(11) "minority group" includes, but is not limited to, persons who are Negro, American Indian, Spanish-surnamed American, Portuguese, or Oriental, and, as determined by the Secretary, persons who are from environments in which a dominant language is other than English and who, as a result of language barriers, may need special assistance, and, for the purpose of this paragraph, Spanish-surnamed Americans include persons of Mexican, Puerto Rican, Cuban, or Spanish origin or ancestry;

(12) "bilingual" means, but is not limited to, persons who are Spanish surnamed, American Indian, Oriental, Portuguese, or others who have learned to speak the language of the minority group of which they are members and who, as a result of language barriers, may need special assistance;

(13) "unit of general local government" shall mean any public agency having general governmental powers substantially similar to those of a city.

TITLE I—COMMUNITY TRAINING AND EMPLOYMENT PROGRAMS

DESCRIPTION OF PROGRAMS

SEC. 101. The comprehensive programs for which funds may be provided under this title shall include provision of employment and training opportunities and related services needed to enable economically disadvantaged, unemployed and underemployed individuals to secure and retain employment consistent with their full potential. Such services may include, but are not limited to:

(1) Programs to make persons aware of the availability of employment and training and related services and to encourage the full utilization of such services.

(2) Assessment of the individual and his potential and interests and referral to appropriate employment, training, and related services.

(3) Orientation, counseling, education and institutional training to prepare the individual to enter the labor market or to qualify for more productive job opportunities.

(4) Public service employment in jobs providing needed public services and related training and services.

(5) Programs to encourage and to provide incentives to private employers, nonprofit organizations and public employers to train or employ economically disadvantaged, unemployed or underemployed persons, including arrangements by direct contract, for reimbursement to employers for the costs of recruiting and training such employees to the extent that such costs exceed those customarily incurred by such employer in recruiting and training new hires, payment for on-the-job counseling and other supportive services, transportation, and payments for other extra costs including supervisory training required by the program.

(6) Programs to provide full- and part-time employment for economically disadvantaged, unemployed, or underemployed persons who are in the ninth through twelfth grades of school or who are not attending school but are of equivalent ages, including but not limited to summer on-the-job training, employment, and work experience programs in youth training centers, special job development programs in public and private agencies, and related supportive services.

(7) Special programs for jobs in public and private agencies leading to career opportunities in the public service which provide maximum prospects for advancement and continued employment without Federal assistance, which give promise of contributing to the broader adoption of new methods of structuring jobs and new methods of providing job ladder opportunities, and which provide opportunities for further occupational training to facilitate career advancement.

(8) The development of job opportunities through the establishment and operation of skill training and other centers for economically disadvantaged, unemployed or underemployed persons, providing recruitment, counseling, remediation, vocational training, job development, job placement, and other appropriate services.

(9) Special programs which involve work activities directed to the needs of those chronically unemployed economically disadvantaged persons who have poor employment prospects and are unable (because of age, physical condition, obsolete or inadequate skills, declining economic conditions, criminal records, former drug-addiction, alcoholism, other causes of a lack of employment opportunity, or otherwise) to secure appropriate employment or training assistance under other programs. Such projects, in addition to other services provided, shall enable such persons to participate in projects for the betterment or beautification of the community or area served by the program, including but not limited to activities which will contribute to the management, conservation, or development of natural resources, recreational areas, Federal, State, and local government parks, highways, and other lands; the rehabilitation of housings; the improvement of public facilities; and the improvement and expansion of health care, education, child care, and recreational services.

(10) Payment of allowances for training, and for transportation, subsistence, or other expenses incurred while participating in employment or training programs, where such allowances are necessary to enable the individual to participate therein.

(11) Supportive services to enable individuals to take advantage of employment and training opportunities, including basic education, necessary health and medical services, child care, residential support, assistance in securing bonds, or any other necessary assistance incident to employment,

and any other service needed to participate in employment and training programs.

(12) Special job development programs with public or private employers, including employment centers and mobile employment service units to provide recruitment, counseling, and placement services, conveniently located in urban and rural areas and particularly accessible to economically disadvantaged persons.

(13) Development of information concerning the labor market and activities, such as job restructuring, to make such activities more responsive to objectives of employment and training programs.

(14) Such other activities as the Secretary may deem consistent with the purposes of this Act.

ELIGIBLE APPLICANTS

SEC. 102. (a) The Secretary is authorized to enter into arrangements with any eligible applicant in accordance with the provisions of this title in order to make financial assistance available for the purpose of carrying out comprehensive employment and training programs and related services where the Secretary determines that such programs and related services can be most effectively implemented by such applicant.

(b) For the purpose of entering into arrangements with the Secretary under this title, eligible applicants shall be—

(1) prime sponsors designated pursuant to plans approved by the Secretary under section 103; and (2) other public and private agencies, institutions, and organizations, including community action agencies and local service companies.

PRIME SPONSORS

SEC. 103. (a) For the purposes of this title—

(1) any State; and

(2) any unit of general local government—

(A) which is a city which has a population of seventy-five thousand or more persons on the basis of the most satisfactory current data available to the Secretary; or

(B) which is a county or other unit of general local government which has a population of one hundred thousand or more persons on the basis of the most satisfactory current data available to the Secretary and which is determined by the Secretary, in accordance with such regulations as he shall prescribe, to have general governmental powers substantially similar to those of a city and to serve a substantial part of a functional labor market area; or

(C) which does not meet the population criteria in clause (A) or (B) and which has the largest population of a unit of general local government in the State otherwise meeting the requirements of clause (A) or (B); and

(3) any combination of such units of general local government having a total population of one hundred thousand or more persons on the basis of the most satisfactory current data available to the Secretary, and which is determined by the Secretary, in accordance with such regulations as he shall prescribe, to serve a substantial part of a functional labor market area and to have at least one such unit having general governmental power substantially similar to those of a city; and

(4) any unit or combination of units of general local government, without regard to population, in rural areas designated by the Secretary which have substantial outmigration and high unemployment;

shall be eligible to be a prime sponsor of a comprehensive community employment and training program in accordance with the provisions of this section.

(b) Any State or unit (or combination of units) of general local government which is eligible to be a prime sponsor under subsection (a) and which desires to be so designated in order to enter into arrangements with the Secretary under this title shall submit to the Secretary a prime sponsorship plan describing the area to be served and including provisions which evidence capability for carrying out effectively a program statement in accordance with section 104 of this title and provisions for the establishment of a community employment council which—

(1) provide that the chief executive officer or officers of the unit or units of government establishing such council shall appoint the members of the council and shall designate one member to be chairman;

(2) provide that the council shall include members who are representative of community action programs; other significant segments of the community to be served; the public employment service; education and training agencies and institutions, including vocational educational agencies and community postsecondary educational and training institutions; social service programs, including child care, environmental quality, health care, recreation, vocational rehabilitation, and welfare agencies; industrial development organizations, apprenticeship programs; business; labor; and civil rights and veterans organizations including economically disadvantaged persons to be served including economically disadvantaged youth.

(3) provide that the chairman of the council shall, with the approval of the council, appoint a staff director who shall supervise professional, technical, and clerical staff serving the council;

(4) set forth procedures under which program statements for any fiscal year will be submitted by the prime sponsor which shall be responsible for planning for and carrying out services for which financial assistance is provided under this title and under which appropriate arrangements may be made for the council's participation in planning and development, including initial preparation of such program statements;

(5) set forth the prime sponsor's plans (adopted after full consultation with the council) for conducting on a continuing basis surveys and analyses of need for employment training and related services in the area served by the prime sponsor to be used in the development of program statements under this title;

(6) set forth arrangements assuring that community action agencies, other community-based organizations, and educational institutions will be involved in the development of program statements and in the implementation of programs assisted under this title; and

(7) set forth the council's plans for evaluating the effectiveness of programs for which financial assistance is provided under this title.

(c) In any case in which a State has submitted a plan under this section to serve a geographical area under the jurisdiction of a unit (or combination of units) of general local government which is eligible under paragraph (2), (3), or (4) of subsection (a) and which has submitted a plan meeting the requirements set forth in subsection (b), the Secretary shall approve the latter plan after carrying out the procedures set forth in subsection (d). When two or more units (or combination of units) of general local government each submit plans which include a common geographical area under their respective jurisdictions and which are consistent with the purposes of this title and meet the requirements set forth in subsection (b), the Secretary, in accordance with such regulations as he shall prescribe, shall approve for that geographical area the plan of that unit of general local government which he determines will most effectively carry out the purposes of this title.

(d) The Secretary shall not approve a prime sponsorship plan submitted under this section unless—

(1) the plan was submitted to the Secretary by such date as the Secretary shall prescribe by regulation, prior to the date such plan is to take effect, in order to provide a reasonable period of time for review in accordance with the provisions of this section;

(2) a copy of such plan has been submitted for comment thereon to the Governor or other chief executive officer of the appropriate State; the Governor has been provided such period of time, as the Secretary shall prescribe by regulation, after the copy of such plan was sent to him, during which time he may submit comments on such plan to the Secretary, a copy of which comments shall be sent to the plan applicant in advance of submission to the Secretary; and, if comments have been submitted by the Governor, the Secretary shall confer with and encourage the plan applicant to resolve any difference arising from such comments;

(3) in the case of a plan submitted by a State, satisfactory arrangements are set forth for serving all geographical areas under its jurisdiction except for areas for which a local prime sponsorship plan is approved under this section;

(4) the plan was made public upon submission to the Secretary, in accordance with regulations promulgated by the Secretary.

(e) In the event that a unit (or combination of units) of general local government eligible to be a prime sponsor under subsection (a) does not submit a plan meeting the requirements set forth in this section, a community action agency or other nonprofit, community-based organizations serving a geographical area under the jurisdiction of such unit may submit a prime sponsorship plan for that area.

(f) Except as provided in subsections (c) and (d), the Secretary may approve any prime sponsorship plan submitted under this section if it is consistent with the provisions of this title. A plan submitted under this section may be disapproved or a prior designation of a prime sponsor may be withdrawn only if the Secretary, in accordance with regulations which he shall prescribe, has provided—

(1) written notice of intention to disapprove such plan, including a statement of the reasons therefor;

(2) for a reasonable time to submit corrective amendments to such plan; and

(3) an opportunity for a public hearing upon which basis an appeal to the Secretary may be taken as of right.

(g) For the purpose of making such payments as may be reasonably necessary to cover the staff and other administrative expenses of the community employment councils established pursuant to subsection (b) and to support other planning and evaluative activities of prime sponsors, the Secretary shall reserve not less than 1 per centum of the amounts available for title I.

PROGRAM STATEMENTS

SEC. 104. (a) Prior to the receipt of financial assistance under this title for any fiscal year, each eligible applicant shall develop a program statement, which statement shall be binding upon such eligible applicant and shall include—

(1) a statement of manpower needs and priorities in the area, description of the services for which such financial assistance will be used, and performance goals, as determined by the Secretary;

(2) the identity of any agency or agencies designated to carry out such services under such supervision;

(3) any arrangements made for services to be performed, on a reimbursable basis or otherwise, by the public employment service or any other public or private agency, institution, or organization;

(4) a description of the areas to be assisted by such programs, including data indicating

the number of potential eligible participants; and

(5) such other information, assurances, statements, and arrangements as the Secretary may require pursuant to his special responsibilities under section 201 of this Act or which he otherwise deems necessary, in accordance with such regulations as he shall prescribe.

(b) Funds may be provided by the Secretary upon the approval by him of a program statement submitted by an approved eligible applicant as provided in subsection (c).

(c) A program statement or modification or amendment thereof, for financial assistance under this title, may be approved only if the Secretary determines that—

(1) the application is consistent with the purposes of this title;

(2) an opportunity has been provided to any community action agency in the area to be served to submit comments with respect to the program statement to the applicant, the Secretary, and to the Director of the Office of Economic Opportunity;

(3) an opportunity has been provided to the appropriate local or State agency or agencies having responsibility for vocational education, vocational rehabilitation and other related agencies to submit comments with respect to the program statement to the applicant, the Secretary, and the Secretary of Health, Education, and Welfare;

(4) an opportunity has been provided to the Governor or other chief executive officer of the State to submit comments with respect to the application to the applicant and to the Secretary;

(5) an opportunity has been provided to officials of the appropriate units of general local government to submit comments with respect to the applicant and to the Secretary.

(d) If any State, unit of general local government, or any interested public or private agency submits to the Secretary a written statement and supporting reasons alleging that, with respect to the area served by such unit, the prime sponsor is not complying with the requirements for program statement under this section or other applicable sections of this Act or is maintaining a pattern or practice of exclusion of economically disadvantaged persons or members of a minority group and giving its reasons for the allegation, the Secretary shall, in accordance with regulations he shall prescribe, in no more than thirty days from the date he receives such written statement, make a decision on the allegation, after providing the prime sponsor with a copy of the written statement and with a reasonable opportunity to respond in writing and holding such conferences and hearings as he deems appropriate. The Secretary shall transmit to all interested parties a written statement of his decision, including his findings and supporting reasons. Until he makes such decision, the Secretary shall withhold approval of so much of a prime sponsor's pending program statement under this Act as relates directly to the matter under contention. With respect to allegations not involving such pending program statement, nothing in this subsection shall in any way require the Secretary to withhold any financial assistance under this Act. If the Secretary determines that the requirements of this section or other sections of this Act will not be complied with, then he shall enter into direct arrangements with the appropriate unit of general local government or any other public or private agency with respect to the programs involved, and funds which would otherwise be available to the prime sponsor for such programs shall be made available through such direct arrangements. If the Secretary finds upon examination of the allegation that it requires no investigation because it is frivolous on its face, he may reject the allegation summarily without regard to the procedures required in this subsection except for transmission of a written decision to the interested parties.

SPECIAL REQUIREMENTS FOR STATES

SEC. 105. (a) Any State seeking assistance under this title or the Wagner-Peyser Act shall submit an annual comprehensive State employment and training plan to the Secretary for approval in accordance with the requirements of this section.

(b) The comprehensive State employment and training plan shall—

(1) indicate the extent to which all State agencies providing employment, training and related services will be available to cooperate with local prime sponsors designated under this title and, at the request of the local prime sponsor, participate in the development and implementation of program statements by prime sponsors in accordance with the provisions of this Act;

(2) provide for the development and publication of information regarding economic, industrial, and labor market conditions which will be useful and made available to assist prime sponsors in the development and implementation of program statements under this Act, including but not limited to job opportunities and skill requirements, labor supply in various skills, occupational outlook and employment trends in various occupations, and economic and business development and location trends;

(3) provide for the conduct of programs financed under the Wagner-Peyser Act in accordance with such rules, regulations, and guidelines as the Secretary determines necessary for the purpose of providing effective assistance to those individuals requiring employment, training, and related services to achieve their full occupational potential in accordance with the policy of this Act; and

(4) provide, without reimbursement and upon request, to any prime sponsor serving an area within the State, such information, technical assistance and advice as may be necessary and appropriate to assist the prime sponsor in developing and implementing the prime sponsorship plan and program statements submitted under sections 103 and 104 respectively.

(c) The Secretary may reserve not to exceed 5 per centum of the funds allocated for use in any State pursuant to subsection (c) of section 107 of this Act, to any State for the purposes of this section.

PAYMENTS

SEC. 106. (a) In accordance with this section, the Secretary shall pay from the applicable allocation or apportionment under section 107 the Federal share of the costs of programs, services, and activities, in accordance with program statements which have been approved as provided in this title.

(b)(1) Except as provided in paragraph (2) of this subsection, the Secretary shall pay an amount not in excess of 90 per centum of the cost of carrying out programs, services, and activities under this title. The Secretary may, in accordance with such regulations as he shall prescribe, approve assistance in excess of such percentage if he determines that such action is required to provide adequately for the employment, training and related needs of economically disadvantaged persons.

(2) The Secretary shall pay the full cost of public service employment programs and training programs in which prior arrangements are made for subsequent nonsupported employment of participants with public or private employers, in accordance with regulations promulgated by the Secretary.

(c) The non-Federal share of the costs of programs, services, and activities assisted under this title may be provided through public or private funds and may be in the form of cash, goods, services, or facilities (or portions thereof that are used for program purposes) reasonably evaluated, and employee and employer contributions.

(d) If, with respect to any fiscal year, a prime sponsor provides non-Federal contributions for any program, service, or activity exceeding its requirements, such excess may be applied toward meeting the requirements for such contributions for the subsequent fiscal year under this title.

(e) No State or locality shall reduce its expenditures for training or employment programs by reason of financial assistance under this title.

ALLOCATIONS OF FUNDS

SEC. 107. (a) The amounts allocated for carrying out this title for any fiscal year pursuant to subsection (a) of section 3 shall be made available in the following manner—

(1) 10 per centum of the sums appropriated for this title shall be reserved by the Secretary of Labor for the purposes of section 108;

(2) 10 per centum of the sums appropriated for this title shall be reserved by the Secretary of Labor for the purposes of section 109;

(3) Not less than that portion of funds appropriated for this title which is equivalent to that portion which the total number of economically disadvantaged Indians and Alaska Natives bears to the total number of economically disadvantaged persons in the Nation shall be available under title I only for programs and projects designed to meet the employment and training needs of such Indians and Alaska Natives;

(4) Not less than that portion of funds appropriated for this title which is equivalent to that proportion which the total number of economically disadvantaged migrant and seasonal farmworkers bears to the total number of economically disadvantaged persons in the Nation shall be available under title I only for programs and projects designed to meet the employment and training needs of such migrant and seasonal farmworkers;

(5) Not less than that portion of funds appropriated for this title which is equivalent to that proportion which the total number of economically disadvantaged heads of households who are forty-five years of age and older and are not in the labor force or are unemployed bears to the total number of economically disadvantaged persons in the Nation shall be available under title I only for programs and projects designed to meet the special employment and training needs of such heads of households who are forty-five years of age and older and are not in the labor force or are unemployed; and

(6) Not less than that portion of funds appropriated for this title which is equivalent to that proportion which the total number of economically disadvantaged persons with limited English-speaking ability bears to the total number of economically disadvantaged persons in the State shall be available under title I only for programs and projects designed to meet the special employment and training needs of such persons with limited English-speaking ability;

(b) Except as provided in subsection (d) of this section, the remainder of such amounts shall be apportioned among the States in accordance with the proportion which the total number of economically disadvantaged persons, and the number of unemployed persons in each such State bears to such total numbers, respectively, in the United States, but not less than $1,500,000 shall be apportioned to any State, except that not less than $150,000 each shall be apportioned to the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(c) The amount apportioned to each State under subsection (b) shall be apportioned among areas within each such State in the proportion which the total number of economically disadvantaged and the number of unemployed persons in each such area bears to such total numbers, respectively, in the State.

(d) For each fiscal year after July 1, 1975, the additional amount to be distributed among the States by reason of the application of paragraph (d) of section 3 of this

Act shall be allocated by the Secretary among the States and among prime sponsors within the States on the basis of the factors set forth in subsections (b) and (c) of this section and upon the basis of the relative performance of such prime sponsors, in accordance with exemplary standards established by the Secretary on the basis of the criteria set forth in section 201 of this Act, after consideration of recommendations of the National Employment and Training Advisory Committee established under section 207 of this Act, which standards shall be published prior to the period with respect to which performance is to be assessed.

(e) The Secretary is authorized to make reallocations for such purposes under this title as he deems appropriate of the unobligated amount of any apportionment under subsections (b) and (c) to the extent that the Secretary determines that it will not be required for the period for which such apportionment is available. No amounts apportioned under subsections (b) and (c) for any fiscal year may be reallocated for any reason before the expiration of the ninth month of the fiscal year for which such funds were appropriated and unless the Secretary has provided fifteen days advance notice to the prime sponsor for such area of the proposed reallocation.

(f) As soon as practicable after funds are appropriated to carry out this Act for any fiscal year, the Secretary shall publish in the Federal Register the apportionments required by subsection (a), (b) and (c) of this section.

SPECIAL MODEL COOPERATIVE PROGRAMS WITH COMMUNITY ACTION AND OTHER COMMUNITY-BASED ORGANIZATIONS

SEC. 108 (a) The Secretary of Labor shall allocate one-half of the sums reserved pursuant to paragraph (1) of subsection (a) of section 107 of this title for the purpose of this section among governmental prime sponsors designated under title I and shall transfer the remainder of such sums to the Director of the Office of Economic Opportunity. The Director of the Office of Economic Opportunity shall allocate such funds, on an equitable basis and after consideration of the capacity of such agencies, corporations, and cooperatives to carry out the purposes of this section, among community action agencies, community development corporations, and rural cooperatives eligible for assistance under the Economic Opportunity Act of 1964. Funds received under this section shall be used by such agencies, corporations, and cooperatives in cooperation with the appropriate prime sponsor for the purpose of special model cooperative programs pursuant to program statements to meet the special needs of economically disadvantaged persons, including but not limited to (A), the establishment of programs informing economically disadvantaged persons of the availability of employment and training programs and related services and identifying persons who could benefit particularly therefrom; (B) formulating, establishing, and conducting elements of employment and training programs and services particularly responsive to the special needs of economically disadvantaged persons and significant segments thereof; (C) the establishment of neighborhood centers for employment and training and the provision of such programs in existing centers in urban and rural areas having high concentrations or substantial numbers of economically disadvantaged persons. One-half of the assistance furnished under this section shall be paid from funds furnished to prime sponsors by the Secretary of Labor pursuant to this section.

(b) Nothing in this section shall be construed to limit the opportunity of any agency, corporation, or cooperative receiving assistance under this section from otherwise receiving assistance under this Act.

SPECIAL MODEL COOPERATIVE PROGRAMS WITH EDUCATIONAL AGENCIES

SEC. 109. (a) The Secretary of Labor shall allocate one-half of the sums reserved pursuant to paragraph (2) of subsection (a) of section 107 of this title among governmental prime sponsors designated under title I for the purposes of this section and transfer the remainder of such sums to the Secretary of Health, Education, and Welfare. The Secretary of Health, Education, and Welfare shall allocate such funds, on an equitable basis and after consideration of the capacity of such agencies to carry out the purposes of this section, to educational and other agencies and institutions eligible for assistance under the Vocational Education Act, the Allied Health Professions Personnel Training Act, the Elementary and Secondary Education Act, the Vocational Rehabilitation Act, and the Higher Education Act. Funds received under this section shall be used by such agencies in cooperation with the appropriate prime sponsor for the purpose of planning and carrying out cooperative model educational and vocational educational programs and activities pursuant to program statements designed to lead to employment, with emphasis upon programs providing students who are in the ninth through twelfth grades of school, or who have left school or may potentially leave school, with guidance and outreach; work study programs; in-school job preparation efforts and job placement assistance designed to make students cognizant of employment and training services and programs providing vocational education for students below the ninth grade; and programs providing adult basic education. One-half of the assistance furnished under this section shall be paid from funds furnished to prime sponsors by the Secretary of Labor pursuant to this section.

(b) Nothing in this section shall be construed to limit the opportunity of any agency or institutions receiving assistance under this section from otherwise receiving assistance under this Act.

TITLE II—SPECIAL FEDERAL RESPONSIBILITIES

SPECIAL RESPONSIBILITIES OF THE SECRETARY

SEC. 201. (a) The Secretary, with the prior concurrence of the Director of the Office of Economic Opportunity shall establish appropriate procedures to ensure that—

(1) priority in programs conducted under this Act is given to economically disadvantaged persons.

(2) programs conducted under title I of this Act are implemented in accordance with approved program statements;

(3) due consideration is given by prime sponsors under title I of this Act to the continued funding of programs previously conducted under title I of the Economic Opportunity Act of 1964 as amended and the Manpower Development and Training Act of 1962, as amended;

(4) appropriate arrangements are made with community action agencies, and with other community based organizations for their participation in the conduct of programs for which financial assistance is provided under this Act;

(5) training provided under the Act has a reasonable prospect of leading to appropriate employment opportunities upon completion of such training;

(6) periodic reviews are conducted by an appropriate agency of the status of each person employed in a public service job under this Act to assure that in the event that any person so employed and the reviewing agency find that such job will not provide sufficient prospects for advancement or suitable employment, maximum efforts shall be made to locate employment or training opportunities providing such prospects, and that such person shall be offered appropriate assistance in securing placement in the opportunity which he chooses after appropriate counseling;

(7) heroin addicts and other drug-abusing persons who are economically disadvantaged, unemployed, or underemployed persons who are participating in methadone maintenance, abstinence, or other therapeutic treatment programs, persons previously convicted of a crime have a full opportunity to participate in programs conducted under this Act; and

(8) due consideration is given in public service employment programs to the creation of employment opportunities with community action agencies, community development corporations, and rural cooperatives eligible for assistance under the Economic Opportunity Act of 1964, local services companies, and other community-based agencies, institutions, and organizations.

(b) The Secretary shall review the implementation of the procedures established under subsection (a) of this section six months after funds are first obligated under this Act and at each six-month interval thereafter.

SPECIAL NATIONAL PROGRAMS

SEC. 202. (a) The Secretary shall carry out the following special national programs by providing financial assistance to any public or private agency including any prime sponsor approved under section 103 of this Act:

(1) "Job Corps" program to assist economically disadvantaged persons who have not reached twenty-two years of age who need and can benefit from an unusually intensive program, operated in a group setting, to become more responsible, employable, and productive citizens, through the establishment of residential and nonresidential centers in which enrollees participate in intensive programs of education, vocational training, work experience, counseling, and other activities.

(2) "Mainstream" programs providing financial assistance for the support of projects which involve work activities directed to the needs of those chronically unemployed economically disadvantaged persons who have particularly poor employment prospects and are unable (because of age, physical condition, obsolete or inadequate skills, declining economic conditions, or otherwise) to secure appropriate employment or training and related services under other programs. Such projects, in addition to other services provided, shall enable such persons to participate in projects for the betterment or beautification of the community or area served by the program, including but not limited to activities which will contribute to the management, conservation, or development of natural resources, recreational areas, Federal, State, and local government parks, highways, and other lands; the rehabilitation of housing; the improvement of public facilities; and the improvement and expansion of health care, education, child care, antipoverty, and recreation services.

(3) "New Careers" programs providing economically disadvantaged or unemployed persons with jobs leading to career opportunities, including new types of careers, in programs designed to improve the physical, social, economic, or cultural condition of the community or area served in fields of public service, including but not limited to health care, education, welfare, recreation, child care, antipoverty, neighborhood redevelopment, and law enforcement, which provide maximum prospects for on-the-job training, promotion and advancement and continued employment without Federal assistance.

(4) "Opportunities Industrialization Centers" and other programs designed to provide comprehensive employment opportunities and training and related services for economically disadvantaged persons who are unemployed or underemployed including persons of limited English-speaking ability, migrants, and others through the establish-

ment of skill centers. Such services shall include recruitment, counseling, remedial education, vocational training, job development, job placement, health care, child care, and other appropriate services and adequate provisions to assure that (1) the residents of the area to be served by such programs are involved in the planning and operation of such centers and (2) the business community in the area to be served by such programs is consulted in its development and operation.

(5) "Neighborhood youth corps programs" to provide (a) part-time employment, on-the-job training, and useful work experience for economically disadvantaged students who are in the ninth through twelfth grades of school (or are of an age equivalent to that of students in such grades) and who are in need of earnings to permit them to resume or maintain attendance in school; (b) unemployed, underemployed, or economically disadvantaged persons (aged sixteen and over) with useful work and training (which must include sufficient basic education and institutional or on-the-job training) designed to assist those persons to develop their maximum occupational potential and to obtain regular competitive employment; and (c) job and related recreation opportunities for economically disadvantaged persons during the summer months. In the case of a program under subsection (a), the Secretary shall not limit the number or percentage of participants in the program who are fourteen or fifteen years of age. In the case of a program under subsection (b), the Secretary shall not limit the number or percentage of participants in any age group under twenty-two years of age, and the Secretary shall not limit the number of hours which participants may spend in work and on-the-job training to less than 80 per centum of the number of hours per week spent in the program, and allowances for such work and on-the-job training shall not be less than the minimum wage specified in section 6(a)(1) of the Fair Labor Standards Act of 1938.

(6) "Management training" programs under which education, training, and experience in business management are provided to enable economically disadvantaged persons to secure and retain business management opportunities or to establish their own business concerns. In carrying out the provisions of this section, the Secretary shall consult with the Secretary of Health, Education, and Welfare, the Secretary of Commerce, the Administrator of the Small Business Administration, and the Director of the Office of Economic Opportunity.

(7) "Drug rehabilitation employment assistance programs" providing employment training opportunities and related services for rehabilitated heroin addicts and other drug-abusing economically disadvantaged, unemployed, and underemployed persons who are participating in methadone maintenance, abstinence, or other therapeutic treatment programs including but not limited to public service supported work; special demonstration projects; assistance to provide employment and training and related services in programs conducted for the treatment and rehabilitation of such persons; assistance to employment and training programs under this Act and related authorities for the inclusion of such persons in such programs; and technical, financial, and other assistance to private employers to make available employment opportunities for such persons. In undertaking such programs the Secretary shall give special consideration to veterans with priority to those States and areas within the States having the highest percentages of heroin addicts.

(8) Such other programs as the Secretary may deem necessary in order to (A) meet the special needs of economically disadvantaged persons, or particular segments thereof, including but not limited to minority groups, Indians, and Alaska natives, migrant and seasonal farmworkers, heads of households who are forty-four years or older, persons with limited English speaking ability, (B) demonstrate the feasibility of conducting programs on the basis of a neighborhood or other area possessing a commonality of interest within the area of a unit of general local government, or (C) to otherwise fulfill the purposes of this Act.

(b) The Secretary is authorized to establish such procedures as he deems appropriate for the submittal of applications for assistance under this section.

(c) The Secretary shall allocate funds available for each of the special national programs conducted under subsection (a) among States and among urban and rural areas within States, on an equitable basis taking into consideration the purposes of such program and, to the extent practicable, the number of economically disadvantaged, unemployed, or underemployed persons to be served by such program within such State or area relative to the number of such persons in the Nation.

RESEARCH AND PROGRAM SUPPORT

SEC. 203. (a) In order to maximize the effectiveness of activities carried out by prime sponsors and other eligible applicants under title I of this Act, the Secretary shall, either directly or by way of grant contract, or other arrangement with public agencies and private organizations—

(1) provide training, staff development, and technical assistance;

(2) carry out a comprehensive program of research and experimental, demonstration, and pilot programs to improve understanding and methods of meeting employment and training needs;

(3) develop a comprehensive system of labor market information on a national, State, local or other appropriate basis, which shall be made publicly available in a timely fashion; and,

(4) establish and carry out a nationwide computerized job bank program on a regional, State, or local basis, using electronic data processing and telecommunications systems to the maximum extent possible for the purpose of identifying sources of available persons and job vacancies, providing an expeditious means of matching the qualifications of unemployed, underemployed, and economically disadvantaged persons with employer requirements and job opportunities, and referring and placing such persons in jobs;

(b) For the purpose of training, staff development, and technical assistance under paragraph (1) of subsection (a), the Secretary may reserve from the funds allocated to title II in each fiscal year such sums as he deems necessary: Except that the Secretary shall make available to the Secretary of Health, Education, and Welfare not less than 30 per centum of funds reserved under said paragraph for the purpose of carrying out training staff development and technical assistance programs relating to elements of a health, education, or welfare character with respect to which concurrence of the Secretary of Health, Education, and Welfare is required under subsection (a) of section 210.

SPECIAL YOUTH SUMMER EMPLOYMENT ASSISTANCE FUND

SEC. 204. (a) There is hereby established in the Treasury a revolving fund to be known as the Special Youth Summer Employment Assistance Fund (hereinafter referred to as the "fund"). There are authorized to be appropriated for such fund $450,000,000 for the fiscal year ending June 30, 1974, $500,000,000 for the fiscal year ending June 30, 1975, and $550,000,000 for the fiscal year ending June 30, 1976. Amounts appropriated pursuant to section 3 of this Act which are not needed for immediate expenditure in accordance with this Act and amounts appropriated pursuant to this section shall be deposited in such fund to be available for obligation without fiscal year limitation in accordance with this Act. The Secretary is directed to utilize sums deposited in the fund to provide assistance under this section.

(b) The Secretary shall enter into agreements with public agencies and private organizations, including eligible applicants under title I, subject to the provision of section 201 of this Act, in order to make financial assistance available for Neighborhood Youth Corps summer and other programs providing employment, training, and services for economically disadvantaged persons who have attained fourteen years of age, but not twenty-two years of age including programs providing financial incentives to private employers, nonprofit organizations and public employers to employ or train such persons during the summer months.

(c) The Secretary shall apportion funds made available pursuant to subsection (b) among urban and rural areas, including areas having high concentrations or substantial numbers of economically disadvantaged persons eligible under this section in such a manner as to ensure equitable coverage of eligible economically disadvantaged persons irrespective of residence.

SPECIAL MODEL YOUTH EMPLOYMENT PROGRAMS

SEC. 205. The Secretary may provide financial assistance to any public or private agency to carry out special model youth employment and training programs for economically disadvantaged unemployed and underemployed youth who have attained fourteen years of age, but not twenty-two years of age, including but not limited to the establishment of special youth employment service agencies to provide a channeling of employment and training resources to youth in a neighborhood, poverty area, or other area possessing a commonality of interest; the establishment and operation of special youth employment skill centers and facilities; programs involving the private sector in the solution of special employment problems of such youth; and services and activities dealing with youth who are criminal offenders as otherwise charged with a crime, heroin addicts, or other drug-abusing persons.

SPECIAL DEMONSTRATION PROGRAM

SEC. 206. (a) The Secretary is authorized to conduct a special program to demonstrate the efficacy of providing certificates to economically disadvantaged, unemployed, and underemployed persons entitling private employers who provide employment, training, and services to such persons at their request to payment in amount equal to the face value of the certificate for periods of time during which such person may not be fully productive.

(b) In order to implement subsection (a), the Secretary shall, during the two-year period beginning July 1, 1972, issue certificates to economically disadvantaged, unemployed, and underemployed persons entitling private employers who provide employment training and related services to such persons to reimbursement of part of the cost thereof. Such certificates shall be issued by the Secretary in accordance with regulations which he shall prescribe; except that—

(1) the amount of the certificate shall not exceed the comparable cost of other programs providing employment and training opportunities and related services, but the Secretary may issue certificates in different amounts based either upon the extent of employment, training and services to be offered to the individual or to test the relative effectiveness of certificates of differing amounts;

(2) the Secretary shall insure, to the maximum extent consistent with the purposes of this section, that the demonstration is con-

ducted so as to benefit, on an equitable basis, economically disadvantaged, unemployed, and underemployed persons residing in rural and urban areas;

(3) no certificate shall be issued to any person receiving assistance (except referral or counseling services) under any other employment or training program conducted under this or any other Act;

(4) the Secretary shall insure that the certificate relates only to employment training and services which will provide preparation to the participant for employment appropriate to his or her abilities.

(c) Upon receipt of any certificate the Secretary shall pay to any private employer, in accordance with its terms, the amount of its face value. Such payments shall be made by the Secretary in accordance with regulations prescribed by the Secretary, on a periodic or lump-sum basis; except that—

(1) the Secretary shall prescribe, as a condition to receipt of all, or a portion, of the face amount, that the employer continue to employ the participant for no less than six months after the certificate has expired;

(2) no payment shall be made for any employment that does not meet the wage and other requirements set forth in subsection (b) of section 209 and subsection (b) of section 212 of this title;

(d) The Secretary shall provide for a continuing evaluation of programs conducted under this section;

(e) The Secretary shall report to the Congress not later than January 1, 1974, on the results of the demonstration program conducted under this section, together with his recommendations (including recommendations for legislation) and shall provide the Congress with an interim report not later than January 1, 1973;

NATIONAL EMPLOYMENT AND TRAINING ADVISORY COMMITTEE

SEC. 207. (a) The President, in consultation with the Secretary of Labor, the Secretary of Health, Education, and Welfare, and the Director of the Office of Economic Opportunity shall appoint a National Employment and Training Advisory Committee which shall consist of at least thirteen but not more than seventeen members and shall be composed of persons representative of labor, management, agriculture, education, vocational education, vocational rehabilitation, employment and training programs, economic opportunity programs, civil rights, and veteran's organizations and the general public and which shall include participants in programs conducted under this Act, including youth participants. From the members appointed to such Committee, the President shall designate a Chairman. Members shall be appointed for terms of thee years except that (1) in the case of initial members, one-third of the members shall be appointed for terms of one year each and one-third of the members shall be appointed for terms of two years each, and (2) appointments to fill the unexpired portion of any term shall be for such portion only. Such Committee shall hold not less than two meetings during each calendar year.

(b) The National Employment and Training Advisory Committee shall—

(1) identify the employment and training goals and needs of the Nation and assess the extent to which educational, vocational education, institutional training, vocational rehabilitation, employment and training, economic opportunity, equal employment opportunity, antipoverty and other programs under this and related Acts represent a consistent and coordinated approach to meeting such needs and achieving such goals;

(2) review the administration and operation of the programs referred to in clause (1) and advise the Secretary of Labor, the Secretary of Health, Education, and Welfare, and the Director of the Office of Economic Opportunity and other appropriate officials as to the carrying out of their duties under this Act and related Acts;

(3) conduct independent evaluations of programs carried out under this and related Acts and publish and distribute the results thereof; and

(4) make an annual report, and such other reports as it deems necessary to the President and to the Congress (including recommendations for changes in legislation) for the improvement of the administration and operation of such programs. The President is requested to transmit to the Congress as a part of his report under subsection (a) section 214 such comments and recommendations as he may have with respect to such reports of the National Employment and Training Advisory Committee.

(c) The National Employment and Training Advisory Committee may accept and employ or dispose of gifts or bequests, either for carrying out specific programs or for its general activities or for such responsibilities as it may be assigned in furtherance of subsection (b) of this section.

(d) Appointed members of the National Employment and Training Advisory Committee shall be paid compensation at a rate not to exceed the per diem equivalent of the rate for GS–18 when engaged in the work of the Committee, including traveltime, and 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.

(e) The National Employment and Training Advisory Committee is authorized, without regard to the civil service laws, to engage such technical assistance as may be required to carry out its functions; to obtain the services of such full-time professional, technical, and clerical personnel as may be required in the performance of its duties, and to contract for such assistance as may be necessary.

(f) For the purposes of this section, funds may be reserved by the Secretary from the sums allocated to carry out this title.

LEGAL AUTHORITY

SEC. 208. Subject to the provisions of section 201 and of subsection (a) of section 210, and section 211 of this Act, the Secretary may prescribe such rules, regulations, guidelines, and other published interpretations or orders under this Act as he deems necessary. Rules, regulations, guidelines, and other published interpretations or orders issued by the Department of Labor, or any official thereof, for the purpose of carrying out this Act, shall contain, with respect to each material provision of such rules, regulations, guidelines, interpretations, or orders, citations to the particular section or sections of statutory law or other legal authority upon which such provision is based and shall be binding upon approved applicants conducting programs under this Act. Such rules, regulations, guidelines, and other published interpretations or orders may include adjustments authorized by section 204 of the Intergovernmental Cooperation Act of 1968.

SPECIAL LIMITATIONS AND CONDITIONS

SEC. 209. (a) (1) 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.

(2) Any amounts received under chapters 11, 13, 31, 34, or 35 of title 38, United States Code, by any veteran, 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 title, shall not be considered for purposes of determining the needs of qualifications of participants in programs under this Act.

(3) Acceptance of family planning services provided to persons participating in programs under this Act 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.

(4) The Secretary shall not provide financial assistance for any program under this Act 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 programs can be compared, appropriately, comparative effectiveness of the programs authorized under this Act. Such data shall include information on—

(A) enrollee characteristics, including age, sex, race, health, education level, and previous wage and employment experience;

(B) duration in employment and training 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

(C) total dollar cost per trainee, including breakdown between salary or stipend, training and supportive services, and administrative costs.

The Secretary shall compile such information on a prime sponsor, State, regional, and national basis.

(5) The Secretary shall not provide financial assistance for any program under this Act unless 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, political affiliation, or beliefs.

(6) The Secretary shall not provide financial assistance for any program under this Act which involves political activities; and neither the program, the funds provided therefor, or personnel employed therein shall be, in any way or to any extent, engaged in the conduct of political activities of contravention of chapter 15 of title 5, United States Code.

(7) The Secretary shall not provide financial assistance for any program under this Act unless he determines in accordance with guidelines established by him 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.

(8) All laborers and mechanics employed by contractors or subcontractors in any construction, alteration, or repair, including painting and decorating of projects, build-

ings, and works which are federally assisted under this Act, shall be paid wages at rates not less than those prevailing on similar construction 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). The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 or 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)).

(9) Every participant shall be advised, prior to participation in any program, of his rights, benefits, and responsibilities in connection with such program.

(b) The Secretary shall not provide financial assistance for any public service job program under this Act unless he determines, in accordance with such regulations as he shall prescribe, that—

(1) the program will result in an increase in employment opportunities over those which would otherwise be available and 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), and 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;

(2) all persons employed in a public service job under this Act will be assured of workman's compensation, retirement, 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;

(3) the provision of section 2(a)(3) of Public Law 89-286 shall apply to such agreements; and

(4) the program will, to the maximum extent feasible, contribute to the occupational development or upward mobility of individual participants.

(c) In carrying out public service employment programs assisted under this Act special consideration shall be given to economically disadvantaged, unemployed, or underemployed persons with priority to economically disadvantaged persons who served in the Armed Forces on or after August 5, 1964, in accordance with criteria established by the Secretary (and who have received other than dishonorable discharges); and the secretary shall insure that the public applicant shall (A) make a special effort to acquaint such individuals with the program, and (B) coordinate efforts on behalf of such persons with those authorized by chapter 41 of title 38, United States Code (relating to job counseling and employment service for veterans) or carried out by other public or private organizations or agencies.

(d) For programs which provide work and training related to physical improvements, special consideration shall be given to those improvements which will be substantially used by economically disadvantaged persons or which will contribute substantially to amenities or facilities in urban or rural areas having high concentrations or proportions of economically disadvantaged persons and families.

(e) Where a labor organization represents employes who are engaged in similar work in the same labor market 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.

(f) The Secretary shall prescribe regulations to assure that programs under this Act 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.

PROGRAM COORDINATION

SEC. 210. (a) The Secretary shall not provide funds of a health, education, or welfare character under this Act or prescribe rules, regulations, guidelines, published interpretations or orders under this Act with respect thereto unless he shall first have obtained the concurrence of the Secretary of Health, Education, and Welfare. Such activities shall include but not be limited to basic and general education; health, child care, programs for criminal offenders and related activities; and supported employment and job restructuring in the health, education, and welfare professions.

(b)(1) The Secretary shall enter into appropriate arrangements with the Secretary of Health, Education, and Welfare, the Director of the Office of Economic Opportunity, the Attorney General, and other appropriate officials conducting programs for the treatment and rehabilitation of heroin addicts and other drug-abusing persons including methadone maintenance, abstinence and other therapeutic treatment programs for the referral of such persons to programs providing employment and training opportunities under this Act and for referral from such programs to treatment and rehabilitation programs; (ii) the Secretary may require any prime sponsor, as a condition to financial assistance under this Act, to enter into appropriate referral and other arrangements with local public agencies or private organizations or institutions administering programs for the rehabilitation of such addicts and other persons.

SPECIAL PROVISION

SEC. 211. The Secretary, with the concurrence of the Director of the Office of Economic Opportunity, shall establish procedures pursuant to regulations in insure that economically disadvantaged persons residing without areas having high concentrations of economically disadvantaged persons receive assistance provided under this Act on an equitable basis relative to economically disadvantaged persons residing in such areas.

ALLOWANCES AND COMPENSATION

SEC. 212. (a) The Secretary shall, where appropriate, provide for the payment of weekly allowances to individuals receiving services under this Act. Such allowances shall be at a rate prescribed by the Secretary which, when added to amounts received by the trainee in the form of public assistance or unemployment compensation payments, shall approximate the minimum wage for a workweek of forty hours under section 6(a)(1) of the Fair Labor Standards Act of 1938 or, if higher, under the applicable State minimum wage law, or, where the trainee is being trained for particular employment, at a rate equal to 80 per centum of the weekly wage for such employment, whichever is greater. In prescribing allowances, the Secretary may allow additional sums for special circumstances such as exceptional expenses incurred by trainees, including but not limited to meal and travel allowances, or he may reduce such allowances by an amount reflecting the fair value of meals, lodging, or other necessaries furnished to the trainee. The Secretary shall take such action as may be necessary to insure that such persons receive no allowances without good cause with respect to periods during which they are failing to participate in such programs, training, or instruction as prescribed herein. Notwithstanding the preceding provisions of this subsection, the Secretary may, in accordance with such regulations as he shall prescribe, make such adjustments which take into account the amount of time per week spent by the individual participating in such programs and adjustments to reflect the special economic circumstances which exist in the area in which the program is to be conducted. Allowances shall not be paid for any course of training having a duration in excess of one hundred and four weeks.

(b) All persons employed under programs assisted under this Act shall be paid wages which shall be equal to whichever is the highest of (A) the minimum wage which would be applicable to the employment 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 in the same labor market area for persons employed in similar occupations.

(c) For purposes of subchapter I of chapter 81 of title 5, United States Code, any person receiving services under this Act shall, under such circumstances and subject to such conditions and limitations as the Secretary shall by regulation prescribe, be considered an employee of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provisions of that subchapter shall apply, except that in computing compensation benefits for disability or death, the monthly pay of such person shall be deemed to be his allowance for a month, if he is receiving one. Regulations prescribed by the Secretary under this subsection may include but are not limited to adjustments in the amount of compensation payable under this subsection to take into account entitlements to workmen's compensation under other applicable laws or arrangements.

INTERSTATE AGREEMENTS

SEC. 213. In the event that cooperation or agreements between States is necessary in order to realize the full benefit of provisions of this Act, the consent of Congress is hereby given to such States to enter into such agreements.

ADMINISTRATIVE FUNCTIONS

SEC. 214. (a) The Secretary is authorized to exercise all powers necessary for the implementation of this Act, including the power (1) to rent or renovate real property without regard to any other law or regulation governing rental or renovation of such property, provided he first advises the Administrator of General Services Administration of his intent to do so and the reasons therefor, (2) to purchase real property for training centers, (3) to accept and use gifts and voluntary services for the benefit of the program, (4) to enter into contracts or agreements, (5) to make such payments in advance or by way of reimbursement as he may deem to be necessary or appropriate to carry out the provisions of the Act, and (6) to expend, without regard to the provisions of any other law or regulation, funds made available for purposes of this Act for printing and binding.

(b) Enrollees in residential centers assisted under section 202(1) of this title shall not be regarded as Federal employees for any purpose, except that such enrollees shall be deemed Federal employees for the purposes of (1) the Federal tort claims provisions of title 28, United States Code; (2) the Internal Revenue Code of 1954 (26 U.S.C. 1 et seq.) and title II of the Social Security Act (42 U.S.C. 401 et seq.); and (3) subchapter I of chapter 81 of title 5 of the United States Code.

REPORTS

SEC. 215. (a) The Secretary of Labor, in consultation with the Secretary of Health, Education, and Welfare, shall make such reports and recommendations to the President as he deems appropriate pertaining to employment and training requirements and re-

sources and manpower use, and the President shall transmit to the Congress within sixty days after the beginning of each regular session a report pertaining to such matters which report shall indicate the number of employment opportunities and training opportunities provided to economically disadvantaged, unemployed and underemployed persons, and significant segments thereof including heroin addicts and other drug abusing persons.

(b) The Secretary of Labor and the Secretary of Health, Education, and Welfare shall report to the Congress by January 20, 1973, on the extent to which community colleges, area vocational and technical schools, and other vocational educational agencies and institutions have been utilized to carry out employment and training programs supported in whole or in part from provisions of Title I of the Economic Opportunity Act of 1964 and the Manpower Development and Training Act of 1962 as amended, the extent to which administrative steps have been taken and are being taken to encourage the use of such facilities, agencies, and institutions in the carrying out the provisions of this Act and any further legislation that may be required to assure effective coordination and utilization of such facilities and agencies to the end that all federally supported employment, training and vocational educational programs can more effectively accomplish their objectives of providing all persons needing occupational training an opportunity for such training.

(c) The Commissioner of Education shall report to the Congress within one year from enactment of this Act on the extent to which vocational orientation, preparation, and education are being incorporated in regular elementary and secondary education programs and curricula to the end that educational institutions serving youth during years of compulsory school attendance are affording meaningful opportunities, education, and incentives for students to enter vocational careers and with respect to any legislation that may be necessary to facilitate an appropriate combination of vocational and academic education.

AMENDMENT TO MANPOWER DEVELOPMENT AND TRAINING ACT OF 1962

SEC. 216. (a) Subsection (a) of section 310 of the Manpower Development and Training Act of 1962 is amended by striking "1972" and inserting in lieu thereof "1973";

(b) Subsection (b) of said section is amended by striking "1972" and inserting in lieu thereof "1973".

EFFECTIVE DATE

SEC. 217. Except as otherwise provided in this Act shall take effect July 1, 1972. Rules, regulations, guidelines, and other published interpretations or orders may be issued by the Secretary at any time after the date of its enactment.

AMENDMENT TO THE ECONOMIC OPPORTUNITY ACT OF 1964

SEC. 218. (a) Effective July 1, 1973, title I of the Economic Opportunity Act of 1964 is amended by—

(1) amending all of the matter that appears preceding part D thereof to read as follows:

"TITLE I—MANPOWER DEVELOPMENT AND COMMUNITY ECONOMIC DEVELOPMENT PROGRAMS

"PART A—RESEARCH, EXPERIMENTAL, AND DEVELOPMENTAL AUTHORITY IN THE MANPOWER AREA

"STATEMENT OF PURPOSE

"SEC. 101. It is the purpose of this part to provide authority for the conduct of research, experimental, and developmental activities focused on providing more effective means for dealing with the employment and employment-related problems of economically disadvantaged persons.

"ACTIVITIES AUTHORIZED

"SEC. 102. The Director is authorized to contract with or provide financial assistance to public or private agencies or organizations for the payment of all or part of the costs of developing and carrying out programs designed to further the purposes of this part. Programs assisted under this part shall be of an experimental, developmental, demonstration, or pilot nature and shall be structured in such manner as the Director deems will best equip them to yield information as to the relative effectiveness of various approaches (including new approaches and refinements or variations of traditional approaches) directed to the solution of the employment and employment-related problems of the economically disadvantaged. Such programs may include provision for supportive and followup services.

"TECHNICAL ASSISTANCE AND TRAINING

"SEC. 103. The Director may provide (directly or through contracts or other appropriate arrangements) technical assistance to assist in the initiation or effective operation of programs under this part. He may also make arrangements for the training of instructors and other personnel needed to carry out programs under this part.

"RESEARCH AND EVALUATION

"SEC. 104. The Director is authorized to contract with or provide financial assistance to public or private agencies or organizations for research pertaining to the purposes of this part. He shall also provide for the careful and systematic evaluation of programs related to the purposes of this part, directly or by contracting for independent evaluations, with a view of measuring specific benefits, so far as practical, and providing information needed to assess the relative potential of the various approaches employed in such programs for contributing significantly to the solution of employment and employment-related problems of the economically disadvantaged. He shall further be required, as appropriate, to disseminate such findings to prime sponsors of comprehensive community employment and training programs under the Comprehensive Community and Employment Training Act and to other interested agencies. In formulating plans for the implementation of this section, the Director shall consult with the Secretary of Labor and, as appropriate, with the heads of other Federal agencies.

"SPECIAL CONDITIONS

"SEC. 105. Participants in programs under this part shall not be deemed Federal employees and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employment benefits.";

(2) redesignating part D thereof as part B and sections 150 through 155 as sections 121 through 126, respectively;

(3) striking out part E thereof and

(4) redesignating part F as part C and section 171 as section 141.

(b) Effective with respect to fiscal years after June 30, 1971, esction 810(a) of the Economic Opportunity Act of 1964 is amended by striking the word "and" at the end of paragraph (2) thereof, 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 II of the Comprehensive Employment and Training Act.".

(c) 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.

COMMUNITY MANPOWER TRAINING AND EMPLOYMENT ACT OF 1972

SECTION-BY-SECTION ANALYSIS

SEC. 2. *Statement of Findings and Purposes.* This section states the findings that large numbers of economically disadvantaged, unemployed and under-employed percons 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.

SEC. 3. *Authorized Appropriations.* This section authorized appropriations under the Act of $2.5 billion for FY '74, $3 billion for FY '75, and $3.5 billion for FY '76. (Additional appropriations are authorized under the Act for a Special Youth Summer Employment Assistance Fund, under Section 204, described below.)

This section also authorizes the appropriation of $100 million for FY '73 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))

SEC. 4. *Advance Funding.* This section contains advance funding authority.

SEC. 5. *Definitions.* This section defines the terms: Secretary; State; local service company; health care; city; Wagner-Peyser Act; public service; unemployed persons; underemployed; economically-disadvantaged persons; and certain other terms.

Title I—Community Training and Employment Programs

SEC. 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.

SEC. 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))

SEC. 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 combination) 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)).

SEC. 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 assurance 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.

SEC. 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. The Secretary may reserve up to 5% of funds allocated for use within a State for these purposes.

SEC. 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 contains a maintenance of effort clause. (subsection (c), (d) and (e))

SEC. 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))

SEC. 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.

SEC. 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

SEC. 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.

SEC. 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 to meet the special needs of economically disadvantaged persons.

SEC. 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.

SEC. 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.

SEC. 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.

SEC. 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.

SEC. 207. *National Employment and Training Advisory Committee.* This section authorizes an interdisciplinary committee of not less than 13, no 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.

SEC. 208. *Legal Authority.* This section authorizes the Secretary to prescribe rules as necessary.

SEC. 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 evaluation 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 employer; 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 concentration 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))

SEC. 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))

SEC. 211. *Special Provision.* This section requires the Secretary and the Director of the Office of Economic Opportunity to ensure that economically disadvantaged persons re-

siding outside areas having high concentrations of such persons, receive assistance on an equitable basis under the Act.

SEC. 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.

SEC. 213. *Interstate Agreements.* This section grants the consent of the Congress to interstate agreements necessary to achieve the purposes of the Act.

SEC. 214. *Administrative Functions.* This section grants administrative powers to the Secretary.

SEC. 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.

SEC. 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.

SEC. 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.

SEC. 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.

COMPARISON BETWEEN COMMUNITY MANPOWER TRAINING AND EMPLOYMENT ACT OF 1972; S. 1243, MANPOWER REVENUE SHARING ACT OF 1971; AND S. 3867, EMPLOYMENT AND TRAINING ACT OF 1970*

COMMUNITY MANPOWER TRAINING AND EMPLOYMENT ACT OF 1972	MANPOWER REVENUE SHARING ACT OF 1971	S. 3876—EMPLOYMENT AND TRAINING ACT OF 1970
	Authorizations	
FY '73: $100.0 million for planning, technical assistance FY '74: $3.45 billion ($2.5 billion basic, $450.0 million for special youth fund) FY '75: $4.5 billion ($3.0 billion basic, $500 million for youth fund) FY '76: $5.55 billion ($3.5 billion basic, $550 million special youth fund.	Such sums permanent authorization	FY '71: $200 million for public service employment. FY '72: $2 billion for basic and additional $400 million for public service employment. FY '73: $2.5 billion basic and $600 million for public service employment. FY '74: $3 billion basic and $800 million for public service employment. Of the basic authorization in each year after FY '72, ⅓ allocated to public service employment.
	Eligible applicants and prime sponsors	
Under Title I ("Community Employment programs") governmental prime sponsors (cities with 75,000; counties with 100,000, and combinations) are eligible to serve as prime sponsors; with state responsible for remaining areas.	Under Title I ("State and Local Programs"), states, cities, counties or combinations with 100,000 which are in standard metropolitan statistical areas, eligible.	Same sponsorship as Comprehensive Community Employment and Training Act.
Other public or non-profit agencies also eligible for direct assistance under Title I and under Title II ("Special Federal Programs").	Other public and non-profit private agencies directly eligible only under Title II ("Secretary's Activities).	Same as above.
Funds available to eligible applicants for State and local programs and approval thereof by Secretary		
The following percentages of the basic authorization: 65% FY '74. 75% FY '75. 85% FY '76.	85% of all fund appropriated for each fiscal year.	As a general matter ⅔ of basic authorization and all of special public service funds.
Prior approval by Secretary.	No prior approval by Secretary.	Prior approval by Secretary.
Effect on existing programs (e.g. Job Corps, Mainstream, Neighborhood Youth Corps, Industrial Opportunity Center, New Careers)		
Secretary authorized to continue under Title II from funds not allocated to Title I in each year (see above). Also eligible (basically through prime sponsors) under Title I.	Eligible under Title I and Title II, but no special provisions.	Essentially the same as Comprehensive Community Employment and Training Act.
	Effect on Existing Programs (cont'd.)	
Secretary required to insure existing programs given due consideration by State and local sponsors under title I.	No comparable provision. Same.	No comparable provision.
	Focus on Particular Segments of Eligible Persons	
Economically disadvantaged, unemployed and underemployed persons eligible.	Same.	Same.
Priority to economically disadvantaged.	Priority to economically disadvantaged and persons on welfare.	No comparable provision.
Reservations from funds under title I for Indians, migrants, bilingual persons, and older persons.	No comparable provision.	Separate titles and programs for each group with reservations and additional authorizations.
	Public Service Employment	
Among the activities prime sponsors may fund under title I.	Same. No comparable provision.	Of the basic authorization in each year after FY '72, ⅓ allocated therefor. Separate title for public service employment, with additional authorization (see above "Authorization"). General authority in the Secretary to review status of person in public service job, to determine if better opportunities are available.
No limit on participation but full federal matching (as compared with 90% under the Act generally) where prior arrangements made for subsequent nonsubsidized public or private employment.	Two-year limit on participation.	

*Passed by both Houses of the Congress, but vetoed by the President.

COMPARISON BETWEEN COMMUNITY MANPOWER TRAINING AND EMPLOYMENT ACT OF 1972; S. 1243, MANPOWER REVENUE SHARING ACT OF 1971; AND S. 3867, EMPLOYMENT AND TRAINING ACT OF 1970*—Continued

COMMUNITY MANPOWER TRAINING AND EMPLOYMENT ACT OF 1972—Continued	MANPOWER REVENUE SHARING ACT OF 1971—Continued	S. 3876—EMPLOYMENT AND TRAINING ACT OF 1970—Continued
	Special "Emergency Funds"	
No special provision; anticipates refinement and inclusion of elements of Emergency Employment Act of 1971.	Authorizes in each fiscal year an additional 10% of funds appropriated under Act when national unemployment 4.5% or above.	Authorizes in each fiscal year $200 million when national unemployment 4.5% or above and an additional $200 million when equals or exceeds 5%.
Contains special summer youth employment fund (see "Authorization" above).	No comparable provision.	No comparable provision.
	Effective Date	
July 1, 1972 for planning, fully operative July 1, 1973.	July 1, 1972.	July 1, 1973.
	Effect on Existing authority	
Extends Manpower Development and Training Act of 1962 through June 30, 1973.	Repeals Title I D Economic Opportunity Act and MDTA, effective June 30, 1972.	Repealed Title I D Economic Opportunity Act and MDTA effective June 30, 1971.

*Passed by both Houses of the Congress, but vetoed by the President.

[From the CONGRESSIONAL RECORD, Dec. 7, 1971]

COMPREHENSIVE CORRECTIONAL TRAINING AND EMPLOYMENT ACT

Mr. JAVITS. Mr. President, I send to the desk a bill on behalf of myself and the distinguished Senator from Michigan (Mr. HART) who is the principal cosponsor. We are joined in this measure by Senators BAYH, BROOKE, BURDICK, CRANSTON, EAGLETON, JACKSON, KENNEDY, MCGOVERN, MONDALE, MUSKIE, NELSON, PELL, RANDOLPH, STAFFORD, STEVENSON, and TUNNEY.

The act authorizes the Secretary of Labor, in coordination with the Attorney General and the Secretary of Health, Education, and Welfare, to make available training and employment opportunities for offenders, including work release and other programs for incarcerated offenders, jobs in the public and private sectors, as well as pretrial intervention and probation programs, technical assistance and research.

We propose, in short, that the administration and members of the Congress join in formulating a national effort through which public resources and private efforts may be combined to improve opportunities for offenders, to increase the effectiveness of the correctional process and to better serve the Nation by reducing recidivism.

Mr. President, it has been apparent for some time—and the events at Attica and elsewhere serve as a tragic reminder—that prisoner rehabilitation and related offender processes are in disgraceful shape, with a heavy cost for society and the individuals involved.

As President Nixon stated, on November 14, 1969:

"The American system for correcting and rehabilitating criminals presents a convincing case of failure. No realistic programs to substantially reduce crime can ignore the appalling deficiencies in our prisons and rehabilitation efforts."

There are many inadequacies in our present correctional process which must be addressed, but, as the President's task force on prisoner rehabilitation stated in its April 1971, report:

"Satisfying work experiences for institutionalized offenders including vocational and pre-vocational training when needed, and the assurance of decent jobs for released offenders, should be at the heart of the correctional process."

Yet, surveys have established that 90 percent of local penal institutions have no training or education at all; 85 percent of Federal inmates lack any marketable skill and have not completed high school; ex-offenders have levels of unemployment three times the norm; and less than one-third of inmates who receive training use it in their first job.

It is not surprising that two out of three persons confined in correctional institutions are repeaters.

The measure which we introduce today seeks to provide a framework to begin to remedy these deplorable facts. It has been designed with particular attention to three major objectives:

First, we have identified the various elements of manpower training and employment programs which have been demonstrated to be particularly effective in rehabilitating offenders; in this regard, we drew heavily upon the experience of the Department of Labor and the Department of Health, Education, and Welfare under the general provisions of the Manpower Development and Training Act of 1962, particularly the demonstration section contained in section 251 of that act.

A key element is the provision of pretrial manpower training and employment opportunities. The Department of Labor has funded test programs in seven cities—Cleveland, Minneapolis, San Antonio, Baltimore, Boston, Atlanta, Newark—under which persons charged with crime are given the opportunity to be committed for training and placement assistance for a 90-day period prior to judicial consideration of their cases. The training staff subsequently makes a recommendation to the court, relating to disposition of the case, which may include further training or employment. In a demonstration project along these lines involving defendants 15 to 25 years of age conducted last year in Washington, D.C., it was found that participants committed further criminal acts at a rate less than one-half of that of a control group that did not receive the manpower training project services. A similar program, the Manhattan court project, has been conducted with considerable success in New York City.

Another important element concerns the provision of manpower training and related services during confinement in prison, where inmates do not now have the opportunity to make maximum use of their time. Considerable promise has been shown in programs under which prisoners are permitted to receive training in real work situations with up-to-date equipment and the involvement of the private sector. For example, at Greenhaven Prison in Poughkeepsie, N.Y., training is provided for 40 prison inmates in office machine repair under a program conducted with the assistance of the private sector. In New York City, the Department has funded a program for a community treatment center for 40 offenders awaiting parole or release from Federal institutions; inmates receive employment placement, counseling, and job training. Another program is underway at Rikers Island, N.Y., where 100 training slots in metal fabrication, woodworking, and production machine work are supplemented with basic education and vocational training.

In a project conducted by the South Carolina Department of Crime, inmates have been working in industry and private business during the day in communities in which they plan to live upon release from incarceration, returning to community prerelease centers at night. In the last 5 years, work release inmates have paid from their earnings nearly $500,000 to the Department of Corrections for room and board and more than $300,000 to support their families.

Mr. President, perhaps the most crucial element is linking the training to an actual job.

The importance of such a link has been demonstrated generally in the JOBS program, conducted by the National Alliance of Businessmen and funded by the Department of Labor under which almost 600,000 opportunities have been provided for the disadvantaged over the last 4 years.

But, this approach has been applied to criminal offenders only in a handful of cases and the National Alliance of Businessmen has advised me that it has no estimate of the number of offenders or ex-offenders currently involved in their programs.

The Departments of Labor, Health, Education, and Welfare, and Justice are currently funding joint projects to this end—for example "Project Transition" which supplements the South Carolina work-release program to which I referred—but these efforts represent only a very small beginning, compared with the potential that exists through a combination of public and private resources.

Mr. President, the bill we introduce today emphasizes the links between training and employment opportunities by—

Giving funding priority in respect to training programs for those efforts as to which prior arrangements have been made for subsequent employment;

Involving private industry and up-to-date equipment in training programs assisted under the title;

Requiring the Secretary and the applicant to determine that training which relates to a job for which there is generally a demonstrated demand on the National, State, and local level;

Requiring the formation of advisory committees for programs, including representatives of the private sector, as well as participants in the programs.

Moreover, it provides for an increase in the jobs generally available to criminal offenders and persons charged with crimes by—

Authorizing the Secretary to provide employment opportunities in the public and private sectors, with reimbursement where necessary;

Requiring the Secretary to insure that programs involving criminal offenders and persons charged with crimes are given full consideration for funding under the on-the-job training and job creation programs under the Manpower Development and Training Act of 1962, the Economic Opportunity Act of 1964, and the Emergency Employment Act of 1971;

Authorizing the Secretary to provide personnel to assist the U.S. Employment Service in providing jobs;

Requiring the Commissioner of the Civil Service Commission to report to the President and to the Congress on the manner in which Federal jobs may be increased.

As this bill is considered in the context of manpower reform generally, we shall consider what quotient of public service jobs may be set aside particularly for criminal offenders, and persons charged with crime.

Second, we have sought to insure that the programs authorized under the title will interlock with existing programs and advance the larger objective of comprehensive and coordinated penal reform.

To this end, the bill:

Grants considerable flexibility to the Secretary of Labor in choosing between public and private agencies, institutions, and organizations for the planning, conduct, and evaluation of programs;

Requires the Secretary of Labor and the Attorney General to enter into agreements to assure the combining of resources, maximum program coordination and joint planning between programs conducted under the Safe Streets Act and other similar laws. Of the $700 million available for correctional programs under that act for this fiscal year, approximately $2 million will be spent on training in correctional institutions;

Requires the Secretary of Labor and the Secretary of Health, Education, and Welfare to enter into agreements under which the latter shall be responsible for providing education to persons assisted under the title and for maintaining linkage to educational, vocational education, and rehabilitation to programs, as currently is the case under existing programs.

Third. we seek a substantial increase in Federal funding for offender programs.

The administration is to be commended for the priority that it has given to these efforts—expanding funding from less than $1 million in fiscal 1968 to $31 million in the current fiscal year, but the training and employment programs still account for less than 1 percent of the $4 million spent on manpower programs generally and less than 4 percent of the $1 billion spent for corrections generally.

The bill authorizes the appropriation of $40 million for fiscal year 1972, $100 million for fiscal 1973, and $200 million for fiscal year 1974.

We consider these amounts to be reasonable yearly additions which may be put to effective use, to cut into the overall need—which is so much greater:

With respect to pretrial programs, the Department of Labor efforts will reach 4,000 dependents, approximately three-tenths of 1 percent of the total of one and a quarter million individuals who are under the jurisdiction of the criminal justice system at any one time. Many of whom are of an appropriate age for such program.

With respect to correctional institutions, its programs will reach 6,000 inmates nationwide while 400,000 persons—60 times that number—are now incarcerated in correctional institutions in the Nation.

Mr. President, I am glad to note that Senator GAYLORD NELSON, chairman of the Subcommittee on Employment, Manpower, and Poverty of the Senate Committee on Labor and Public Welfare, of which I am the ranking minority member, intends to have hearings on such programs, as a part of consideration of comprehensive manpower reform early next session, and I hope to have the benefit of comments and suggestions of the administration, as well as experts in the field with respect to the approach which I have proposed. Particularly, I hope we will consider what portion of funding might be expressly reserved for the essential educational element.

We look forward also to working with members of the Subcommittee on Criminal Laws and Procedures for the Committee on the Judiciary, as well as the Subcommittee on Penitentiaries—whose chairman, Mr. BURDICK, held very beneficial hearings on this subject earlier this year.

The current situation and the goals which we seek were expressed by Chief Justice Warren E. Burger, in remarks before the Association of the Bar of the City of New York, on February 17, 1970. He said:

"Few prisons today have even a minimal education or vocational training program to condition the prisoner for his return to society as a useful self-supporting human being. A distressing percentage of prisoners cannot read or write.

"The training program in most State institutions are limited to a few skills, and there is almost no effort to correlate training programs with the demand for particular skills. It is no help to prisoners to learn to be pants pressers if pants pressers are a glut in the labor market or bricklayers or plumbers if they will not be admitted into a union. I suggest these two simple illustrations to indicate the desperate need for comprehensive and coordinated planning and research at a local and national level. This requires a monumental effort with the best leadership and brains of labor unions, industry, the Departments of Justice, of Labor, and of Health, Education, and Welfare. To be successful these programs need local community support which must involve Churches, YMCA's, Chambers of Commerce and Bar Associations."

Mr. President, as I indicated, inadequate training and job programs is one of the elements contributing to the crisis in our correctional process. I shall introduce additional proposals which would affect other reforms.

February 1, 1972.

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

DEAR SENATOR JAVITS: In response to your letter to January 14, 1972 enclosed you will find a copy of the VERA Institute contract and a report prepared by Dr. I. Ira Goldenberg of Harvard University in 1970 entitled, "Special Problems in Existing Manpower Training and Opportunity Programs: Drug Addiction and Alcoholism."

During fiscal year 1972 the Manpower Administration plans to obligate $728,356 for activities related to drug addiction rehabilitation. A brief description of these activities is also enclosed.

If there is more information I may provide you please let me know.

Sincerely,

MALCOLM R. LOVELL, Jr.,
Assistant Secretary for Manpower.

TITLE OF PROJECT: SUPPORTED EMPLOYMENT PROJECT

(Contract No. 82-36-71-09)

Objective: To determine the effectiveness and costs of a program of creating supported employment for chronic alcoholics and addicts.

Project Procedures or components: The Vera Institute will (a) develop and operate an enterprise, under the auspices of a nonprofit agency, to provide employment at "regular" wages for chronic alcoholics and addicts, (b) determine the extent to which such an activity can, after its developmental stage, generate income for its continuation and the extent to which it would require continuing support, (c) determine the degree to which various participants can perform in low-stress employment situations and/or progress to competitive employment, and (d) analyze the operational practicalities of such an enterprise to develop guides for possible expansion of this type of job creation.

Participating group and characteristics: 75 chronic alcoholics and drug addicts who are unable to maintain employment in the regular community.

Contractor: Vera Institute of Justice, 30 East 39th Street, New York, New York 10016. Telephone: 212 YU6-5380.

Project Director: Gary Walker (address as above).

Funding and Phasing:

Phase I $323,944 Title I MDTA. Phase I—1/1/71—12/31/71.

Phase II increased by $220,356. Phase II—12/30/71—12/31/72.

Total—Phase II $544,300.

MANPOWER ADMINISTRATION—DRUG ADDICTION REHABILITATION PROGRAMS, FISCAL YEAR 1971-72

Drug Abuse Educational Materials—Special films and other educational materials are being developed for the use of Job Corps staff and enrollees. Funding costs in FY 1972 are estimated at $40,000.

Drug Abuse Workshop—Regional workshops are being held by the Job Corps for professional and administrative personnel including those engaged in screening and job placement activities for Job Corps enrollees. The purpose of these workships is to increase the awareness of Job Corps personnel of drug abuse problems. The funding costs for FY 1972 are estimated at $144,000. In FY 1971 the funding costs were $30,000.

National Survey of Job Corps Centers—In FY 1972 Job Corps will undertake a survey in 16 Job Corps centers to gain information about the knowledge, attitudes, and patterns of drug use by corps members of differing geographic and socio-economic backgrounds. The funding costs for FY 1972 are estimated at $121,000. In FY 1971 the amount was $32,000.

Demonstration Projects—In FY 1971 a demonstration project was begun to establish an on-center drug control and prevention program to develop and implement a variety of educational and counselling efforts to work with Job Corpsmen who have been identified as drug users. Two additional projects are to be operational during FY 1972. The funding costs for FY 1972 are estimated at $175,000. In FY 1971 the funding costs were $25,000.

Supported Employment Project—A contract was let with Pioneer Messenger Service, a subsidiary of the Vera Institute of Justice in New York City, to develop and operate an enterprise to provide "regular" employment for drug addicts and chronic alcoholics. A determination will be made as to the extent such an enterprise can be self-supporting and to what extent it can be used as a model for continued use. Funding costs were $323,944 for FY 1971, however, this was for both alcoholics and drug abusers. Drug abusers are about 50 percent of the enrollees. In FY 1972 the amount is $220,356.

National office support to drug abuse programs in the Job Corps was estimated to be $10,000 in FY 1971. Costs in FY 1972 are estimated to be $28,000.

U.S. SENATE,
Washington, D.C., January 14, 1972.

Hon. MALCOLM L. LOVELL, Jr.,
Assistant Secretary for Manpower,
U.S. Department of Labor,
Washington, D.C.

DEAR MR. LOVELL: On December 21, 1971, I wrote requesting information concerned with drug rehabilitation. I am now writing to request some additional information.

Would you please estimate the amount of all manpower training funds used for these purposes.

I would be grateful also for a copy of the VERA Institute contract and of the 1970 survey entitled "Special Problems in Existing Manpower Training and Opportunity Programs", referred to in the excerpt from the manpower report which you enclosed.

Sincerely,

JACOB K. JAVITS.

[From the New York Times, Dec. 14, 1971]

TWENTY-THREE FORMER HEROIN ADDICTS WORK AS TELLERS IN ONE OTB BRANCH

(By James M. Markham)

The man behind the window at an Off-track Betting Corporation office is rarely an

object of scrutiny for the eager bettor standing impatiently in line, hopefully clutching his Morning Telegraph, his scratch sheets and dollar bills.

But since Nov. 30, an unusual group of 21 men and two women has been operating the teller windows at OTB's new office at 575 Lexington Avenue, near 51st Street. All 23 are former heroin addicts.

The experiment was started by Howard J. Samuels, president of OTB, who said yesterday that unless other business in the city changed their policies and started hiring former addicts, "we'll never solve the drug problem."

"And if every office of OTB had the spirit of work—and as good results as the new office has had—then we'd be even farther ahead than we are now," Mr. Samuels said in an interview.

The 23 former addicts—20 are in methadone maintenance programs, three are affiliated with drug-free programs—have been handling up to $19,000 a day in bets. The OTB office, also has seven supervisors, who, are not former addicts.

Preston Jenkins, branch manager of the office, said yesterday that his new employes were more prompt and conscientious than those of two other OTB operations he had worked in, and that the few shortages they had reported had mainly been a result of computer, not human error.

"We open at 7, and they're there at 6:50 waiting for the doors to open," Mr. Jenkins said.

"When I come here to work, I want to come here," said James Cropper, who is shop steward for the 23 new employes, members of Local 2021 of the State, County and Municipal. Employes union. Starting salary is $6,000 a year for an OTB teller.

"It's beautiful," said the 25-year-old Mr. Cropper, who said he had been on methadone for nine months after seven years of heroin addiction.

Mr. Samuels, who is a member of the Mayor's Narcotics Control Council, said that OTB did not approach the hiring of former addicts as "a therapy or make-work project" and that the 23 men and women finally hired had passed the mental aptitude tests normally administered to job applicants.

FEDERAL GRANT USED

The project was paid for by a $100,000 Federal grant from the Law Enforcement Assistance Administration to the Vera Institute of Justice, which prescreened 250 applicants from drug programs in the city who were judged ready for employment. Of the people screened, 40 were chosen for testing by OTB.

The Federal grant provides for the hiring of two counselors, who have a small room in the OTB Lexington Avenue office, as well as of four extra tellers to take some pressure off the new former-addict employes. Ordinarily, the OTB office would have only 20 tellers instead of the present 23; one more may be hired under the provisions of the grant.

David Macton, one of the two counselors, said yesterday that the tellers often turned to him for help in domestic matters such as schools and housing, but that psychological questions also cropped up.

"Some of the people here take it very hard if they make a very small mistake," he said. "I try to tell them that it's normal, that it's not the end of the world."

Mr. Macton added that he kept in touch with the drug programs with which the former addicts were affiliated, where they received more extensive supportive services.

Mr. Samuels said that he hoped eventually to graduate the former addicts out of the Lexington Avenue office and place them in OTB offices throughout the city. He added that if the Lexington Avenue experiment was successful he would consider opening another OTB office staffed by former addicts.

OTB at present has 36 branches, with about 1,500 employees.

MANPOWER PROGRAMS FOR A HEALTHIER ECONOMY

(By Sar A. Levitan, Center for Manpower Policy Studies, The George Washington University)

(NOTE.—Charters referred to are not printed in the RECORD.)

AN ACCEPTABLE LEVEL OF UNEMPLOYMENT

The federal government's responsibility to encourage high employment and economic growth has been the law of the land for over a generation and has achieved the status of a self-evident truth. Even President Nixon has recently professed to be a Keynesian. The acceptance of broad goals does not guarantee, however, a consensus about the implementation of specific measures; reasonable people have even disagreed about the optimum level of sustained employment. Few would agree today with the view commonly held when the Employment Act of 1946 was passed that the federal government should avoid a direct role as long as unemployment remains below the 6 percent level. President Kennedy indicated that 4 percent unemployment would be acceptable, at least as an interim goal, but this level was achieved by the succeeding Johnson Administration only after the expansion of the war in Southeast Asia.

Emphasis on the domestic war on poverty led many economists to conclude that a tight labor market is the best and most effective means to help the poor, and they advocated achieving a sustained unemployment rate of 3.5 percent and even lower. The recent recession and sticky high level of unemployment led policy shapers at the highest federal level to countenance a higher level of unemployment than we experienced during the tight labor markets in the 1960s. Secretary of the Treasury, John B. Connally, suggested that 4 percent unemployment has been achieved only in wartime and the goal established a decade ago is, therefore, based on "myth" and unattainable without excessive inflationary costs in peace time. Being a realist, he accepted a higher rate of unemployment. Paul McCracken, former Chairman of the Council of Economic Advisors, agreed with President Nixon's chief economic policy spokesman when he cautioned that we should not strive to achieve an unemployment rate below 4.5 percent.

Underlying the debate about the irreducible but responsible level of unemployment is the recognition that excessively tight labor markets can be bought only at a prohibitive cost of inflation, declining productivity, and rising unit labor costs which price our exports out of foreign markets and aggravate high unemployment at home. R. A. Gordon of the University of California (Berkeley) and George Perry of The Brookings Institution have demonstrated that earlier goals of high employment are more difficult to attain at present than they were, say, a decade or two ago. According to Gordon, the change in the age-sex distribution of the labor force between 1956 and 1970 would have yielded a 0.3 percent higher unemployment in the latter year than in 1956, everything else remaining equal. But the changes of reporting labor force data during the 1960s and the decision to exclude enrollees in manpower programs from the rolls of the unemployed have on balance reduced the number of those who are counted among the unemployed.

Whatever the comparable level of unemployment today with a decade or two ago may be, the fact is that the United States has tolerated a higher level of unemployment than most other advanced industrial countries. Even during the four years following the escalation of the war in Vietnam, the average unemployment rate in the United States was 3.8 percent—about the same as in Italy, but substantially higher than in other western European nations and in Japan. The rate in Great Britain between 1965 and 1969 was 3.2 percent; in France, 2.6 percent; in Sweden, 1.8 percent; and in Germany, only 0.7 percent. It is true that most other countries achieved the lower level of unemployment at a higher cost of inflation, but it can be argued that the goal was worth the costs and that the U.S. should have been willing to pay for achieving a lower unemployment rate.

Policy shapers can take little comfort that unemployment today would be lower *if* women's participation in the labor force were at a level of two decades ago. Rationalization of higher level of unemployment reflects callousness about the problems faced by millions of families who depend upon the income of working wives and mothers, especially the nearly 6 million families headed by females. We tolerated the high level of youth unemployment in the 1950s and suffered an alarming rate in the 1960s. High youth unemployment was not so serious a problem when there were fewer youths and there was little reason to be concerned about unemployment among married women when few of them entered the work force. But the number of 14- to 19-year-olds increased from 12.4 million in 1950 to 23.1 million two decades later. Women, also, are entering the labor force in increasingly larger numbers, and more of them are becoming heads of families.

INFLATION-UNEMPLOYMENT TRADE-OFF

Rationalization of higher unemployment reflects the failure of fiscal and monetary policies to cope with the twin ills of inflation and unemployment. While avoiding the sharp boom and bust cycles of earlier generations, we have not achieved both full employment and stable prices. Each of these can be purchased only with the coin of the other; we cannot have both. Other industrial countries have shown an inclination to tolerate higher inflation in order to secure lower unemployment.

Arthur Okun, President Johnson's chief economic advisor, estimated in 1962 that every 1 percent increase in GNP reduces unemployment by 0.3 percent. Though different estimates have been made since then, "Okun's Law," suggesting a straight relation between monetary and fiscal measures regulating aggregate demand and the level of unemployment, is now part of the conventional wisdom. Aggregate demand also, of course, affects price levels: the relation between price changes and the level of unemployment, though not exact, is clearly inverse, as shown in Chart 1. The curve fitted to these points slopes downward and to the right, meaning that lower employment is correlated with increasingly higher rates of price change and vice versa. This graphical relationship is usually referred to as the "Phillips curve," named after A. W. Phillips, the British economist who popularized the notion and measured the connection between employment levels and the rate of changes in wages. While wage and price changes are not synonymous, they are closely related and the term "Phillips curve" has been applied loosely to both the price change-unemployment and the wage change-unemployment relationships.

The sustained economic growth of the 1960s, with declining unemployment and only moderate inflation, generated forth in a "new economics" based on the foundations of fiscal and monetary policies. The experience of the past decade seemed to confirm the received doctrine of the Phillips curve that a little inflation could buy low unemployment, or vice versa. As the decade came to a close, however, the terms of trade were altered drastically. The Phillips curve, whatever its statistical validity, proved to be an undependable guide for action, as even substantial unemployment did not bring stable

prices. Policy shapers had to choose according to their own values the most preferred combinations of unemployment and inflation. Although adequate to combat one problem at a time, the traditional tools were unable to fend off the dual foe, spurring a search for additions to the government's arsenal. The aggressive use of manpower programs seemed to have great promise.

THE ROLE OF MANPOWER POLICY

Some economists have argued that the difficult choice between unemployment and inflation can be eased by expanding the options available to policy planners. Manpower programs, they argue, have the potential to shift the trade-off to a more favorable position by changing the structure of the labor market, where inflationary pressures presumably originate.

The goals of manpower programs fall into three general categories: first, to help match the supply and demand for labor by increasing the efficiency of the labor market mechanism; second, to help workers who suffer particular disadvantages in competing for available jobs; and, finally, in the broadest sense, to provide every worker the vocational preparation needed for his chosen occupation, while insuring that society's labor requirements will be met.

During the 1960s the United States began to develop manpower policy as an added major tool in sustaining economic growth at stable prices and with minimum unemployment. Specific programs have been designed and implemented for each of the above goals. While politicians expanded the resources allocated to the development of manpower programs to help persons in need, it was also hoped that these efforts would improve the trade-off between unemployment and price changes or, to use the technical terms of the economists, would shift the Phillips curve leftward, so that reductions in unemployment could be achieved wtih less pressure on prices.

Until the last decade federal manpower programs were reactions to specific crises, such as the emergency measures which were taken during the Great Depression and World War II. Measures evolved during the 1960s may serve as a foundation for a comprehensive manpower policy that would, in turn, become part of overall governmental economic policy. Existing manpower programs can be divided into three categories:

1. labor market services to combat frictional unemployment by matching vacant jobs with idle workers;

2. rehabilitation and training programs undertaken to reduce structural unemployment by preparing technologically displaced or disadvantaged workers for existing job vacancies and to promote upward mobility; and

3. public job creation to counteract cyclical and seasonal unemployment.

It may be safely assumed that some frictional unemployment will always remain as long as workers are free to leave jobs or prepare for new employment and employers are free to lay off workers, relocate, or close their businesses. Structural unemployment also cannot be completely eliminated as long as changing technology continues to make some skills obsolete, as long as many entrants to the labor force are ill-prepared, and as long as the supply and demand for labor do not match perfectly. The manpower programs designed during the past decade were supposed not only to reduce the level of unemployment but also to help achieve stable prices.

CURRENT MANPOWER PROGRAMS

Federal outlays for manpower programs have risen more than thirteen-fold during the past decade. In fiscal 1961 the federal government contributed less than a quarter billion dollars for various manpower activities, half of which was allocated to the federal-state employment service network and the other half for vocational education and vocational rehabilitation. In fiscal 1971, $3.2 billion was spent for a broad array of efforts (Table 1). The countercyclical measures adopted in the summer of 1971 will raise federal appropriations for manpower programs by another billion dollars during fiscal 1972. Clearly, manpower programs have been a growth industry with total enrollment in late 1971 of about half a million (Table 2). Though some of these programs obviously reduced unemployment by providing stipends and some work or training to participants, their effectiveness in shifting the Phillips curve leftward (easing inflation pressures) remains to be proven. Each program may have a different impact upon the trade off, but only those efforts which affect persons already in the labor force, or expected imminently to enter, hold much hope of being useful as policy tools.

TABLE 1.—FEDERAL OUTLAYS FOR MANPOWER PROGRAMS FISCAL 1961 TO 1971 [1]

	1961	1964	1966	1968	1970	1971 (estimate)
Total (millions)	$239	$539	$1,579	$2,208	$2,502	$3,187
Total (percent)	100	100	100	100	100	100
Institutional training	17	31	27	23	21	
On-the-job training	1	2	4	6	9	
Work experience and work support		(2)	21	23	17	17
Job placement and support	53	34	17	15	18	19
Administration, research, and support	2	3	5	6	6	6
Vocational education	23	29	15	12	11	12
Vocational rehabilitation	23	16	10	13	18	17

[1] Includes only outlays by the Departments of Health, Education, and Welfare, and Labor, and Office of Economic Opportunity.

[2] Less than 0.5 percent.

Source: U.S. Office of Management and Budget.

TABLE 2.—ENROLLMENT IN MANPOWER PROGRAMS, SEPTEMBER 1971

	Amount
Total	490,400
Manpower Development and Training Act:	
Institutional	5,380
On-the-job	57,240
Neighborhood Youth Corps:	
In-school and summer	79,000
Out-of school	39,810
Operation mainstream	21,460
Public service careers	34,400
Concentrated employment program	35,030
Job opportunities in the business sector	33,880
Work incentive program	110,820
Job Corps	22,380

Source: U.S. Department of Labor, Manpower Administration.

EMPLOYMENT SERVICES

Investment in job placement efforts has increased more than threefold during the past decade, but the number of nonagricultural placements made by the public employment service declined almost continuously during the period from 6.7 million to 4.6 million annually. This occurred while the total labor force was expanding at a rate of about 1.5 million jobs a year. One explanation for the declining number of employment service placements is the expansion of industries and occupations which do not usually turn to the public employment service for new employees. State and local governments, for example, normally utilize their own hiring channels and do not depend on public employment services. Another reason, and one that has greater importance for the future, has been the emphasis upon serving the poor and the unskilled. Many employers may therefore believe that the public employment service refers only marginal workers and they shun the public employment service or turn to it only to fill jobs requiring the barest preparation.

Other activities of the employment service, however, promise increased potential for its placement activities as well as for a better unemployment-inflation trade off. Efforts are underway to automate much of the public employment service. The most important activities in this area include:

1. A job bank system for the accumulation and dissemination of current job order information. Job orders submitted to the employment service in a labor market are microfilmed and distributed to public agencies that can effectively utilize this information in the placement process. Job banks now operate in 40 states covering 88 labor markets.

2. The conversion of the job banks into a computerized job-matching system. While the job bank is a relatively simple and inexpensive operation, the job-matching system involves sophisticated electronic hardware; and the matching of jobs with vacancies also requires difficult programming. The employment service is now experimenting with several computerized matching systems.

Efficient data handling does not create jobs. The computerization of the public employment service's activities will be of little help if employers do not turn to the local offices for job placement. The federal government departed in mid-1971 from a long-standing policy against compulsory registration by requiring employers engaged in government contracts to register job vacancies. Whether the effectiveness of the public employment will be improved by this departure from voluntarism remains to be seen.

The employment service is, however, more than just a placement agency. It also performs various services for both employers and job applicants. Until the mid-1960s,

these were largely limited to the counseling and testing of applicants. The expanded responsibilities of the employment service required the local offices not only to reach out into communities to encourage unemployed and underemployed workers to apply for jobs, but also to offer various services to applicants in order to enhance their employability. This may include the purchase of medical assistance, referral to training, or provision of other services. Most significant of these may be the provision of funds for child care to free mothers with preschool children for work. But as long as the bulk of the public employment service clientele remains unskilled and unemployed, a provision for their training is essential in order to place them in sustained employment.

TRAINING

Effective training programs offer promise in reducing structural unemployment and inflationary pressures because skill improvement increases workers' productivity and may also reduce pressure on prices resulting from labor bottlenecks. Helping those with the most severe labor market problems should also expand the supply of labor, lowering in turn the pressure on wages so that there will be less price rise at any level of unemployment.

The impact of past manpower programs on the trade-off betwen unemployment and the rate of price change has not been measured; whether it ever will be is doubtful. Nor are conclusive data available about the extent to which the employability of trainees has been improved. A large proportion of total expenditures has been allocated to income maintenance (Table 3) and the long-run impact of actual training has not been ascertained. An attempt by the Labor Department to measure the changes in earning capacity—and presumably productivity—of former enrollees as compared with a control group has proven inconclusive and the Department has been slow in releasing the available data.

TABLE 3.—FUNCTIONAL DISTRIBUTION OF MANPOWER FUNDS IN 1970

	OJT	Institutional	Work support	Rehabilitation	Job placement assistance
Total Federal outlays (millions)	$159	$584	$429	$441	$460
Total (percent)	100	100	100	100	100
medial education	1	12	1	1	(1)
Skill training	17	22	(1)	6	(1)
Work supervision	(1)	(1)	11	(1)	1
Child care	(1)	11	(1)	(1)	27
Health	(1)	1	(1)	18	(1)
Recruitment, counseling, and placement	5	10	5	29	60
Other supportive services	33	2	2	25	2
Program administration	5	13	11	7	9
Allowances	38	29	70	15	(1)

[1] Less than 0.5 percent.

Source: U.S. Office of Management and Budget.

There was an increasing emphasis until the 1970 recession on private sector participation through wider use of on-the-job training, subsidies to private employers, appeals to corporate conscience, and government-business partnership programs. This approach gained its original impetus under the Johnson Administration, but its continued and increased support stemmed from its compatibility with Republican ideals.

The benefits of private sector participation are obvious. Where jobs are offered to disadvantaged workers without subsidy, the aims of manpower policy are achieved at little cost. To the degree that the business sector knows its own needs and is most skilled in preparing workers to meet these needs, the training it provides will be more efficient. With "hiring first and training later," jobs are assured to participants, creating a built-in incentive to remain in training.

The Manpower Development and Training Act of 1962 provided for reimbursement to employers for direct costs of training. This involved a much lower outlay on the part of the government per trainee than institutional training, but left to the employer the choice of trainees. Government officials found it difficult to ascertain whether the reimbursed training would have been done even without the government subsidy. To gain some control over the selection of new employees, if not the training, the government changed the rules of the game and reimbursed employers for hiring and retaining only disadvantaged applicants. Apparently in an effort to overcome employer reluctance to hire employees certified by a governmental agency, the federal government also raised the ante paid to employers.

Job opportunities in the Business Sector started off with much fanfare and apparently with a fair degree of success, though its achievements were usually exaggerated. However, unfavorable economic conditions in 1970 and 1971 slowed expansion. JOBS funds which had been earmarked in the anticipation of continued growth were re-allocated to other programs because of the meager participation of employers.

In the early days of the JOBS program, costs per hire were almost $3,000, nearly twice as high as under MDTA-OJT. This increase was necessary in part because the JOBS clientele was more disadvantaged. However, some of the increase was unrelated to employers' actual training costs and was instead an inducement for hiring.

Little is known about the training offered under JOBS, but fragmentary evidence suggests that in many cases it is little more than what is normally offered. Moreover, many of the disadvantaged hired under JOBS would likely have been placed in similar slots even without subsidies. These subsidies were not sufficient during 1970 and 1971 to induce hiring in the face of a recession and the program was refocused, with less emphasis on the disadvantaged.

If training has had a pay-off in shifting the Phillips curve, then the impact should have been most pronounced in youth programs. The training program most clearly designed for youth has been the Job Corps, and to a lesser extent skills centers under the Manpower Development and Training Act. The Job Corps was launched under the Economic Opportunity Act of 1964 to provide vocational and basic education to youths in a residential setting, under the assumption that removal from debilitating home environments would be necessary for training to be effective. Two types of centers were available for men in the initial years of the program. Those most deficient in preparation for work were placed in rural centers where the emphasis was on basic education combined with conservation work; those with better education received intensive vocational training in urban centers. For women, centers were opened in smaller urban areas; these emphasized training for clerical and service positions with fewer educational offerings, since women, as a rule, had more schooling than the men.

Coming into office with the promise to end the waste in the Job Corps, the Nixon Administration did more than trim the fat off the program; it closed 59 of 123 centers. Although a careful procedure was set up to insure that the least effective centers were closed and a variety of performance factors were considered and then weighted, enrollments in urban centers were cut the most drastically, though their performance was relatively better than rural centers. Careful analysis of the post-enrollment experience of corpsmen and women revealed improvements in employment and earnings, but the issue was whether these justified the very high costs of training.

The Neighborhood Youth Corps was designed as a work experience, income maintenance, and training program for youths. There are three types of operations. Part-time jobs are provided for those in school, under the assumption that extra income will forestall dropouts for economic reasons. Summer NYC employs youths who might otherwise be "on the streets," the aim being to cushion their return to school the next fall. For out-of-school youths, NYC provides jobs and training, but most of all income, during the years of least employability. NYC has remained largely an income maintenance program, offering little training and preparation for work.

MDTA skills centers offer training for a number of alternative occupations, counselors to help with occupational choice and personal problems, and a prevocational orientation period to acquaint the trainee with various occupational options before choosing one. Training modules, occupational clusters, and training "ladders" are combined, providing a number of broad skill areas in which trainees can find the specific occupation that best suits them. Flexibility is also attained by allowing students to enter at frequent intervals and leave when they reach their training goal.

A major concern of skill center administrators is that they have tended to become over time but another segregated institution just for the disadvantaged. However, a new move is to integrate MDTA skills centers into community colleges. The combination allows prestige, a mingling of disadvantaged and regular students, and a broader selection of occupation that might motivate trainees to continue into regular enrollment.

Conceptually, the most anti-inflationary manpower program has been the drive to convert relief recipients—most of whom are not employed—into productive workers and taxpayers. President Kennedy's slogan to describe the effort was "rehabilitation not relief"; President Nixon has used the slogan "workfare instead of welfare." Thus far, manpower authorities have been largely frustrated in designing effective programs which would improve the employability of relief recipients. Among the several public assistance programs, attention has been focused on Aid to Families with Dependent Children (AFDC) whose ranks have been swelling continuously since the end of World War II and particularly during the past decade.

Despite the decline of both poverty and unemployment due to sustained economic growth during the 1960s and despite a variety of other rising expenditures in aid of the poor, AFDC grew steadily. Having about doubled each decade between 1936 and 1966, AFDC again doubled within four years. By mid-1971 more than 10 million persons were on AFDC rolls. A number of contributory

factors can be identified, but the relative ease to qualify and the increased attractiveness of AFDC as an income source played a paramount role in the expansion of AFDC. Cash payments during the 1960s increased about 50 percent faster than spendable earnings for workers with families. In addition, the value of in-kind benefits, such as food stamps, Medicaid, and public housing, increased even faster.

Programs were initiated under the 1964 antipoverty legislation and under the 1967 Social Security amendments to place employable adults on relief in training or jobs. However, these efforts have not worked well, and under President Nixon's prodding, Congress is now in the process of overhauling the public assistance system. These reform efforts run into the thorny problem of providing adequately for those who cannot work, maintaining incentives for the ablebodied to contribute to their own support, and keeping costs acceptable to the majority that foots the bill.

Any action Congress takes on President Nixon's proposals to induce or coerce public assistance recipients to enter gainful employment is likely to have little effect on shifting the Phillips curve in the desirable direction. Moreover, the initial costs would be considerable and the bill approved by the House carried an initial annual price tag of about $5 billion above current welfare expenditures. Since most AFDC family heads are females with small children, the government may have to provide child care facilities in order to free many mothers for work. According to HEW estimates, the annual cost for full day care for the preschoolers is some $1,800 and about a third as much for children attending school. For a mother with one pre-school child and one school child, the annual cost for day care could amount to $2,400. Another $1,000 might be added for the initial cost of training. The Labor Department has estimated that, largely because of the high dropout rate, governmental outlays amount to over $5,000 to place a mother in a job, in addition to public assistance payments. But even then, her earnings would have to be considerably above the average amount earned by females with limited skills and education before she would become economically independent. There may be persuasive reasons to encourage the economic independence of mothers and to induce them to choose work over relief, but the desire to avert inflationary pressures is not one of them.

Another hope for public training has been that the acquisition of new skills would improve the productivity of the work force and eliminate bottlenecks. Government subsidies were expected to induce employers to upgrade their labor force and, in the process, open up new jobs at the entry level for unskilled workers. While the Johnson Administration favored direct subsidies to employers, others have proposed that tax incentives be offered to employers to cover training costs. The latter notion was popular with most Republicans in the 90th Congress who endorsed the Human Investment Act, which proposed a 10 percent tax cut for wages paid to trainees in order to reimburse employers for training non-managerial or non-professional employees.

The major appeal to the tax incentive lies in the belief that the inducement will eliminate bureaucratic meddling in private business while it encourages business to pursue socially desirable goals. However, it is not clear whether the sought after goals can be achieved without government intervention. In the absence of governmental monitoring, business would do what comes naturally—hire the most acceptable workers and provide the same training to employees as it did in the past. Though President Nixon appeared to favor the Human Investment Act approach, he has not formally proposed it and the notion has not received careful consideration in Congress.

The idea of using federal funds for upgrading either through tax incentives or direct subsidies remains the subject of much rhetoric, but little action. Given the limited resources available for the manpower programs and the increasing emphasis upon helping the poor and the disadvantaged, very little resources are left to lesser priorities and upgrading has never received top billing in the manpower agenda. The limited activity reflects also not only inadequate foresight about future manpower needs, but more significantly the result of controls exercised by vested interests over entry and training in certain occupations. The current glut of engineers and assorted Ph.Ds in science is an illustration of the former and shortage of health personnel a manifestation of the latter.

JOB CREATION AND COUNTERCYCLICAL EFFORTS

The use of manpower outlays as a countercyclical measure, an outgrowth of the 1970 recession, is the latest weapon in the ever-expanding arsenal of manpower policy. These countercyclical mechanisms, however, reflected the ambivalence of the administration and Congress about the tolerable level of unemployment. In connection with releasing added manpower funds during high periods of unemployment, the administration proposed that trigger mechanism become operative when the total national unemployment averaged 4.5 percent during three consecutive months; but in connection with the automatic extension of unemployment insurance during the recession, the law provided that the mechanism became operative when *covered* unemployment reached 4.5 percent, an equivalent to total unemployment of 5.6 or 5.7 percent.

While the extension of the duration of unemployment insurance payments may be an effective countercyclical measure. President Nixon's proposal to expand manpower funds during a recession was modest indeed. The President proposed that manpower funds be expanded by 10 percent when the trigger mechanism became operative. Since less than $2 billion of manpower funds were covered by the proposal, the 10 percent boost would have raised annual manpower outlays during the recession by $200 million at most. The Administration proposed that these funds be allocated for training workers for jobs that might be expanded when recovery occurs.

The use of public employment as a countercyclical strategy, with permanent or temporary expansion during periods of economic decline, was the intent behind the Emergency Employment Act. Signed into law in July 1971 to combat the recession, it authorized outlays of $1 billion in fiscal 1972 and $1.25 in fiscal 1973 for the creation of an estimated 130,000 jobs in the public sector. The EEA was implemented at a breakneck speed, rare in the annals of government, with the intent of getting people on the job as quickly as possible. Monies were distributed among states and cities or counties with populations over 75,000. To assure the quickest possible implementation, federal regulations were kept to a minimum, leaving maximum authority and responsibility for the program to state and local officials. The jobs were reserved for the unemployed or underemployed and they were explicitly transitional in nature, with funding geared to the aggregate unemployment rate with a requirement that half of EEA participants eventually be moved onto permanent payrolls.

Contrary to conventional wisdom about the snail's place of governmental activity, the EEA experience showed that manpower programs can serve as an effective tool to counteract a recession, though not necessarily as a countercyclical tool. Within four months of the first allocation of EEA funds, 79,000 persons were reported to be on the job. Nine-tenths of these had been unemployed for at least a week, so that the program had some impact on unemployment. A variety of jobs were filled, but most appeared to be fairly productive, with a number of teachers, firemen, policemen, clerks, and typists being hired.

The EEA experience demonstrates some of the inherent problems in using public employment as a countercyclical strategy. The major problem is one of scale. Despite the fact that the EEA is the single largest manpower program, it will provide jobs for less than three percent of the unemployed at the end of 1971 and a much smaller proportion of the total number inside and outside of the labor force who have been hurt by the recession. It may have been possible to double or even triple the EEA appropriations and to distribute the funds with some semblance of order, but the massive commitment of resources needed to make a noticeable dent in unemployment would have been impossible at least within the time constraints needed to make the effort worthwhile as a countercyclical weapon. Hiring 79,000 persons in four months is a notable achievement, but the bulk of these persons were not on the job until the end of this period and the remaining 40 to 50 thousand to be hired under EEA will probably not be on board until six or eight months have elapsed. Since the recession was already in full swing for at least a year before congressional action was taken, and another four months were needed to get a majority of potential participants on the job, the program will probably reach its full scale as recovery is well on its way.

A final problem is that, despite the rhetoric, countercyclical public employment is a one-way street—state and local jobs can be expanded, but contraction may be more difficult and painful. For instance, under the EEA, the states and localities were informed that one-half of all participants must be moved into permanent jobs upon the expiration of EEA support. But there is no guarantee that the states and localities will absorb employees hired with EEA funds. Already, pressure is being exerted by mayors and governors to change EEA from a transitional to a permanent program, and this may well be in the cards. While there may be good reason for expanding the public sector, EEA might even contribute to inflationary pressures when recovery is achieved.

Though experience with the Emergency Employment Act has demonstrated that a public employment program can be implemented rapidly and is worthwhile during a recession, it has not shown that it can be a major countercyclical tool. Funds going to hire the unemployed are probably more effective than other public expenditures, but public employment can not be implemented on the scale or with the flexibility and timeliness that could give it a prominent place along with aggregate monetary and fiscal policies.

In expanding federal funds allocated to job creation in the public sector under the Emergency Employment Act of 1971, Congress may have been motivated by other than theoretical economic considerations; but it would appear that the congressional action reflects little faith in utilizing manpower programs as part of a countercyclical policy. Many economists would no doubt agree. In order to utilize manpower programs as a countercyclical device, there must be a reasonable anticipation that the faucets can be turned on and off at will in accordance with the dictates of economic needs. Experience has shown that this is not a reasonable expectation. It takes considerable time to expand manpower programs: training facilities have to be organized and personnel assembled; courses have to be developed; and trainees have to be selected and enrolled. And training of individuals cannot be terminated abruptly because average unemploy-

ment drops below a certain predetermined level.

Nonetheless, since every little bit helps, it would be a mistake to use the limitations of manpower programs as an argument against their utilization as a countercyclical measure. If President Nixon's proposal appeared too modest, Congress could have extended the trigger mechanisms by granting an additional boost in manpower funds for step increases in unemployment above 4.5 percent. For example, if manpower funds had been boosted by 10 percent for each 0.2 percent increase (above 4.5 percent) in unemployment over a period of three months, there would have been a 60 percent automatic increase of manpower funds by mid-1971. There should be little concern that the need for additional funds would suddenly disappear. Experience has shown that unemployment is slow to drop during a period of recovery and the additional training funds could be well utilized to prepare workers for expanding jobs. Moreover, unlike fiscal and monetary policies, manpower expenditures are directed at those most in need of help. Dollar for dollar, manpower programs probably have more impact on unemployment than other types of spending; expanding them may be the best way to help the unemployed when demand slackens.

Little effort has been enacted thus far to counteract seasonal unemployment. The lack of action may have been due to the wide diversity in climate and economic conditions in the various regions of the country which forms serious obstacles to the development of federal policy. But other industrial countries, particularly Germany and Canada, have adopted various incentives intended to counteract seasonal unemployment. The most significant U.S. manpower program to counteract seasonal unemployment is the annual expansion of the Neighborhood Youth Corps that provides income, if little employment, to as many as half a million unemployed youths who are out of school during the summer.

THE LIMITATIONS OF MANPOWER POLICY

Although ample room remains for further expanding manpower programs, it is doubtful that the phenomenal growth which was experienced during the past decade can be duplicated, nor is it even clear that it should. Manpower efforts are likely to remain a junior partner in the formulation of economic policy. Given the present magnitude of manpower programs, their limitations in affecting economic policy become obvious. The tax cut of 1964 pumped some $14 billion annually into the economy. The 1968 surtax relieved taxpayers of only somewhat more than half of that amount, but still three times the annual outlays for manpower programs. Moreover, as noted, unlike monetary and fiscal policies, manpower programs cannot be expanded or contracted easily.

Nonetheless, there has been no lack of advocates favoring expansion of manpower programs. Most of these advocates fail to recognize the problems of administering manpower programs, overcoming reluctance by vested interests, and assessing prospective manpower needs. Even if we would make the heroic assumption that these obstacles could be overcome, the case for a continued expansion of manpower programs as an economic rather than social or welfare tool would still remain to be proven. The inherent obstacles of adopting manpower programs as countercyclical tools are formidable. None of the recessions since the end of World War II has thus far lasted more than 13 months and most skill shortages have also been of short duration. With start-up time, recruitment and screening of candidates and instructors, actual training time, and allowances for those who will not complete training, the time period between recognition of a particular shortage and delivery of the first candidates may stretch into years. Some training efforts under existing programs, launched in a period of immense need, have provided graduates only when the need was long past. Advocates of expanded budgets continue to hope that manpower forecasting would be improved. Greater investment in early warning systems would provide better insights into projected manpower needs. But until these anticipations are realized, the constraints on expanding manpower programs remain very real. It would take much more to overcome discrimination in hiring and in the control exercised by special interest groups over entry and training.

Any program which enhances the employability of marginal workers, reduces labor market frictions, expands skills supply, or reduces institutional barriers to employment makes possible lower unemployment or reduced wage costs per unit of output. It does not follow, however, that the inflation-unemployment tradeoff will necessarily be improved. The additional supply of labor resulting from training may actually raise unemployment and the cost of training may raise total costs although direct unit labor costs may decrease. In the short run, the resources allocated to training may actually reduce the total labor supply engaged in production because skilled labor would be assigned to training.

The extent to which trainees fill jobs that would otherwise have remained unfilled or merely displaced other workers is also crucial through practically unresolvable. Displacement is frequently justified as an attempt to "spread the burden" of unemployment beyond those on the bottom of the economic pile. While this may be desirable on equity grounds, it actually detracts from efficiency by spending money and gaining no net yield.

Moreover, tradition and powerful institutions tend to determine wage rates and prevent sharp improvements in the unemployment-inflation trade off. In addition, inflationary pressures may, but do not necessarily, originate in the labor market. In the early 1960s, for example, price increases were considerably larger than unit labor cost boosts, reflecting large increases in nonlabor costs. Devices other than manpower programs are necessary to alter the observed relationship between prices and unemployment.

LOOKING AHEAD

This brief review of manpower programs also suggests that the presumed salutary effect of shifting the Phillips curve is more an article of faith than an established fact. The delivery of manpower services, the training of the unemployed and the underemployed, and the upgrading of employed workers should be judged on their own merits and not by their impact upon aggregate economic activity. If the manpower programs ease the unemployment-inflation trade off, so much the better. The controlling factor for the expansion or contraction of manpower efforts should be the needs of individuals and not an abstract, presumed trade off. Some improvement in the unemployment-inflation tradeoff may be anticipated from specific job training and placement programs. But these expectations do not by themselves justify further expansion of manpower programs since current efforts do not warrant inflated notions about the impact of manpower programs.

The effectiveness and role of manpower programs should be neither exaggerated nor denigrated. Experience has shown that the employment stability and earnings of many manpower program participants have improved. Others have not gained primarily because manpower programs were being asked to solve social and economic problems beyond their reach. Skill training is no substitute for adequate economic growth or job creation and improvements in labor market operations do not create jobs. Manpower policies can hardly instill a preference for work over welfare, nor can they single-handedly overcome the cumulative disadvantages or discrimination which are usually the cause of low earnings.

The relatively short experience with manpower programs during the 1960s must be viewed as experimental; hence, the limited success of these tools heretofore does not preclude reliance on them in the future. From the many trials and failures experienced during the past decade, lessons were learned, services were improved, and new options were provided to disadvantaged persons, especially blacks, to improve their abilities and thus gain entry into the mainstream economy. In many cases, manpower programs offer a second chance to those who failed in, or were failed by, the educational system and for those whose skills have been eroded by technological change. As more knowledge is gained about the needs of particular individuals and about the effectiveness of particular services or combination of services in meeting these needs, the manpower programs may become an alternative for those who do not succeed in the regular school system. The experience gained from the manpower programs may also help the regular school system to avoid past mistakes.

Experience has shown that in the short run the unemployment rate can be lowered or raised almost at the public will. The problem is to achieve sustained high employment without undue inflation and the key issue, therefore, is the trade off between unemployment and inflation. Despite the rhetoric of politicians and economists, it is not likely that we can achieve in the immediate years ahead both high employment and stable prices. Given this dilemma, experience dictates measures which will cushion the negative effects of inflation in order to sustain a high employment economy. The progress made during the past three or four decades justifies some optimism that increasingly sophisticated designes will ease the choice between inflation and unemployment. Meanwhile, we must make the hard decisions between the two and that remains a matter of personal values.

By Mr. HARTKE:

S. 3423. A bill to amend the Federal Aviation Act of 1958 so as to limit the power of the Secretary of Transportation to delegate his authority to examine medical qualifications of airmen. Referred to the Committee on Commerce.

MEDICAL CERTIFICATION OF AIRLINE PILOTS

Mr. HARTKE. Mr. President, the Federal Aviation Administration has proposed a radical change in the medical certification procedures for airline pilots which deserves our attention, interest, and concern. The proposed rule would require that all airline pilots take their Government-required, semiannual, and annual physical examinations from physicians hired by or under contract to their respective companies. Currently, airline pilots obtain their medical certifications from more than 2,100 private physicians who have been carefully chosen by the FAA on the basis of background, interest, and experience in aerospace medicine. The pilot pays for these examinations.

To the average air traveler, it may seem unimportant who gives the airline pilot his physical examinations—as long as he gets them and passes them, but it is important to anyone who chooses to take advantage of our air transporta-

tion system. Because it is vital to the public interest that airline pilots are always in top physical condition, we all must be concerned when a change in the medical examination procedures might mean that a pilot may not be in a proper physical or mental condition to pilot a commercial airliner.

The proposed change is contained in FAA Notice of Proposed Rulemaking 71–31 which was issued last October. Comments from interested parties in reply to the docket were due in no later than March 2.

Strangely, the Notice of Proposed Rulemaking did not give any rationale in the preamble which appeared in the Federal Register as is customary nor was a public hearing offered so that both sides—if there are two sides—could be provided a forum to express their views to the proposed change.

The reaction to the rule from the airlines, physicians, airline pilots, and the public was overwhelmingly in opposition to making any change. There are many good reasons for this opposition.

In the first place, the rule would be a blatant destruction of the time-honored doctor-patient relationship which we are privileged to have in this country. Since the doctors would be employed by the airlines, medical records would be company property and therefore available to anyone in authority. A doctor whose income depends on pleasing management could not very well refuse to produce records on pilots without jeopardizing his job.

Examine this arrangement from the airlines' point of view. The proposed rule would require them to set up or contract for physical examination facilities at great expense. Obviously, this new Government-directed cost would eventually be reflected in ticket prices. At this critical time in the history of air transportation when so many U.S. airlines are having financial difficulties, it is ludicrous to ask that they assume this added burden by Government dictum without any good reasons given them why they should.

The financial difficulties the airlines are experiencing could easily creep into this program. For example, I have been informed that it costs as much as $200,000 to train a pilot to qualify for the captain's seat of a modern, complex jet airliner. Picture what could happen if a company-paid doctor gives a physical examination and finds that a pilot should be disqualified. He reports this fact to management. Management officials, looking at their balance sheets, then ask the doctor if the pilot could not be allowed to fly for another 6 months or a year. The doctor, since he holds his job only if he pleases his superiors, reevaluates his conclusion, and gives the verdict that the pilot can continue flying. The pilot goes back to the cockpit thinking he is in good shape. The innocent passengers who fly with him assume he has no physical defects which might cause his incapacitation while in flight. What could happen as a result needs no elaboration.

Now look at this procedure from the pilot's point of view—especially a pilot who may have been active in representing his brother pilots in contract negotiations. If he has been particularly forceful in his efforts, it is not beyond the realm of possibility that management could pass the word to the medical examiner to find reasons why that man should not be certified as an airline pilot. Obviously, it is not in the public interest in either case to have passengers' lives or the career of a pilot rest on the whims of airline management.

There are other aspects to this plan to change the system of medical certification that must be considered. A proper question to ask is whether the Federal Aviation Administration has the legal authority to delegate to the airlines the mandatory requirement that the airlines conduct the Government-required physical examinations. The Air Transport Association, representing the Nation's scheduled airlines, has studied this question thoroughly and has concluded that the Notice of Proposed Rulemaking 71–31 is without statutory foundation or authority and could possibly be in violation of the fifth amendment of the Constitution. The basic legal question involved is whether the FAA Administrator can delegate a function which is clearly his under the law to persons unwilling to accept that responsibility.

It is interesting to note that the Federal Air Surgeon seeks to effect a change in a long-standing medical examination policy which he clearly supported several years ago. On July 1, 1966, he issued a medical bulletin to all aviation medical examiners to remind them that—

> Physicians employed by or consultants to airline carriers and designated as Aviation Medical Examiners are not permitted to conduct FAA physical examinations on pilots or other flight crew members by their same company.

He added that—

> The purpose of the adoption of this policy was to avoid any dual affiliation, conflict of interest and/or any adverse public criticism.

It is perfectly obvious to all that there is a great need for objectivity in the medical certification of airline pilots. Travelers aboard an airliner have every right to believe that their pilots have been examined by a physician who is completely unbiased in his judgment about their ability to function properly on the job. No physician acting in the public interest should be asked to serve the Government on one hand, the airline on another and the pilot on still another. No human being, even a physician, would be free of the potential for conflicting pressures which would inevitably cause medical judgments to be warped in some way.

In recent newspaper accounts, the Federal Air Surgeon, Dr. Peter V. Siegel, is quoted as saying that some airline pilots suffering from serious ailments are escaping detection during FAA examinations and that "to get rid of the bad apples, the Government revokes 10 to 12 medical examiner certificates a year, and lets about 100 others lapse." The inference is that a few doctors are not doing their jobs under the program he administers and that he must fire them.

There are more than 2,100 medical examiners who are authorized to give airline pilot physical exams. The Nation's 35,000 airline pilots can go to any of them. Presumably they are all of them. Presumably they are all qualified or they would not be given the privilege. The Federal Air Surgeon has the tools to get rid of them if they do not perform according to the regulations and, to his credit, he does just that. Undoubtedly, he is ill at ease about this, because it places him in the position of telling his medical colleagues that some of them do not measure up to his standards.

To solve his problem of management of the aviation medical examiners under his supervision, the Federal Air Surgeon now wishes to pass the problem to the airlines. Failing that, there is only one other direction that he can go and that is for Government-paid physicians to perform the medical certification task—physicians who would man expensive federally supported examination facilities. Thus, the entire burden of examining 35,000 airline pilots would be borne by the taxpayers.

Since the FAA seems intent upon changing the medical certification system despite the strong opposition to it by the airlines, their pilots, and the aerospace physicians, it is necessary that legislation be enacted that would prohibit the FAA from making such an arbitrary move which has no reasonable basis. Accordingly I am today proposing legislation in the public interest which will expressly prohibit the Federal Aviation Administration from requiring the airlines to conduct the Government's medical certification of airline pilots. Further, this legislation will prohibit the Government from setting up and operating medical examination facilities for this function. In short, I respectfully propose that the medical certification now in effect remain unchanged. This legislation will assure the air traveler that the pilots of his aircraft are in absolutely tip top physical condition.

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

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

S. 3423

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That section 314 (a) of the Federal Aviation Act of 1958 (49 U.S.C. 1355 (a)) is amended by inserting immediately after the first sentence the following new sentence: "In exercising his authority under this Act to determine medical qualifications of airmen, the Secretary shall not delegate any part of his authority to an employee of any air carrier or to any person performing medical services on a contractual or regular consulting basis for any air carrier, but shall provide that such determination be made only by private physicians under appropriate arrangements".

By Mr. ANDERSON:

S. 3426. A bill to establish the El Malpais National Monument, in the State of Mexico, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. ANDERSON. Mr. President, today I am introducing legislation to give El Malpais—Grants Lava Flow—located near Grants, N. Mex., national monument

status. For many years the Grants Lava Flow has been considered by the people in the Southwest as one of the most unusual laval flows in the entire United States. From time to time suggestions were made that the area be set aside as a national park or monument. In 1965 the people of Grants, N. Mex., began a vigorous drive to obtain national monument status for El Malpais. At their request, I asked the National Park Service to do a reconnaissance study of the area which the Department did. After the reconnaissance study, the National Park Service determined that the area was of such significant importance as to warrant a thorough study by the Advisory Board on National Parks, Historic Sites, Buildings and Monuments, and the matter was referred to the Board for its study.

After 2 years, the Board determined that the area was of national significance and would be eligible for inclusion in the National Registry of Natural Landmarks. However, the studies by the National Parks Advisory Board continued and in 1971 the Board recommended that, because of the outstanding scenic, scientific and natural historic features of El Malpais, the area was fully qualified for monument status and recommended that the Department of the Interior take action to get the area authorized as a unit of the national park system. The Board further recommended that if the Park Service was unable to obtain this authorization, the area be designated by the Bureau of Land Management as an outstanding, natural area and that it be given national landmark status.

El Malpais is situated in the famous Mount Taylor volcanic region of western New Mexico. Estimated to be 120,000 acres in extent, it consists of several flows. The most striking is the McCarty's, a beautiful, fresh, black lava flow. A second flow, the Laguna, is larger, older, and more weathered than the McCarty's flow. It contains a large number of beautiful volcanic features including some of the largest and most extensive lava tubes reported within the United States; many cinder cones of classic symmetry; and some astonishingly magnificent ice caves, full of ice stalagmites, crystalline ceilings, and other unique formations. Two small features—lava tube sinkholes—large water ponds within the lava—and shark's tooth projections—formations angled in opposite directions on adjacent walls of a crack in the lava—are unreported elsewhere on the North American Continent.

Legislation drafted by the Park Service provided for setting aside of up to 165,000 acres. I believe this to be excessive; therefore, I have provided in the legislation that I introduced that the area is not to exceed 120,000 acres. It may be that we need even less than this, but I believe we can make this determination only after hearings are held before the Senate Interior Committee.

There has been no development of access roads into the El Malpais area. Tourists passing through that part of the Southwest have never known of the magnificent attraction that this area holds. Giving the area national monument status would permit us to open up the area for visitors, scientists, and others who are interested in this historic resource.

I am certain that once this area is made known to the people, there will be widespread interest in this unusual formation.

By Mr. MANSFIELD for Mr. JACKSON (for himself and Mr. ALLOTT) (by request):

S. 3428. A bill to designate certain areas in the United States as wilderness areas; and

S. 3429. A bill to designate certain areas in the United States as wilderness areas. Referred to the Committee on Interior and Insular Affairs.

By Mr. MANSFIELD for Mr. JACKSON (for himself, Mr. ALLOTT, Mr. Moss, and Mr. FANNIN) (by request):

S. 3430. A bill to designate certain areas in the United States as wilderness areas. Referred to the Committee on Interior and Insular Affairs.

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Senator from Washington (Mr. JACKSON), I introduce three bills, and I ask unanimous consent that a statement prepared by Senator JACKSON in connection with the three bills and a communication from the President of the United States transmitting these proposals for additions to the national wilderness preservation system be printed in the RECORD.

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

STATEMENT BY SENATOR JACKSON

WILDERNESS LEGISLATION

On behalf of myself, the Ranking Minority Member of the Committee on Interior and Insular Affairs (Mr. Allott) and the Junior Senator from Utah (Mr. Moss), I send to the desk by request three bills to designate certain lands as wilderness pursuant to the Wilderness Act.

Mr. President, the Wilderness Act of 1964 established the National Wilderness Preservation System to insure that present and future generations of Americans have the benefits of a lasting natural resource.

These three bills will add 18 new areas to the System, as recommended to Congress by the President.

The first bill comprises those lands determined to be suitable for wilderness by the Bureau of Sport Fisheries and Wildlife. A total of five areas are included in the bill; the first is the 355-acre San Juan Islands Wilderness in the State of Washington; the second area is the 4,598-acre Moosehorn Wilderness (Baring Unit) located in northern Maine; the third area is the 17,746-acre St. Marks Wilderness located along the northeast Florida Gulf Coast; the fourth area is the 4,168-acre Wolf Island Wilderness located south of Savannah, Georgia, on the Atlantic Coast; and the last area is the 28,000-acre Cape Romain Wilderness in South Carolina.

The second bill designates areas deemed suitable by the U.S. Forest Service for inclusion in the Wilderness System. These are the Glacier Wilderness in Wyoming, Eagles Nest Wilderness in Colorado, Agua Tibia Wilderness in California, Emigrant Wilderness in California, Weminuche Wilderness in Colorado and Mission Mountains in Montana. I feel the proposals have great merit and their inclusion into the National Wilderness Preservation System will afford these areas of the National Forests even greater protection in the future.

The third bill includes areas recommended by the National Park Service. The four areas are embraced in the following Federal land units:

Colorado National Monument, Colorado, to be designated Colorado Wilderness; Bryce Canyon National Park, Utah, to be designated Bryce Canyon Wilderness; Chiracahua National Monument, Arizona, to be designated Chiracahua Wilderness, and Black Canyon of the Gunnison National Monument, Colorado, to be Black Canyon of the Gunnison Wilderness.

This proposal affords us another opportunity to set aside unique natural environment with outstanding scenic, geological and biological resources.

The Senate and the public may be assured that the Committee on Interior and Insular Affairs will consider these proposals as expeditiously as possible. We recognize that time is of the essence if we are to meet the goal established by the Wilderness Act and endorsed by millions of Americans who are concerned about the threat to our last remaining wild lands.

THE WHITE HOUSE,
Washington, D.C., February 8, 1972.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Pursuant to the Wilderness Act of September 3, 1964, I am pleased today to transmit proposals for 18 additions to the National Wilderness Preservation System.

The proposed new wilderness areas, which cover 1.3 million acres in all, are enumerated in my Special Message on the Environment of today's date. Two other possibilities considered by the Secretary of the Interior in his review of roadless areas of 5,000 acres or more—Martin National Wildlife Refuge, Maryland, and Wupatki National Monument, Arizona—were found to be unsuitable for inclusion in the Wilderness System. I concur in this finding and in the 18 favorable recommendations of the Secretaries of the Interior and of Agriculture, all of which are transmitted herewith.

Timely and farsighted action is imperative if we are to preserve America's irreplaceable heritage of wildness as part of our legacy to the future. I urge that protected status be promptly extended to the lands covered by these proposals and by the 31 previous wilderness recommendations already pending before the Congress.

Sincerely,

RICHARD NIXON.

By Mr. PELL:

S. 3431. A bill to amend the Federal Employees' Compensation Act so as to permit injured employees entitled to receive medical services under such act to utilize the services of podiatrists. Referred to the Committee on Post Office and Civil Service.

COVERAGE OF PODIATRISTS UNDER FECA

Mr. PELL. Mr. President, I introduce for appropriate referral a bill to permit employees who have been injured in federally related jobs to receive the services of podiatrists if it is necessary.

Although the services of podiatrists are included in the coverage of medicare, medicaid, and Federal employees health plans, the services of podiatrists are not authorized under the provisions of the Federal Employees Compensation Act.

As Dr. Robert J. Houle, president of the Rhode Island Podiatry Society, has noted

in a recent letter to me, this situation is "incongruous."

To change this situation I believe the Employees Compensation Act (5 U.S.C. 8101 et seq.) should be amended to define the doctor of podiatric medicine as being in the same category as doctors of medicine and osteopathy.

Precedents for this bill have already been established by the Congress. Title XVIII of the Social Security Act defines the podiatrist as a "physician" for purposes of medicare. Equally important are the numerous national health insurance—NHI—proposals now pending in the Congress. Podiatrists' services are integral parts of these proposals, including the administration's plan which specifies the podiatrist as a physician.

Licensed in every jurisdiction to medically and surgically treat conditions of the foot, the podiatrists also participate in the medicaid program. The Health Professions Act provides scholarships and loans to podiatric students and provides for the construction of schools of podiatric medicine.

Also, presently pending in Congress is legislation which would enable podiatrists to participate in the FHA group practice facilities program.

Since the early days of World War II, podiatrists have served as commissioned officers in the various branches of the Armed Services. Veterans' Administration Hospitals, too, employ podiatrists for their programs as do a growing number of city, county, and State public health departments.

It is of special interest that State legislatures, attorneys general, and State insurance commissioners have consistently interpreted the podiatrist as a "physician" for State workmen's compensation programs, use of drugs, scope of practice, private health insurance, and school accident programs.

In 1961 the Bureau of Retirement and Insurance of the Civil Service Commission designated the podiatrist as a "physician" and "doctor" for the various health plans provided under the Federal Employees' Health Benefits Act of 1959.

The lack of coverage for podiatric service is a more serious problem for Federal employees who live in rural areas since they do not even have available the limited number of Federal health facilities available in urban areas that have been permitted by the Bureau of Employees Compensation to treat foot injuries of Federal employees.

In rural areas the injured Federal employee has no choice but to seek a podiatrist for the treatment of his foot problem.

As a result there have been many cases on record indicating that Federal employees in these areas have sought and received needed services from podiatrists in private practice; and yet, these services have not been compensated due to FECA's limited interpretation of "physician." I do not believe that Congress intended to impose distinctions among licensed practitioners of the healing arts. The present language of the Federal Employees Compensation Act allows that discrimination and unfairly denies the services of podiatrists to injured Federal employees. I would hope that that act would be amended to correct this inequity.

Mr. President, I ask unanimous consent to have printed in the RECORD a recent letter addressed to me by Dr. Robert Houle, president, Rhode Island Podiatry Society. Dr. Houle's letter, succintly addresses the very problem the legislation I introduce today proposes to correct.

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

RHODE ISLAND PODIATRY SOCIETY,
Providence, R.I., January 31, 1972.

Hon CLAIBORNE PELL,
U.S. Senate, Old Senate Office Building, Washington, D.C.

DEAR SENATOR PELL: In recognition of your untiring efforts to bring improved health care to the American people, I want to seek your help in remedying a problem Federal employees face in seeking the professional services of doctors of podiatric medicine. Specifically, I refer to the *Federal Employees Compensation Act* and the fact that podiatrists are not authorized to render professional services thereunder.

As you are aware, however, the *Federal Employees Health Benefits Program* does provide for podiatry services. It is therefore difficult at best to understand why Federal employees *cannot seek* the services of podiatrists for work-related injuries when the same services are fully authorized for non-work-related injuries and diseases.

In order to correct this incongruous situation, the *Federal Employees Compensation Act* will have to be amended defining the podiatrist as a physician, alongside doctors of medicine and osteopathy. And the Rhode Island Podiatry Association would very much appreciate your assistance in moving this objective forward.

Thanking you in advance for the sincere consideration you will give this matter, I remain

Yours truly,

ROBERT J. HOULE, D.S.P.

By Mr. COTTON (by request):

S.J. Res. 219. A joint resolution to establish a national policy relating to conversion to the metric system in the United States. Referred to the Committee on Commerce.

NATIONAL POLICY ON CONVERSION TO METRIC SYSTEM

Mr. COTTON. Mr. President, at the request of the Acting Secretary of Commerce, I introduce for appropriate reference a joint resolution to establish a national policy relating to conversion to the metric system in the United States.

There presently is pending before the Committee on Commerce another legislative proposal, S. 2483, which proposes to provide a national program for conversion to the metric system and to provide for converting to the general use of such system within 10 years after the date of enactment of such legislation. The full Commerce Committee held hearings on this bill, S. 2483 on February 29 and March 1.

These measures—that which I am introducing today and S. 2483—take a somewhat different approach with respect to providing for conversion to the metric system and in view of that fact I am today introducing this joint resolution in order that the committee may have the benefit of all views on this most important matter. This is a most important matter having far-reaching implications for American business and the national economy. It therefore is deserving of most careful consideration.

This legislation represents the work product of the final report of the metric system study authorized by the Congress pursuant to Public Law 90–472, whereby the Secretary of Commerce was directed to conduct a 3-year study of the advantages and disadvantages of the U.S. converting to the metric system.

Mr. President, I ask unanimous consent that the full text of the joint resolution be printed in the RECORD at this point together with the transmittal letter and the statement of purpose of need.

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

S. J. RES. 219

Whereas the use of the metric system of weights and measures in the United States was authorized by the Act of July 28, 1866 (14 Stat. 339); and

Whereas the United States was one of the original signatories to the Convention of the Meter (20 Stat. 709), which established the General Conference of Weights and Measures, the International Committee of Weights and Measures, and the International Bureau of Weights and Measures; and

Whereas the metric measurement standards recognized and developed by the International Bureau of Weights and Measures have been adopted as the fundamental measurement standards of the United States and the customary units of weights and measures used in the United States have been since 1893 based upon such metric measurement standards; and

Whereas the governments of Australia, Canada, Great Britain, India, Japan, New Zealand, and the Union of South Africa have determined to convert, are converting or have converted to the use of the metric system in their respective jurisdictions; and

Whereas the United States is the only industrially developed nation which has not established a national policy committing itself to and facilitating conversion to the metric system; and

Whereas as a result of the study to determine the advantages and disadvantages of increased use of the metric system in the United States authorized by Public Law 90–472 (82 Stat. 693), the Secretary of Commerce has found that increased use of the metric system in the United States is inevitable, and has concluded that a planned national program to achieve a metric changeover is desirable; that maximum efficiency will result and minimum costs to effect the conversion will be incurred if the conversion is carried out in general without Federal subsidies; that the changeover period be 10 years, at the end of which the nation would be predominantly, although not exclusively, metric; that a central coordinating body be established and assigned to coordinate the changeover in cooperation with all sectors of our society; and that immediate attention be given to public and formal education and to effective U.S. participation in international standards making; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, the policy of the United States shall be:

(1) to facilitate and encourage the substitution of metric measurement units for customary measurement units in education, trade, commerce and all other sectors of the economy of the United States with a view to

making metric units the predominant, although not exclusive, language of measurement with respect to transactions occurring after 10 years from the date of the enactment of this Resolution.

(2) to facilitate and encourage the development as rapidly as practicable of new or revised engineering standards based on metric measurement units in those specific fields or areas in the United States where such standards will result in rationalization or simplification of relationships, improvements of design, or increases in economy.

(3) to facilitate and encourage the retention in new metric language standards of those U.S. engineering designs, practices, and conventions that are internationally accepted or embody superior technology.

(4) to cooperate with foreign governments and public and private international organizations which are or become concerned with the encouragement and coordination of increased use of metric measurement units or engineering standards based on such units, or both, with a view to gaining international recognition for metric standards proposed by the United States and to encourage retention of equivalent customary units in international recommendations during the U.S. changeover period.

(5) to assist the public through information and educational programs to become familiar with the meaning and applicability of metric terms and measures in daily life. Programs hereunder should include:

(a) Public information programs conducted by the Board through the use of newspapers, magazines, radio, television, other media and through talks before appropriate citizens groups and public organizations.

(b) Counselling and consultation by the Secretary of Health, Education, and Welfare and the Director, National Science Foundation with educational associations and groups so as to assure that the metric system of measurement is made a part of the curricula of the nation's educational institutions and that teachers and other appropriate personnel are properly trained to teach the metric system of measurement.

(c) Consultation by the Secretary of Commerce with the National Conference of Weights and Measures so as to assure that State and local weights and measures officials are appropriately informed of the intended metric changeover and are thus assisted in their efforts to bring about timely amendments to weights and measures laws.

(d) Such other public information programs by any Federal agency in support of this Resolution which relate to the mission of the agency.

Sec. 2. *Definitions*

For the purposes of this Resolution—

(a) The term "metric system of measurement" means the International System of Units as established by the General Conference of Weights and Measures in 1960 and interpreted or modified for the United States by the Secretary of Commerce.

(b) The term "engineering standard" means a standard which prescribes a concise set of conditions and requirements to be satisfied by a material, product, process, procedure, convention, test method, and the physical, functional, performance and/or conformance characteristics thereof.

(c) The term "changeover period" means the length of time for the United States to become predominantly, although not exclusively, metric.

(d) The term "international recommendation" means a recommendation formulated and promulgated by an international organization and recommended for adoption by individual nations as a national standard of measurement.

Sec. 3. There is hereby established a National Metric Conversion Board (hereinafter referred to as the "Board") to implement the policy set out in this Resolution.

Sec. 4. The composition of the Board shall be as follows:

(a) Not to exceed twenty-one persons appointed by the President who shall serve at his pleasure and for such terms as he shall specify and who shall be broadly representative of the American society. The President shall designate one of the members appointed by him to serve as Chairman and another to serve as the Vice Chairman of the Board;

(b) Two members of the House of Representatives who shall not be members of the same political party shall be appointed by the Speaker of the House of Representatives; and

(c) Two members of the Senate who shall not be members of the same political party shall be appointed by the President of the Senate.

Sec. 5. The Executive Director of the Board shall be appointed by the President and shall be responsible to the Board for carrying out its responsibilities according to the provisions of this Resolution.

Sec. 6. (a) Within 12 months after funds have been appropriated to carry out the provisions of this Resolution the Board shall, in furtherance and in support of the policy expressed in section 1 of this Resolution, develop and submit to the Secretary of Commerce for his approval and transmittal to the President a comprehensive plan to accomplish a changeover to the metric system of measurement in the United States. If such plan is approved by the President, he shall transmit it to the Congress. Such plan may include recommendations for legislation deemed necessary and appropriate. In developing this plan the Board shall:

(1) Consult with and take into account the interests and views of United States commerce and industry, including small business; science; engineering; labor; consumers; government agencies at the Federal, State, and local level; nationally recognized standards developing and coordinating organizations; and such other individuals or groups as are considered appropriate by the Board to carry out the purposes of this section.

(2) Consult, to the extent deemed appropriate, with foreign governments, public international organizations, and, through appropriate member organizations, private international standards organizations. Contact with foreign governments and intergovernmental organizations shall be accomplished in consultation with the Department of State.

(b) Any amendment to an approved plan shall be submitted by the Board to the Secretary and the President under the provisions set out in subsection (a) of this section.

(c) Unless otherwise provided by the Congress, the Board shall have no compulsory powers.

Sec. 7. Upon approval of the plan by the President, the Board shall begin the implementation of the plan, except for those recommendations, if any, which require legislation.

Sec. 8. In carrying out its duties, the Board is authorized to:

(a) enter into contracts in accordance with the Federal Property and Administrative Services Act of 1949, as amended, with Federal or State agencies, private firms, institutions and individuals for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties;

(b) Conduct hearings at such times and places as it deems appropriate;

(c) establish such committees and advisory panels as it deems necessary to work with various sectors of the American economy and governmental agencies in the development and implementation of detailed changeover plans for those sectors; and

(d) perform such other acts as may be necessary to carry out the duties prescribed by this resolution.

Sec. 9. (a) Members of the Board who are not in the regular full-time employ of the United States shall, while attending meetings or conferences of the Board or otherwise engaged in the business of the Board, be entitled to receive compensation at a rate of $100 per day, including traveltime, and while so serving on the business of the Board away from their homes or regular places of business, they 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 employed intermittently in the Government service. Payments under this section shall not render members of the Board employees or officials of the United States for any purpose.

(b) The Executive Director of the Board shall serve full-time and receive basic pay at a rate not to exceed the rate provided for GS–18 in Subchapter III of Chapter 53 of title 5, United States Code.

Sec. 10. (a) The Board is authorized to appoint and fix the compensation of such staff personnel as may be necessary to carry out the provisions of this Act.

(b) The Board is authorized to employ experts and consultants or organizations thereof as authorized by section 3109 of title 5, United States Code, compensate individuals so employed at rates not in excess of the rate prescribed for grade 18 of the General Schedule under section 5332 of such title, including travel time, and allow them, while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of said title 5 for persons in the Government service employed: *Provided, however,* that contracts for such employment may be renewed annually.

Sec. 11. Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) and such other staff services as may be requested by the Board shall be provided the Board by the Secretary of Commerce, for which payment shall be made in advance, or by reimbursement, from funds of the Board in such amounts as may be agreed upon by the Chairman of the Board and the Secretary of Commerce.

In performing these functions for the Board, the Secretary is authorized to obtain such information and assistance from other Federal agencies as may be necessary.

Sec. 12 (a) The Board is hereby authorized to accept, hold, administer and utilize gifts, donations, and bequests of property, both real and personal, and personal services, for the purpose of aiding or facilitating the work of the Board. Gifts and bequests of money and the proceeds from sales of other property received as gifts or bequests shall be deposited in the Treasury in a separate fund and shall be disbursed upon order of the Board.

(b) For the purpose of Federal income, estate, and gift taxes, property accepted under subsection (a) of this section shall be considered as a gift or bequest to or for the use of the United States.

(c) Upon the request of the Board, the Secretary of the Treasury may invest and reinvest in securities of the United States any moneys contained in the fund herein authorized. Income accruing from such securities, and from any other property accepted to the credit of the fund authorized herein, and shall be disbursed upon the order of the Board.

Sec. 13. The Board shall cease to exist no later than ten years after approval by the President of the plan called for by Section 6.

Sec. 14. The Board shall submit annual reports of its activities and progress under this Resolution to the Secretary of Commerce for his approval and transmittal to the President and to the Congress.

Sec. 15. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Resolution. Appropriations to carry out the provisions of this Resolution may remain available for obligation and expenditure for such period or periods as may be specified in the Acts making such appropriations.

THE SECRETARY OF COMMERCE,
Washington, D.C., February 29, 1972.

Hon. SPIRO T. AGNEW,
President of the Senate, U.S. Senate, Washington, D.C.

DEAR MR. PRESIDENT: Enclosed are four copies of a draft Joint Resolution "To establish a national policy relating to conversion to the metric system in the United States" together with a statement of purpose and need in support thereof.

The Department of Commerce urges enactment by the Congress of this Joint Resolution for the reasons set forth in the statement of purpose and need.

We have been advised by the Office of Management and Budget that enactment of this draft Joint Resolution would be consistent with the Administration's objectives.

Sincerely,

KARL E. KAKKE,
Acting Secretary of Commerce.

STATEMENT OF PURPOSE AND NEED

In view of the increased use of the metric system of measurement in international trade and its adoption by virtually every major nation in the world, the Congress, by Public Law 90–472 in 1968, directed the Secretary of Commerce to undertake a three year study of the metric system so as to determine its impact on the United States. The Secretary's final report, submitted in July 1971, concludes that eventually the United States will join the rest of the world in the use of the metric system as the predominant common language of measurement. Rather than drifting to metric with no national plan to help the sectors of our society and guide our relationships abroad, a carefully planned transition in which all sectors participate voluntarily is preferable. Such a plan would assist these sectors in adjusting to the metric system more efficiently, more effectively, and more economically.

As a means of providing an effective changeover to the metric system, there is herewith proposed a Joint Resolution which would establish a national policy for converting to the metric system in the United States. The Resolution, after describing previous United States involvement in metric system measurement activities, declares that the policy of this Nation shall be to facilitate and encourage the substitution of the metric system of weights and measures in place of the current customary measurement units in education, trade, commerce and all other sectors of the economy. It is intended that metric units would become the predominant, though not exclusive, language of measurement within a period of ten years from the date of this Resolution's enactment. Another important part of this policy pertains to the retention in new metric language standards of those U.S. engineering designs, practices, and conventions that are internationally accepted or embody superior technology. It would also be this country's intention to cooperate with foreign governments and private international organizations which are concerned with the encouragement and coordination of the increased use of metric measurement units or engineering standards based on such units. Finally, it would be the policy to conduct extensive publication information and educational programs through use of the public media so as to familiarize the public with the meaning and applicability of metric terms and measurements in their daily life. In addition, the Secretary of Health, Education, and Welfare and the Director of the National Science Foundation are authorized to counsel and consult with educational associations and groups so as to assure that the metric system of measurement is made a part of the curricula of the Nation's educational institutions and that teachers and other personnel are properly trained to teach the metric system of measurement. Further, the Secretary of Commerce is authorized to consult with the National Conference of Weights and Measures so as to assure that State and local weights and measures officials are appropriately informed of the intended metric changeover and are thus assisted in their efforts to bring about timely amendments to weights and measures laws.

To carry out these policies, the Resolution would establish a National Metric Conversion Board composed of not more than 21 distinguished private citizens appointed by the President and 4 members of the Congress selected by the Speaker of the House of Representatives and the President of the Senate. One of the initial functions of this Board would be to develop and submit to the Secretary of Commerce, for his approval and transmittal to the President, a comprehensive plan to accomplish the changeover to the metric system of measurement in the United States. This plan shall be submitted to the Secretary within 12 months after funds have been appropriated to carry out the Resolution's provisions. The Resolution would give no compulsory powers to the Board and the changeover proposed by the Board in its plan would be entirely voluntary.

In developing the plan, the Board would be required to consult with United States commerce and industry, including small business, science, engineering, labor, education, consumers, nationally recognized standards developing and coordinating organizations, government agencies at the Federal, State, and local level as well as, where appropriate, with foreign governments and public international organizations. Upon the approval of the plan by the President, it would be submitted to the Congress. The Board, after approval by the President, would begin implementation of the plan except for those recommendations in the plan, if any, which would require legislation. The life of the Board would be no longer than 10 years after its plan is approved by the President.

The Resolution makes provision for an Executive Director and a staff to assist the Board. In carrying out its duties, the Board would be authorized to enter into contracts, conduct hearings, establish committees and advisory panels, and perform such other acts as may be necessary to implement the functions prescribed by the Resolution. Annual reports of its progress would be submitted by the Board to the Secretary of Commerce for his approval. The Secretary would, in turn, forward such reports to the President for his approval and transmittal to the Congress.

The Resolution would authorize the appropriation of such sums as may be necessary to carry out its provisions. The appropriations would be available for obligation and expenditure for such periods as specified in the Acts making such appropriations.

It is estimated that expenditures in the first full year of operation would approximate three million dollars.

By Mr. PELL (for himself, Mr. WILLIAMS, Mr. RANDOLPH, Mr. KENNEDY, Mr. MONDALE, Mr. EAGLETON, and Mr. CRANSTON):

S.J. Res. 220. A joint resolution making additional appropriations for the Office of Education for the fiscal year ending June 30, 1972. Referred to the Committee on Appropriations.

Mr. PELL. Mr. President, the Subcommittee on Education of the Senate Committee on Labor and Public Welfare on Friday held a hearing on S. 3395, the President's Equal Educational Opportunity measure. This legislation, while spoken of as a new breakthrough by the President in one of his recent TV appearances, delivers little that is new. During the hearing, it became increasingly evident to the members of the subcommittee, that under the new proposal, the President was actually calling for funding of that which has already been enacted. In fact, it appeared more cosmetic rather than real.

In 1965, the U.S. Senate enacted Public Law 89–10. The major provision in that legislation is title I which seeks to provide funds to schools which teach disadvantaged children in urban and rural areas. After a few years of operation it was realized that further efforts were needed to target funds to those schools which serve the highest concentration of disadvantaged children. Therefore, in 1970 with the enactment of Public Law 91–230 a targeting mechanism was established.

Unfortunately, the administration in its budget requests has never sought to adequately utilize the title I tool. For example, it is estimated that last year's authorization for title I was $6 billion. The administration asked for $1.5 billion and the final appropriation was $1.6 billion. This year's budget calls for the same figure.

The point I wish to make clear to the Senate is that there is already a mechanism to do what the President calls for in his equal education opportunity bill. With full funding of title I of the Elementary and Secondary Education Act he can target money into schools teaching high concentrations of disadvantaged children.

With this in mind, and in behalf of myself and Senators WILLIAMS, RANDOLPH, KENNEDY, MONDALE, EAGLETON and CRANSTON I am introducing a joint resolution which will provide a supplemental appropriations in the amount the President proposes to use for equal educational opportunity, $2.5 billion. This procedure is unusual in that traditionally appropriations bills come from the House, but busing and equal education ought not be treated as ordinary matters and it is my belief that an unusual procedure should be adopted. I call upon the President to support this effort. To use a cliche, to put the money where the mouth is.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 649

At the request of Mr. MANSFIELD, the Senator from Oklahoma (Mr. HARRIS) was added as a cosponsor of S. 649, a bill to abolish the Interstate Commerce Commission.

S. 1819

At the request of Mr. BAKER, the Senator from Wyoming (Mr. MCGEE), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Montana (Mr. METCALF), and the Senator from Florida (Mr. GURNEY) were added as cosponsors of S. 1819, a bill to amend the Uniform Relocation Assistance and

Real Property Acquisition Policies Act of 1970.

S. 2956

At the request of Mr. JAVITS, the Senator from Indiana (Mr. BAYH) and the Senator from Illinois (Mr. STEVENSON) were added as cosponsors of S. 2956, the War Powers Act.

S. 2994

At the request of Mr. MCCLELLAN, the Senator from Nevada (Mr. CANNON) was added as a cosponsor of S. 2994, a bill to provide for the compensation of innocent victims of violent crime in need; to make grants to States for the payment of such compensation; to authorize an insurance program and death and disability benefits for public safety officers; to provide civil remedies for victims of racketeering activity; and for other purposes.

S. 3067

At the request of Mr. JAVITS, the Senator from New York (Mr. BUCKLEY), the Senator from Tennessee (Mr. BAKER), and the Senator from Illinois (Mr. STEVENSON) were added as cosponsors of S. 3067, a bill to eliminate racketeering in the sale and distribution of cigarettes.

S. 3140

At the request of Mr. METCALF (for Mr. MUSKIE) the Senator from Maryland (Mr. MATHIAS) was added as a cosponsor of S. 3140, the Intergovernmental Cooperation Act of 1972.

S. 3232

Mr. PACKWOOD. Mr. President, I would like to clarify for the RECORD an omission in the printing of legislation I have introduced, S. 3232, the Transportation Crisis Prevention Act.

The distinguished senior Senator from Florida (Mr. GURNEY) was a cosponsor of this legislation when it was introduced as an amendment to Senate Joint Resolution 197 on February 8, and was also an original cosponsor when it was reintroduced on February 24 as S. 3232. Unfortunately, his name does not appear on the bill as printed, and I would like the RECORD to show that the Senator from Florida is an original cosponsor.

I ask unanimous consent that at the next printing the name of the Senator from Florida (Mr. GURNEY) be added as a cosponsor of S. 3232.

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

S. 3334

At the request of Mr. MANSFIELD (for Mr. MAGNUSON) the Senator from New York (Mr. BUCKLEY) was added as a cosponsor of S. 3334, a bill to authorize the Secretary of the Interior to assist the States in controlling damage caused by predatory animals; to establish a program of research concerning the control and conservation of predatory animals; to restrict the use of toxic chemicals as a method of predator control; and for other purposes.

S. 3338

At the request of Mr. HARTKE, the Senator from North Carolina (Mr. JORDAN) was added as a cosponsor of S. 3338, a bill to amend title 38, United States Code to increase the rates of compensation for disabled veterans, and for other purposes.

S. 3343

At the request of Mr. HARTKE, the Senator from Texas (Mr. TOWER) was added as a cosponsor of 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.

S. 3351

At the request of Mr. BROCK, the Senator from Delaware (Mr. ROTH) was added as a cosponsor of S. 3351, a bill to establish a Council on International Economic Policy.

S. 3357

At the request of Mr. MONDALE, the Senator from North Dakota (Mr. BURDICK), the Senator from Missouri (Mr. EAGLETON), the Senator from Indiana (Mr. HARTKE), the Senator from Washington (Mr. JACKSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), the Senator from Wisconsin (Mr. NELSON), and the Senator from Wisconsin (Mr. PROXMIRE) were added as cosponsors of S. 3357, a bill to provide price support for milk at not less than 85 per centum of the parity price therefor.

S. 3378

Mr. NELSON. Mr. President, Senator Moss and Senator MUSKIE have requested that their names be added as cosponsors of S. 3378, the Tax Reform Act of 1972.

I ask unanimous consent that Senator MUSKIE's statement on this proposed legislation be printed in the RECORD at this point.

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

STATEMENT BY SENATOR EDMUND S. MUSKIE ON COSPONSORSHIP OF TAX REFORM ACT OF 1972

I am co-sponsoring Senator Nelson's Tax Reform Act of 1972 because of my conviction that tax reform is one of the most urgent issues facing the Congress. I want to do all that I can to assist the passage of comprehensive meaningful reform legislation that will end many of the inequities of our federal tax system. Senator Nelson correctly points out that a tax system supposedly progressive, designed to tax people according to their ability to pay, has in fact become an unfair, discriminatory system which shelters the wealthy from a fair share of the tax burden. The American people recognize this inequity and they are demanding an end to it. Their demand does not represent, as some would argue, a retreat from responsibility, or a diminished commitment to the public welfare. Instead, it represents a simple, just appeal for fairness in the distribution of the tax burden. Congress must respond to this appeal with the kind of legislation advanced by Senator Nelson.

However, as Senator Nelson stated when he introduced his legislation, supporters of tax reform do not agree on all details of reform. There are items in my tax reform program not contained in Senator Nelson's bill. There are some details of Senator Nelson's bill not contained in my own program. Therefore, to further consideration of the details of all aspects of tax reform, I intend to introduce a tax reform bill which embodies the proposals in my program. This bill will not be competitive with Senator Nelson's. I simply hope, by its introduction, to add to the momentum for tax reform in Congress and encourage a dialogue which will lead to enactment of the best tax reform measure possible.

S. 3382

At the request of Mr. JAVITS, the Senator from Connecticut (Mr. WEICKER) and the Senator from Missouri (Mr. EAGLETON) were added as cosponsors of S. 3382, the Gifted and Talented Children's Education Assistance Act.

SENATE JOINT RESOLUTION 180

At the request of Mr. ROTH, the Senator from Maine (Mrs. SMITH) was added as a cosponsor of Senate Joint Resolution 180, authorizing the President to issue annually a proclamation designating the month of May in each year as "National Arthritis Month."

SENATE JOINT RESOLUTION 191

At the request of Mr. CRANSTON, the Senator from Maine (Mr. MUSKIE) was added as a cosponsor of Senate Joint Resolution 190, to designate the week of May 1–7, 1972, as "National Bikecology Week."

SENATE JOINT RESOLUTION 217

At the request of Mr. MCGEE, the Senators from New Jersey (Mr. CASE and Mr. WILLIAMS), the Senator from Oklahoma (Mr. HARRIS), the Senator from California (Mr. TUNNEY), and the Senator from Indiana (Mr. HARTKE) were added as cosponsors of Senate Joint Resolution 217, a joint resolution to create an Atlantic Union delegation.

SENATE CONCURRENT RESOLUTION 71—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO THE DENIAL OF ADMISSION OF WOMEN TO SERVICE ACADEMIES

(Referred to the Committee on Armed Services.)

Mr. JAVITS. Mr. President, I submit, for appropriate reference, a concurrent resolution expressing the sense of the Senate that a woman duly nominated to a military service academy should not be denied admission solely on the ground of sex.

Mr. President, last month I nominated a woman to receive a nomination to the U.S. Naval Academy—Miss Barbara Jo Brimmer of Staatsburg, N.Y. I held a press conference to announce that nomination and to explain my reasons for making it.

Later in February, I received a letter from Secretary Chafee informing me that he would not accept my nomination, although he was opening Naval ROTC to women for the first time.

It is my judgment that women deserve consideration for the best training if they qualify. Not only do women deserve it, the military services deserve the best trained officers as well.

Mr. President, the Secretary's refusal to accept this nomination is a direct challenge to the authority granted to Members of the Senate by law. The U.S. Code, title 10, section 6954, grants each of us the right to nominate five residents from our home State to the Naval Academy, and similar provisions govern nominations to the other academies. This provision makes no restriction on the sex of the nominees.

Indeed, the constitutional amendment which the Congress passed overwhelmingly this month and sent to the States for ratification would clearly prohibit the kind of discrimination now being practiced by Service Academies. Thus, the Congress is already on record as to the general policy against discrimination, and this resolution merely represents one particular of that general policy.

Although I had considered offering an amendment to the law dealing with this matter, I decided that, as a first step, it ought to be sufficient for the Congress as a body, to express its own determination not to accept a discriminatory restriction imposed by the executive branch but not found in the statute itself, and I would expect that, when we pass this resolution, the Secretary will revoke his discriminatory policy.

It is my hope and expectation that the Armed Services Committee will proceed to the consideration of this resolution without delay, so that it can be decided with all deliberate speed.

Mr. President, I have worked very hard to seek to bring about recognition of women as suitable admittees to the service academies to pursue the purposes and roles in which they can properly function and in which they already serve in the military. In pursuance of that objective I am joining today with Representative McDONALD of Michigan—who also nominated a woman who was rejected by the Naval Academy—in introducing this concurrent resolution.

This is but another milestone in the long road to true equality for women. I hope the measure will be acted upon favorably by both bodies.

Mr. President, I ask unanimous consent that there be printed in the RECORD at the close of these remarks my press conference statement, and a press release issued by the University of Michigan opposing the Secretary of the Navy's discriminatory policy and setting forth the views of Ross J. Wilhelm, a Michigan business economist and professor at the University of Michigan Graduate School of Business Administration.

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

JAVITS NOMINATES FIRST WOMAN TO U.S. NAVAL ACADEMY

I have today submitted to the Secretary of the Navy my nomination of Miss Barbara Jo Brimmer of New York for the class of midshipmen entering the United States Naval Academy at Annapolis in June 1972.

I believe this is the first nomination of a woman to a service Academy—in this instance the Naval Academy because that was the one for which Miss Brimmer applied. I have called this press conference to introduce her and to explain my reasons for making this nomination.

THE NOMINEE

Miss Brimmer is 17 years old and a resident of Staatsberg, New York. She is a 1971 graduate of Franklin Delano Roosevelt High School in Hyde Park, New York, where she won a New York State Regents Scholarship and was elected to the National Honor Society. This year she is attending Russell Sage College in Troy, New York.

She graduated with an A average, and her scores on the "College Boards" were all above the 90th percentile. Barbara comes from a family steeped in the traditions of military service, and of the Navy. Her father is a retired Navy Commander who graduated from the Naval Academy in the class of 1920. Her mother was a WAVE officer in World War II. And her uncle is a graduate of West Point.

She hopes to be able to qualify for the Academy's newly-established pre-medical course, and become a Navy Doctor; but in any event, her objective is to follow in her family's proud tradition as a Naval Academy graduate and Naval Officer.

REASONS FOR MAKING THIS NOMINATION

First, I wish to emphasize that the step I am taking today is not designed to compel the Navy to use women officers in any Naval career to which women are now not already assigned.

It may well be that the Navy *ought* to expand the scope of permissible activity for women officers—I suspect that that is the case. But that is not what *this* nomination seeks to accomplish.

At this point, I seek only to have the Academy conform to the Navy itself. Some 3.6 percent of Naval Officers are women. Shouldn't a similar percentage of Annapolis entering class and graduates also be women? Shouldn't there be at least *one*?

There are now women Naval officers serving in a broad range of Naval careers. I have examined the recruiting literature which the Navy uses, no doubt at considerable expense to itself, to recruit women Naval officers. The colorful brochures published by the Navy tell the potential women recruit "side by side with them (men) in *every kind of Naval activity ashore*, we do our part to see that these goals (the Navy's goals) are achieved. *Our assignments cover the widest possible range of interests.*"

What are these assignments? The Navy's brochure tells the prospective woman recruit that she may work in meteorology, electronic data processing, purchasing, expediting material and equipment from private industry for Navy use, as an instructor in one of the Navy's specialized schools, as an information and education officer, in the field of office administration, as a member of the Medical Service Corps, as a public affairs officer, as a personnel officer, and in innumerable other professional capacities now open to both men and women officers, and for which the Navy is *now actively recruiting women to seek careers as Naval officers.*

That is what the Navy wants women officers for. Now if one examines the Departments and majors in the Academy catalog, it is easy to see how very appropriate Academy training would be for a woman who could be outstanding in a career—for which the Navy is already seeking women officer recruits.

For example, the Navy seeks women officers to work in meteorology; and the Academy offers a whole Department of Environmental Sciences.

The Navy seeks women officers to work in electronic data processing, and the Academy offers a whole Department of Computer Science.

The Navy seeks women to serve in such office-oriented fields as office administration, personnel, and public affairs, and the Academy offers a major in general management.

The Academy offers a major in Naval Achitecture—hardly a career for which men alone can qualify (certainly the many highly-qualified women architects already practic-:ing their profession in this country could testify to that).

None of these specialties is limited to "general line" combat officers, and thus women should be permitted to prepare for these careers as they are taught at the Naval Academy.

Indeed, the Navy's own recruiting brochure includes a full-page picture of one Lieutenant Roberta Hazard, who is the Project Manager for the Computer Assisted Research Project at the Naval Academy! How can we accept that she is good enough to *manage* projects at the Academy, but not to go there as a Midshipman? How can she be good enough to instruct at the Academy, but not good enough to learn there?

In short, the Academy's tradition is to train officers for the Navy who are highly skilled and motivated to rise to top leadership positions in the service—in any of the many careers which Naval officers pursue. Many of those careers are already open to women for which the Navy already recruits women officers. But the Academy—the best training available, for the best officers—is still closed to women officers. That is unfair to women. And it is *not* in the best interests of the Navy—the *only* Service which has no women in "flag grade" (Admiral, General) positions.

It was just over a year ago that I announced my appointment of the first female Page to serve in the United States Senate.

The precedent I confronted there was just as old and established as the all-male precedent at the Academy.

Then, as now, it was argued by some that the work involved was not appropriate for females. Then, as now, I was confronted by the argument that the ambiguous law on the subject (in that instance, the Senate's own Rules) precluded such an appointment. Then, as now, I argued that no such legal prohibition existed.

Then, as now, I had the power to "nominate", but the actual appointive power lay elsewhere (in the Sergeant at Arms, and the Rules Committee). After making the nomination, I was denied the appointment by the appointive power, but the Senate as a whole sustained such a nomination. Since then, we have seen a half-dozen girls from all corners of the nation serving as Senate Pages—and serving every bit as successfully as the boys.

I hope very much that, in this instance, my nomination will be accepted by the appointive power (in this instance, the Secretary of the Navy, acting for the President). But if the Secretary of the Navy persists in the position (discussed below) that the law as he interprets it precludes this appointment, then, once again, I will be compelled to put the matter before the Congress. And I have confidence that, in due course, that vote would be affirmative once again.

There is no longer any logical or legal basis for this kind of discrimination. Some 196 years ago our Nation was founded on the proposition that "All men are created equal." The 18th century of the Declaration of Independence may not have deemed it "self evident" that the Declaration applied to women as well, but who among us would argue nearly 200 years later that half the nation is made up of second class citizens, or that women have less to contribute to the strength and the pride of our Nation? This country has crossed that bridge long ago, though we may have left some stragglers behind on the far bank. No doubt the Academy can and will maintain its proud traditions even after it ends its anachronistic ones. Indeed, the Navy may take great pride, in due course, that its first woman Admiral will be a graduate of the Naval Academy.

BACKGROUND

(Preliminary Discussions with the Navy: The Law, Regulations, and Policy Considerations)

My authority to nominate to the Naval Academy is provided in the United States Code, Title 10, Section 6954, which provides that at any one time there may be at the Academy a certain number of Midshipmen from various sources, including:

"Ten from each State, five of whom are nominated by each Senator from that State."

That provision says nothing about men or women, and, as I have a vacancy now, it is

my capability to nominate a female to the Academy.

Accordingly, on September 22, 1971, after receiving an unsolicited application from Miss Brimmer, I began to explore with the Navy the possibility of making this appointment, and wrote to Secretary Chafee, stating my interest and asking what problems or impediments there might be.

The Navy responded on September 30, 1971, taking the position that the Academy was limited to men only. In support of that position, the Navy took note of the provisions of the law (10 U.S. Code 6954 and 6956) providing for the appointment of "sons" of certain persons, such as those killed in action in military service. Based upon those provisions, which the Navy construed as evidencing Congressional intent to exclude women, the Navy pointed to its own regulations, 32 CFR 710.12(a), which exclude women and are said to be based upon the authority given to the Secretary of the Navy under a federal statute, 10 USC 5031, 6958.

I reviewed the authority cited by the Secretary. The reference to the appointment of "sons" of those killed in action left me with exactly the opposite conclusion: since the code specifically cites male appointees—that is, those who are "sons" of those killed in action—but contains *no such exclusion as to sex* in other authorities for appointment (as in the authority for nominations by a Senator), I concluded that Congress did not intend the all-male limitation to apply, or else Congress would have said so, as it did in the case of "sons" of those killed in action.

As to the cited statutory authority for the Secretary's exclusionary regulations, I examined section 5031, and found that it simply provides that the Secretary of the Navy shall be in charge of the Navy—and says nothing about excluding women. I examined Section 6958, also cited by the Navy, and found that Congress specifically listed, in the Statute, the qualifications for Admission to the Naval Academy: age 17, passage of examinations prescribed by the Navy, and a resident of the State of the appointing Senator. Not a word about "men only." Indeed, the Attorney General issued an opinion as long ago as 1910 in which he held that a nominee whose qualifications have been regularly certified by a Senator, and who has passed the necessary mental and physical examinations and received and accepted appointment, "cannot, in the absence of fraud, be deprived of that office." 28 Op. Atty. Gen. 180 (1910).

The Navy also cited the provisions in the Code (10 USC 6015) excluding women from service on combat ships. Again, I was unpersuaded. This exclusion has never prevented recruitment of WAVE officers; therefore, why should it be deemed to exclude women from the Naval Academy, which trains Naval Officers?

And certainly, the use of such terms as "he" or "midship*men*" in the Statute is not such an exclusion, as the male gender in terms like that has always been construed to be neutral, neuter, and to cover both men and women. Indeed, the very first section of the United States Code (1 USC 1) states specifically that in construing any act of Congress:

"words importing the masculine gender include the feminine as well"

unless the context requires otherwise, which it does not, as far as I can tell.

Finally, the Secretary of the Navy informed me that, in addition to the legal questions raised, "The Navy's position is in consonance with the Judeo-Christian concepts with respect to the status of women," and went on to state "historically, the basic attitude in our American culture has been one of protection of women from the dangers of combat and the rigors of life at sea."

It still seems clear to me that the moral argument made in this instance by the Navy, if it were really valid, would have prevented the Navy from recruiting women officers at all. And this, of course, is not the case. The Navy has recruited, and continues to recruit, women to be noncombat Naval officers, and I see no reason why the Academy, whose curriculum includes many "majors" in those very same fields, ought to take a different position.

Accordingly, I wrote back to the Secretary on October 7, 1971, to explore the matter in even greater detail, asking whether the curriculum was adaptable to fields in which women officers now serve. The Secretary replied on November 9th, that the Navy has a current need for about 150 women "line officers" each year, which the Navy manages to recruit through other means (principally OCS). Other specialized women officers are recruited in other ways. The Secretary informed me that, in his judgment, admission of women at the Academy would result in an equivalent reduction in male enrollment, and that that would not be in the best interests of the Navy.

I also specifically asked the Secretary about the pre-medical program, and he replied that the Academy is instituting a pre-medical program, limited to the top two percent of each class, and that the Navy requires its doctors to function in the entire spectrum of "the Naval environment," which would not be open to women under the Statute which precludes women from serving on combat ships. Under the statute on which the Navy relies, however, hospital ships are specifically excluded from the restriction upon the service of women officers (10 USC 6015) in combat zones. The Secretary did not indicate whether service in Naval Hospitals (where the highest specialties are practiced, and where the size of the staff makes command training more significant) would be open to women.

Again I went back to the Navy, raising more questions. If the function of the Navy is to increase "retention" of Naval officers after their initial enlistment, wasn't that objective just as applicable to women? In reply, I was informed that the retention rate for men officers in the Navy is now 24 percent, while for women officers it is 35 percent, while as to Academy graduates (male) the retention rate is 50 percent. In short, the retention rate (and consequent cost to the Navy to train replacements) is very poor for *both* men and women, but retention is twice as high when it comes to Academy graduates.

So the argument based on "retention" amounts to this: the Navy has to replace three-fourths of its Academy graduates. The Navy also has to replace two-thirds of its women officers after one hitch (a better reenlistment record than for men, but still not as good as the Academy). Following this logic to its obvious conclusion, it strikes me that (a) the Academy could be expected to double the reenlistment rate for women (two-thirds), and (b) women, being more likely to reenlist, ought to be assigned more important tasks and be used more widely in the service, as their re-enlistment rate will produce more experienced officers.

As to the curriculum and facilities of the Academy, I again asked the Navy what would be involved in admitting women (at least in proportion to their current rate of enlistment in the Navy—3.6 percent of the class). As far as I could tell, what was involved was the construction of a women's locker room in the Academy gymnasium. In reply, the Secretary informed me on January 11, 1972, that the "cost" of admitting women to the Academy would be the additional "cost" of training those men whose otherwise available positions at the Academy would be filled by women—i.e., the cost of "expanding" the Academy's male enrollment by the number of women admitted. Beyond that, I have yet to learn what the real cost of admitting a few women to the Academy would be, and must continue to assume that the cost would be minimal—particularly when measured against the cost—the *current* cost—of training replacements for those who do not reenlist after their initial "hitch."

STANDARDS FOR ADMISSION

There are already intelligence and physical requirements for admission to the Academy.

As to the intelligence standards, women need seek no special treatment, and I have no doubt that my nominee can pass those standards with ease—as could many other candidates who no doubt will follow. As to the physical standards, obviously some new criteria will need to be developed—but not developed "from scratch." The Navy's own brochure for recruiting women officers now lists as qualifications that a candidate must be:

"A citizen of the United States;

At least 18 and under 27 years upon application;

Able to meet the Navy's *physical* and mental standards;

Have no dependents under 18;

(You may be single or married)."

Obviously, the Navy *already* has physical standards for WAVE officers. I can see no reason why they ought to be any different for women admitted to the Academy.

To sum it up, I find nothing in the law to persuade me that women must, as a matter of law, be excluded from the Academy, or that they should, as a matter of policy, be so excluded. And I hope that it is not the Navy's intention to continue to exclude them by maintaining the artificial barrier that now exists. By the nomination I am making today, I propose to begin the process of removing that barrier—which I deem to be in the Nation's best interest.

THE UNIVERSITY OF MICHIGAN NEWS

ANN ARBOR.—President Nixon should countermand the secretary of the Navy's decision to reject two female candidates for the Naval Academy at Annapolis, a University of Michigan business economist insists.

Ross J. Wilhelm says the Navy decision to deny admission to Barbara J. Brimmer of Staatsburg, N.Y., and Valerie Schoen, U-M student from Redford Twp., Mich., is wrong for two reasons:

1. The secretary of the Navy has made it more difficult for all the military services to switch from reliance upon the draft to volunteers, many of whom will have to be women.

2. Rejection of the two women will mean that the Navy Department and the entire Department of Defense will have a more difficult time in securing passage of the military budget in Congress during the coming year.

Prof. Wilhelm, a member of the U-M Graduate School of Business Administration, contends that the Navy decision runs counter to current employment trends in the United States. He discussed the subject on his radio program, "Business Review," produced by the University Broadcasting Service (WUOM, WVGR).

Women now constitute about 37 per cent of the work force, Wilhelm notes, and about 6 out of 10 of new persons available for employment are women—a growing percentage of whom are married.

"As a consequence of the increasing number of women who are working and the growing proportion who want to work," he adds, "it is obvious that any employer who wishes to hire new employes will have to plan to hire more women than would have been the case in the past."

The text of the Concurrent resolution is as follows:

S. CON. RES. 71

Resolved, That it is the sense of the Congress that no citizen of the United States should be denied admission to or be excluded from any military service academy of

the United States solely on the ground that such citizen is a female if such citizen is otherwise qualified for admission to such academy and is qualified to be trained in a skill or profession in which citizens of such sex are permitted to serve as commissioned officers in the Armed Forces of the United States.

SENATE CONCURRENT RESOLUTION 72—SUBMISSION OF A CONCURRENT RESOLUTION TO CONGRATULATE WAIPAHU, HAWAII, ON ITS DIAMOND JUBILEE

(Referred to the Committee on the Judiciary.)

Mr. INOUYE, for himself and Mr. FONG, submitted the following concurrent resolution:

S. CON. RES. 72

Whereas, the Hawaiian word "Waipahu" means "spring water", and

Whereas, the availability of spring water in the Aualii area of the Island of Oahu, Hawaii, led to the development of an agricultural district whose principal crops were bananas and rice; and

Whereas, more than 75 years ago, a sugar plantation was started in the area where ten thousand fertile acres were lying at waste covered with brush; and

Whereas, the sugar company was incorporated in 1897, and thereupon built a mill at a place known to the Hawaiians as Waipahu; and

Whereas, over the years the company grew, expanded, acquired new lands, and brought great prosperity; and

Whereas, a thriving plantation town was created at Waipahu, amid the picturesque setting of the old sugar mill of the 1900's with its towering smokestack, the smell of molasses and the vista of sugar cane fields, the rickety clatter of a sugar cane railroad train tugging crop-laden cars, the activity of horses, mules, and pack animals, and the laughter of browned, barefooted children walking over dusty roads to rural school houses; and

Whereas, the slow growth of the community over the first 60 years was in marked contrast to the "boom" experienced in more recent times; and

Whereas, the faded red plantation houses down from the mill, with their little lawns and gardens and flowers have been replaced by a bustling business community with modern shopping centers, medical clinic, health center, theater, new post office, fire department, banks, churches, and numerous schools including three elementary schools and one high school; and

Whereas, Waipahu was once described as "a sleepy plantation town, where field and mill workers brought the necessities of life from the company store and lived in company-provided housing." but now the residents own their land, there are 300 businesses, and many individuals are employed in Honolulu 18 miles away; and

Whereas, the plantation once employed immigrant labor at low wages, today the workers bargain collectively, are the highest paid sugar workers in the world, and are provided year-round employment of 40 hours per week with fringe benefits such as pensions, group insurance, paid holidays, vacations with pay, medical plan, dental plan, sick leave, and recreational facilities; and

Whereas, Waipahu is the hub of Leeward Oahu, and has a population of 25,000, who are community-minded citizens anxious to preserve for their town the flavor and charm of an old plantation community; and

Whereas, the city of Waipahu will celebrate its 75th anniversary birthday in 1972 with appropriate "Diamond Jubilee" ceremonies, events, exhibits, and festivities: Now, therefore be it

Resolved by the House of Representatives (the Senate concurring), That the Congress sends greetings and congratulations to the city of Waipahu, Hawaii, and its residents, on the occasion of that city's Diamond Jubilee, and extends the good wishes of the people of the United States that Waipahu will continue to grow and prosper.

SENATE RESOLUTION 288—SUBMISSION OF A RESOLUTION RELATING TO MINIMUM AIRCRAFT NOISE LEVEL REQUIREMENTS

(Referred to the Committee on Foreign Relations.)

Mr. CRANSTON, for himself, Mr. MUSKIE, and Mr. PELL, submitted the following resolution:

S. RES. 288

Resolved, That it is the sense of the Senate that, at the preliminary meetings of the International Civil Aviation Organization Convention on Aeronautical Noise, to be held in Canada in March and August, 1972, and with respect to any agreement resulting from such meetings, it should be the position of the United States that any aircraft used in international flights and exceeding aircraft engine noise levels prescribed in Annex 16 of the Convention on International Civil Aviation should be retrofitted or modified to reduce aircraft engine noise so as not to exceed such levels.

SENATE RESOLUTION 289—SUBMISSION OF A RESOLUTION RELATING TO SONIC BOOMS OF SUPERSONIC AIRCRAFT

(Referred to the Committee on Foreign Relations.)

Mr. CRANSTON, for himself, Mr. MUSKIE, and Mr. PELL, submitted the following resolution:

S. RES. 289

Resolved, That it is the sense of the Senate that any treaty or agreement entered into by the United States, to permit or approve the conditions under which supersonic aircraft used in international flights may land in the United States, should require that such aircraft be flown in a manner so that no sonic booms occur over the United States, its territories, or possessions, or within 3 miles of any coast of the United States, its territories, or possessions.

THE VICTIMS OF CRIME ACT—AMENDMENTS

AMENDMENTS NOS. 1087, 1088, AND 1089

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

Mr. MONDALE. Mr. President, I am pleased to be one of the numerous cosponsors of S. 2994, the "Victims of Crime Act," introduced by the Senator from Arkansas (Mr. MCCLELLAN). This is a very comprehensive approach to several facets of the problem of compensating victims of violent crime which have been addressed in a variety of bills. Among them are S. 750, introduced by the distinguished majority leader (Mr. MANSFIELD) and my own bill, S. 2817.

I am delighted that S. 2994 has been scheduled for hearings on March 27. I hope the Senator from Arkansas, who chairs the Subcommittee on Criminal Laws and Procedures, will be able to report this measure to the Senate at an early date. Surely, the time has come when society should express its concern for the innocent victims of violent crime.

I was gratified that a number of the provisions first proposed in S. 2817 were included in S. 2994. Among them are the provisions for emergency awards and the requirements that the victim report the crime to the authorities within 72 hours.

There are other features of S. 2994 which represent improvements over earlier bills. For example the $50,000 limit on compensation in any one case will provide adequate assistance in the great majority of circumstances. At the same time, there will be a few cases—chiefly involving permanent disability for young heads of families—where even this figure will prevent making the victim whole, financially.

When I asked to cosponsor S. 2994, I stated my intention to propose a few amendments. The sponsor of the bill had invited such suggestions for improvements from his colleagues. It is my pleasure, today, to send to the desk three amendments to S. 2994.

The first amendment refers to that portion of the bill which would provide grants to the States. The Federal Government would pay up to 75 percent of the cost of compensation in programs similar to that authorized by the bill. While certain requirements are spelled out and provision is made for Federal approval of the State programs, such programs could be substantially less comprehensive than the new Federal program. For example, all of the seven States that have established compensation programs would leave many of the victims without adequate compensation.

In several of the States, the maximum is only $5,000 to $10,000. In long-term disability or death cases, such a limit is wholly inadequate. Only New York places no limit on medical expenses, and it does limit all other payments. If the Federal Government is going to pay three-fourths of the cost of a State compensation program, I think it should require that the program be at least equal to the Federal program.

Seven States have adopted compensation programs since California led the way in 1965. I hope that enactment of this legislation will spur the remaining States to action. But do we not have a responsibility to provide equal protection to all of our citizens if some States choose not to adopt a program?

Experience in other Federal-State programs shows that most States will want to have their own programs. For example, under the Wholesome Meat Act of 1967, many States resisted a Federal takeover, even though it would have saved them money. I propose that we give the States 5 years to decide whether they want to enact a satisfactory program. If not, we should then extend the scope of the Federal program to those States which have not adopted such a program.

Mr. President, my first amendment would accomplish the two purposes which I have just described.

The second amendment provides a number of improvements. First, it authorizes compensation for those injured as a result of the flight or pursuit of a criminal or suspect. S. 2994 has a so-

called Good Samaritan provision but it ignores this group of innocent citizens. I feel it very important that they receive compensation for their losses.

I also propose to provide limited compensation for pain and suffering. I recognize the fear of administrative difficulties which such a provision raises. For that reason, I propose a limit of $10,000 on awards for this purpose. I think experience under other compensation programs shows that this would be practicable.

I am concerned about the interpretation of the provision in the bill that would deny compensation unless "undue financial hardship" would result. This might become what is known as a needs test. The goal of any compensation program should be to restore the victim to his financial position before the crime. Accordingly, I propose to eliminate this provision.

This amendment would also provide that 100 percent of all actual expenses related to the injury be compensated for, and that the victim receive remuneration for loss of earning power without an overall limit. However, such payments would be limited to a rate not to exceed twice the average weekly industrial wage. This may seem potentially very costly, but experience in similar programs suggests that very few settlements would involve large payments. In Great Britain, for example, where there is no ceiling, the average is about $900.

Physical and occupational rehabilitation and training should reduce costs in the care of long term disability. Expansion of health insurance coverage will also help keep costs down under this program. Simple justice dictates that we not cut off aid for the victim until his need has passed.

Finally, under this amendment, I would soften the prohibition against compensation to any "member of the family" of the criminal. This provision could leave innocent children, for example, helpless. I propose that compensation could be awarded as long as the agency determines that no unjust enrichment to or on behalf of the offender would result. The bill already prohibits payment where there was provocation of the injury by the victim.

The bill under consideration provides for the creation of a Violent Crimes Compensation Board in the Department of Justice to administer the program. My third amendment would eliminate this Board and assign responsibility to the Secretary of Labor. This, I believe, would be more efficient, as the Secretary administers compensation programs, with quite similar features, for several million workers. He would, therefore, be equipped to take on this new program rapidly.

Our society has the responsibility to protect its citizens. Individuals are discouraged from carrying weapons for self defense, so when someone suffers an injury at the hands of a criminal, the Government has essentially failed in its duty to that citizen. It is only fair that some restitution be provided.

These three amendments strengthen the protections offered in the bill. This is an issue affecting every member of our society and it is very important that the rights of the individual be preserved to the utmost. I hope the amendments will be agreed to.

Mr. President, I ask unanimous consent that the text of the three amendments be printed in the RECORD.

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

AMENDMENT No. 1087

On page 27, strike out lines 10, 11, and 12, and insert in lieu thereof the following:

"'(2) set forth a program for the compensation of victims of violent crime which is equal to the requirements of the Victims of Crime Act of 1972.'"

On page 13, between lines 19 and 20, insert the following new paragraph:

"'(3) five or more years after the date of enactment of this Act within a State that has not established or maintained a program which is eligible for grants under section 301(b)(10) of the Omnibus Crime Control and Safe Streets Act of 1968, for the compensation of victims of violent crime.'"

AMENDMENT No. 1088

On page 16, between lines 10 and 11, insert the following new subsection:

"'(d) The Board may also order payment of, and pay compensation in accordance with the provisions of this Act for personal injury or death which resulted from the flight or pursuit of a criminal or suspected criminal.".

On page 18, line 7, strike out through line 13 on page 19, and insert in lieu thereof the following:

"Sec. 464. (a) No order for the payment of compensation shall be made unless—

"'(1) the act, to which the personal injury or death to be compensated for is based, was reported to the proper law enforcement authorities within 72 hours after its occurrence, unless the Board finds that the requirements of this paragraph is unreasonable; and

"'(2) the application has been made within two years of the personal injury or death.

"'(b) No compensation shall be awarded in any situation in which the Board, at its discretion, determines that unjust enrichment to or on behalf of the offender would result.

"'(c) Compensation shall be paid as follows:

"'(1) 100 per centum of all hospital and medical bills and for any other pecuniary loss or expense proximately arising from the injury or death to be compensated for;

"'(2) loss of earning power not to exceed twice the average weekly industrial wage as determined by the Board, until the victim resumes gainful employment at a rate equal to or in excess of the rate of earning power that the victim had at the time of his injury; and

"'(3) an amount not to exceed $10,000 for pain and suffering.". On page 19, line 14, redesignate subsection "(g)" as subsection "(d)".

AMENDMENT No. 1089

On page 3, strike out line 5 through line 8 on page 4, and insert in lieu thereof the following:

"SEC. 102. The Longshoremen's and Harbor Workers' Act (44 Stat. 1424) is amended by inserting:

'TITLE I—LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION'

immediately above the heading of section 1, by striking out 'this Act' wherever it appears and inserting in lieu thereof 'this title' and by adding immediately after section 51 the following new title:

'TITLE II—CRIMINAL INJURIES COMPENSATION'

On page 6, line 23, strike out "Justice" and insert in lieu thereof "Labor".

On page 7, line 14, strike out "456" and insert in lieu thereof "207".

On page 4, line 10, strike out "450" and insert in lieu thereof "201".

On page 6, line 22, strike out "451" and insert in lieu thereof "202".

On page 7, line 20, strike out "452" and insert in lieu thereof "203".

On page 8, line 10, strike out "453" and insert in lieu thereof "204".

On page 10, line 16, strike out "454" and insert in lieu thereof "205".

On page 11, line 13, strike out "455" and insert in lieu thereof "206".

On page 11, line 20, strike out "456" and insert in lieu thereof "207".

On page 13, line 10, strike out "457" and insert in lieu thereof "208".

On page 15, line 4, strike out "458" and insert in lieu thereof "209".

On page 16, line 12, strike out "459" and insert in lieu thereof "210".

On page 16, line 19, strike out "460" and insert in lieu thereof "211".

On page 17, line 5, strike out "461" and insert in lieu thereof "212".

On page 17, line 21, strike out "462" and insert in lieu thereof "213".

On page 18, line 2, strike out "463" and insert in lieu thereof "214".

On page 18, line 7, strike out "464" and insert in lieu thereof "215".

On page 19, line 19, strike out "465" and insert in lieu thereof "216".

On page 21, line 4, strike out "466" and insert in lieu thereof "217".

On page 22, line 2, strike out "467" and insert in lieu thereof "218".

On page 23, line 6, strike out "468" and insert in lieu thereof "219".

On page 23, line 11, strike out "469" and insert in lieu thereof "220".

On page 23, line 19, strike out "470" and insert in lieu thereof "221".

On page 24, line 6, strike out "471" and insert in lieu thereof "222".

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 999

At the request of Mr. CHURCH, the Senator from Illinois (Mr. STEVENSON), the Senator from New Mexico (Mr. MONTOYA), the Senator from Rhode Island (Mr. PASTORE), the Senator from Oklahoma (Mr. HARRIS), and the Senator from Wyoming (Mr. MCGEE) were added as cosponsors of amendment No. 999, intended to be proposed to the bill (H.R. 1), to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes.

NOTICE OF HEARINGS ON THE WHEAT AND WHEAT FOODS RESEARCH, EDUCATION AND PROMOTION ACT

Mr. ALLEN. Mr. President, I hereby announce the Subcommittee on Agricultural Research and General Legislation of the Committee on Agriculture and Forestry will hold a hearing Tuesday, May 9, on S. 3276, the Wheat and Wheat Foods Research, Education and Promotion Act. The hearing will be in room 324, Old Senate Office Building, beginning at 10 a.m. Anyone wishing to testify should contact the committee clerk as soon as possible.

ANNOUNCEMENT OF OPEN HEARINGS BY SUBCOMMITTEE ON PARKS AND RECREATION

Mr. ROBERT C. BYRD. Mr. President, on behalf of the distinguished Senator from Nevada (Mr. BIBLE), I wish to announce for the information of the Senate and the public that open hearings have been scheduled by the Subcommittee on Parks and Recreation at 10 a.m. April 6, in room 3110, New Senate Office Building, on the following bill: S. 1295, to establish the Amistad National Recreation Area in the State of Texas.

HEARINGS ON INDIAN SELF-DETERMINATION BILL

Mr. ROBERT C. BYRD. Mr. President, on behalf of the distinguished junior Senator from Washington (Mr. JACKSON), I wish to announce for the information of the Senate and the public that open public hearings have been scheduled before the Subcommittee on Indian Affairs on S. 3157, the Indian self-determination bill. This hearing will be held on April 24, beginning at 10 a.m. in room 3110, New Senate Office Building.

This measure, which the Senator from Washington introduced on February 9, would permit the Indian people to realize their long-standing desire to assume increasing responsibility in the control and management of Federal Indian service programs of the Bureau of Indian Affairs and the Indian Health Service.

ADDITIONAL STATEMENTS

COMPENSATION FOR PERSONS MAIMED BY CRIMINALS

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "If You Are Maimed by a Criminal, You Can Be Compensated (Maybe)," written by Wayne King, and published in the New York Times Magazine of March 26, 1972.

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

IF YOU ARE MAIMED BY A CRIMINAL, YOU CAN BE COMPENSATED (MAYBE)

(By Wayne King)

Friday had been a good day for Jack Harris. His wife, Nelle, who had been sick for several weeks, was out of the hospital; his four children were excited about Christmas, a week away, and the car trunk was full of presents for them from fellow employes at Northshore Hospital, where he worked as a kitchen helper. Everyone seemed happy and expectant. All in all, a very good day.

The only nagging thing was the little dog next door. It wasn't big enough to be called vicious, just feisty; an angry little dog with an almost uncanny ability to jump over fences on the street four or five times taller than it was. To Jack Harris the dog seemed to be a little like the middle-aged neighbor who owned him, Robert Collier. Persistent, petulant, Collier didn't seem to like people very much.

Harris does not think of himself as a prideful or arrogant man; like most of the black migrants from rural Mississippi, some of whom lived near him in the same section of St. Albans in Queens, he had been brought up in a life-style that scarcely accommodated that kind of personal luxury. He had worked the rich Delta fields, chopping cotton and picking it, and he had washed dishes in a cafe in his little all-black town of Mound Bayou, growing up like his 12 brothers and sisters with a kind of stubborn endurance that dictated, as he put it, that a man tries to act like a man and do what he has to do.

That's what he had tried to do about the dog, just what any man would do. He had gone over to talk to the neighbor about it. There had been problems before, but this time it was worse. The dog had jumped into the back yard and chased his sister-in-law, seven months pregnant, and when Harris came home, she was near hysterics.

So he had gone over to talk to Mr. Collier, giving him a little lecture about brotherhood and how it was downright unneighborly to let that little dammit of a dog chase pregnant women around the back yard. He tried to be friendly about it, even deferential, at one point even going so far as to pick up Collier's cigar for him when he dropped it during what the police later described as a "verbal altercation."

Collier seemed in a fighting mood. But Jack Harris wasn't having any of that. For one thing, he was 28 years old, tall and strong, and it didn't seem right to hit a man twice his age. So he had given up and gone inside his two-story house and everybody there had had a big laugh about it.

He went back out about 45 minutes later to unload the car trunk. One of the Harris children, probably 4-year-old Brian (Mrs. Harris doesn't remember for certain), saw what happened next through a window. Or pehaps he didn't, perhaps he simply assimilated the patterns of noise and excitement into a vision that for him had all the vividness of a borrowed reality.

"It was just like on TV," the boy told his mother later. "The man pulled a gun and shot daddy, and daddy fell down dead."

It was, of course, not like that in its hard actuality, neither so clinical, nor so brief, nor so final.

Three months later, to the day, on March 18, 1971, Jack Harris became the 3,370th person to file a claim with the Crime Victims Compensation Board of the State of New York. The Harris boy had been wrong; his father had not been killed. There had been a single shot from Collier's rifle—which, in a dim irony, was later identified by the police as a 7.35 mm. Italian Carcano, the same type of mail-order weapon that had killed John Kennedy—and the bullet tore into Harris's back as he wheeled to run, destroying a kidney and severing nerves in his back, paralyzing him from the waist down. Harris remembers Collier saying, "I didn't like what you said."

The files of the crime compensation board are filled with cases like Jack Harris's, all different, but with the common element of sudden, unexpected violence. An elderly storekeeper in the Bronx opens his door in the morning, to be greeted by a gunman who orders him to the floor, shoots him once in the head, killing him, then turns and wounds his wife. A woman walking in Prospect Park in Brooklyn turns to look at a boy bicycling by; the boy grabs her purse, and throws her to the ground, jerking her shoulder out of joint. Or the recurring incident: someone walking down the steet, often elderly; a mugger snakes an arm around his neck, throws him to the ground, kicks him in the ribs or the face. There is robbery, rape, murder, mugging, random assault—a swelling litany of violence, each crime with a perpetrator and each with a victim.

New York State's crime compensation program was adopted by the State Legislature six years ago to aid the victims, people like Jack Harris who are suddenly wiped out financially through no fault of their own. Six other states have similar programs and Congress is now considering a plan to provide the states with 75 per cent Federal funding for such efforts. (At least eight states have proposals pending to set up programs.)

The programs are essentially based on the concept that society has an obligation to protect its citizens against crime, and that when it fails to do so, it must assume the burden of replacing the worst of their losses. The concept is not a new one. The ancient Babylonian Code of Hammurabi, promulgated about 2100 B.C., included a provision for compensating victims of robberies:

"If the brigand be not captured, the man who has been robbed shall, in the presence of God, make an itemized statement of his loss, and the city and the Governor shall compensate him."

Such exalted social theory apparently was well ahead of its time, since it was more than 4,000 years later that it was re-adopted, in New Zealand in 1963 and in England in 1964.

In the United States, the first state to adopt the principle was California, in 1965, but it was some time before the program was put into practice. The New York program grew out of a widely publicized incident in 1965 in which a man was stabbed to death coming to the aid of two women being molested on a subway. The New York City Council, in response to public pressure, awarded the man's widow a yearly stipend and shortly afterward passed the Good Samaritan Law, which provides compensation for persons hurt coming to the aid of a policeman or a crime victim on public property.

The state program, although stimulated by the same crime, is in no way connected with the Good Samaritan Law and has much wider application. Fewer than a dozen awards have, moreover, been made so far under the Good Samaritan program. Few people in New York, it appears, have been hurt coming to someone else's aid.

The Crime Victims Compensation Board handles all cases in which a person is hurt in the state as a result of a crime. It does not pay for property loss, only for medical care and lost wages.

There is no dearth of potential claimants. In 1970, there were 122,976 violent crimes in the state, according to F.B.I. statistics, including some 1,500 murders, 2,800 forcible rapes, 80,000 robberies and 38,000 aggravated assaults. Not all of these produced injuries, of course, but the figures indicate the magnitude of the problem. Given this, it is at first surprising to learn that the crime compensation board has received only about 5,100 claims since its inception; and of those, only about 1,800 have received awards, with another 1,300 cases in process.

Closer examination reveals the reasons. Oddly enough, one of them seems to be that very few people know the program exists. "There are even prosecutors who have never heard of it," says P. Vincent Landi, one of three board members who administer the program and adjudicate cases, two in New York City and a third, Chairman Stanley L. Van Rensselaer, in Albany. The board does no

advertising and, short of occasional press mention, word passes almost by happenstance, from friend to friend.

Nelle Harris learned of the board a week or so after her husband was shot, from a neighbor whose insurance work often took him to courtrooms. Even then she made no move to apply for an award, although it was obvious by then that many months would pass before Jack Harris could return to work—if ever. He had been on an operating table for six hours at Queens General Hospital while doctors quelled massive internal bleeding, patched up vital organs and simply shook their heads over the shattered nerves.

When the Harrises finally did apply for help, through lawyers, it was three months later, just within the 90-limit set by law. Under special circumstances—serious injury and hospitalization, for instance—the period can be waived and applications accepted up to a year after the crime. (Offices of the Crime Compensation Board, listed in the phone books in Albany and New York, will mail out application forms upon telephone request.)

Some potential applicants are turned away after initial informal inquiry when it becomes clear that they do not meet minimum requirements for assistance. Harris's case seemed to meet them all, although every key statement had to be authenticated in a lengthy and tedious investigation. The case took eight months; the average is about three months, though a few stretch to more than a year. "This is public money," says Angelo Petromelis, the stocky, affable supervisor of investigation in New York. Petromelis, 43, oversees the office staff and six city investigators (three more work in Albany), each of whom carries about 40 cases continuously and manages to dispose of about 15 each month. There is a current backlog of about 1,100 cases, stretching longer every month. Petromelis, who worked for 10 years as an investigator of consumer fraud cases for the New York State Banking Board (and who once worked the other side of the street, repossessing cars), says the intensive investigation is necessary not so much to detect fraud as to make sure compensation is not available elsewhere.

"You can count the fraud attempts on your fingers," he says, chewing on a cigar, "but there are some people who will try to pad their claim, throwing in other bills—you know, having their appendix taken care of while they're in the hospital." (In one case, a grocery manager filed on the basis of a broken leg and other injuries sustained in a holdup; there had indeed been a holdup, but the broken leg came later, in an accidental fall.)

But the major aim of the investigation is to find untapped sources of compensation already available to the crime victim. The Harris file is typical: an inch thick with 29 separate documents, ranging from a copy of his tax return to five pages of notes on informal phone conversations. The board does not regard it as necessary for applicants to hire lawyers—Harris's were already working for him on a related matter—and their fees must come out of whatever award the claimant gets. About a fifth of those applying hire lawyers. "This is not an adversary proceeding," explains Petromelis. "We consider it our job to make awards wherever possible, not to go out of our way to deny them."

Application is made on a four-page form requesting details of the crime, injuries, expenses and any medical insurance the victim might have. In the Harris case, medical expenses were formidable, nearly $40,000. This meant that he met a key test—financial hardship. Although the Harrises owned their home, its value was not taken into account, consistent with board policy. Despite his slender take-home pay of $102 a week, he had also managed to accumulate savings of $3,000. This too, was considered inadequate to forestall serious hardship. Bank statements and Harris's most recent tax return were requested and submitted to document his assets. Because of the bank balance, however, a request for an emergency award—up to $500, payable immediately—was denied. All medical bills already paid by the Harrises were submitted and reimbursed.

Unlike many in his situation, Harris had substantial medical insurance—Blue Cross, Blue Shield, Medicaid and a group employe policy. The state program pays only those expenses that are not reimbursed by some other source. It was also determined that Harris met the minimum requirement for lost wages—at least $100 or two weeks of lost pay. Disability payments were deducted from the total lost wages.

Harris also met the requirement of "innocence" in the incident—a nettlesome question in many cases. To be eligible for an award, the victim must not have provoked or substantially contributed to the attack. This is not always clear-cut. In Harris's case, there had been an argument. The police report on the incident, however, corroborated Harris's statement that he had done nothing to provide his assailant and had, in fact, tried hard to avoid a fight. Even if there had been a fight, the circumstances were such that Harris would probably have been absolved of provocation.

"The key point here is the amount of force used," explained board member Landi, an imposing, nattily dressed attorney who has practiced law for 40 years, including several years as a referee in workmen's compensation cases. "If there is a fist fight, and someone pulls a gun and shoots the man he is fighting with, then it's fairly clear that the victim has not provoked that response, a deadly response. If he pulls a knife or gun himself, then it becomes an entirely different question."

The guideline sometimes becomes fuzzy. Consider the case, filed with the board, of a man who became entangled in an argument with another while standing in line at a food service counter.

The man left the restaurant and returned later to renew the squabble, this time brandishing a claw hammer. He strode toward his enemy and swung the hammer at him. The man pulled a pistol and shot him dead. Provocation?

No. At least not in the view of Max L. Nissman, the other board member who, with Landi, is based in an office at 80 Centre Street in Manhattan. His reasoning went this way: Despite the fact that the man had left and returned with what could be considered a deadly weapon, it seemed clear from his actions, on the basis of witnesses' testimony, that he had not intended to inflict deadly injury. He had swung the hammer at the man's legs. Moreover, Nissman felt that if the assailant had not been carrying a gun, he would have left the scene—but that he had in fact incited his victim, walking toward him and taunting him. An award to the man's family—a death claim to cover burial and other losses—was authorized.

A death claim filed by the family of a man who had visited a prostitute and been beaten to death in her apartment was denied, however, partially on the grounds that if the man had not chosen to engage in an illicit situation he would not have been killed. He shouldn't have been there in the first place, the board sniffed.

Similarly, the board rejected the application of a widow who said her husband had been shot to death in a bar and grill below their apartment one evening. The board found no cause for an award. The victim was scarcely innocent, since in fact he was shot while burglarizing the place.

Other cases rejected out of hand involve family situations. A provision in the statute that established the program serves to eliminate all claims growing out of domestic squabbles. No award is made when the victim is hurt or killed by someone related to him. A father-son assault, for example, is not considered to be as clearly society's responsibility as a mugging or a robbery. The myriad man-wife assaults and killings are thus not covered. Nor is a man shot by his mistress eligible. It's not entirely a matter of bureaucratic morality: there is a conscious effort to avoid the possibility of a prearranged fraud on a family claim.

It is not required that the injured party be hurt directly by the criminal, as in a mugging or assault. The requirement is that he be hurt as a result of a crime. Thus an innocent person wounded by a stray bullet in a chase is eligible, if he meets the other requirements. In Brooklyn, a 67-year-old rabbi, permanently disabled, receives $152 a month from the board as a result of injuries he suffered when he jumped from the window of his second-story apartment to escape a pair of assailants. His medical expenses were also paid.

There is no legal limit to payments for medical care under the New York program. The largest award so far, more than $25,000, was recently authorized for the parents of Jean Crez, a 24-year-old French exchange student who was robbed and shot in the neck last year after being forced to lie down on the floor of an apartment on West End Avenue. Paralyzed by the bullet, he later died. Although his medical expenses exceeded $35,000, he apparently had a $10,000 student life-insurance policy at Tulane University where he was studying.

Reimbursement for lost wages under the program is limited to $15,000. Most often, payments are made monthly until the amount is exhausted. In Harris's case, the payment—$1,367—was made in a lump sum. Although Harris actually lost $2,875, disability insurance paid the rest. Because of his extensive insurance coverage, Harris's total award from the board amounted to only $1,615—the lost wages plus $248 in uncompensated medical bills—less than the $1,930 average for personal injury awards. (Compensation in death cases, including payments for burial expenses up to $1,000 and for uncompensated wages up to $15,000 to survivors in financial hardship, averages $2,040.)

For one reason or another—the major ones being failure to meet the minimum requirements, no serious financial hardship or failure to furnish necessary information—fewer than half the claims made to the board result in awards. In 1970, the most recent full year for which information is available, there were 1,090 decisions by the board; 458 claimants received awards and 632 did not.

The awards are made out of an appropriation—$2,350,000 this year—taken from the state's general fund. The amount has grown steadily each year since the program started and is expected to keep doing so. If the appropriation proves inadequate in a given year, a supplementary appropriation may be sought. In 1970, it was necessary to obtain an additional $100,000 from the deficit budget.

Just how many eligible crime victims have not applied because they have never heard of the program is speculative, but the stipulations of the system are such that the number who would receive awards is not considered excessively large. The requirement of financial hardship troubles the board. The question becomes particularly oppressive when applied to the elderly, some of whom have substantial savings eked out over the years from frugal living. A sizable bank account can be enough to deny an award to an applicant—even if he has no income. The board also feels that the middle-income wage-earner and taxpayer is unfairly penalized, since his losses, which might be substantial, are not recoverable unless they create serious financial hardship.

There are other criticisms that can be made. A major one is that the program, be-

cause it is not widely known and because it places stringent restrictions on eligibility, touches only a tiny percentage of the victims of crime. Another is that the application procedure is sometimes laborious and discouraging; the administration of the program is unwieldly and—perhaps necessarily—well-wrapped in red tap. (Personnel costs alone will take $233,000 out of the $2,637,000 appropriation this year.) And, when it is over, the award, as in Jack Harris's case, is often relatively small.

Set against the huge, if themselves inadequate, outlays for prevention of crime and rehabilitation of the criminal, the expenditure for the victim is pitifully small, and does far too little to rehabilitate *him*. Nor does it do much to heal the psychic scars that, in extreme cases, abuse at the hands of a criminal can produce, especially among the elderly. With crime rates—particularly those for violent crime—growing at an alarming pace, the question of what happens *to the victim* after the blow is struck is certain to become a matter of greater concern. Should as much be spent on him as on the criminal?

Despite total paralysis below the waist and almost constant pain, Jack Harris has returned to his job at Northshore Hospital. His assailant, Collier, was charged with assault in the first degree, a felony involving the inflicting of grievous bodily harm. He was allowed to plead guilty to the lesser charge of second-degree assault and was sentenced last October to three years in prison. Harris is undergoing therapy for the paralysis, but his condition is described as "static." He has refused welfare, because that would mean allowing a lien on his home, which he and his wife refuse to jeopardize. His new job, making sandwiches, allows him to work sitting down, but working alone in a corner depresses him sometimes, so now he also works inside the cafeteria, at the cash counter, where he sees people. If he is again hospitalized and unable to work, the state will reopen his case. He still wears the overcoat he had on the night he was shot. It was almost new and is in perfectly good shape except for the small round hole in the back, not even big enough for Nelle to bother to mend.

COMMANDER IN CHIEF OF THE VETERANS OF FOREIGN WARS OF THE UNITED STATES OPPOSES "AMNESTY"

Mr. HANSEN. Mr. President, the attached statement by a thoughtful American patriot, Mr. Joseph L. Vicites, commander in chief of the Veterans of Foreign Wars of the United States, sets forth the conviction of more than 1.7 million members of the Veterans of Foreign Wars on the issue of "amnesty." I commend "G.I. Joe" Vicites both for the substance and timeliness of his contribution to the Judiciary Subcommittee of this body on this topic.

The VFW has for many years given clear-headed views on some of the most troublesome problems of our times. Mr. Vicites's statement provides one more outstanding example of the patriotism and forthrightness of this fine body of Americans.

I ask unanimous consent that the statement by Mr. Vicites to the Senate Judiciary Subcommittee be printed in the RECORD.

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

STATEMENT OF JOSEPH L. VICITES, COMMANDER IN CHIEF, VETERANS OF FOREIGN WARS OF THE UNITED STATES

Mr. Chairman and members of the subcommittee: The subject which you and other members of your sub-committee have recently been weighing—that of "amnesty" to military deserters and draft dodgers—is of central concern to the more than 1,700,000 members of the Veterans of Foreign Wars of the United States.

In the brief statement that follows, I shall faithfully set forth the views of the V.F.W. on this painful and divisive matter.

Nearly one-third of the membership of the V.F.W. (more than 470,000 comrades) are veterans of our country's struggle in Vietnam. They, and the rest of us in the V.F.W., are keenly aware that more than 55,000 American servicemen have been killed carrying out our nation's commitment to that war-torn land and that thousands more have been wounded, many maimed for life. Additionally, the V.F.W., consecrated to honoring our dead by helping the living, knows full well that hundreds of American fighting men remain as prisoners in the camps of North Vietnam and the jungles of the South.

The massive fact of 55,000 dead Americans—killed in a war they neither chose nor shaped, but one from which they did not shrink—must dominate any consideration of this question from any quarter.

In short, the Veterans of Foreign Wars of the United States is *unalterably* opposed to any general amnesty for draft dodgers or deserters now, or for as far ahead as any one of us can now see.

Specific supporting rationale for the foregoing position follows:

(1) *Effect on Families of Servicemen KIA, MIA, and POW.* It is difficult, if not impossible, to conceive of any but a handful of this tragedy-touched group being so confused in their perception of events as to urge a general amnesty. The overwhelming majority of this specially-affected group vehemently opposes any such step. (You will recall the witness before your Senate panel who movingly recalled President Kennedy's call "to bear any burden, pay any price, support any friend, and oppose any foe to assure the survival and the success of liberty.")

(2) *Effect on the Active Military Forces.* Beset as these forces are with seeking to assure disciplined, combat-ready forces in the current social environment, the harmful effect of "amnesty" to those who, self-serving and indulgent rationale apart, chose to stand aside rather than to fight would be, and I choose the word carefully, calamitous.

(3) *Effect on the Selective Service System.* As Director Tarr of the Selective Service has testified, the effect of "amnesty" would be deeply hurtful to this beleagured manpower mechanism. In short, why should any American appear for induction when those who preceded them evaded this manifest responsibility of citizenship without incurring any penalty.

(4) *Effect on Reserve Forces and the National Guard.* These national assets are confronted with multiple problems in meeting their manpower goals in the blindly anti-military environment of today. A heedless "amnesty" would make their thankless job even tougher.

(5) *"Qualified Amnesty"—The Senator Taft Formula.* Some variation of Senator Taft's approach may at some future point in time merit consideration—*but not now.* As both the president and the Secretary of Defense have indicated, when the U.S. casualty lists from Southeast Asia are over and we hear evidence from our POW/MIAs, the time may be more propitious for a policy review. *That time is not now.*

(6) *Views Attributed to Certain Draft Dodgers/Deserters.* If I can believe the testimony of my eyes and ears, certain self-annointed "leaders" of groups in Canada, Sweden, and even in the U.S., have stated that "amnesty"—which implies forgiveness—is inappropriate for these people have done nothing for which forgiveness is appropriate in that, having been proven "right" by events, they have done nothing calling for forgiveness. The twisted logic of something called "premature morality" would apparently call for wecoming draft dodgers and deserters back home in a ticker tape parade down lower Broadway. This position and those who advocate it bring on something akin to physical nausea in me personally and in the membership of the V.F.W. These interminably vocal people don't want amnesty and we don't want to see them receive it. On this point we can all agree.

(7) *Deserters.* This category has a mechanism in being to give them full consideration upon their apprehension or return to military control, i.e., the military courts martial system under the Uniform Code of Military Justice, as recently amended.

(8) *Draft Dodgers.* A group that I believe is more culpable than many of the less advantaged military deserters and merits no favorable consideration.

To conclude, I am aware that the position set forth above may be considered by some to be predictably "hard-nosed" and not in step with "current realities."

I disagree with those who would so charge. The issue here is not the wisdom of having waged the war in Vietnam; the real gut question is do we countenance self-serving indulgence at best, or cowardice at worst. If we choose to so do, the days of this nation—"the last and best hope of mankind"—are numbered indeed.

DANGEROUS IMPLICATIONS OF THE WAR POWERS BILL

Mr. McGEE. Mr. President, the Senate will soon begin debate on a bill which proposes a fundamental change in the constitutional relationship between the President and Congress in the field of foreign affairs. That bill is the so-called war powers bill.

Eugene V. Rostow, in a paper entitled "Great Cases Make Bad Law," offers an excellent analysis of this legislation and the dangerous implications that it holds for world stability.

What Mr. Rostow warns, and what all of us should heed, is the taking from the President of the flexibility that is needed to deal with international affairs in the real world of the 1970's.

What is most disturbing about the bill is the fact that instead of preventing future limited hostilities, such as Vietnam, it may be opening the way for larger conflagrations which could have been averted if cool heads had prevailed during the course of this historical debate.

I ask unanimous consent that Mr. Rostow's paper be printed in the RECORD.

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

GREAT CASES MAKE BAD LAW

(By Eugene V. Rostow)

Responding to the tragedy of Vietnam, a group of Senators led by Jacob K. Javits proposes a fundamental change in the constitutional relationship between President

and Congress in the field of foreign affairs. They wish to accomplish their goal without the inconvenience of the amendatory process, by legislation alone, based on new perspectives they have discovered in the "necessary and proper" clause of the constitution.

They assert that the underlying cause of the Vietnam tragedy is a modern and most unconstitutional excess of presidential power, caused by presidential "usurpations" since the time of McKinley, and especially those they claim Johnson made with regard to Vietnam. Ignoring their own repeated votes for Vietnam, these Senators say "we live in an age of undeclared war, which has meant Presidential war. Prolonged engagement is undeclared, Presidential war has created a most dangerous imbalance in our constitutional system of checks and balances." Although Senator John Sherman Cooper has rightly criticized their theory as a rewriting of history, Senator Javits and his colleagues are pushing a Bill which in their view would correct nearly two hundred years of error, strip the Presidency of many of its most essential powers, and restore what they fondly imagine was the constitutional model of 1787.

Holmes once said that great cases, like hard cases, make bad law. The Javits Bill confirms Holmes' quip more vividly than any proposal since the Bricker Amendment. But it is a more serious attack on the constitution, and the security of the nation, than any of the Bricker Amendment proposals. They would have required affirmative Congressional action before treaties became operative as the supreme law of the land. The Javits Bill would deprive the President of powers which were used routinely by Washington, both Adams, Jefferson, Madison, Monroe, and by nearly every President since—powers to use or threaten to use force in aid of diplomacy which experience, and the Supreme Court, have found indispensable to the effective functioning of the nation in the society of nations. The armed forces of the United States have been used abroad more than 150 times since 1789, only 5 times under declarations of war, and only a few dozen times pursuant to congressional action that could arguably be construed to authorize what in fact that President did.

In this respect American practice corresponds to that of all other nations in the 18th, 19th, and 20th centuries. There is nothing special, under either international law or American constitutional law, about "undeclared" limited war in time of peace, or campaigns handled by the executive alone. In the nuclear age, as the Cuban Missile Crisis and several subsequent crises demonstrate, these are the flexible powers the nation needs most if there is to be any hope of avoiding nuclear war.

With admirable candor, Senator Javits has said that the purpose of his Bill is to reduce the elective Presidency, which the Founding Fathers were at pains to establish as a third autonomous and co-equal branch of the government, to the humble posture of George Washington during the Revolution, when he functioned as Commander-in chief, appointed by the Continental Congress, and its creature, or the creature of its committees, in every respect.

Congress has made no bid for supremacy so bold, and so foreign to the basic ideas of the American constitution, since the impeachment of Andrew Johnson. The legal theory on which the Bill rests would permit a plenipotenary Congress to dominate the Presidency (and the courts as well) more completely than the House of Commons governs in Great Britain.

I reach this conclusion not as an advocate of increased Presidential power, but as a defender of the constitutional pattern of enforced cooperation between President and Congress we have inherited, for all the friction it inevitably generates. I disagree with the arguments for enlarged Presidential power advanced in recent years by McGeorge Bundy, James McGregor Burns, Richard Neustadt, and Senator Fulbright, among others. In my experience, the respective powers of each branch are indispensable if the making and execution of foreign policy are to remain under effective democratic control. Our practice is strenuous. But a quiet life for Presidents or members of Congress is not a very important goal of our constitutional arrangements.

The corollary of this principle, however, is democratic responsibility. It is not seemly for astute and worldly men who spoke and voted for SEATO, the Tonkin Gulf Resolution, and other legislative steps into the Vietnam War now to claim that they were brainwashed, and therefore that we—and the world—should treat public acts of the United States as if they never happened. These men were not brainwashed. They knew everything the executive branch knew. But their argument has no bearing on the problem in any case. Even if they had been brainwashed, their votes stand. Their claims recall the arguments that the Fourteenth Amendment was a nullity, and could be ignored, because many of the legislatures which ratified it voted under circumstances of fraud, or the coercion of military occupation.

The Javits Bill is full of paradox. While it purports to assure the Nation that a specific Congress will staunchly keep future Presidents from engaging in limited wars like that of Vietnam, the Bill would not have prevented the campaign in Vietnam if it had been enacted thirty years ago. The procedures used to bring Congress and the Presidency together behind the campaign in Vietnam fully comply with the substantive standards of the Javits Bill. Our participation in Vietnam was specifically authorized by Eisenhower's SEATO Treaty, and by several subsequent pieces of legislation, including the Tonkin Gulf Resolution, enacted for the purpose of approving the use of armed force to uphold the commitment of the Treaty. In the case of Korea, the Javits Bill would have required Truman to obtain a congressional Resolution within 30 days supporting the action he took in Korea under the United Nations Charter, which has the status of a treaty in our internal law. Such a Resolution could surely have been obtained at the time, although the President and the Congressional leaders thought it unwise and unnecessary to do so under the circumstances.

But if the Javits Bill had been on the books, it would have prevented Kennedy from handling the Cuban Missile Crisis as he did, by the skillful and minimal deployment of our armed forces as an instrument of deterrence and persuasion, in order to protect our interests without a confrontation that could have led to limited or unlimited war with Cuba, or the Soviet Union, or both. Under the Javits Bill, President Johnson could not have employed the implicit threat of force to keep the Soviet Union out of the Six Day War in 1967. President Nixon could not have used the same methods to avert a general war in the Middle East in September, 1970, or to confine and contain the India-Pakistan war of 1972. Similarly, earlier Presidents could not have used or threatened to use the armed forces of the nation to persuade France to leave Mexico in 1865–1866, to avoid war with Spain or Britain over Florida, with France over Hawaii, or to send commodore Perry on his fateful voyage to Japan.

The Javits Bill would annul the military provisions of all our outstanding treaties and congressional Resolutions authorizing the use of force by the President, including NATO and the Middle Eastern Resolution of 1957, which was renewed in 1961. Equally, it would annul all Presidential commitments, some of immense sensitivity and importance, of like effect.

The country is in the midst of a profound foreign policy crisis. It is not a constitutional crisis requiring a redefinition of the historical relationship between the President and Congress in the making and execution of foreign policy, but an intellectual and emotional crisis caused by the growing tension between what we do and what we think. The ideas that have shaped our policy since 1947 have suddenly lost their power to command. We can resolve that crisis only through a disciplined consideration of what foreign policy is for—an examination of what the nation must do, given the condition of world politics, to preserve the possibility of surviving as a democracy at home. That process is difficult. The relevant Congressional Committees, and the Congress as a whole, should be leading the nation in a courteous and sustained debate, through which we could hope to achieve a consensus as vital as that which sustained the line of policy which started with the Truman Doctrine, NATO and its progeny, and the Point Four Program.

Instead, the Senate Foreign Relations Committee has chosen to escape from the demanding but finite task of reality by plunging into the insoluble, and dangerous one of constitutional myth.

Korea and Vietnam did not come about because the Presidency abrogated Congress' powers over foreign policy. The Congress fully supported those efforts when they were undertaken. Those who now believe these campaigns were an error should recall the prudent wisdom of an earlier time, when the Supreme Court left the powers of the Supreme Court untouched even after the catastrophic error of Dred Scott. Errors are inevitable in the making and execution of policy, both by governments and by other institutions. In the turbulent and unstable world in which we live, the strong Presidency which has developed in the crucible of nearly 200 years of intense experience has never been more needed than it is today.

STAMP HONORING FIORELLO H. LAGUARDIA

Mr. JAVITS. Mr. President, I invite the attention of Senators to the announcement by the U.S. Postal Service that a 14-cent postage stamp honoring Fiorello H. LaGuardia will be issued in New York on April 24, 1972.

I ask unanimous consent that the release issued on this matter be printed in the RECORD.

There being no objection, the release was ordered to be printed in the RECORD:

Fiorello La Guardia, who had a long and varied career in public service, is best remembered as a three-term mayor of New York. He died in 1947.

The stamp, which is in the Prominent Americans series of regular stamps, was designed by Robert Geissman, of New York. It is vertical and bears a portrait of La Guardia, with a portion of the New York skyline in the background. The inscription at the bottom in two lines is "U.S." and "La Guardia/14¢." The stamp was engraved by Arthur W. Dintaman (vignette) and Robert G. Culin, Sr. (lettering). The initial printing order is for forty million stamps, printed in brown on the Cottrell press.

Collectors may direct first day cancellation requests to "La Guardia Stamp, Postmaster New York, NY 10001," enclosing the proper remittance, with requests postmarked no later than April 24.

New Yorkers called him, with affection, "The Little Flower," a literal translation of his Italian-derived first name. He was colorful. He was flamboyant. La Guardia liked to chase fire engines. When a strike closed the city'snewspapers, he went on radio to read the comic strips.

He was also a hard worker and able administrator who left his mark on the city. La Guardia reorganized the machinery for municipal government, balanced the budget, involved himself wtih slum clearance, beautification, construction of parkways and bridges and the airport that later was to bear his name.

As mayor of New York (1934–1945) he rejected partisan politics, appointing to administrative offices persons of every shade of political adherence.

La Guardia was born in New York in 1882, was elected to Congress in 1916, left office to join the U.S. Air Service during World War I, from which he emerged as a major, returned to Congress, where he served until 1933. He was associated with some of the most liberal legislation of the day, notably the Norris-La Guardia Act (1932) which banned the strikebreaking injunction.

La Guardia was the first director of the Office of Civilian Defense (1941–42) and later was director general of the United Nations Relief and Rehabilitation Administration in 1946.

RETIREMENT OF REAR ADM. LEVERING SMITH

Mr. STENNIS. Mr. President, a respected naval officer, Rear Adm. Levering Smith, retires on the 31st of March after 40 years of naval service. We are fortunate that after his retirement, he will remain on active duty in his present assignment as Director, Strategic Systems Projects.

Throughout his career Admiral Smith has served with distinction. Especially noteworthy are his major achievements in the Polaris and Poseidon programs which are so vital for the preservation of world peace. He has contributed in a variety of capacities to those programs for the past 16 years, serving as Director since February 1965.

Admiral Smith's outstanding managerial expertise and effective leadership have in large measure been responsible for the success of these efforts to project the Nation's defense far from our shores. Upon the occasion of his retirement and on behalf of the Nation, I wish to convey to Admiral Smith our sincere gratitude and appreciation and to extend best wishes for the continued success of this great American.

THE HONORABLE DAVID KAMMERMAN

Mr. HANSEN. Mr. President, on the 31 of March, 1972, one of the most honored employees of the Senate, who has served us loyally, industriously, and selflessly for 30 years, retires from our employ and from our midst. For 22 years he has been a member of the staff of the Republican Policy Committee and the Republican Conference. For more than 20 years he has been counsel to the Calendar Committee. Prior to this time he was executive secretary to Senator Danaher of Connecticut as well as administrative assistant to Senator Hawkes of New Jersey. Most recently all of us on the Republican side of the aisle have had occasion to use the Record Vote Analyses of the Senate which he has so diligently prepared and published.

In recognition of David Kammerman's devoted service to the country and to his party, the Republican leadership has caused to be engraved and presented to him the folowing Resolution:

Whereas the Senate of the United States and the Nation have been most admirably and faithfully served by David Kammerman for more than thirty years, during which time he has for more than twenty years been a member of the Staff of the Republican Conference and Counsel to the Calendar Committee, and

Whereas David Kammerman has for more than a decade been responsible for compiling and publishing the Record Vote Analyses of the United States Senate, and

Whereas David Kammerman is now retiring from the long and arduous service he has so well performed;

Now therefore, on behalf of the Senate of the United States and the Republican Conference, we express our gratitude to David Kammerman for his exemplary services and extend to him our high regard and hopes for many long and productive years to come.

Mr. President, I know that all Senators, whether they be of my party or not, join me in expressing gratitude to the Honorable David Kammerman for the many years he has given us, and wish him many long, happy, and productive years in the future.

JOHN D. ROCKEFELLER, JR., MEMORIAL PARKWAY

Mr. McGEE. Mr. President, as we commemorate the centennial year of Yellowstone National Park and the National Park System, I note with pleasure a most appropriate action taken by this body last Friday in its passage of an act to create the John D. Rockefeller, Jr., Memorial Parkway.

This action represents a fitting recognition of the philanthropic efforts of Mr. Rockefeller to create the now world-famous Grand Teton National Park. His private initiative is an inspiration to all who care for the protection of their environment. That the highway linking the Yellowstone and Grand Teton National Parks should be redesignated the John D. Rockefeller, Jr., Memorial Parkway is a most proper undertaking.

At present, there exists a 23,000-acre corridor between the two national parks which is threatened by the existence of numerous mining claims. With the approval of the bill by both Houses, this threat will be removed as the land is transferred to the National Park Service in order that it might have complete jurisdiction of the parkway. It is to be hoped that under the wise administration of the Park Service, this land will be protected and its environment preserved for the benefit of the many generations of visitors to come.

Once again, Mr. President, I commend the Senate for its passage of the bill to create the John D. Rockefeller, Jr., Memorial Parkway.

COUNCIL ON INTERNATIONAL ECONOMIC POLICY

Mr. ROTH. Mr. President, I am pleased to cosponsor S. 3351, introduced by my colleague, Senator BROCK, to provide statutory authority for a Council on International Economic Policy within the executive branch and to insure that annual reports of its activities and area of responsibility are presented to the President, Members of Congress, and the public. The Senator from Tennessee has demonstrated in the clearest possible manner the need for such a council.

Our international economic policies touch on all the vital aspects of our Nation's domestic economy—employment, standards of living, control of inflation, productivity, and pollution regulation. In addition, they constitute an increasingly important element in our relationships with foreign countries, and particularly with our closest allies and business partners—Canada, Japan, Great Britain, and members of the European Community. Because the responsibility for this very important area of policy is scattered among some 60 governmental agencies and departments, legislation establishing a central body to review, coordinate, and establish policy priorities is badly needed.

No one is in a better position to assess this need than the Secretary of the Treasury who told an audience at the Council of Foreign Relations on March 15 that:

> The conduct of foreign economic policy today is characterized by traits of ponderousness, division of responsibility, rivalry and, in some sectors, innocence. Too often, in the past, it has been fragmented and immobilized by concern for other sectors of our foreign policy. New organizations—and new missions for old organizations—are clearly required if the Chief Executive is to have the scope of counsel required for decision and the sensitive apparatus required for securing coherent implementation of decisions.

Secretary Connally's evaluation is borne out by our experience of the past decade, a painful period of adjustment in our international economic relationships and policies. In the immediate postwar world, we were by far the preeminent economic power. The European countries were then suffering from dollar shortages rather than unwanted dollar overhangs, and our technological superiority and high rates of productivity more than compensated for the relatively higher wage rates in the United States than abroad. Now, partly because of our generous efforts to help reconstruct and stimulate the economies of our allies and mostly because of their own energy and industry, we are no longer in such a preeminent position. But many of the legacies of that early period have remained, including our dominant role in the defense and foreign assistance responsibilities of the free world, an international monetary system based on a key role for the dollar, trading regulations in GATT that tend to favor European taxation and trade protection structures, and, until recently, exchange rates that no longer realistically reflected comparative purchasing power.

Painful adjustments will continue as we reconcile old and continuing responsibilities with new needs and a new international economic situation. Among the tasks we may be facing during the coming months are a complete overhaul of the postwar international monetary system, the disposition of vast amounts of U.S. dollars held in foreign central banks, the formulation of new policy directions

in the trade and investment fields, new trade negotiations with foreign countries, and the creation of policies that more closely harmonize foreign and domestic economic programs.

The formulation of wise policies requires foresight. Unfortunately, in the past we tended to wait until the crisis point and then to make piecemeal, short-term adjustments that lasted only until the next crisis. I do not underestimate the problems involved. Adjustments are always difficult, and especially so when our decisions require coordination and compromise with those of other countries, but they are that much more difficult when there is inadequate policy coordination within our own Government.

If Treasury has one set of responsibilities and positions, Commerce another, State a third, and Agriculture a fourth, and there are no smooth channels to higher levels of authority to coordinate policies and resolve conflicts over priorities, policy formulation tends to be postponed rather than decided upon. Moreover, there is no one body responsible for presenting, within the Government, to the Congress, and to the public, a coherent picture of the totality of our international economic policies and relationships.

It was the recognition of this situation that caused the President to create a Council on International Economic Policy within the Executive Office in January of last year. We now have tangible evidence of what such a Council can do. The first Executive Director, Mr. Peter G. Peterson, now our Secretary of Commerce, presented to the Council, the President and Congress a thoughtful statement of personal views on the major issues involved in our international economic policies. Accompanying the Peterson report were useful charts giving factual information on our balance-of-payments position, trade trends in various commodity groups and with particular countries, the extent of our restrictions on trade compared with that of our allies, and international capital and investment movements.

This kind of factual information provides a basis for intelligent and informed discussion of our international economic policies. An annual report, as provided in S. 3351, will provide a continuing source of information. Nobody expects such information to provide the basis for a complete consensus on the substance of policy, but policy decisions are more substantively based when grounded in sound data.

I am convinced that S. 3351 is a good step in the direction of better policy coordination and better collection and dissemination of information on our economic relationships with other countries. I believe that it is time to give permanent statutory basis to what began as an experiment in the Executive Office of the President. I commend the Senator from Tennessee for his initiative in this matter, and I hope that the Banking Committee will give expeditious consideration to this bill in the context of its continuing review of the Export Administration Act.

EFFECTS OF WEST COAST DOCK STRIKE ON HAWAII

Mr. PACKWOOD. Mr. President, the State of Hawaii has been particular vulnerable to the devastating effects of the west coast dock strike, and has suffered more directly than probably any other State in the Union. Over the months, the distinguished Senator from Hawaii (Mr. FONG) has been closely and actively involved in efforts to protect his State from continuing and increasing economic harm, and has been of tremendous assistance both in moving the Senate to approve emergency legislation to deal with the west coast situation, and also in convincing his Senate colleagues of the urgency of enacting permanent legislation to give the President new authority to deal with emergency disputes in the transportation industry in the future.

The Committee on Labor and Public Welfare was to have considered the many bills on this subject in an executive session scheduled for Friday, March 17. Unfortunately, the executive session was devoted to other committee business, so I am not today able to report any progress. However, I invite the attention of the Senate to a statement presented by the distinguished Senator from Hawaii (Mr. FONG) to the Labor Committee. Senator FONG's statement points up the dire consequence of Senate inaction in the area of emergency transportation disputes, and calls upon all of us to move swiftly to enact the necessary remedial legislation. This is a most timely statement, I commend it to Senators for their careful consideration and attention, and ask unanimous consent that it be printed in the RECORD.

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

STATEMENT OF SENATOR HIRAM L. FONG ON EMERGENCY STRIKE LEGISLATION

I understand that this Committee has no less than twelve bills under consideration at this time, representing many different approaches to the problem of protecting the public interest in emergency labor disputes. I have myself co-sponsored three of those bills, S. 2850, S. 2959, and S. 3232, which have in common the concept that the best way to proceed is to give the Executive Branch of government more statutory alternatives, including the final offer selection process, than are now available in such emergencies.

This Committee has already heard extensive testimony on the merits of the various reform proposals, and particularly on final offer selection, which I regard as one of the most original and hopeful ideas to emerge in labor-management relations for many years. I say this because I believe it places the burden of compromise where it should be, on the parties to the dispute themselves, rather than on an arbitrator.

Two parties going before an arbitrator know that he will try to compromise their differences. They therefore have every incentive to state extreme positions, in hopes of getting more when a compromise position is sought. The same parties would be confronted with an entirely different situation in going before a final offer selection panel. They know that compromise is out—that the most reasonable offer will be selected by the panel—and so their interest lies in moving towards a reasonable, centrist position.

I believe that enlarging the options available to the executive to include final offer selection, partial operation, and an extension of the injunction period, will work to the advantage of both workers and management by keeping jobs open and operations continuing while these procedures are being followed.

I have been following the hearings held by this Committee on emergency strike legislation with the closest attention. In my judgment, there is one critical matter which has received insufficient attention from previous witnesses. It is to this point, the impact of the West Coast dock strike on the State of Hawaii and the manifest need to safeguard such areas of the country when deprived of essential transportation services, that I wish to give primary attention in my statement.

It is too little realized that Hawaii lies approximately 2,500 miles from the West Coast of the United States. It is farther from a continent, in fact, than any other inhabited area in the world. Even were it not so far distant, of course, it is obvious that the Island State is extremely vulnerable to disruptions of its maritime commerce.

I endeavored to find out how many scheduled ships and barges, on the average, are required each month to service Hawaii's needs adequately. From what statistics are available, it appears that about 22 Matson and Seatrain ships service Hawaii each month on a scheduled basis, while some 150 unscheduled U.S. ships arrive per month, many unloading varying smaller amounts. As the Matson and Seatrain freighters are quite large, they carry by far the largest portion of cargo to Hawaii. Ships and barges must also be available, of course, to carry Hawaii's agricultural and industrial products to mainland markets.

What is important to keep in mind is not so much the number of ships or tonnage required to serve Hawaii, but the fact that the preponderant bulk of the food, medicine, supplies, equipment, heavy appliances, automobiles, parcel post, cattle feed, industrial products, clothing—almost every item essential to modern living and Hawaii's economy—arrives by sea transport.

Other states have alternative surface transportation systems for interstate commerce—rail or truck in every instance, and in many cases the additional choices of river or ocean shipping. But when ships no longer arrive at the ports of Hawaii, the only alternative is air freight. This means added expense, and is manifestly impossible for many imports and exports by reason of high ratio of cost, a function of weight and volume, to value.

The inherent transportation difficulties and vulnerability of an island location obtain also, it is important to realize, in the case of Guam, American Samoa, the Trust Territory of the Pacific Islands, Puerto Rico and the Virgin Islands. A longshore or maritime strike can quickly disrupt any insular economy.

My State of Hawaii was very badly hurt by the longshore strike which began on the West Coast on July 1st last year and ultimately became the longest dock strike in American history, excepting the devastating 177-day Hawaii longshore strike in 1949. An economic crisis in Hawaii was well advanced by the time a Taft-Hartley injunction brought the longshoremen back to work in October after 100 days on strike. After the injunction period and two voluntary extensions ran out on January 17th, the International Longshoremen's and Warehousemen's Union struck again for 34 days, until the Union membership approved a settlement on February 19th.

Of course, labor peace on the West Coast between the ILWU and the Pacific Maritime Association remains precarious, because of the Pay Board modification of their agreement. Such action may precipitate a new

West Coast strike and a sympathy strike by the International Longshoremen's Association on the East and Gulf Coasts.

No one put Hawaii's position during the recent West Coast dock strike more succinctly than Secretary of Labor Hodgson, who in testimony before this Committee last December summed up as follows: "The Island State of Hawaii was almost defenseless—a sitting duck at the mercy of a process in which it had no part. The results were traumatic." I am afraid that this may equally well characterize our prospects for the future if no remedial action is taken by Congress.

The impression held by many persons on the mainland was that the West Coast strike was not seriously affecting Hawaii because sufficient food was available and there was no starvation. Food is, of course, of prime importance, but the economy of a state cannot survive on bare essentials.

The strike was directly responsible for millions of dollars in lost business and individual income, reduced Federal and State tax revenues, a significant slowdown in construction activity, numerous business failures and rising unemployment, which in November 1971 reached 6.4%, the highest in Hawaii's history as a State. The number of jobless receded in December, but returned to the 6.4% figure in January 1972, the latest period for which figures are available.

I was particularly aware, throughout this period, of the hundreds of individual hardships and tragedies recounted in letters from my constituents. Every person and business in Hawaii was affected, directly or indirectly, by the dock strike. We were not a party to the dispute, but we swiftly and surely became its major victim.

The principal long-range impact of the shipping strike on Hawaii is to make it more difficult to attract investment capital. For the last twenty years or more, the economic growth of Hawaii has been financed in large measure by capital attracted from outside the State. This is necessarily true for three reasons. The first is that even if most savings of Hawaii residents were kept in liquid form and invested locally, our rate of growth has been such that the funds would be inadequate. The second reason is that more and more savings of Hawaii residents are funneled into mainland institutions, such as insurance companies, mutual funds, the stock and bond market, and so on. Thirdly, more and more of Hawaii business enterprise is owned by out-of-state parent corporations, so that profits made in Hawaii are not left for local investment but are returned to the home office on the mainland.

Personal savings and business profits, therefore, tend to flow out of Hawaii, and the economic development of the State depends upon local ability to attract outside investment funds into Hawaii. The capacity to attract such funds has been dealt a severe blow by the recent West Coast dock strike.

The fabric of the Hawaii business community has also been weakened. A strong firm becomes weak; a weak firm becomes marginal a marginal firm becomes submarginal, or goes out of business. The survivors are more vulnerable to future adversity.

Finally, shipping strikes imperil or destroy the markets for Hawaii's export industries. In his message to Congress on February 2nd, regarding the dock strike, President Nixon expressed his grave concern for lost export markets with reference to our nation as a whole; the threat is no less real for a single state.

The recent history of Hawaii provides a case history of disintegrating economic health under the pressure of a labor dispute in the transportation industry, a blow to my State whose results will be felt far into the future. Never again should the people of any section of our country be subject to such a calamity.

When this Committee reports an emergency transportation dispute bill to the Senate floor, I strongly urge that it make available to the President a range of flexible procedures, including, I would hope, final offer selection, to be utilized to prevent interruption of transportation services essential to the health or safety of a substantial part of the nation's population or territory. Language specifying that such remedies as are provided would become available "upon the deprivation of any section of the country of essential transportation services" would, I believe, apply precisely to Hawaii's position during the West Coast dock strike. It would also give assurance to the people of other outlying areas under the American flag.

It is not sufficient to legislate solely in terms of national emergencies and assume that our insular areas will somehow take care of themselves.

Our recent experience demonstrates all too clearly that wishful thinking cannot protect Hawaii. To cite a proverb from the Middle East, "Hope makes an excellent breakfast but a poor supper."

The people of my State, who bore the brunt of the West Coast dock strike and will bear it again unless Congress acts, know that there is no substitute for statutory safeguards to protect their vulnerable position.

It is my firm hope that this Committee will be mindful of their requirements.

GOVERNOR WALLACE APPEARS ON "MEET THE PRESS"

Mr. ALLEN. Mr. President, on March 19, 1972, Alabama's distinguished Governor, George C. Wallace, was the guest on the outstanding public service program of the National Broadcasting Co., Meet the Press.

Governor Wallace's appearance on Meet the Press came on the heels of his landslide victory in the Florida Democratic presidential primary on March 14. Following the completion of my remarks, I wish to have printed in the body of the RECORD, the transcript of Governor Wallace's appearance on "Meet the Press." I feel that the remarks of Governor Wallace in response to the questions put to him by the program panelists, are both interesting and deserving of widespread attention.

I ask unanimous consent that the transcript be printed in the RECORD.

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

MEET THE PRESS

Guest: Governor George C. Wallace, Democrat, Alabama.

Moderator: Lawrence E. Spivak.

Panel: Claude Sitton, Raleigh News & Observer; James T. Wooten, The New York Times; Robert Novak, Chicago Sun-Times; Rebecca Bell, NBC News.

Mr. SPIVAK. Our guest today on Meet the Press is the winner of Florida's Democratic primary, Governor George C. Wallace of Alabama. Governor Wallace ran for President in 1968 on the American Independent ticket, in one of the most successful third party campaigns in American history.

Governor, I'd like to start the questioning. You have already indicated that you are not completely satisfied with President Nixon's proposals to Congress on busing. If you were President today, what additional steps would you recommend that you consider constitutional?

Governor WALLACE. I would have supported the Griffin Amendment that limited federal jurisdiction in the matter of busing, which was an amendment offered to the educational appropriations bill. I would ask the Justice Department and HEW, headed by appointees of Mr. Nixon, not to ask for orders in the federal courts that require busing, because that is what has happened throughout our part of the country.

Mr. SPIVAK. 18 years ago the Supreme Court ruled that segregated schools are inherently unequal. If you were President would you take steps to speed school desegregation once forced busing was ended?

Governor WALLACE. There are no segregated schools now in the country. The dual school system has been abolished. Non-discrimination is a practice throughout the South and throughout the country. It has been accepted, as evidenced by the vote in Florida the other day, but the people have not accepted the artificial method of acquiring quotas and balances, which is contrary to law, by closing of neighborhood schools and by busing little children across counties and cities. That is what the American people object to. They are not against equal opportunities for education in Alabama or any other state in the union.

Mr. SPIVAK. Governor, my question was, would you do anything to speed desegregation of the schools? They haven't gone forward as fast as many people would like them.

Governor WALLACE. Well, as many people would like—I don't know how many they are. I believe they are fewer than you think. As far as wanting to speed up, why not just have the school systems under a freedom of choice plan, as was accepted some time ago by the courts, and let people make the choice of the school they want to attend or let the parents choose for them. Then we would have nondiscrimination, a most democratic method of school attendance. That is what I would do. Then I would not worry about whether we had so many of one group in a particular school. I would only then be concerned about quality education for every child, black and white.

(Announcements)

Mr. SITTON. Governor, since no busing means in effect little or no northern desegregation, do you think that this ban on busing therefore would set up a double standard, one for the south, one for the north?

Governor WALLACE. The moratorium suggested by the President would do just that, although I don't want to see any busing in any state in the union, that is, to achieve balances. So the people in Alabama and our part of the country who have been under the gun a long time, including the people of North Carolina, say that if it is nonsense to bus in the future, it is nonsense to have bused in the past, and so if they are going to declare a moratorium in the future we want a rollback of that which is creating hardship among so many people in the South.

Mr. SITTON. All right, sir, that would take us back to the neighborhood school principle, in effect. Will this limit desegregation—the neighborhood school principle, that is—to rural schools and those in urban working class neighborhoods.

Governor WALLACE. Would it do what?

Mr. SITTON. Would it limit desegregation so that the impact, the effect of desegregation is only on rural schools and only on schools in urban working class neighborhoods?

Governor WALLACE. Mr. Sitton, the 1954 decision said that you could not assign students because of race to a particular school system, and so if a neighborhood school turns out to be mostly people of one race, as long as that school is open to all races, there is nothing wrong with it. There is just something artificial and it is rejected by the American people and if the pseudo-intellectuals, as I like to say, think it is good to bus little children backwards and forwards

in Michigan and Wisconsin and Alabama, the average man doesn't, and there are more of them than there are the pseudos.

I frankly think we must have a rollback. So have the schools open under freedom of choice, with no discrimination because of race, and then you have your neighborhood schools and in my judgment everyone ought to be satisfied.

Mr. SITTON. I am just asking you about the practical effect, Governor, and won't the practical effect be that the load, the burden of desegregation will be placed on the people in the country and the people in the urban working class neighborhoods.

Governor WALLACE. Won't the burden be placed on——

Mr. SITTON. On rural schools, where everyone is bused already and on urban schools in working class neighborhoods where working class whites and working class negroes live side by side and therefore attend somewhat the same schools, if you go to the neighborhood school principle.

Governor WALLACE. I don't think anyone objects to the matter of neighborhood schools in the country. I think they object to busing, and so the objection you raise I don't think is shared by the majority of the people either in Michigan or any other state.

Mr. NOVAK. Governor Wallace, despite your victory in the Florida Democratic presidential primary, there are a good many leaders in the party who don't think you are a Democrat at all. In that connection can you say that you definitely, under no conditions, would support Richard M. Nixon for President in November?

Governor WALLACE. I am not supporting Mr. Nixon. I didn't support him in 1968. I am running for the nomination of the Democratic party in the primaries. I don't like many things Mr. Nixon has brought about, including busing, an unbalanced budget, and so I am not a supporter of Mr. Nixon, if that is what you are driving at, at all. But, as far as the leaders of the party are concerned, they were rejected in Florida by the average citizen who feels that he has been neglected by the party leadership and by the government of our country, and so I have as much chance to be nominated as anyone else.

Mr. NOVAK. Let me try to clarify my question, sir. Let's assume that the Democratic Party in Miami Beach drafts a platform which is not to your liking and nominates a candidate which is not to your liking. Let's just make that assumption. Can you guarantee that against such a candidate and against such a platform you will not support President Nixon?

Governor WALLACE. I am not a supporter of Mr. Nixon but I can't guarantee you anything here on this program. You ought to ask Mr. Muskie also. He said on the television the other night that he would fight me until the day he died.

If I were the nominee, he is, in effect, saying, "I wouldn't support the nominee of the Democratic Party," so I don't think I ought to have to make any commitment if the so-called frontrunners, the party leadership, are saying they wouldn't support me.

Mr. NOVAK. Just for the record, sir, can you tell me the last Democrat you voted for for President of the United States?

Governor WALLACE. I voted for, let's see, in 1964 I voted the Democratic ticket in Alabama, which was unpledged electors. In 1968 I voted for George Wallace, who was the truest Democrat running under the Democratic ticket in Alabama. I voted in 1960 the Democratic ticket in Alabama. Mr. Kennedy carried Alabama in 1960, and I voted under the rooster, the Democratic ticket in that. I have never voted a Republican ticket in my life.

Mr. NOVAK. But in those three elections—you have not voted for the nominee of the Democratic National Convention in those three elections?

Governor WALLACE. Oh, yes, I did. In 1960, six of the electors went to Mr. Kennedy and five went to Senator Byrd, so I voted 6/11s for Mr. Kennedy and 5/11s for Mr. Byrd.

Mr. WOOTEN. Last week on the eve of the Florida Primary, Governor, in Vero Beach, Florida, as a matter of fact, you said—and this is a direct quote from your speech—"If we are to restore law and order in this country, we may have to abrogate some civil rights."

I wonder if you would be specific as to which civil rights you are considering abrogating as President?

Governor WALLACE. I think you have not quoted me right. I said unless law and order is restored in this country and people can walk on the streets safely, there may come a time in which civil rights will have to be abrogated. In fact, they are abrogated already when you have a curfew in a city that says, if you get out after nine o'clock you are a law violator. That is the abrogation of a civil right, not to be able to walk into the streets. So what I am saying is that all of us who believe in civil liberties and free ingress and egress to wherever we want to go must see that law and order is maintained in this country and that unless law and order is restored in the large cities, especially in our country, then some civil liberties some day might have to be abrogated, and I am against that.

Mr. WOOTEN. You have already expressed some distaste for the oil depletion allowance and you went to Texas the other day into some oil country.

Governor WALLACE. Yes.

Mr. WOOTEN. I wonder if you could be more specific about just how much you believe the oil depletion allowance should be cut?

Governor WALLACE. I can't be specific about any particular tax reform insofar as this program is concerned because we don't have time, but I think that the tax reform is one of the top issues in the country. I brought it up in 1968.

The other candidates have never talked about tax reform in the Congress to any appreciable amount. Now they are all interested in tax reform, because the average citizen is taxed to death. I believe we ought to have tax reform, and that goes for a lowering of the oil depletion allowance.

Mr. WOOTEN. About how much, Governor?

Governor WALLACE. I don't know how much any more than I know at the moment how much we ought to tax foundations or the other commercial properties in competition with free enterprise, but it ought to be taxed and were I the President, I would send a tax reform bill to the Congress of the United States that called for just that, to tax those who have escaped taxes and to lower taxes on the average workingman and businessman in this country, which I think must come about and will come about as a result of the Florida primary because everybody is talking about it now, including the Republicans.

But I want to say that the Democrats in this race in Florida, and now in Wisconsin and Illinois, never opened their mouths about it in 1968, and I might say also they have been in the Congress 109 years, altogether, these six Senators. Why didn't they bring about tax reform in those 109 years?

Miss BELL. Governor, your critics say that you have no program, that you deal in generalities and oversimplifications. For example, sir, in the Florida campaign, you told voters you would cut taxes, but you promised to increase spending in defense, in education and also in Social Security. How, specifically, can you do this?

Governor WALLACE. You can do it specifically but as I say we don't have time on this program to go into all the specifics.

Miss BELL. We will take the time, sir.

Governor WALLACE. Mr. Spivak won't let me take the time, and we don't have the time, you know. But in the first place, the welfare program that—grand juries in New York, for instance, pointed out in New York last year, that $1 billion went down the drain in one program alone in that state. The welfare giveaway program would save billions of dollars in this country in the next quadrenium, in the next President's term. The curtailment of foreign aid in many places, military and otherwise, would also give additional money, and the increase in revenues generated through closing the tax loopholes in this country where $200 billion of money and wealth is tax exempt, virtually.

That ought to come to an end. That would provide additional funds. And the administration of the affairs of our government here in Washington, with thousands into hundreds of thousands really of bureaucrats—that all Governors when they meet here in Washington wonder what they do—in my judgment the administration can be cut, and we must cut, whether we like it or not, and we can then by cutting in the administration, foreign aid programs, welfare programs and plugging up the loopholes in the tax structure, we can give additional funds to Social Security, those who have reached 62 or 65. We can have additional money for national defense and we can have a tax reduction for those in the lower and middle income classes in the country.

Miss BELL. Governor, to silence your critics on this issue that you do not have a program, can you say specifically have you or any member of your staff worked out exactly how much money you could cut from welfare, foreign aid, to give to defense and education and these other things?

Governor WALLACE. Yes. In the matter of tax loopholes and the curtailment of expenditures in some welfare programs and the administrative cost of the government of our country, and cutting back on some other programs with some fringe benefits which the people just cannot continue to pay for, we can cut $12 to $15 billion off, and we can also have an increase of four to five billion dollars in additional revenues.

Mr. SPIVAK. Governor, despite your victory in Florida, there are very few political observers who believe that you can possibly win the Democratic nomination. Why do you think you can?

Governor WALLACE. There were very few political observers who thought in the beginning that I would win in Florida. They didn't think I could get on the ballot in 1968.

Mr. SPIVAK. But the question was, why do you think you can win the nomination?

Governor WALLACE. Because the average citizen in this country feels that he has been ignored, that the leadership of the Democratic Party and the Republican Party have paid attention to the exotic and those who made the most noise, they have bused their children, they have given their money away in foreign aid, they have given it away to welfare loafers, and they have skyrocketed administrative costs of government to the point that they have broken his back financially, and as a consequence they are going to vote for someone who wants to restore the party back to being a party of the people. They pay attention to those who make the most noise. For instance the matter of busing: Only about 15 percent of the American people are in favor of busing; the others are against it. Yet they turn right around and bus people's children and the average man says that "I am through with that."

Mr. SITTON. Governor, on that point now, a survey has shown that at least half of the people in the South believe in desegregation. They may not believe in busing, but that is just true of the South. Now you want to go back to freedom of choice. Isn't it true that in Alabama freedom of choice has brought only token desegregation?

Governor WALLACE. Freedom of choice in which you could choose to go to any school

you want to go to—what you are saying is a token. If every school is open to people regardless of their color and they can choose to go there if they want to, then what you are saying is that some bureaucrat or some theoretician says, "They didn't choose correctly." If we open all the schools in every State in the Union as we have in the past to people of all colors, and then they come along and say, "But not enough on this side of town choose to go over here and not enough on this side over here, but they could have if they wanted to," what is wrong with that as long as people have a free choice? What difference does it make about quotas and percentages?

Mr. NOVAK. Governor Wallace, you have been very vague about what your intentions are as far as a third party run. You have said that you would not run as a third party candidate unless your delegates are kicked out of the Miami Beach Convention or something else happens. Could you, sir, tell me what the something else could possibly be?

Governor WALLACE. I have been asked this question so many times, and I will answer it again. I have no thought at this time—and I say "at this time"—of any involvement except in the Democratic primaries, and already we find that the candidates are saying exactly what I have been saying. For instance, Mr. Humphrey the other day said Mr. Nixon, when he came out against busing, came to my position. That is incorrect. Mr. Humphrey voted for busing when he was in the Congress. Now he is against it evidently, but he did vote for it when he was there. So I said that in my judgment I will get deferential treatment and those whom I represent in Miami. But since you raised the hypothetical question, which is a future hypothetical question, I can foresee, since—to answer your question—suppose I am kicked out of the Convention, suppose they bar the doors to me. Well, then that would be a horse of a different color.

Mr. NOVAK. That is the only condition under which you would run as a third party candidate?

Governor WALLACE. Yes, at the moment that is the only condition, because I see now that the Democratic Party is going to straighten up because all of its candidates are talking about tax reform, law and order. Some of them are saying no busing. They are talking about foreign aid. They are talking about—well, Mr. Humphrey had a spot in Florida in which he said, "Kick welfare loafers off the welfare rolls." Did you ever think he would make a statement like that?

Mr. WOOTEN. What you are saying there is even if the candidate, the nominee of the Democratic Party is not to your liking, and even if the platform is not to your liking, as long as you are allowed to participate in the nomination process, then you will not run as a third party candidate?

Governor WALLACE. Well, I am going to be like Mr. Muskie and Mr. McGovern and all the rest of them and Representative Chisholm, Mrs. Chisholm, I don't have to make any commitments along that line at this time at all. I do know that I am running in good faith, and as long as I am treated in good faith then that is one thing.

Mr. WOOTEN. Governor, one of the major thrusts of your Florida campaign has been a kind of populistic attack on tax reform and tax structure and a stance as the champion of the average man, yet in Alabama most of the taxes come from the average man. You have a six per cent sales tax—

Governor WALLACE. No, we do not.

Mr. WOOTEN. But you have a five per cent limit on corporate taxes, and just recently you signed a bill which allowed the maximum—which raised the maximum interest rate charged to consumers on consumer loans from eight to eighteen per cent. Now, is that consistent as a populist?

Governor WALLACE. Very consistent in the sense that I didn't bring the tax structure on. I opposed the sales tax. We only have a four per cent and the people voted the limitation of five per cent corporate tax, and the bill that you are talking about had 22 consumer items that all the consumer groups in Alabama wanted. I signed the bill and then got an agreement from the lending agencies not to charge the amount, introduced a bill in a special session to reduce it, and the session concluded without doing it, I shall call another special session of the legislature in the not too distant future for the purpose of reducing the interest rates that you are talking about.

The bill passed on the last day. I could not send up a message because it could have killed the entire bill, that had 22 items to protect the consumer, that I won't enumerate here, that all the consumer groups in Alabama wanted. But the high interest rate I opposed and I oppose now, and I am going to call a special session for the purpose of reducing the rates that you are talking about.

Mr. SPIVAK. We have less than four mintes.

Governor WALLACE. I couldn't sign half a bill with the consumer goods items in it and then veto the other half of the bill on the last day, for the simple reason that it would have killed the entire bill, so the leadership said, in the legislature. I disagreed with the rates very vehemently. I went on state-wide television in a special session and talked about the high rates: that we were going to ask them to be reduced. They are too high and I am going to ask the legislature to reduce them. In my judgment the legislature will reduce them.

Miss BELL. Governor, you say you are a serious candidate and that you can win. In recent political history only once has a conservative been the standard-bearer of a major party—I am thinking of Senator Goldwater in '64.

Now, this resulted in almost sheer disaster for the Republican party.

What makes you think your candidacy would be any different?

Governor WALLACE. I don't know what you mean by conservatism or liberalism or middle-of-the-roadism.

Miss BELL. You certainly wouldn't call yourself a liberal, would you, Governor?

Governor WALLACE. I don't know that I am a liberal in the sense of the liberalism we have had in the last ten years, but I am not a reactionary, and I believe in progress. I think evidence in the Florida primary shows that I can win. If I do well in other states, in my judgment I can win the Democratic nomination. In fact, Mr. Humphrey and Mr. Muskie now say—Mr. Muskie says, "It is myself against Wallace." Mr. Humphrey says the same thing. There is something——

Mr. SPIVAK. May I interrupt you to ask this: If you don't get the Democratic nomination and don't run as an Independent, does that mean that President Nixon will carry all the Southern states?

Governor WALLACE. I don't know. It all depends upon the state of the economy: it will all depend upon the people's attitude they take about his—on the matter of busing, whether they believe he has actually done anything to stop the busing that has come about mostly in his administration.

Mr. SPIVAK. We have less than two minutes.

Mr. SITTON. Governor, you did well in the '64 primaries, and yet in 1968, running as a third party candidate, you received only 13 per cent of the vote nationally. What has changed since then?

Governor WALLACE. Psychologically it is difficult to win on a third party movement, but the other two candidates in '68 began to say exactly what I was saying. They talked about law and order, some talked about tax reform briefly. I think you know the psychology of winning on a third party ticket, but it did orient the other parties toward the middle.

Mr. NOVAK. Governor, I am going to give you a question on tax reform that you can answer very quickly. Would you be in favor of legislation that would require everybody in this country to pay some income tax even if he got his income from tax-free municipal bonds or whatever?

Governor WALLACE. Yes, I would and even though tax-free municipal bonds are necessary in many instances, there ought to be a limitation as to how many bonds a person could buy so that he would not be able to make a million dollars and not pay any tax. That is correct.

Mr. SPIVAK. We have less than a minute.

Mr. WOOTEN. As candidate for President, Governor, could you tell us at what point in any international tension you might commit troops to a foreign country, combat troops and at what point you would use nuclear weapons?

Mr. SPIVAK. You have thirty seconds.

Governor WALLACE. If we had a genuine disarmament move on the part of the Soviet Union and the Red Chinese with adequate inspection programs, I would be for disarmament, but until that time comes, I would want us to be No. 1. I can't think of any particular place at the moment that I would say we would commit American troops. I don't want to commit American troops anywhere unless it would be absolutely necessary.

Mr. SPIVAK. I am sorry to interrupt, Governor, but our time is up. Thank you, Governor Wallace, for being with us today on Meet the Press.

THE PRACTICAL EFFECTS OF S. 2956, THE WAR POWERS BILL

Mr. GOLDWATER. Mr. President, I ask unanimous consent that a memorandum pinpointing the very serious practical effects of S. 2956, the war powers bill, be printed in the RECORD. The paper identifies many of the actual true-life situations in which the bill would prohibit a sound and wise American defensive action, I hope it will be carefully reviewed by each Senator.

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

A MEMORANDUM BY SENATOR BARRY GOLDWATER

1. Specific Practical Effects of Statutory Limitations:

(a) The NATO area:

The effects in the NATO area are the most critical, not only because it is the most integrated defense set-up, but because enemy capabilities would require prompt reaction if ever used.

S. 2956 would:

Prohibit the President from making an advance deployment of force or show of force in the event of belligerent build-ups or threats of use of force. The bill directs that U.S. troops shall not be used in developing crises except in the narrow situations where the President can prove that the U.S. itself or U.S. forces are directly attacked or directly and imminently threatened with attack.

Example: At the time of the Soviet build-up during the invasion of Czechoslovakia, it would not have been possible to augment the U.S. forces in Europe since the U.S. itself was not immediately threatened. The Reforger concept, based on redeployment in time of crises, would become illegal. Augmentation of forces, such as we deployed during the various Berlin crises in the past, also would no longer be possible until the situation became so grave that our troops were

directly and imminently under threat of attack. At that point reinforcement may be impossible or too late.

An armed attack against any NATO nation or area where U.S. forces are not already deployed would not permit any redeployment of U.S. forces or show of force, let alone participation in hostilities.

Example: This would include pressure or attack on Norway, Denmark, Belgium, France, and most of Turkey and Greece, particularly those areas contiguous to the Warsaw Pact terrain.

Section 3(4) of S. 2956 would flatly prohibit U.S. personnel in the NATO integrated commands from exercising any functions without specific Congressional authorization once there is an imminent threat that any NATO forces will become engaged in hostilities.

Example: The Supreme Allied Commander, Europe, could not assume command in time of crisis or attack before further Congressional action. The integrated structure of the various NATO headquarters and forces would become inoperative since they are heavily dependent on U.S. participation.

Even in the event of actual armed attack in an area covered by the North Atlantic Treaty, and involving an attack or the threat of attack on U.S. territory or armed forces, the President could repel the attack for only thirty days without later Congressional authorization which itself might include an additional time limitation.

In the event of actual armed attack on the armed forces of the U.S. located outside of the U.S., retaliatory actions, as distinguished from actions to repel attack, would not be authorized. Retaliatory action for up to thirty days is authorized only in the event of attack on the U.S., its territories and possessions.

The sum total of these effects would be shattering to the NATO alliance.

(b) Berlin:

The legislation would require Congressional action to authorize the U.S. to exercise its right of access to Berlin should the routes be blocked by the Russians or the East Germans, since such an effort would run the risk of imminent hostilities. The closing of the access routes in itself would not constitute an attack or immediate threat of attack on U.S. forces which under the bill would authorize a U.S. response. Also, under such circumstances, the bill would forbid any reinforcement of U.S. forces since they might become involved in hostilities. The legislation would forbid the taking of the very sort of action we have taken in the past in such circumstances without Congressional approval; moreover, the public debate and delay involved could both harden the enemy's position and give him the advantage of delay on our part.

(c) The Middle East:

We often have used the deployment of naval strength in the Mediterranean in relation to various situations in the Middle East. But under S. 2956, the deployment of Sixth Fleet elements would be forbidden because an attack against Israel, or Jordan, for example, would not constitute a direct attack or immediate threat thereof against the U.S. or its armed forces, as required by the bill. President Johnson's prompt deployment of the Sixth Fleet to within fifty miles of the Syrian coast when he believed the Soviets might intervene against Israel in the six-day war of 1967 could not be repeated under similar circumstances.

(d) Secrecy:

Sometimes secrecy is essential in conducting negotiations and operations. An example of secrecy in the conduct of negotiations was the need for a secret inititive by the President during the early build-up and deployment related to the Cuban Naval quarantine of 1962. A similar situation can easily be envisaged in which the President needs more than the two weeks or so which the war powers bill allows him for secretly developing a diplomatic initiative before he must open a national debate by seeking the action of Congress.

An example of secrecy in operations was the necessity for secrecy in conducting the Stanleyville rescue operation of 1964 so that the Congolese rebels would not be alerted to slaughter the 2,000 hostages, including 60 Americans, they had threatened to kill. The latter joint operation would be prohibited by S. 2956, which strictly limits U.S. rescue missions to protecting U.S. citizens only.

(e) Deployment to Exercise Rights:

From time to time, the Soviets or others may try to bluff the U.S. out of the exercise of freedom of the seas and passage of international straits. A prize example was their attempt to force us out of early NATO exercises in the Baltic and elsewhere. All they would need to do would be to threaten that if we deploy our forces to a particular area they will run the risk of hostilities, and Congressional action would have to be taken before even a preliminary display or movement of forces by the U.S. If our forces have such an advance opportunity not to enter a known trouble area, it is the purpose of the bill to require that they refrain from entering the area.

(f) Capture of U.S. Citizens on the High Seas or Holding of U.S. Citizens as Hostage:

In circumstances such as these—an example is the recent capture from a Panamanian vessel of U.S. citizens—we could be powerless to act without Congressional authorization, since the protection of U.S. citizens on the high seas is not covered by the bill.

(g) Deployment of Forces to Counter Other Activities, or Limit the Use of Threat of Force by Other Side:

Deployment overseas would be forbidden without Congressional authorization in cases involving the imminent threat of hostilities, where the crisis has not yet developed into the stage of a direct attack or threat thereof on the U.S. or its armed forces. This would deny the U.S. the ability quickly to use a display of armed force as an indication of serious U.S. interest in circumstances when other nations may be threatening to use force in international affairs of direct concern to our nation. Such deployments reduce, rather than increase, the *net* chances of hostilities. They are diplomatic acts of deterrence.

2. The Effect of These Limitations on Allies and Friends:

In the Far East, this would probably be viewed as a further indication of a changed national attitude, weakening trust in the U.S., and suggesting accommodation as a wise course for our allies to follow in the future.

In the Middle East, it could be construed as overriding all the past Presidential commitments given to Israel. It is suggested that Congress would readily pass a blanket authorization to defend Israel, but this is as yet only an assumption. Israel might therefore well be tempted to "go it alone" to an even greater extent than at present, increasing the risk of hostilities in the area.

The NATO situation has been dealt with above.

3. Effect on Opponents:

In the eyes of potential opponents, the limitations would create a truly dangerous invitation to take advantage of the apparent change in the steadfastness of this nation, the ensuing erosion of confidence in our allies, and the pressures that could be brought to bear through the simple threat to use force.

4. Summary:

(a) The practical effects of the enactment of the War Powers Bill would be in three principal areas:

Limitations on ability of the U.S. to respond appropriately to attack or threat of attack affecting its security interests;

A flagging of these limitations to a potential opponent;

A serious erosion of the credibility of the U.S. as a collective security partner in the eyes of its allies.

(b) The bill assumes that limitations on action without Congressional consent, except in the cases defined in the bill, always will be prudent.

(c) The bill overlooks: That in many cases inaction can be even more dangerous than action;

That it is impossible to prophesy all the unexpected and unlimited variations of events when the President may need to act without advance Congressional approval;

That in confronting a major opponent, the publicity that would come from public discussion and Congressional action could so harden our own position as to present the other side with an ultimatum, thereby denying it the ability to modify its position;

That there is a potentially dangerous and confusing impact that will follow the enactment of new restrictive legislation at this time, after a quarter century of living under our 42 collective defense treaties without any such legislation. There is no analysis whatsoever by proponents of the bill as to how our enemies would read this change as a sign of U.S. will and capability; nor is there any recognition of the fact that it would tear NATO apart and have serious effects in the Far East and elsewhere where we have bilateral commitments.

(d) The core issue is whether the U.S., at this stage in history, when total detente is not by any stretch of the imagination a reality, should unilaterally limit its ability to respond flexibly in situations when the other side is in no way inhibited from threatening the use of force.

OUR DEDICATED VETERANS—SALUTE FROM A SENATOR

Mr. HARTKE. Mr. President, the scene is a familiar one, although for many it is only a dim memory. A group of young men shuffles into a spare, utilitarian office; an officer tells them to raise their right hand. Self-consciously, they comply and are duly sworn in. The men, drawn from all stratas of society, are now members of a branch of the Armed Forces of the United States. What lies ahead for them? There has never been a sure answer in this angry century. It may depend on a state of war, declared or otherwise; on the military needs of the Nation at a given time; on the ability of the individual; on the nebulous quality of luck or the vagaries of fate. Over the past 70 years, all of the expected and unexpected things have happened. Some servicement saw battle; other spend 3 dreary years at one base in the States. Men now grown old survived the Argonne, or pulled through an attack of influenza at Fort George C. Meade. Some knew the terror and horror of Anzio and Okinawa, Pork Chop Hill and Hue; still others discovered, over a seemingly endless protraction, that one stretch of ocean looks exactly like another.

They handled weapons and machines, with all their inherent dangers, and found that exhaustion could be interspersed with tedium. They went where they were told. Many were badly wounded and others badly hurt, miles from combat. John F. Kennedy was decorated for bravery in the South Pacific;

Harold Russell lost his hands in a grenade blast in North Carolina.

They marched and flew and sailed in every element of the world, and in every part of it. Not one generation of Americans since 1917 escaped that obligation. At the end of their service time, they parted as they had once come together to share the common oath, but now as veterans. Today, there are 28 million men and women in the United States with that status.

There is no set reaction by the individual to the fact that he is a veteran. For some people, their service record is the source of their greatest pride; others left the uniform in bitterness; still others fulfilled their military requirements quietly and returned to civilian life with scarcely a backward glance. They were the lucky ones. Too many Americans cannot forget, because wounds of crippling injury left them with the irremediable scars of their service.

Yet, all who served are part of an enormous veteran population in this country, whose ranks are still burgeoning from the Vietnam era. If the United States were never to fight another war, or draft another man, veterans would be here well into the 21st century.

They are entitled to compensation and to benefits, as ordained by local, State, and Federal authorities, and most veterans accept them. Although time in a man's life cannot be recaptured, he can be recompensed by a grateful government. He can demand government participation in his health care, his education or other civilian training, and in the future well-being of his family and himself.

Veterans' homes and businesses have been underwritten by the Government, to one degree or another, since the end of World War I. The generation that served in World War II received educational benefits never paralleled in this or any other country. Medical care for the veteran is obligatory and, despite instances of neglect, it has generally been sound.

The veteran has privileges that extend even to the grave. He may lie with his family and among his comrades, though his service may date back three-quarters of a century.

All this the American veteran welcomes as his right and due. But too few ever stop and wonder how those benefits were obtained.

Of the 28 million veterans in America, less than 7 million belong to organized veterans' groups, which are chartered by the Congress and which act as effective spokesmen for the whole roster of former servicemen. The organized veterans provide the only ready representation the only forum, the only real say in which is accomplished at the Federal level. Seldom does the nonjoiner give the veterans group a second thought. Content with his benefits, he pays no credit to those who gained them. In some circles, it is even fashionable to slight them. We have all heard the term "professional veteran." That should be in the realm of a compliment. It takes a professional to win something. The organized groups have worked long and hard in the veteran's behalf, and they continue to insist, from Capitol Hill to the State houses, on assistance, better hospital care, and rightful benefits.

It is said that Vietnam returnees, coming home from an unpopular war, are being ignored by the bulk of the American people. Not by the veterans' groups. I know, as chairman of the Senate Committee on Veterans' Affairs, what work is being done. Relying on the guidance of veterans' organizations, my committee is introducing bills that would correct inequities in the treatment of Vietnam era servicemen. I have asked for the same level of educational benefits for today's veterans as was available to us who served in the second World War. This is not a radical suggestion, even though the Nation suffers from inflation and tight money. The Carnegie Commission on Higher Education has formally recommended that—

> Federal legislation should be amended to provide benefits fully comparable to those available following World War II in relation to prevailing wage levels, tuition and fees, and the cost of living.

I know that the organized veterans are behind such action, and the public will follow with their support. Such a bill is right and it will pass.

The Veterans' Affairs Committee has introduced other measures in this young session of Congress. One would grant a 10-percent across-the-board increase in benefits for disabled veterans predicated on the cost-of-living. We want to make sure that the disabled man and his family are not further victims of inflation. The committee is trying to alleviate the problems of cemetery space—it is growing scarce. We have proposed that the national cemeteries be placed under the Veterans' Administration as the first step.

The committee also has under study a number of proposals that would primarily affect the older veteran. Last year, we were able to get through Congress a bill liberalizing the payment of disability and death pensions, principally directed at men over 65. Pension rates were increased by 6.5 percent.

There are 1½ million veterans of World War I in this country, and their average age is 75. Many of them face a rather bleak time in their remaining years. Old and incapacitated men have to go into a nursing home; their wives must go live with their children. We think there is a possibility of establishing a kind of leisure world for them, a senior veterans retirement home. The aged man and his wife could live together and help each other. We see these homes as being established in areas of high veteran population, and disabled men could perhaps be included.

These are but a few projects in the continuing process of serving the Nation's veterans. Again, we must always rely on the reasoning and advice of the "professional" veteran. He is the watchdog of our congressional conduct in veterans' affairs; his is the counsel of concern.

All who have that special status of American—veteran—owe a debt to those comrades who organized for the common good. From the day he is sworn in, the American veteran has a friend in court.

STAN HEISLER ON EMERGENCY LABOR DISPUTES

Mr. PACKWOOD. Mr. President, the name of Stan Heisler is known up and down these halls, and not without good reason. Stan first came to Washington as a member of my staff in January 1969. As a research and legislative assistant, Stan performed in his usual outstanding way. Using his experience as a speechwriter for Oregon's Gov. Tom McCall, and his participation as researcher for my Senate campaign, Stan was well equipped to handle the multitude of duties and responsibilities which were visited upon him here in Washington. He also took in stride the endless and frustrating variety of obstacles and redtape devices one finds both on the Hill and "downtown."

Sadly for my staff and myself, but wisely for him, Stan decided to return to law school at Willamette University in Salem, Oreg., in the fall of 1969. Since then, we have missed his presence, both personally and intellectually, except for the summers and Christmas vacations he has spent on the staff here in Washington.

Stan is now completing his last year in law school and has written a law journal article on a subject which is one of my primary areas of interest, emergency labor disputes. With 13 bills now pending, including my own, this is a timely subject, and Stan's commentary is both interesting and informative. I ask unanimous consent that it be printed in the RECORD and commend it to all Senators for their reading.

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

THE COMPULSORY ARBITRATION OF MAJOR WORK STOPPAGES

President Harry S. Truman[1]—1946: "I shall always be a friend of labor, but in any conflict that arises between one particular group, no matter who they be, and the country as a whole the welfare of the country must come first."

Senator Bob Packwood[2]—1972: "No union or industrial baron, individually or collectively, should have the right to strangle an economy and inflict untold injury on thousands and thousands of innocent victims. At some point, the public interest must take precedence, and I think we have reached that point."

The incidence of strikes is greater in the United States than in any other Western democracy.[3] However, strikes differ greatly from one another. While the public can tolerate most strikes, they have manifested a profound unwillingness to abide by major work stoppages in critical industries. A strike, for instance, of the shortest duration in the electric power industry or the transportation industry would be met by nearly unanimous public disapproval.[4]

Among the major work stoppages of the recent past which have greatly inflamed the public passions are the marathon 1959 steel strike which lasted 116 days; the longshore and airlines dispute which followed; and the more recent longshore conflict on the East

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Footnotes at end of article.

and Gulf coasts. To this chronicle must be added the New York and Cleveland newspaper strikes—particularly the 114-day New York strike; the Chicago Northwestern Railroad strike; and the New York Central strike of 1960.[5] Perhaps the most devastating strike of recent history is the 1971–1972 West Coast longshore strike.

An analysis of any one of these major work stoppages will explain why the public is losing patience with the present-day collective bargaining process. When the 116-day steel strike came to an end with the Supreme Court's approval of a Taft-Hartley injunction on November 7, 1959,[6] the price tag, in terms of lost wages and production, was estimated at $6 billion. Of this amount, the 500,000 steelworkers lost an estimated total of $1.6 billion in wages. More than 350,000 workers in related industries were laid off. Lost steel production totaled nearly $5 billion.[7]

This litany of economic horror warrants the observation that:

"The industrial warriors do not shoot at each other alone; innocent bystanders are hurt as well." [8]

Given the intense interdependence of the American economy, it is inevitable that the entire nation will be affected by a major work stoppage.

As Bok and Dunlop pointed out in a recently-published study of labor:

"An airlines stoppage may cause considerable financial loss to businesses and unemployment for workers at airports who are engaged in catering, vending, or enterprises dependent on plane deliveries. Merchants and their employees are adversely affected by strikes which shut down plants employing a significant part of the local population. Newspaper disputes can cause significant harm to retail establishments and businesses dependent on advertising. The New York City ten-day transit shutdown of January 1969 and the eight-month copper shortage of 1967–68 both inflicted hardship on multitudes far beyond those directly involved in the disputes." [9]

Thus, the public has a legitimate interest in seeing that major economic alterations are settled as quickly and as decisively as possible.[10] The public is concerned not only because it must bear the brunt of the strike but because the American economy has never fully recovered from any major work stoppage.[11]

The public, therefore, is demanding a higher level of performance from collective bargaining than was expected in the past.[12] Former Secretary of Labor W. Willard Wirtz aptly characterized the diminishing public tolerance for such strikes, nearly a decade ago, when he stated:

"I conclude, even applying the necessary discount rate to trials and tribulations of the moment, that we stand today at what history will probably mark as a fairly clear fork in the development of labor-management relations in this country. Neither the traditional collective bargaining procedures nor the present labor dispute laws are working to the public's satisfaction, at least so far as major labor controversies are concerned. It doesn't matter any more, really, how much the hurt has been real, or has been exaggerated. A decision has been made, and that decision is that if collective bargaining can't produce peaceable settlements of these controversies, the public will." [13]

PROCEDURES FOR GOVERNMENT INTERVENTION IN NATIONAL EMERGENCY DISPUTES TODAY

Taft-Hartley procedure

The procedures governing national emergency disputes are set forth in the Labor Management Relations ("Taft-Hartley") Act.[14] When the President determines that a threatened or actual strike or lockout in an entire or substantial part of an industry will endanger the national health or safety, be may appoint a board of inquiry to look into the situation.[15] The fact-finders are strictly limited to gathering information. They do not submit any recommendations for settlement of the dispute.

After the President receives the report of the board of inquiry, if he concludes that a strike or lockout will threaten the national health or safety, he may direct the Attorney General to petition an appropriate Federal District Court for an injunction [16] halting the strike for eighty days. The court, if it finds that such a threatened or actual strike or lockout "affects an entire industry or substantial part thereof" engaged in interstate commerce or "in the production of goods for commerce", and will imperil the national health or safety, may then grant an injunction of eighty days duration.[17] During this period the parties are to continue to bargain with the assistance of the Federal Mediation and Conciliation Service.[18] If a dispute remains unsettled, a reconvened board of inquiry must submit a final report within sixty days of the issuance of the injunction. The report sets forth the current status of the dispute, the parties efforts at settlement, and the employer's last offer of settlement.[19]

Within the next fifteen days the National Labor Relations Board is directed to take a vote among the members of the striking union to determine whether they wish to accept their employer's last offer. The Board must then certify the results of the election to the Attorney General. The injunction expires on the eightieth day in any event.[20] If the employees reject the offer and no settlement has been reached within the eighty-day life of the injunction, the parties concerned are free to resume the strike. The President, then, must submit a full report of the proceedings to Congress, "together with such recommendations as he may see fit to make." [21]

Railway Labor Act procedure

Labor disputes in the railroad and airline industries are governed by the provisions of the Railway Labor Act.[22] Under that statute, when a dispute between a carrier and its employees has not been adjusted under normal procedures and would, "in the judgment of the National Mediation Board threaten substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation service," the Mediation Board is directed to notify the President.[23]

The President, upon such notification, may appoint an emergency board. The creation of such board imposes a waiting period during which the parties must maintain the status quo until thirty days after the Board makes its report.[24] Under the terms of the Act, the board is required to report to the President within thirty days after its creation.[25] The emergency board may make specific recommendations for the settlement of the dispute in its report.[26] At the expiration of the thirty-day period following the board's report, the parties are free to take any action that they deem appropriate if no agreement has been reached.[27]

CRITICISM OF THE PRESENT LAW

There are a number of imperfections in both statutes. But the greatest drawback of these procedures is that they postpone a strike, instead of resolving it.[28] The procedures—

"Have no terminal point. While they postpone a strike, they have no way of ultimately resolving one. If the proposition is accepted that strikes simply cannot be tolerated in certain phases of our national life, then having as our procedure one which cannot terminate such a dispute is a serious weakness." [29]

After the eighty-day "Taft-Hartley" cooling-off period and the Railway Labor Act's sixty-day cooling-off period, a union can lawfully continue the strike—regardless of the damage that may be done to the national economy—if no settlement has been reached.

The public policy in labor relations was laid down by the Congress in Section 1(b) of the Labor-Management Relations Act of 1947 [30] in these words:

"Industrial strife which interferes with the normal flow of commerce and with the full production of articles and commodities for commerce, can be avoided or substantially minimized if employers, employees, and labor organizations each recognize under law one another's legitimate rights in their relations with each other and above all recognize under law that neither party has any right in its relations with any other to engage in acts or practices which jeopardize the public health, safety or interest."

The national emergency provisions of "Taft-Hartley" were enacted to implement this vital national policy. Yet, no one can rationally maintain that the 1959 116-day steel strike, or the New York 114-day news black-out, or the sudden shutdown of seven major airlines in 1961, or the 1962–1963 longshore strike or the 1971–1972 West Coast longshore strike accord with this policy declaration.[31]

Congress's purpose in enacting the eight-day "cooling-off" period in the "Taft-Hartley" Act was two-fold. First, it sought to protect the public interest against the paralytic effect of such work stoppages. Second, it sought to create a climate in which the disputants would have another opportunity to reassess their position.

"It was believed that when an impasse was reached after protracted negotiations, and resort was had to a strike or lockout to enforce certain proposals, a cooling-off period would tend to restore equilibrium and calm aroused tempers and frayed nerves. During this period, discussions would be renewed and exploratory talks continued with a view to eventually reaching a mutually acceptable agreement. Most importantly, the nation would be receiving the goods and services it required." [32]

That at least was Congress's intent. In practice, though, these provisions have fallen far short of their mark. They have failed to provide adequately for a contingency where the parties decide to resume the strike or lockout after the injunction is dissolved.[33] The same criticism applies to the Railway Labor Act.[34]

As one writer has observed:

"In most cases, labor and management representatives engaged in collective bargaining negotiations resolve their differences only when faced with a deadline." [35]

As a matter of practicality today, both sides of a labor negotiation know that any major strike deadline will be delayed by the use of the emergency procedures. Therefore, as there is no incentive to reach a prompt settlement, they delay compromise and agreement until the real deadline arrives—the end of the eighty-day injunction or the sixty-day status quo period. The parties know that government action will not have a directly adverse effect upon their positions and that knowledge increases their willingness to wait until the last possible moment for settlement.

Were the existing statutory procedures reshaped so as to induce a penalty for such foot-dragging, the parties to a major work stoppage might be more willing to reach agreement before any government action becomes necessary.

Any form of public intervention in the collective bargaining process is certain to be criticized. But it is evident that public intervention in large-scale industrial dis-

Footnotes at end of article.

putes is inescapable. As one perceptive writer has observed:

"Desirable as it might be to leave such disputes to the parties alone to work out, this is not a realistic alternative; labor and management well know that once a dispute becomes serious enough, the public and the authority of government will be drawn into it. The question to be considered is, therefore, not whether such intervention will occur, but what form it should take." [36]

Ad hoc intervention is the traditional means by which both the President and the Congress have sought to solve major work stoppages.[37] But there are profound limitations to this. During the 1966 airline strike, for example, President Johnson strongly endorsed a negotiated settlement reached by the airlines and officials of the Machinists' Union. But the union membership rejected the President's pressure when they resoundingly turned down the settlement offer.[38] Correspondingly, ad hoc Congressional action, after the injunction has been dissolved, is not a viable alternative. Congress, by its very nature, is ill-equipped to work with the requisite speed. It's action, when taken, is all too often hasty and ill-considered. One writer observed.

"Any contemplated legislation would not receive the study requisite to such an important issue. Congress is accustomed to working in a slow and unhurried manner and it is questionable whether the interests of the parties of the nation would be sufficiently protected under these circumstances." [39]

Other alternative forms of intervention are equally limited. The power of seizure, which would have a limited utility at best, cannot constitutionally be exercised during peacetime unless authorized by Congress—and Congress has never been especially receptive to the use of seizure in labor disputes.[40] Mediation is already available and could be intensified whenever the President considers it necessary.[41] The "non-stoppage" strike has been advanced, but it has been widely criticized as an impractical solution.[42]

That leaves compulsory arbitration. As Judge Samuel I. Rosenman has stated:

"With equality now reached by labor unions in nearly every industry, and insured for the future by our many labor laws their right to strike should be curtailed when it is in conflict with the public interest, and . . . some form of final compulsory arbitration must be provided.[43]

IMPLEMENTING COMPULSORY ARBITRATION

At the outset, it must be emphasized that "the blanket imposition of compulsory dispute settlement in peacetime is unthinkable." [44] Compulsory arbitration should be considered only as a last resort. It should be utilized only in those instances where a major work stoppage has paralyzed a vital segment of the national economy with devastating effects.

When companies and unions enter into contract negotiations, the first aim should be—as it usually is—to bring about a settlement by direct negotiations. If such collective bargaining between the parties is unsuccessful in resolving the issues, the emergency provisions of the "Taft-Hartley" Act or the Railway Labor Act should be implemented. Only then, after the expiration of the injunctive "cooling-off" period, should compulsory arbitration be instituted by the President through a Federal court order. The spectre of compulsory arbitration should be brought into the picture only if everything else fails.

The critics of compulsory arbitration assert that it interferes with the vital collective bargaining process and, for that reason, should be rejected.[45] But the public is growing so intolerant of major work stoppages that unless some carefully tailored measures are taken soon, the pressures will intensify to adopt even stronger legislation which may wholly emasculate the collective bargaining process. Further, the disputants by allowing the threatened or real strike or lockout to reach national emergency proportions have abrogated their right to control the terms of settlement.[46]

As Professor Neil Chamberlain has written:

"Compulsory arbitration may be a means of preserving collective bargaining rather than destroying it; if bad situations are allowed to develop which arouse strong adverse public opinion, a degree of intervention in basic union-management relations may be legislated that is far more destructive of voluntarism and free collective bargaining than is an occasional compulsory decision." [47]

This proposal is presented, not as a panacea, but as a "last-ditch" effort to solve a problem of the greatest magnitude. The concept of compulsory dispute settlement is not foreign to Anglo-American jurisprudence.[48] Indeed our legal system is based on the concept that anyone with a grievance is able to compel an antagonist to meet him peaceably at a public hearing where, after argument, a binding third-party settlement is handed down. For instance, if a neighbor commits a trespass or a business associate breaches a contract, he is brought into court and the matter is compulsorily arbitrated rather than settled by force. Isn't it about time to apply our eight centuries of judicial experience to the problems of labor?

FOOTNOTES

[1] Radio address on the second day of the nationwide railroad strike—May 24, 1946.

[2] Statement of Senator Bob Packwood before the Senate Committee on Labor and Public Welfare. Reprinted in 118 CONG. REC. S521 (daily ed.—Jan. 26, 1972).

[3] DERECK C. BOK AND JOHN T. DUNLOP, LABOR AND THE AMERICAN COMMUNITY, 229 (New York, 1970).

[4] Jerre S. Williams, *Settlement of Labor Disputes in Industries Affected with a National Interest*, 49 A.B.A.J. 862, 867 (1963).

[5] Harold S. Robbins, *Compulsory Arbitration*. CRITICAL ISSUES IN LABOR, 403 (Max Wortman ed. New York, 1960).

[6] United States Steelworkers of America v. United States, 361 U.S. 39 (1959).

[7] R. W. Fleming, *Emergency Strikes and National Policy*, 11 LAB. L.J. 267 (1960). For the total economic impact of the 1963 nationwide airline strike see: Hugh J. Crossland, *Public Interest Labor Disputes*, 12 WAYNE L. REV. 780, 801–804, 838–9 (1966). For the total economic impact of the twelve-day New York City transit strike see William J. Curtin, *National Emergency Disputes Legislation: Its Need and Its Prospects in the Transportation Industries*, 55 GEO. L.J. 786, 788–9 (1967).

[8] Bok and Dunlap, *supra* n. 3 at 231–32.

[9] *Ibid.*

[10] Fleming, *supra* n. 7 at 271; Robbins *supra* n. 5 at 404; Anthony P. Marshall, *New Perspectives on National Emergency Disputes*, 18 Lab. L.J. 451, 451–452 (1967).

[11] Crossland, *supra* n. 7 at 839.

[12] Bok and Dunlop, *supra* n. 3 at 235.

[13] Quoted in Benjamin Aaron, *Observations on the United States Experience*, 14 Lab. L.J. 746, at 746 (1963).

[14] 29 U.S.C. §§ 176–180 (1970).

[15] 29 U.S.C. § 176 (1970).

[16] 29 U.S.C. § 178 (1970).

[17] 29 U.S.C. § 176 (1970).

[18] 29 U.S.C. § 179 (1970).

[19] *Ibid.*

[20] 29 U.S.C. § 180 (1970).

[21] *Ibid.*

[22] 45 U.S.C. § 160 (1970).

[23] *Ibid.*

[24] *Ibid.*

[25] *Ibid.*

[26] *Ibid.*

[27] *Ibid.*

[28] William J. Curtin, *Transportation Strikes and the Public Interest: The Recommendations of the ABA'S Special Committee*, 58 GEO. L.J. 243, 247 (1969); Crossland, *supra* n. 7 at 812; Williams, *supra* n. 4 at 866.

[29] Williams, *supra* n. 4 at 866.

[30] 29 U.S.C. § 141(b) (1970).

[31] Paper of Louis Waldman, *New York University Sixteenth Annual Conference on Labor*, 251 at 261–262 (New York, 1963); Crossland, *supra* n. 7 at 812.

[32] Murry H. Roman, *National Emergency Disputes and Seizure*, 13 L(2. L.J. 25, 29 (1962).

[33] NOTE: In the 25 years since Congress passed the Taft-Hartley Act, its emergency provisions have been used in 30 disputes where the national health and welfare have been threatened. Strikes occurred in 25 of the 30 disputes, resulting in the loss of over 86 million man-days of work. Eleven of these 25 strikes which threatened the national welfare were in the longshore and maritime industry. Cooling off periods were required in each of the 11 disputes, but in only two cases out of eleven were the disputes fully resolved within the 80 days. Nine out of eleven times saw resumption of the strikes at the end of the cooling off period.

[34] Rohman, *supra* n.32 at 29. *NOTE:* The rail industry has experienced an increasing number of crippling work stoppages. Eight times in less than a decade, and four times since 1970, Congress has been forced to pass ad hoc legislation to prevent or end rail strikes which threatened to create national emergencies.

[35] Curtin, *supra* n.28 at 247.

[36] Marshall, *supra* n.10 at 451.

[37] HARRY H. WELLINGTON, LABOR AND THE LEGAL PROCESS, 281 (New Haven, 1968).

[38] *Id.* at 282.

[39] Rohman, *supra* n.32. See also: Wellington, *supra* n.37 at 282–83.

[40] Youngstown Sheet and Tube Company v. Sawyer, 343 U.S. 579 (1952).

[41] Wellington, *supra* n.37 at 283–84.

[42] Benjamin Aaron, *National Emergency Disputes: Is There A "Final Solution"?*, 1970 WISC. L. REV. 137, 143 (1970); Wellington, *supra* n.37 at 293.

[43] Quoted in Bok and Dunlop, *supra* n.3.

[44] ORME W. PHELPS, COMPULSORY ARBITRATION: SOME PERSPECTIVES, READINGS IN LABOR ECONOMICS AND LABOR RELATIONS, 384 (Richard L. Rowan and Herbert R. Northrup ed. Homewood, Illinois, 1963).

[45] Amalgamated Association v. Wisconsin Employment Relations Board, 340 U.S. 383 (1951), footnote 21; President's Advisory Committee on Labor Management Policy, *Report of Presidential Commission on Free Collective Bargaining*, CRITICAL ISSUES IN LABOR, 389 (Max S. Wortman ed. New York, 1959); Stuart Rothman, *National Emergency Disputes under the LMRA and the RLA*, 15 LAB. L.J. 195 (1964); Laurence H. Silberman, *National Emergency Disputes—The Considerations Behind a Legislative Proposal*, 4 GEORGIA L. REV. 673, 682 (1970); Charles M. Rehmus, *Taft-Hartley Title II: An Emergency At Sea*, 14 LAB. L. J. 865, 873 (1963); Curtin, *supra* n.7 at 801–802.

[46] Cyrus F. Smythe, *Public Policy and Emergency Disputes*, 14 LAB. L.J. 827, 829–830 (1963); Rohman, *supra* n.32 at 32–33.

[47] Paper of Professor Neil Chamberlain, *New York University Thirteenth Annual Conference on Labor*, 421 at 440 (Albany, 1960).

[48] Until the last quarter of the nineteenth century there was a Common Law prejudice against the enforceability of arbitration clauses for future disputes.

S.J. Res. 187(2)(h) (92d Congress, 2d Sess.) provides for appeal to the United States Court of Appeals for the District of Columbia and for ultimate review by the Supreme Court of the United States.

CORONARY ARTERY DISEASE

Mr. MONDALE. Mr. President, an interesting and informative article on heart disease recently appeared in the Washington Post. The article, entitled

"Shellburst Film Aids Heart Study," was written by Thomas Grubisich. It presents information on techniques used in coronary heart disease diagnosis, treatment and prevention, and the prevalence of disease in the U.S. population.

I introduced the proposed National Heart, Lung, and Blood Act of 1972, S. 3046, which would greatly expand research, public information, and treatment programs relating to heart disease. I have also cosponsored S. 3323, a similar bill introduced by the Health Subcommittee chairman (Mr. KENNEDY).

More research is badly needed on causes, detection, and treatment of heart disease and improved techniques to prevent heart disease must be developed. The thoughtful article to which I have referred shows the need for these advances which would be stimulated by enactment of legislation along the lines of S. 3046 and S. 3323. 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:

SHELLBURST FILM AIDS HEART STUDY

(By Thomas Grubisich)

[From the Washington Post, Feb. 17, 1972]

"Linagraph Shellburst" is the name of a 35-mm movie film that's made by the Eastman Kodak Co. The Army uses the film to study the fragmentation patterns of artillery shells. Shellburst is fast (an ASA rating of 125 to 200), infrared, has a high resolution and gives maximum contrast. All these properties ideally suit it to studies on the artillery range.

These days the film is being used, just as effectively, to record a different kind of burst—the surge of blood through the coronary arteries, the three vessels that wrap around the heart, giving it the nourishment it needs to beat without cease 100,000 times every 24 hours.

At a number of Washington-area hospitals and medical centers, this photography, called coronary arteriography, is becoming perhaps the most important tool in the detection and treatment of coronary heart disease, the scourge of millions of Americans—rich and poor, young and old, sometimes trim but more often overweight, both sickly and robust, and mostly male.

The disease, which begins with the hardening of the heart's arteries and progressively incapacitates the heart, kills more Americans than cancer, pneumonia, influenza and accidents combined. This year it probably will kill more than 600,000 Americans, a disproportionate number of them males in their productive years. The cause of death is commonly called a heart attack.

Doctors don't know why men are more prone to coronary disease than women, but speculate that the reasons may be differences in physical activity, stress, genetics and hormones.

Arteriography can pinpoint in remarkable, unequivocal detail trouble spots in the heart's arteries, places where fats and other deposits have clogged or even completely shut the blood's pathway to the heart. With this information, heart surgeons can remove the obstruction in diseased portions of an artery or bypass it with part of another vessel, usually a segment of an expendable vein from the thigh.

In bypass surgery, the vein is connected directly from the aorta (the trunk from which the arteries branch) to the coronary artery beyond the obstructed site, creating an entire new passageway. The surgical and arteriographic techniques were developed at the Cleveland Clinic.

For patients suffering chronic chest pains from heart disease, the operation has brought relief that neither drug therapy nor other treatment had been able to provide. Even cardiac cripples, people condemned to spend most of their lives in a chair or bed, have been able to return to work and go about their everyday business.

According to George A. Kelser Jr., chief of cardiology at George Washington University Medical Center, 80 per cent of patients who underwent heart-artery graft at the hospital have shown improvement.

Bypass surgery has not attracted the attention that heart transplants have, even though it has permitted a number of people with advance coronary disease to lead relatively normal lives. Some 20,000 operations were performed nationally last year.

Among the hospitals and centers doing both the surgery and the arteriography in the area are George Washington, Georgetown, Howard, National Institutes of Health, Bethesda Naval, Veterans Administration and Walter Reed. The Washington Hospital Center has been doing arteriographies for two years and next month will begin artery surgery. Fairfax Hospital has been doing arteriographic still photography for about six months and is installing equipment for motion-picture studies. The hospital expects to perform its first bypass surgery this year.

Some heart experts have wondered whether there are enough trained surgeons and other personnel to justify all this activity and whether hospitals aren't becoming too concerned with the prestige associated with a new surgical technique. Some cardiologists have refused to endorse coronary bypass surgery in any case. They think the technique needs more study.

Heart doctors don't know yet if bypass surgery prolongs the lives of heart cases because the operation has only been available three or four years nationally. Long-term studies now underway will provide that answer. Doctors tend to be cautious when they talk about the operation. Overall, there is an operative risk of 5 to 6 per cent, but this varies from case to case.

But for all their caution, cardiologists are excited about the possibilities of bypass surgery. Says Dr. Stephen Epstein, chief cardiologist at the National Institutes of Health, "Coronary artery disease is so prevalent that if this operation is successful (in prolonging lives), it will so revolutionize health care delivery that the ramifications boggle the imagination."

Dr. James Bacos, chief of cardiology at the Washington Hospital Center, thinks "we might be overwhelmed by requests for arteriography" once more referring physicians become acquainted with the procedure. Dr. Bacos said there are an estimated 500,000 people in the area with heart disease of one kind or another, of one degree or another. Many people with coronary disease he added, aren't aware they have it. Some, he said, mistakenly think chest pains caused by the disease are heartburn or something else far less serious.

He said arteriography alone could benefit many people simply by identifying their problem, which probably could be handled by drug therapy.

The hazards involved in photographing the heart's arteries are not as great as they are in the surgery.

The photography is potentially hazardous because it requires what doctors call an "invasive" technique. A catheter, a narrow, flexible plastic tube, is placed in an arm or leg artery. The tube is advanced manually under direct X-ray visualization until it reaches the aorta. From the aorta, the catheter tip is manipulated into one of the heart's arteries, where about a tablespoon of contrast material ("dye") is injected to make the artery visible on X-ray film. The blood, tinted by the "dye," suddenly shows up as a white burst. In healthy arteries, the white burst stretches out in a thick, uninterrupted line. In diseased arteries clogged by atherosclerosis, the most common cause of obstruction of arteries, the line narrows or stops altogether, indicating blood flow to the heart is obstructed. Then doctors know where surgery is necessary.

The photography has not only enabled doctors to pinpoint artery obstructions, but detect mistaken diagnoses of coronary disease. In 15 per cent to 30 per cent of all cases (depending on the hospital), arteriography has revealed that patients with suspected coronary disease actually have healthy arteries. Their chest pains may originate elsewhere, perhaps in the wall of the chest. Said George Washington's Dr. Kelser, "One thing this technique has taught us is humility. Before arteriorgraphy, we could be wrong in 1 out of 10 cases or even more frequently."

The arteriographic technique is not itself painful. The patient is given a local anesthesia, at the point where the plastic tube enters the artery in his arm. If he wants to, he can watch a fluoroscopic screen and see the tube move toward his heart. Some patients report a slight warm sensation as the tube moves through their arteries.

Because the procedure involves—literally—an invasion of the body there are risks of complications. But the risk rate is low and most of the complications are reversible. Emergency equipment that could be used to reverse complications is kept on hand and all the patient's vital life signs are monitored as his arteries are photographed.

Doctors point out that the mortality rate for performance of the diagnostic procedure is less than one-half of 1 per cent for the thousands of coronary arteriographies that have taken place.

The photographic procedure, counting a three-day hospital stay, use of the equipment and professional services, is about $800, according to Dr. Kelser. The diagnostic room costs an institution about $200,000 to equip. The cost of a followup operation can range to several thousand dollars. Most of these costs are covered by most hospitalization insurance plans.

Because arteriography is so accurate in detecting coronary heart disease, it raises an intriguing question: Can it, should it, become a common part of preventive medicine, like say, the chest X-ray is in connection with tuberculosis? Can it be used routinely to detect artery disease before the heart is damaged?

Dr. Kelser answers the question this way: "Many more people have coronary artery disease than we have the facilities to perform coronary arteriography, if every person with the disease were advised to have the test." But, he adds, not every coronary patient is advised to have the test. The reasons, though, are often subjective. Dr. Kelser explains: "In some instances, arteriography is not needed to make a diagnosis. Some physicians feel that whatever arteriography showed, they wouldn't change their treatment because they would not recommend operative treatment."

Dr. Kelser thinks further that arteriography won't become a routine tool of preventive medicine because of the inconvenience, potential risks, cost and lack of adequate facilities. "Everyone," he said, "is looking for some noninvasive technique, which we don't yet have."

He added, though, that the electrocardiogram—one of the most common tools in testing for heart disease—"is of little value in recognizing angina (a common symptom of the disease)." He also said, "Neither the physician's interpretation of the patient's history, nor a physical exam, nor an electrocardiogram will in every instance provide

an accurate diagnosis of the presence or absence of coronary artery disease."

Mistaken diagnoses, and more often lack of diagnoses, have left many people unaware that they have coronary disease. Dr. Peter Frommer of the National Heart Institute, offers this disturbing statistic: "Of 100 people who show signs of coronary heart disease, 20 per cent to 25 per cent will first show them with sudden death."

An equally disturbing statistic is that coronary heart disease kills, proportionately, more people in *all* age groups each succeeding year. This is especially disturbing to cardiologists because it runs counter to the generally lowering trend in the death rate from all cardiovascular diseases combined. According to the American Heart Association, there has been an 18 per cent decline in the cardiovascular death rate since 1950, among Americans under 65 years of age.

Some experts say there is an "epidemic" of coronary disease. Others, more conservative, say the disease rate has reached "pandemic" proportions—that it is found throughout the country in all age groups. Some others, skeptical of these assessments, say one major reason the disease is more prevalent is that with new controls on infectious diseases (like pneumonia or influenza), people are living longer. And eventually they have to die of something, which is usually coronary disease, brought on by hardening of the heart's arteries.

Yet coronary disease has become an increasingly more common killer not only of the aged but of those—especially men—in their middle years. In 1949, for example, coronary disease accounted for 27 per cent of all deaths among men in the 40 to 60 age group. By 1967, 33⅓ per cent of all deaths among males was caused by the disease.

Dr. Acors W. Thompson, a Falls Church cardiologist, refers to coronary disease as a "garden variety type of heart disease. It's not something exotic—it's something I see every day in my practice. All one has to do is look at the obituary column every day and note the number of young people, people 35 to 50, who die of a heart attack. And that's the great tragedy. If you delve into the history of these people, you'll find they are the backbone of the nation. They are the ones who make things go. And these are the people we have to help."

Dr. Thompson is one of the leaders of the group that is setting up the arteriography and bypass surgery group at Fairfax. The hospital will be the only one in Northern Virginia equipped to photograph the heart's arteries and provide artery surgery.

The facts about coronary heart disease are not new. One of the most famous studies, by Dr. William F. Enos Jr., an Arlington cardiologist, done in 1953, found that 77.3 per cent of 300 American soldiers (average age: 22.1 years) killed in the Korean War had some evidence of diseased coronary arteries.

For years, the Public Health Service, the American Heart Association and other groups have carried on intensive general information programs urging people to take measures to prevent the onset of coronary disease.

One of the most common recommendations is that every adult have a physical examination at least once a year. But Dr. Jeremiah Stamler, professor and chairman of the department of community health and preventive medicine at Northwestern University, said if most people did get an annual exam, which they do not, "this would produce such a burden on medical care that it would lead to a collapse. So that's out."

Dr. Stamler, a leading expert on preventive medicine, thinks instead there should be a system of screening tests that would assess a person's risk of coronary disease. Such tests—involving among other things, electrocardiograms while the subject was resting and exercising and cholesterol counts in the blood—could be given by a nurse or technician, Dr. Stamler said. Such services, he said, have been set up in some areas, "but generally they aren't available."

Dr. Stamler said that even when a person knows he has a high risk of coronary disease, "he doesn't know how to reduce the risk. There is a lot of misinformation, and only limited sources of precise information, on what to avoid or have in a diet, for example, and only limited opportunities to alter exercise habits. All the necessary resources are exceptional rather than normal. Preventive medicine is honored in the breach."

The Northwestern cardiologist said he has tried to persuade insurance companies to write policies for nonsmokers and people with low cholesterol counts, "but they say we're doing very well financially right now."

For years the commonly cited "risk factors" leading to coronary heart disease have been cigarette smoking, high-cholesterol diet, lack of exercise, heredity and personality type. Cardiologists still cite these factors, but they tend to be more cautious about diet.

They know, from case histories, that people with a high cholesterol count in their blood are more likely to have coronary disease than those with a low count. But though a low-cholesterol diet is strongly urged by many cardiologists (and the American Heart Association), no one has been able to demonstrate that if a person lowers his cholesterol count, he is less likely to have an attack. The NIH is devoting a great deal of research to the quandary right now.

On exercise, cardiologists usually distinguish between activity that builds strength and activity that builds endurance. Strength builders, like weightlifting and most calisthenics, may do nothing to increase collateral circulation, which can carry blood past artery obstructions. It's better, say doctors, to jog, walk fast or bicycle.

Cardiologist Thompson of Falls Church says exercise should be tailored, by the doctor, to an individual's needs. For some people, jogging may not be good, either because of their physique or because they don't have access to areas where they could run on a regular basis.

"A person should undertake an exercise program he can maintain for the next 30 or 40 years of his life," said Dr. Thompson.

Because everyone is different, that could involve anything from a nightly game of ping-pong to a four-mile jog every morning.

FEDERAL CIVIL SERVICE TENURE PROVISIONS

Mr. GOLDWATER. Mr. President, it certainly is no mystery to the Members of this body that enormous problems have been created by Federal civil service tenure provisions. They arise almost daily in the conduct of Government business and over the years a situation has been built up which now requires the attention of and corrected action by the Congress of the United States.

This problem is well known to me, and it is well known to the House of Representatives in my home State of Arizona. Accordingly, that body has adopted a memorial urging such an investigation by Congress to the end that constructive steps for modification of present tenure provisions may be taken. I ask unanimous consent that Arizona House Memorial No. 2001 be printed in the RECORD.

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

HOUSE MEMORIAL 2001

A memorial urging Congress to investigate problems created by Federal civil service tenure provisions and to make constructive modifications thereto

To the Congress of the United States:

Your memorialist respectfully represents:

Under the tenure provisions of the federal civil service system there has built up over the years a situation which demands the attention of and corrective action by the Congress of the United States.

On the one hand the job security provisions of civil service laws afford much needed protection to the thousands of loyal, hard-working, conscientious employees whose salary levels are generally lower than those offered by private industry.

On the other hand the same job security provisions provide the disloyal, disruptive, power hungry few a shield with which to ward off attempts to remove them.

The Congress must initiate and put into effect needed reforms in the tenure provisions of the civil service laws so that administrative responsibility within the agencies of the federal government may be returned to the control of the people.

Wherefore your memorialist, the House of Representatives of the State of Arizona prays:

PUSHING OLDER AMERICANS TOWARD POVERTY

Mr. CHURCH. Mr. President, of all the economic pressures upon older Americans, inflation is one of the most cruel.

The Senate Special Committee on Aging, on which I serve as chairman, has described the impact of rising costs, especially the property tax, upon the elderly in recent reports and hearings. We believe that retirement income must be adjusted upward and that inflationary pressures must be brought under control.

For these reasons, we hope that phase II of the administration's wage and price program will have more success in the future than it has had in the past, and we also hope that genuinely healthy economic growth will accompany other positive economic trends.

A hard-hitting and comprehensive summary of inflation and other drains upon the income of retired people appeared in the U.S. News & World Report of March 27. Committee on Aging, findings and testimony are used to help inform other Americans about the desperate situation encountered by so many Americans during their retirement years.

And the article makes a point which cannot be repeated too often: The number of older persons living below statistical poverty levels is increasing at a time when it is decreasing among other age groups.

To share the findings of U.S. News & World Report with others, I ask unanimous consent that the article, as well as a table showing living costs for retired couples in 40 cities of the United States, be reprinted in the RECORD.

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

COST SQUEEZE: PLIGHT OF RETIRED PEOPLE

Despite wage-price controls, many elderly Americans are being pushed toward poverty. Personal interviews show that, for some, the "golden years" are tarnished by rising expenses, taxes and illness.

Few people have a greater stake in the success of the Administration's wage and price-control program—now moving into its second six months—than the millions of Americans living on retirement incomes.

Years of steadily rising prices have forced many of these elderly folk into desperate financial straits.

Consider the Chicagoan who came to the United States from Europe during World War II and opened a small business. He and his wife retired not long ago, but can take little comfort from their present circumstances.

Says the immigrant:

"We lost everything we had in Europe during the war, and built it up again in this country. Now we are losing everything again, to inflation. The trouble is that now I am an old man, and I can't start over."

A retired public-school teacher in New England declares:

"For the past 15 years, I've been living on my teacher's annuity. That's all I have, except for the house I inherited.

"Month after month," she adds, "I've seen my buying power whittled down by rising prices. Property taxes, household repairs, food, all keep going up. If prices aren't stabilized soon, I don't know what I'm going to do."

Many elderly folks across the U.S. are living comfortably on retirement incomes. But many others are feeling the pinch of steadily rising expenses.

To find out how they are coping with today's cost-of-living problems, staff members of "U. S. News & World Report" talked with retired individuals and couples, and sifted through Government reports and congressional documents.

This is the pattern that emerges:

The number of elderly men and women officially regarded by the Government as poverty-stricken is climbing rapidly.

Many other retired persons, although not classified as poor, must count their pennies to pay for even the necessities of life.

Even people who though they had planned carefully for the leisure years find their reserves running low under the pressure of rising prices and taxes.

Some of the elderly are in imminent danger of losing their homes—in many cases the only major possession they have—and being cast onto the welfare rolls.

The medicare program, criticized by some as radical and excessively expensive when it was enacted seven years ago, now is being attacked by many retired people for not paying a larger portion of their health-care costs.

Government officials in Washington are starting to focus attention on money problems of the retired, and the elderly themselves leave no doubt that they are well aware of what is happening.

Says a spokesman for a group of retired persons in New York City:

"We are not senile morons. We are intelligent, experienced people, greatly handicapped with the inflationary spiral cutting into our income all the time."

OVERWHELMED BY INFLATION

Nelson H. Cruickshank, president of the National Council of Senior Citizens, told the Senate Finance Committee recently:

"The elderly does not parade their poverty. As a matter of pride, they do their best to hide it . . . The stark fact is that more and more low-income elderly are being overwhelmed by the ever-rising tide of inflation."

Interviews with retired persons by staff members of this magazine bear out that contention.

Mrs. Kathleen E. Houston, a widow in Houston, Tex., retired from her secretarial job in 1957 and now, at age 78, has a pension of $318 a month.

"I'm having a terrible time," Mrs. Houston says. "I've already run through my savings. I couldn't make it if I didn't work to make some extra money each month."

A retired accountant in Trumbull, Conn., reports he had counted on dividends from stocks to augment his company pension and Social Security. Now, he notes:

"Several companies in which I have stock have reduced or discontinued dividends. Right now, if I could get out of the market unhurt, I would be very much tempted to do it."

In Fort Wayne, Ind., Mrs. Charles E. Geller, widow of a wholesale grocer, says she must live on a small Social Security check and proceeds from a mutual-fund investment made when she sold her home and moved into an apartment. Mrs. Geller adds:

"Last year was really hard, because the mutual fund didn't pay any capital gains. It was a shock to me."

Some aged persons say they realize now they did not start preparing soon enough for retirement.

Mrs. Thaddesia Moss, a former stenographer in Atlanta, Ga., explains that she and her husband are getting by on a combined monthly income of $436—but with little to spare for emergencies. Mrs. Moss comments:

"When I got my first job in 1927, it would have been better to start saving right then and there. But we wanted to spend it all right away."

WHEN PLANNING FAILS

Sometimes, however, even what appears to be adequate planning for retirement can prove insufficient.

George L. Martin of Houston, Tex., notes that he felt pretty well prepared with his company pension, Social Security and a company health-insurance policy. But he now has to work part-time to make ends meet. Explains Mr. Martin:

"It takes everything I get each month to break even. If things go any higher, I'll probably be forced to dig into my savings."

Government reports show that nearly 5 million of the 20 million Americans who are 65 and older have incomes below official poverty levels.

This number of recognized poor among the aged had declined for a decade before 1968, but since then it has risen by more than 100,000 and continues to grow.

The chances of being classified as "poor" double if you are over 64. If you are black as well as old, your chances of being poverty-stricken double again. About half of the aged widows in this country are considered poor, and that figure soars to nearly 80 per cent among elderly Negro women living alone.

For statistical purposes, the Government figures anyone who is living alone is poor if he has income of less than $2,000 a year. For a couple living in a nonfarm setting, the poverty line is $2,600 annually.

The Government estimates that current Social Security benefits average $2,628 a year per couple—just above the poverty level. Typical Social Security benefits for a single person amount to $1,572 annually—more than $400 short of the poverty line.

In the spring of 1970, the Department of Labor computed a series of sample budgets for retired couples—not what they actually spend but what they would spend if they lived normally, owned their own homes and were in reasonably good health.

The "intermediate" budget calls for outlays of $4,489 a year—a figure that nearly 40 per cent of the elderly could not attain today, even without allowing for inflation over the last two years.

The table on page 68 shows such intermediate budgets for 40 areas—plus "minimum" and "more comfortable" budgets.

Government experts estimate that 6 million elderly persons in this country are living in inadequate housing. Federal programs, authorities say, have provided only about 350,000 low-cost housing units for the elderly in the last 10 years—compared with a need for 120,000 units every year.

Although at least 36 States provide some measure of property tax relief for the elderly, the financial burden of maintaining a home is proving too much for many.

Government estimates indicate that elderly persons with incomes below $5,000 a year are paying some 1.5 billion dollars annually in property taxes.

A retired couple in the Detroit suburb of Birmingham, Mich., recalled that taxes on their house were $190 when they bought the property in 1943. Now the levy is nearing $1,700 a year.

"I don't see how we can keep paying the taxes if they reach $2,000," the wife declares.

PENSIONS THAT GROW

Some retired persons, especially former Government employes, believe the economic pinch has been eased by cost-of-living increases built into their pensions.

James Campbell, who worked for the State of California, finds retirement easier than he expected in Sonoma, Calif. Says Mr. Campbell:

"We had thought at the time I retired that we would have to live at just one level. But cost-of-living raises have been made. As costs have gone up, my pension has gone up. So now, we're not hurting."

But official estimates show that pensions other than Social Security provide only about 11 per cent of total income received by the aged.

Transportation is a vexing problem for the elderly, since many of them can no longer afford automobiles, or are physically incapable of driving.

James A. Willoughby, a retired federal worker living in Washington, D.C., sold his 1966 car after he suffered a stroke. He and his wife managed to save $85 to buy an awning for their back porch, but by the time they had arranged for transportation across town to the store, they had spent the money on other things.

The transportation problem is alleviated in at least 50 cities, where the aged ride buses at reduced rates during nonrush periods. In Minneapolis-St. Paul, they can ride free much of the day.

In parts of cities with high crime rates, federal investigators report, numerous elderly residents are virtual prisoners in their homes and apartments because they are afraid to venture into the streets.

ONE GOOD MEAL

The Senate Special Committee on Aging has heard from many elderly persons on the economic squeeze.

In Pitman, N.J., a retired worker told the Committee that he and his wife have to live on $1,920 a year. He then added:

"We cannot afford three full meals each day, so we manage on one good meal. The prices of meat are outrageous, and to have a roast or steak once a week is beyond our reach."

Many elderly citizens are protesting the $1,680 a year ceiling on earnings under Social Security. If a person younger than 72 earns more than the limit, his Social Security payments are reduced.

A widow in New London, Conn., wrote to the American Association of Retired Persons on this issue, saying:

"The fact that I am receiving Social Security payments causes me not only to have to kill time, but I think it's slowly killing me. I am not sufficiently occupied and am not accustomed to being so inactive. It's a perfectly intolerable situation."

A woman from New York complains:

"If relief for me is not forthcoming, I will be forced to give up my job and go on welfare, where I will receive more in the long run than working. I will have my rent paid, get

a color TV, have my insurance paid and no income tax to pay. Utopia!"

PROBLEMS OF HEALTH

Sickness is a particularly dreaded threat to the elderly in times when the expense of medical care is one of the fastest-rising items in the cost of living.

Government researchers report that persons 65 and older spend, on the average, about three times as much on health care as younger citizens. Less than half the bill, experts say, is covered under medicare.

A spokesman for a group of elderly persons in New Jersey says:

"Medicare to us is like a leaking umbrella. You go outside when it is raining, and you think you have protection. You open it up, and the rain comes right through it."

Many aged persons complain about the increasing premiums they have to pay for optional physician's coverage under medicare. and the fact that it does not pay for many health aids or for out-of-hospital prescription drugs.

An elderly woman in Riverside, Conn., is one who finds that expenses for items such as hearing aids, glasses and other devices have been "terriffic." She adds:

"It cost me $48 recently at the dentist's for just a couple of fillings and a cleaning of my teeth. There ought to be some way to help out on that."

Government programs to aid the elderly have expanded in recent years.

The Administration on Aging reports that federal spending directed entirely or largely to the aged has risen from 25 billion dollars in the fiscal year that ended June 30, 1967, to more than 46 billion dollars in the current fiscal year—representing a gain from 16 per cent to 20 per cent of the total budget.

However, many critics insist that this is far from enough. Senator Frank Church (Dem.), of Idaho, chairman of the Senate's Special Committee on Aging, said recently:

"No Administration to date—whether it be Democratic or Republican—has really come to grips with the predicament of the elderly.

"The retirement-income crisis which now affects millions of older Americans . . . deserves no less than a national commitment to eliminate poverty for the elderly and to allow them to share in the economic abundance which they have worked most of their lives to create."

An elderly woman in New Jersey put it a bit more strongly in telling Government investigators:

"I am so tired of hearing what you are 'going' to do for the senior citizens, the golden-agers, et cetera. What you are doing is driving us to the wall.

"I wish everyone would stop talking about what they're going to do—and get busy and do it."

WHEN YOU RETIRE: LIVING COSTS IN 40 PLACES

Following are sample annual budgets for a retired couple, as estimated by the U.S. Labor Department. These budgets include allowances for key items used in family living and are based on spring 1970 prices. Since then, living costs, on the average, have climbed about 7 percent]

	A "minimum budget" for health and well-being	A "moderate comfort" budget	A "more comfortable" budget
Northeast:			
Boston	$3,306	$5,113	$8,623
Buffalo	3,412	4,973	7,977
Hartford	3,558	5,158	8,039
Lancaster	3,081	4,460	6,964
New York area	3,390	5,209	8,531
Philadelphia	3,044	4,695	7,683
Pittsburgh	3,121	4,526	7,215
Portland	3,233	4,679	7,162
North-central:			
Cedar Rapids	3,131	4,501	7,221
Champaign-Urbana	3,194	4,681	7,361
Chicago	3,075	4,584	7,342
Cincinnati	$2,997	$4,313	$6,613
Cleveland	3,320	4,807	7,591
Dayton	3,102	4,377	7,062
Detroit	3,139	4,563	7,503
Green Bay	3,000	4,375	7,267
Indianapolis	3,240	4,686	7,475
Kansas City	3,195	4,578	7,442
Milwaukee	3,152	4,604	7,464
Minneapolis-St. Paul	3,212	4,576	7,232
St. Louis	3,150	4,529	7,048
Wichita	3,090	4,413	6,917
South:			
Atlanta	2,781	4,039	6,283
Austin	2,814	4,070	6,413
Baltimore	3,039	4,410	6,984
Baton Rouge	2,797	4,035	6,316
Dallas	2,968	4,309	7,023
Durham	2,982	4,239	6,473
Houston	2,909	4,217	6,863
Nashville	2,944	4,255	6,636
Orlando	3,006	4,150	6,273
Washington	3,256	4,656	7,380
West:			
Anchorage	4,457	6,127	9,286
Bakersfield	2,977	4,289	6,673
Denver	3,063	4,373	6,970
Honolulu	3,562	5,166	8,312
Los Angeles area	3,241	4,626	7,630
San Diego	3,103	4,419	7,027
San Francisco-Oakland	3,431	4,913	7,776
Seattle-Everett	3,451	4,848	7,467

OBSERVATIONS ON ISRAEL

Mr. PACKWOOD. Mr. President, the New York Post of March 18, 1972, included a column written by Mr. Roy Wilkins, executive director of the National Association for the Advancement of Colored People. I invite Senators to read this thoughtful and enlightening article by Mr. Wilkins, as he presents a perceptive look at the State of Israel.

Having visited Israel for 1 week last June, I know first hand of her remarkable achievements, and I welcome the opportunity to share Roy Wilkins' observations with CONGRESSIONAL RECORD readers.

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:

THE STATE OF ISRAEL

(By Roy Wilkins)

JERUSALEM.—The headlines go to the political maneuvering in Israel and to the military clashes with the terrorists and guerrillas. However, the overwhelming message to a visitor is that the new state is busy trying to see that state power is used to attain peace, freedom and opportunity for the ordinary citizen.

Israelis go about this backbreaking task industriously, with grumbling over the extra-heavy burdens, but no whimpering. The stark realities, born of Israel's existence, stare every citizen in the face from each morning until (and through) each night. Israel is surrounded by hostile governments but there is no Israeli hatred of the people in these countries.

Israel chooses to build a nation, all the while on a constant alert to safeguard, as far as is humanly possible, the builders. The children of Israeli and Arab citizens are provided for in the school system and in health care.

The state pays for education through one year of high school. Parents and scholarships take over there. There is no discrimination against Arabs within Israel. In fact, Arabs in the newly-annexed territory enjoy a higher standard of living than they did previously.

In health, the Hadassah-Hebrew University of Jerusalem Medical Center gives care and the latest in treatment to the babies of every race and religion. At meal times many mothers, some of whom have benefited from this spread, who do not speak either Hebrew or English, assist in the feeding of their youngsters. The medical center uses the new idea of admitting mothers to the hospital at all hours to help allay the fears of children and aid their recovery.

Just as the state uses its machinery for the health of the child and not for the convenience of the staff, so it operates in its community villages, known as kibbutzim. Here not only agriculture and small manufacturing flourish, but schools, music, art, and drama as well. It is in these villages that Israel has built a nation with its bare hands.

Nowhere is this concern of the state for individual welfare more pronounced than in the universities which are growing tremendously. The Hebrew University of Jerusalem is the oldest, but the younger (and larger) Tel Aviv University is also bursting at the seams. Technion, in Haifa, is the M.I.T. of Israel, at present training nearly all the engineers.

What is not generally known among American Negroes is that Israeli educational, professional and technical teams have been sent to many nations in Africa. The program is a thorough one-involving the exchanging and additional training of black professionals.

Histradrut's Afro-Asian Institute for labor studies is heavily attended by Africans. Small black groups here who preach a subtle (and often blatant) anti-Semitism will find no support for their racism among African nations of Know-how.

For this and much more, the Israelis pay out 40 per cent of their gross national product for defense. They pay for education and for the ceaseless building which goes on everywhere. They pay for the research and development needed by the army and air force. Every young person serves his time in the armed forces before he begins his civilian career, including college.

There have been problems, naturally. The one requiring persistent trial and error has been that of bringing dark Hebrews from the deprived areas of countries of the Middle East and Africa up to the understanding and achievement common to those of Europe and America. Israel is addressing itself, with the travail inherent in any democracy, to these emotional problems.

A tiny colony of self-styled Black Hebrews, who come from Chicago, claim to be the only authentic Jews in Israel. In addition, there are internal problems not concerned with color, including that of the persecution of Jews who seek to leave the Soviet Union.

Through every tribulation the basic aim of the state has been to make a full life for the individual. It is a thrilling visit.

TRIBUTE TO HON. WILLIAM BRICE DORTCH OF GADSDEN, ALA.

Mr. ALLEN. Mr. President, tomorrow, March 29, 1972, the Gadsden, Ala., Kiwanis Club, one of the finest civic clubs in the entire country, is honoring and paying tribute to Hon. William Brice Dortch, of Gadsden, Ala., for today attaining the age of 80 years and for being a member of the club for 22 years with a perfect attendance record for the last 21 years.

Mr. Dortch is a native son of Gadsden, a graduate of the U.S. Naval Academy and of the University of Alabama Law School and through the years has been one of Gadsden's finest citizens. He was a law partner of my father as was his father, Col. W. R. Dortch, before him,

and for more than 30 years I had the privilege of being one of his law partners. His ability as a lawyer, his deep religious convictions, his lofty principles as a lawyer and a citizen and a man have always served as an inspiration to me and a challenge to me to "go thou and do likewise." Truly, Mr. Dortch lives up to the requirements set by God as expressed by the Prophet Micah that we should do justly, love mercy, and walk humbly with our God. My wife, Maryon, joins me in extending sincerest felicitations to Mr. Dortch and his beloved Helen who has been his faifthful companion and helpmate for more than 35 years and who has brought so much happiness to his life.

Happy birthday, Mr. Dortch, and may you have many happy returns of the day.

CANON MICHAEL HAMILTON ON POPULATION AND THE ENVIRONMENT

Mr. PACKWOOD. Mr. President, concern over the welfare of humanity, present and future, certainly must extend to questions of population growth, resource utilization, and the abuse of our environment. Many in our religious communities have begun to speak out on these issues and their implications for future generations. Among the first to recognize the dangers which continued population growth poses for mankind was Canon Michael Hamilton, of the Washington Cathedral. As early as 1966, Canon Hamilton was delivering sermons on population and the environment. His sermon of March 8, 1970, has recently come to my attention and I have found it a well-reasoned and thoughtful commentary. I ask unanimous consent that it printed in the RECORD.

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

GOD, MAN, AND POLLUTION

(By Canon Michael Hamilton)

This morning I would like to make some suggestions regarding the role of the Church in relation to ecology and the problems of pollution in our land. Since President Nixon in his State of the Union Address and his subsequent message to Congress has provided leadership in raising these issues to a national priority, we have all been flooded with information about them. New Yorkers, of course, have had more of their share of the experience of pollution. It was in New York, as you no doubt remember, that in 1953 approximately two hundred people died prematurely during an extended poisonous smog. For those who recognize the moral implications, the politics of ecology are no longer the goal of gaining a public hearing, but rather to exert the necessary pressure on Congress and the Executive so that the promises to reform become economic and legislative realities. The political task is to be done, I believe, in addition to and not as a substitute for the relief of poverty, racial discrimination, and crime, the other major scourges of our land.

The Churches should be involved in combating pollution because Christians, both individually and corporately, must be concerned for whatever goes on in the world, in order to reflect God's concern for His creation. If one needs a more specific moral argument for involvement, pollution affects health and Christ clearly evidenced his wish to relieve those who were sick and suffering.

The first task of Church people of all denominations is to read the newspapers and to keep informed about developments regarding the misuse of our natural resources. As Christians we should have a special interest in seeing that all the aspects of the problem are considered. We should try to see the issue as a whole, from the perspective of God, even though this sounds presumptuous. The facts regarding our present plight lie in the separate disciplines of demography, medicine, agricultural theory, industrial engineering, and so on. Hence, a technological breakthrough in one area is often falsely hailed as a great success. However, unless the improvement is compared to changes occurring in related fields, a true evaluation cannot be made. To take an example from the international field, recent increases in grain production through the development of a new hybrid were hailed as a success. The success is limited, however, because in another research corner population analysts are predicting a rise in population in the underdeveloped countries which, within a decade, will more than absorb the extra food. All too often the agricultural expert and the demographer do not meet to share their predictions and so provide the public with a balanced judgment on what is a success and what is a failure. God has given us human minds capable of contemplating our own future and we should be working for long-term solutions to our problems, as well as for temporary relief.

In the process of education we must face up to what I believe is the most disturbing prospect of all for our nation. Even if scientists perfected the technology for curbing toxic wastes, even if industrial groups cooperated with pollution controls and recycling systems, even if Congress, State Legislatures and the Executive passed effective environmental legislation, even if the public accepted the resultant burden of taxation, even if all this was done and we did not also lower the birth rate in our country we would still face disaster. The alternative to lowering the size of our families is eventual overcrowding to a degree that only those who have lived in tenement slums have experienced, a low standard of living for all, and ultimately because of resultant pressures, political revolution and economic chaos. These conditions, with the additional factor of malnutrition, are being approached in the larger cities of some underdeveloped countries today.

As Churchmen and as citizens we must practice restraint now, before the problem of overpopulation becomes more serious. As a society we still may be able to induce parents voluntarily to have no more than two children, but as yet no effort to effect this has been made. We have not yet made family planning information available to all, or produced nation-wide T.V. programs to teach the merits of such planning. We have not yet discovered a birth control means that is truly satisfactory, or provided sufficient money for research for this purpose. Our state laws do not permit therapeutic abortion upon request of the mother, much less provide it free for those who desire it. If as a nation we do not adopt such voluntary means for reducing population, within the lifetime of our children I believe we will be obliged to adopt much more disruptive and coercive methods.

The second task for Churchmen is to clean our own theological house. We have held interpretations of Biblical passages which no longer make sense, and we have provided Western culture with attitudes towards nature, often borrowed from Greek sources, that we can now recognize as being ecologically harmful. Dr. Lynn White, professor of History at the University of California in Los Angeles, pointed out in a lecture printed in a March 1967 edition of Science magazine that the Western Church, drawing upon selected passages in the book of Genesis, taught that man was to have dominion over the earth, to subdue nature, and to believe that the animal and vegetable world existed only for his own pleasure and sustenance. This, said Professor Lynn White, produced an arrogance in man that has encouraged him to misuse his natural environment without concern for its welfare.

Professor White's criticisms are justified and he comes as a prophet to recall to us our own heritage. I say recall because I do not believe we need to reject our role as having dominion over our environment but rather to see that passage in relation to the rest of scripture. If we did so we would recognize that God also gave men responsibility for stewardship of the earth which meant we were to tend, not to exploit it. I believe, as Professor White suggests, that our scientific knowledge and technological skill is a fulfillment of man's dominion over nature. But if such powers have brought us pollution as well as enrichment of life, surely our responsibility is not to reject technology but to discover how to use it better. Men and animals are the product of a single evolutionary process and members all of one interdependent ecological system. This biological truth complements the Biblical understanding of the universe as being the product of a single creation, that our world and all its inhabitants are to be cherished.

There are other fictions that have been associated with the Judeo-Christian tradition, phrases repeated out of their context of time and place. For instance, the command that we should be "fruitful and multiply and replenish the earth" meant good sense when the Hebrew death rate was high, but it is not an eternal verity for all. Today we humans have replenished the earth, and we must avoid multiplying and being fruitful. In relation to this, the so-called moral right of parents to be free to have as many children as they wish has no sound basis in Biblical heritage. Rather it is largely the result of an out-moded theology which said that marriage was primarily for the purpose of procreation. I believe a better ethic related to parenthood can be deduced from a simpler article of the Christian faith—that we should love our neighbors. This latter would lead parents to plan for children, not just according to their individual fortunes or whims, but also in relation to the needs of the world-wide family of man.

I believe the greatest single contribution the Church can make to a sound ecological national policy is the development of new attitudes to nature. We should aim to provide ideas and examples for our secular culture to be refreshed and to guide itself through the necessary political and economic decisions that are required for a new style of life.

The third task of the Church is to do something about stewardship in terms of family size, pollution control, and the work required to achieve the necessary legislative reforms for the best use of our natural resources. I hope for a new movement in our country in which the Churches and the youth take as active a part as they did in the Civil Rights movement of times gone by. For some this will mean demonstrations, for others lobbying, for some passing resolutions, for others writing letters and for some offering prayer. Let each of us give our witness as God endows us, not complaining at our neighbor's manner of expressing his concern, but rather giving thanks that God has given us such a rich variety of talents.

In closing I would like to illustrate what I believe a Christian attitude to nature is, in terms of the Eucharistic meal we are gather-

ing together to eat this morning. I wish to express my thanks to Dr. Conrad Bonifazi, a theologian, for much of what I am about to say. He has pointed out how deeply dependent the early Hebrew was upon things of nature around him, a dependence based not only upon physical needs, but stemming from his understanding that all things, including himself were created by a God who loved his creation.

For the Jew, his identity was bound up not only with his relatives with whom he lived, but also with the material things and land which he possessed. Things became extensions of himself, they stood as symbols of him before others. If a man laid claim to an object it was readily understood that an intrinsic relationship was established between him and that object. Hence it was not difficult for the disciples as they gathered together at the Last Supper to understand Christ when He took a loaf of bread and a pitcher of wine, and having thanked God for providing the food for this occasion, said to them: "Take this bread and eat it, and from now on it is to be for you a sign of myself, my body, my presence with you. And when you gather together remembering me, drink the wine, and it shall be for you my blood, my very life given for you." This morning we are his disciples and we gather together around this table. We shall take bread and share it amongst us, and in so doing Christ will be present with us in a clear and practical way. We shall take wine and drink it and by these acts understand a little better our closeness to Christ who is amongst us, our dependence upon each other as members all of one family of man, and our dependence upon the world of nature in which we live.

NUTRITION PROGRAMS FOR THE ELDERLY

Mr. CHURCH. Mr. President, in 1968 the Administration on Aging launched a special emphasis nutrition demonstration program for the Nation's elderly. Thirty projects have been funded and now 21 programs are still operating.

These programs have been especially successful in providing both nutritious meals and essential social services to the elderly participants. The Administration on Aging in its report to the Senate Special Committee on Aging for 1970 said, in reference to these programs:

> Experience indicates that food-nutrition services and social-health services become mutually reinforcing in meeting the totality of the needs of elderly participants.

In my own State of Idaho, a nutrition program in Emmett has had a dramatic impact upon the lives of the elderly. Here too, the nutritional aspects of the programs are important, but I have seen that the social and service aspects are prime elements, which have a very beneficial effect for those taking part.

Therefore, I think it would be particularly regrettable if a gap in funding were to occur with the changeover to funding under the Nutrition for the Elderly Act. Older people would be especially affected, but projects would also lose staff with valuable experience. Communities would not be able to maintain the continuity of services to the elderly participants.

I recently wrote to the Commissioner on Aging about this problem. I specifically asked Mr. Martin to outline for me the course of action the Administration will take to prevent this gap in program funding.

Mr. President, I believe this matter is of concern to all Members of the Senate. I ask unanimous consent that my letter to Commissioner Martin be printed in the RECORD. I also would like to submit for the RECORD a recent letter to Commissioner Martin from the directors of the 21 demonstration nutrition programs.

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

U.S. SENATE,
SPECIAL COMMITTEE ON AGING,
Washington, D.C., March 17, 1972.

Hon. JOHN B. MARTIN,
Commissioner, Administration on Aging, Department of Health, Education, and Welfare, Washington, D.C.

DEAR COMMISSIONER MARTIN: There is a distinct possibility of a gap in funding between the expiration of Title IV demonstration nutrition program funds and the availability of funds appropriated for the Nutrition for the Elderly Act.

I am hopeful that this hiatus need not occur. The 21 existing nutrition demonstration programs for the elderly have had an impact upon the lives of many older Americans. A break in the continuity of these programs would be disastrous.

Of the 21 programs, 18 are scheduled to expire during June, July, and August of this year. It is probable that the Labor-HEW appropriations bill will not be signed before the funding for these programs terminates. The FY 1972 Labor-HEW appropriations bill was not signed into law until August 10, 1971, and the FY 1971 bill was not signed until January 11, 1971.

Given this recent history of the appropriations process, it appears necessary to implement administrative action to preclude a gap in nutrition program operations.

I would urge that the Administration act to maintain continuity in these programs.

Would you outline for me the steps the Administration may intend to take to prevent the disruption of these programs?

Sincerely,

FRANK CHURCH,
Chairman.

FEBRUARY 12, 1972.

Mr. JOHN B. MARTIN,
Commissioner, Administration on Aging, Department of Health, Education, and Welfare, Social and Rehabilitation Service, Washington, D.C.

DEAR MR. MARTIN: The directors of the twenty-one Title IV nutrition programs are naturally delighted, as we know you must be, at the overwhelming support given S. 1163 and HR 5017. We want to express our collective appreciation for your contribution to the cause of Nutrition for the Elderly.

Being familiar with the problems of appropriations we are concerned that there may be a lapse of funding between the expiration of our Title IV R & D funds and the availability of nutrition monies resulting from this new legislation. As you are aware, at the end of our fiscal year, our R & D assignments will have been completed; our means programs will convert to direct services.

Should a lapse of funding occur it would in most instances result in a breakdown of this essential service, the loss of some of our trained, experienced staff, confusion and deprivation for many of our participants. The latter would suffer a traumatic experience that would affect them adversely not only physically and emotionally, but economically as well. Whether in rural areas such as Greenwood, Mississippi, where our low cost meals program has become literally the center around which the lives of these retired, sans Social Security, sharecroppers revolve; or Olive Hill, Kentucky, where participants are experiencing a new economic way of life sparked by the meals program, a break or reduction in service would spell disaster. The impact would be equally catastrophic to many of the thousands of Title IV participants living in the densely populated urban areas. These oldsters depend on the group meal service, the hot meals delivery to the homebound, and the ancillary services provided for both. All of these older Americans should be spared any further anxiety about the future of their hot meals programs.

As directors of these projects we share their concern and seek to allay their apprehensions but we can do this only if we are assured well in advance that there will be no break or reduction in services. Only then can we maintain an adequate, experienced staff. To secure and train new personnel is a costly procedure. To rebuild a reduced program and regenerate confidence in it is indeed an uphill undertaking. We also believe that by an uninterrupted continuation we will be in the best possible position to give leadership and guidance to the new projects that this nutrition legislation will make possible.

We are sure that ways can be found to avoid a funding hiatus and are therefore appealing to you who understand the situation to review the problem it presents as early as possible and to advise us as to what course of action it would be best to pursue.

Again our thanks for your much needed assistance.

Sincerely and respectfully yours,

San Juan W. Barnes, Washington, D.C.; Peggy Best, Los Angeles, Calif.; Alvin Bielefeld, Tulsa, Okla.; Ruth Braver, Chicago, Ill.; Fred Buchholtz, St. Petersburg, Fla.; Mary Champlin, Buffalo, N.Y.; Lucille S. Costello, Cincinnati, Ohio.

Regina Fanning, Olive Hill, Ky.; Alfred W. Gilpin, Walthill, Nebr.; Edward Kramer, New York City; Virginia MacNeur, Phoenix, Ariz.; Clifford McCloud, Miami, Fla.; Mildred V. Muthleb, Detroit, Mich.; Ella Reason, Roxbury, Mass.

Frank M. Robison, Seattle, Wash.; Yolanda C. Rossi, Salt Lake City, Utah; Ivan O. Simonsen, Emmett, Idaho; Wilma Jo Slaughter, Helena, Mont.; Gertrude W. Wagner, New York City; Leola G. Williams, Greenwood, Miss.; Mason Willis, Denver, Colo.

NUCLEAR VOTING RECORDS AND NUCLEAR HAZARDS

Mr. GRAVEL. Mr. President, I urge every Member of Congress to pay close attention when the Joint Committee on Atomic Energy recommends legislation to accelerate licensing of nuclear powerplants, as it probably will before the Easter recess; hearings were held March 16 and 17 on such legislation, H.R. 13731 and H.R. 13732. Then on March 23 another version of the measure was introduced as H.R. 14065. In addition, hearings on a similar bill, H.R. 13757, are underway before the House Committee on Merchant Marine and Fisheries.

If Members of Congress pass such legislation, and if one of the prematurely licensed plants ever has an accident, perhaps rendering an entire State uninhabitable, the voting record on that measure will be examined for sure.

Senators, therefore, may well want to ask themselves the following:

What are the real experts saying today about nuclear safety?

How much confidence can we have in safety assurances from the nuclear industry?

How candid has the AEC been with us about nuclear safety?

New information on these three questions is revealed daily by the citizen intervenors, who are contending with both the AEC regulatory staff and with lawyers from the giant nuclear corporations at the AEC's safety hearings on emergency core cooling systems. Unfortunately, the revelations are generated in a remote room in Bethesda, instead of before a committee of Congress where we would all have access to the full documents.

The best I can do is provide some excerpts from time to time.

THE NO-TEST LICENSING POLICY

The most crucial safety system of all, which is called the emergency core cooling system or ECCS, is installed in all the large nuclear powerplants, although it has never had a complete large-scale test at any time, anywhere.

In late 1970, six miniscale tests were run on this system, with a 9-inch pot substituting for a 14-foot reactor vessel, and electrical heat substituting for nuclear fuel.

Six out of six tests showed ECCS failure, a fact which did not reach the press until May 6, 1971. According to Nucleonics Week, the Joint Committee on Atomic Energy held a secret session on the problem May 3.

The AEC tries to belittle the significance of the test failures, and continues licensing by relying on computer programs or "codes" to calculate the effectiveness of the system. We are now learning that the codes are based on some very shakey assumptions.

AEC LAB DIRECTOR URGING REALISTIC TESTS

Document No. 1027 at the Bethesda hearing is an extraordinary expression of concern, considering the source. It is a letter dated February 9, 1972, from the Director of the Oak Ridge National Laboratory, Dr. Alvin Weinberg, to the Chairman of the AEC, James Schlesinger and it states in part:

As an old-timer who grew up in this business before the computing machine dominated it so completely, I have a basic distrust of very elaborate calculations of complex situations, especially where the calculations have not been checked by full-scale experiments.

As you know, much of our trust in the ECCS depends on the reliability of complex codes. It seems to me—when the consequences of failure are serious—then the ability of the codes to arrive at a conservative prediction must be verified in experiments of complexity and scale approaching those of the system being calculated.

I therefore believe that Serious consideration should be given first to cross-checking different codes and then to verifying ECCS computations by experiments in large scale and, if necessary, on full scale.

This is expensive, but there is precedent for such experimentation—for example, in the full-scale tests on COMET and on nuclear weapons.

Testimony in Bethesda from an Oak Ridge expert on March 10th elaborated further on the uncertainties which go into those computer codes. How cautious, or "conservative," are the assumptions?

"WE DON'T KNOW WHAT IS HAPPENING PHYSICALLY", SAYS EXPERT

Cyril G. Lawson, a metallurgist in the Oak Ridge reactor program, testified as follows:

The assertion is made in many places in the testimony that conservative assumptions are made where possible, and this is true, but there are some areas where, in my opinion, we don't know whether the assumption we are making is conservative or not, because we don't know what is occurring physically . . .

I'm not sure in my mind whether the conservatisms existing in other places in the calculation are sufficient to overcome the possible unconservatisms in these assumptions . . .

I have concerns because there are two particular areas where major uncertainties exist. One is what happens during the so-called reflood stage of the core . . . That, I think, is major because this is that aspect of the response which is going to cool the core and make the recovery.

"WE ARE NOT CERTAIN" THERE IS "REASONABLE ASSURANCE" ON SAFETY PERFORMANCE, SAYS EXPERT

Document No. 1020 is a letter dated December 6, 1971, from William B. Cottrell, Director of the Nuclear Safety Program at Oak Ridge, to the AEC's new Director of Regulation, L. Manning Muntzing, former attorney for the Chesapeake & Potomac Telephone Co.

The letter, which was designated as a "draft" by the Associate Director of Oak Ridge, Donald Trauger, states in part:

To summarize what follows herein, we are not certain that the Interim Criteria for ECCS adopted by the AEC will, as stated in the Federal Register, "provide reasonable assurance that such systems will be effective in the unlikely event of a loss-of-coolant accident."

After several pages of technical explanation for this opinion, the letter concludes:

At the present time, we would not presume to offer a "realistic" [set of] criteria because of the wide gaps in our knowledge.

"NO ONE REALLY KNOWS WHAT WILL HAPPEN IN A [NUCLEAR] REACTOR CORE," SAYS EXPERT

Document No. 1030 is a letter dated March 4, 1971, from William Cottrell to Andrew Pressesky, AEC Assistant Director for Nuclear Safety. This letter also concerns the loss-of-coolant accident or LOCA which requires effective performance by the Emergency Core Cooling System or ECCS. This letter states in part:

In recent months, the nuclear community has become aware that the previous assumptions and calculations, upon which the loss-of-coolant accidents were based, have been optimistic in terms of the ability to cool the core during the accident transient. These developments have been discussed in a number of recent meetings with the manufacturers, most recently with Regulatory on February 11th. . . .

The meeting indicated a wide divergence of opinion because of the lack of definitive information from experimental programs, which led the chairman to conclude that no one really knows what will happen in a reactor core in the event of a LOCA.

Despite this fact, two of the manufacturers chose to argue that maximum temperatures should be raised from 2300 to 2700 degrees Fahrenheit—completely ignoring data which indicates the imprudences of such a change, or for that matter which question the adequacy of the existing limit.

As you know, the experiments run to date have not only shown the unconservatism of earlier assumptions on rod swelling, but also are capable of determining the allowances for cooling during blowdown that could be taken into consideration in the real reactor analysis.

The greater impetus for continued investigation is the likelihood that undiscovered phenomena, or presently worrisome ones, will undermine ESF effectiveness.

SOME INDUSTRY FAILURE "TO GET TO THE HEART OF THE SAFETY PROBLEM IN QUESTION"

Document No. 1029, which is an earlier letter from Cottrell to Pressesky dated June 30, 1970, also refers to what may indicate a cavalier safety philosophy in the nuclear industry. This letter states in part:

The Commission's position in its support of nuclear safety research is seriously compromised by relegating significant portions of the nuclear safety research and development program to the same industry it would license . . .

It is informative to cite a few recent examples, within our knowledge, where a reactor vendor, when given the responsibility for undertaking safety research on the reactor he was selling, failed to get to the heart of the safety problems in question.

1. Fuel Rod Swelling in Loss-of-Coolant Accident or LOCA: In this instance, the reactor vendors, on the basis of their own in-house research and development, concluded that the diametrical swelling of the fuel rods during the LOCA would be less than 30 percent. This they later increased to 60 percent. Oak Ridge experiments subsequently demonstrated that swelling greater than 100 percent was possible, under realistic conditions, over significant portions of the core.

2. Fuel Rod Embrittlement in Loss-of-Coolant Accident or LOCA: Here the vendors maintained that embrittlement would not occur in the LOCA and hence the consequences need to be considered in evaluating this accident. Our experiments have been much more pessimistic in this regard.

3. Radiolysis during Emergency Core Cooling System (ECCS) Operation: Radiolytic hydrogen generation was initially presumed to be a minor problem in the use of containment sprays. At this time, the use of theoretical yields obtained for triple distilled water in quartz glassware were submitted by vendors to substantiate low hydrogen yields. Industry-sponsored experimental work of a later date was initially interpreted to substantiate the pure water rates. Oak Ridge experiments have resulted in a significantly difference and realistic approach to the problem, to the point that work is now under way by the industry in development of hydrogen recombiners.

In addition to their questionable performance in the instances cited above, there is little evidence that industry is developing improved safety and safety-evaluation techniques. This is not to say that they have not done so, but that if they have, they have chosen to keep it to themselves.

WHY CONGRESS HEARS SO LITTLE

Document No. 1029 also helps explain why Congress has heard so little in the past about nuclear hazards. It reveals a recommendation by the late AEC Commissioner Theos Thompson to keep the press unaware of AEC uncertainties regarding safety. It states in part that, in February 1970, Commissioner Thompson addressed some 170 people who came to

Oak Ridge for the nuclear safety program annual information meeting, and:

While speaking on several topics, his principal topic concerned the current confrontation between the nuclear power critics and the nuclear community. On this subject, he made the observation that the nuclear community should present a united front to better assure success of our mutual objective of safe, economic nuclear power, and that one of the more effective ways of doing so is by fully exploring our ideas and criticisms with the Commission itself and not in the public press.

"I DON'T WANT TO SOUND DEROGATORY, BUT . . ."

The AEC has an unsavory history of attempting to discredit anyone who publicly challenges its safety claims, instead of attempting to deal with the substance of the challenge.

The Union of Concerned Scientists did not escape this treatment, after four of its members published reports in July and October 1971 in which they discussed the inadequacy of the AEC's "Interim Criteria" for emergency core cooling performance.

When I asked AEC Commissioner Doub about the union's reports at the November 3 hearing before the Senate Interior Committee, the Director of Reactor Licensing, Mr. Morris, was eager to unload as follows:

Might I make a further remark? I don't want to sound derogatory in commenting on these people, but they are not experienced in this field. None of them have any experience with power reactor design or operation.

These "amateurs," who are now leading the citizen intervenors in Bethesda, include Dr. Henry W. Kendall, one of the country's foremost high-energy nuclear physicists.

On November 15, these "amateurs" visited the AEC's nuclear safety experts at Oak Ridge. Their visit impelled the lab's Associate Director, Donald Trauger, to warn the AEC's reactor king, Milton Shaw, that indeed the Union had figured out the deficiencies of the emergency core cooling system very well indeed.

ATTEMPT TO DISCREDIT BACKFIRES: CRITICS "INTIMATELY FAMILIAR WITH SAFETY "DEFICIENCIES"

Trauger's letter to Shaw, dated November 24, 1971, was presented as part of testimony before the Joint Committee on Atomic Energy on March 16 by the intervenors' attorney, Mike Cherry. It states in part:

Three members of the Union of Concerned Scientists met with members of the Oak Ridge staff last Monday, November 15, to discuss various aspects of the Laboratory's work on the Fuel Rod Failure Program. . . . We felt that the technical publications of this group, as well as their professional integrity, justified our meeting with them. However, inasmuch as the Union of Concerned Scientists has intervened in the hearing on the construction permit for the Pilgrim reactor, we also felt that you should be aware of the nature of our discussions.

The visiting scientists were Henry W. Kendall, physicist (MIT); Daniel F. Ford, economist (Harvard University); and James J. MacKenzie, physicist (Audubon Society) . . .

It was immediately obvious from our discussions that the visitors were well read in the relevant literature . . .

H. W. Kendall showed us how he has used our data . . . to demonstrate that approximately 85 percent of the fuel rods are "candidates" for producing fuel channels with coolant channel blockage in the range 90 to 100 percent.

Kendall had reached this conclusion independently, and wanted to know if he was using our data properly, which he was, with the limits of its accuracy . . .

The three members of the Union of Concerned Scientists who visited here appeared to be well educated and dedicated people . . .

They have become intimately familiar with the relevant published literature . . . Their experience led them to examine this situation very closely, and they have become aware of various deficiencies in the case for Emergency Core Cooling System performance in a Loss-of-Coolant Accident.

Was it proper for the AEC Director of Reactor Licensing to suggest to a November hearing, which was packed with Senators and press and industry people, that the Union's opinion could be dismisssed?

THE FIRST ACCIDENT; A PROBLEM FOR INCUMBENTS

And is it wise for Congress also to dismiss warnings about nuclear hazards? How long will the voters tolerate us after the first nuclear powerplant goes out of control? A severe nuclear accident could dump more radioactivity on some of our States than would the explosion of 100 Hiroshima bombs.

The pace of nuclear licensing far exceeds the readiness of the technology. Instead of accelerating nuclear operations, I think it would be more reasonable for Congress to consider a temporary moratorium on all nuclear power operations, as proposed in S. 3223 which I introduced on February 23.

THE EQUAL RIGHTS AMENDMENT: A POTENTIALLY DESTRUCTIVE AND SELF-DEFEATING BLUNDERBUSS

Mr. ERVIN. Mr. President, the Senate is asked to join the House in submitting to the States the proposed equal rights amendment, which specifies:

Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

The professed objective of most of the advocates of the amendment is a worthy one. It is to abolish unfair or unreasonable discriminations which the law makes against women.

No one believes more strongly than I that discriminations of this character ought to be abolished.

Any rational consideration of the proposed equal rights amendment raises these questions:

First. What unfair or unreasonable discriminations does the law make against women?

Second. Is it necessary to amend the Constitution to abolish these unfair or unreasonable legal discriminations?

Third. Is it desirable to add the equal rights amendment to the Constitution?

I will discuss these questions in their numerical order.

UNFAIR DISCRIMINATIONS

The accepted traditional customs and usages of society undoubtedly subject women to many discriminations.

If it should be added to the Constitution, the equal rights amendment would have no effect whatever upon discriminations of this character. Inasmuch as they are not created by law, they cannot be abolished by law. They can be altered only by changed attitudes in the society which imposes them.

When I have sought to ascertain from them the specific laws of which they complain, the advocates of the equal rights amendment have cited some outmoded State statutes which constitute legislatively forgotten relics of a bygone age.

Among these laws are State statutes which forbid a wife to become a surety for third persons without her husband's consent, or which prefer the father over the mother in the granting of letters of administration on a child's estate, or which impose weight-lifting restrictions on working women, or which bar women from operating saloons, or acting as bartenders, or engaging in professional wrestling.

Legislatures would undoubtedly repeal statutes of this character if any demand were made upon them to do so. Moreover, statutes of this character would certainly be adjudged invalid by the courts under the unanimous decision handed down by the Supreme Court in *Reed* v. *Reed,* 404 U.S. 71, on November 22, 1971. In that case, the Supreme Court held in express terms that State legislation violates the equal protection clause of the 14th amendment if it treats differently men and women who are similarly situated.

I respectfully submit that resorting to an amendment to the Constitution to nullify State laws of this character would be about as wise as using an atomic bomb to exterminate a few mice.

If it should be added to the Constitution, the equal rights amendment would apply to the admission policies of public institutions of higher learning, but not to those of private institutions of that nature.

With the exception of a few State-supported military colleges, virtually all State institutions of higher learning are coeducational. Despite this, some militant proponents of the equal rights amendment complain that State institutions of higher learning discriminate against women by denying them enrollment.

In the final analysis, this complaint rests upon decisions of Federal courts that the equal protection clause of the 14th amendment does not nullify a South Carolina law which restricts admission to the State military college known as the Citadel to men, and a Texas statute which restricts admission to one of the State's 18 institutions of higher learning, that is, a military school known as Texas Agricultural & Mechanical College, to men.

It is extremely doubtful whether any substantial number of women believe that these decisions and these State laws enslave them, or impair their educational opportunities in any unfair or unreasonable way, or justify adding the equal rights amendment to the Constitution to eliminate these laws and decisions and destroy the reasonable protections the equal protection clause of the 14th

amendment permits the States to accord to women.

I submit that it would be a far easier task for the militants who raise a hue and cry about these laws to persuade South Carolina and Texas to alter them to their liking than it is going to be for them to induce South Carolina, Texas, and 36 other States to ratify a constitutional amendment, which is designed to convert men and women into identical legal beings, and to rob their sisters who become wives, mothers, and widows of the reasonable protections which the fifth and the 14th amendments permit Congress and the States to give them.

From my study of the subject, I am convinced that most of the unfair or unreasonable discriminations against women arise out of the different treatment given men and women in the employment sphere.

No one can gainsay the fact that women suffer many discriminations in this sphere, both in respect to the compensation they receive and the promotional opportunities available to them.

REMOVAL OF LEGAL DISCRIMINATIONS BY STATUTES

While many of these discriminations are based on the mores of society and can be removed only by changed attitudes of people, some of them arise out of law or an absence of law, and can be eliminated by acts of Congress and acts of State legislatures if such acts are enforced after they are enacted.

The overwhelming majority of the most profound lawyers in America advocate the elimination of discriminations against women by the statutory method. This method, they say, is wise because it will enable legislative bodies to proceed in an orderly way, and thus avoid the constitutional and legal chaos which the adoption of the equal rights amendment would visit upon the Nation.

Let me point out that Congress has done much in recent years to abolish discriminations of this character insofar as they can be abolished at the Federal level. It has amended the Fair Labor Standards Act to make it obligatory for employers to pay men and women engaged in interstate commerce or in the production of goods for interstate commerce equal pay for equal work, irrespective of the number of persons they employ.

Congress has also decreed by the equal employment provisions of the Civil Rights Act of 1964 as amended that there can be no discrimination whatever against women in employment in industries employing 15 or more persons, whose business affects interstate commerce, except in those instances where sex is a bona fide occupational qualification reasonably necessary to the normal operation of the enterprise. Furthermore, it is to be noted that the President and virtually all of the departments and agencies of the Federal Government have issued orders prohibiting discrimination against women in Federal employment.

Moreover, State legislatures have adopted many enlightened statutes in recent years prohibiting discrimination against women in employment.

If women are not enjoying the full benefit of this Federal and State legislation and these executive orders of the Federal Government, it is due to a defect in enforcement rather than a want of fair laws and regulations.

The validity of what I have just said is emphasized by the fact that during the immediate past Federal courts have invoked the supremacy clause of article VI of the Constitution to invalidate a number of State laws because of their inconsistency with the provisions of the Fair Labor Standards Act and the Civil Rights Act of 1964 prohibiting discrimination in employment on account of sex.

NO AMENDMENT IS NECESSARY

This brings me to the second question, that is, whether a constitutional amendment is required to abolish unfair or unreasonable legal distinctions between the rights and responsibilities of men and women. I submit the answer is an emphatic "No."

The due process clause of the fifth amendment forbids the Federal Government to deprive any person of life, liberty, or property without due process of law. The due process and equal protection clauses of the 14th amendment forbid a State to "deprive any person of life, liberty, or property without due process of law," or to "deny to any person within its jurisdiction the equal protection of the laws."

Properly interpreted these constitutional provisions nullify any Federal or State laws which make unfair or unreasonable distinctions between the legal rights and the legal responsibilities of men and women. For this reason, no constitutional amendment is necessary.

The equal protection clause became a part of the Constitution in 1868. Candor compels the confession that for sometime thereafter the Supreme Court put some unenlightened interpretations upon the effect of the equal protection clause. For example, it held in *Bradwell* v. *Illinois*, 16 Wall. 130 (1873), that the equal protection clause did not deny to a State the power to refuse to license women to practice law, and it held in *Minor* v. *Happersett*, 21 Wall. 162 (1875), that the equal protection clause did not invalidate a State law which granted the right to vote to men and denied it to women.

As Bernard Schwartz makes manifest in his recent commentary upon the Constitution, these and similar decisions are now outmoded and would not constitute controlling precedents in any cases involving the validity of State laws under the equal protection clause.

The equal protection clause embodies a simple and sound principle. It requires a State to treat in like manner all persons similarly situated regardless of their sex. The clause does not require identity of treatment. It permits a State to make distinctions, between persons subject to its jurisdiction if the distinctions are based on some fair or reasonable classification, and all persons embraced within the classification are treated alike. It merely outlaws unfair or unreasonable discrimination.

The Supreme Court of the United States has held in *Bolling* v. *Sharp*, 347 U.S. 497, and other cases that the due process clause of the fifth amendment imposes the same obligations on the Federal Government that the equal protection clause imposes on the States.

My conviction that the fifth and 14th amendments outlaw every unfair and unreasonable legal distinction between the rights and responsibilities of women is shared by the overwhelming majority of the lawyers of America. Moreover, it is fully sustained by the unanimous opinion of the Supreme Court of the United States in *Reed* v. *Reed*, 404 U.S. 71, which was handed down on November 22, 1971.

Prior to the Reed case, many of the most knowledgeable legal authorities in the Nation expressed the opinion that the fifth and 14th amendments nullify all laws either Federal or State which discriminate unfairly or unreasonably against women.

Let me quote cnly a few of them.

The late Dean Roscoe Pound of the Harvard Law School, who was one of the greatest legal luminaries America has ever known, made this statement with respect to the fifth and 14th amendments, and the proposed equal rights amendment:

> With respect to the proposed constitutional amendment I feel very strongly that it is a mistake to pile up specific prohibitions in addition to the general guaranties of the Bill of Rights. The guaranty of due process in the Fifth and Fourteenth Amendments secures against arbitrary and unreasonable legislation of every sort, whether on the part of Congress or of State Legislatures. With this protection against arbitrary and unreasonable legislation it certainly ought not to be necessary to add specific prohibitions. If the things aimed at are arbitrary and unreasonable there is already protection against them; if they are reasonable they ought not to be inhibited.

Bernard Schwartz stated in his recent commentary on the Constitution of the United States that—

> A law based on sexual classification will normally be deemed inherently unreasonable unless it is intended for the protection of the female sex.

Leo Kanowitz, author of the book "Women and the Law," who now advocates the adoption of the equal rights amendment on psychological rather than legal grounds, testified before the Senate Judiciary Committee on September 11, 1970. On that occasion, I put to him the following question, and received from him the following answer:

> Senator ERVIN. Professor, I have enjoyed my discussion with you on the intellectual plane and I don't think you made any change in your position except you now urge the ratification, whereas you opposed ratification before. I think your position on the law as expressed here today and as expressed in these other writings is perfectly consistent. In other words, I think you have made it plain that you think, just like I believe, that if the due process clause of the Fifth Amendment and the equal protection clause of the Fourteenth Amendment were properly interpreted they would outlaw every arbitrary and invidious discrimination made by law against women in our society."
>
> Mr. KANOWITZ. That is correct, sir.

As will hereinafter appear, Mr. Kanowitz entertains the opinion that virtually all of the legal distinctions made between the legal rights and responsibilities of men and women are based upon the func-

tions they perform and not upon sex, and for that reason the equal rights amendment would have little effect on existing legal distinctions.

The decision in the Reed Case was presaged by the decision of the Supreme Court in *Hoyt* v. *Florida,* 368 U.S. 57 (1961), which declares:

> We address ourselves first to appellant's challenge to the statute on its face.
>
> Several observations should initially be made. We of course recognize that the Fourteenth Amendment reaches not only arbitrary class exclusions from jury service based on race or color, but also all other exclusions which "single out" any class of persons "for different treatment not based on some reasonable classification."

To be sure, some militant advocates of the equal rights amendment condemn the decision in the Hoyt case. In the ultimate analysis, they are displeased with it because the Florida statute, which the Court sustained, did not compel wives to desert their housekeeping duties and mothers to forsake their children in order to serve on juries in State courts.

The Reed case involved the validity under the equal protection clause of an Idaho statute which gave the father preference over the mother in the granting of letters of administration to administer upon the estate of a deceased child. By a unanimous decision, the Supreme Court adjudged that the Idaho statute violated the equal protection clause because it provided "dissimilar treatment for men and women" who were "similarly situated."

In reading this sound conclusion, the Supreme Court declared:

> In applying that clause, this Court has consistently recognized that the Fourteenth Amendment does not deny to States the power to treat different classes of persons in different ways. The Equal Protection Clause of that amendment does, however, deny to States the power to legislate that different treatment be accorded to persons placed by a statute into different classes on the basis of criteria wholly unrelated to the objective of that statute. A classification "must be reasonable, not arbitrary, and must rest upon some ground of difference having a fair and substantial relation to the object of the legislation, so that all persons similarly circumstanced shall be treated alike."

The Reed case makes it indisputable that the equal protection clause invalidates any State law making any unfair or unreasonable distinction between the legal rights and responsibilities of men and women, and thus sets the matter at rest.

Many legal scholars predict, I think quite rightly, that the Reed case will ultimately result in the elimination of all State laws making unfair or unreasonable discriminations against women.

Since its rendition, I have received a letter from one of America's foremost legal scholars, Philip B. Kurland of the Law School of the University of Chicago, which makes the following statement:

> I am still of the opinion that a constitutional amendment to afford equal rights for women is both unnecessary and undesirable. . . . I am also of the view that a sound program of legislative reforms would do more, especially under the mandate now received from the Supreme Court in *Reed v. Reed,* to eliminate more of the grievances that women have against their roles frequently imposed on them in our society. Legislation can get at specific problems in a way that no constitutional provision can.

I have also received a letter from another most knowledgeable person, Paul A. Freund of the Law School of Harvard University, which makes the following declaration:

> In view of the Reed decision, however, I believe more strongly than ever that the subject should be left to be worked out under the equal protection clause, as are other questions of group classification. The equal protection guarantee, together with the ample legislative powers of Congress, is the best avenue to achieve meaningful equality of the sexes under law. This approach is greatly to be preferred to one that would for all the manifold legal relationships of men and women, from coverage under selective service to the obligation of family support, into a mold of mechanical unity.

OBJECTIVES OF MILITANT SUPPORTERS OF THE EQUAL RIGHTS AMENDMENT

While undoubtedly the objective of most of the supporters of the equal rights amendment is merely to abolish unfair or unreasonable legal discriminations against women, this is not the objective of its most militant advocates.

Their objective is clearly revealed by an article which appeared in the Yale Law Journal for April 1971. This article was written by Prof. Thomas I. Emerson and three recent graduates of the Yale Law School, Barbara A. Brown, Gail Falk, and Ann E. Freedman.

The distinguished Congresswoman from Michigan (Mrs. GRIFFITHS) and the distinguished Senator from Indiana, Senator BAYH, have heaped praise upon this article, which is hereinafter referred to by me as the Yale Law Journal. In sending a copy of the article to all Members of the House of Representatives, Congresswoman GRIFFITHS states that—

> It will help you understand the purposes and effects of the Equal Rights Amendment. . . . The article explains how the ERA will work in most areas of the law.

Senator BAYH inserted a copy of the article in the CONGRESSIONAL RECORD, and commended its reading by Members of the Senate in a statement which declared it to be "a masterly piece of scholarship."

The Yale Law Journal article clearly reveals that the objective of the militant supporters of the equal rights amendment is to nullify every existing Federal any State law making any distinction whatever between men and women, no matter how reasonable the distinction may be, and to rob Congress and the legislatures of the 50 States of the legislative power to enact any future laws making any distinction between men and women, no matter how reasonable the distinction may be.

This is made clear by the following three quotations from the Yale Law Journal:

> 1. The basic principle of the Equal Rights Amendment is that sex is not a permissible factor in determining the legal rights of women, or of men. This means that the treatment of *any* person by the law may not be based upon the circumstance that such person is of one sex or the other. (p. 889) . . . the principle of the Amendment must be applied comprehensively and *without* exceptions. (p. 890)
>
> 2. Only an *unequivocal ban* against taking sex into account supplies a rule adequate to achieve the objectives of the Amendment. (p. 892) . . . prohibition against the use of sex as a basis for differential treatment applies to *all* areas of legal rights. (p. 891) . . . From this analysis it follows that the constitutional mandate must be absolute. (p. 892)
>
> 3. Our legal structure will continue to support and command an inferior status for women so long as it permits any differentiation in legal treatment on the basis of sex. (p. 873) . . . Equality of rights means that sex is not a factor. (p. 892)

This analysis of the objective of the militant proponents of the equal rights amendment is confirmed by their demand that the Senate pass the amendment without altering one jot or tittle of it and their threat to visit political retribution upon any Senators who dare to vote for any amendment which would permit Congress to exempt women from compulsory military service or from service in combat units of the Armed Forces, or any amendment which would authorize Congress or State legislatures to extend economic or social protection to women in general or wives, mothers, or widows in particular, or any amendment which would authorize Congress or State legislatures to safeguard the privacy of women or girls, or any amendment which would permit Congress and the States to continue in force laws punishing men for committing sex crimes on women or girls.

FUNCTIONAL DIFFERENCE BETWEEN MEN AND WOMEN

In appraising the objective of the militants, we are confronted by the question whether there is any rational basis for reasonable distinction between men and women in any of the relationships or undertakings of life.

We find in chapter 1, verse 27 of the Book of Genesis this statement which all of us know to be true:

> God created man in His own image, in the image of God created he him; male and female created He them.

For this reason, I share completely this recent observation of a legal scholar:

> Use of the law in an attempt to conjure away all the differences which do exist between the sexes is both an insult to the law itself and a complete disregard of fact.

While I believe that any laws making unfair or unreasonable distinctions against women should be repealed by legislative bodies or judicially annulled by the courts under the provisions of the fifth and 14th amendments, I have the abiding conviction that the law should make such distinctions between men and women as are fairly or reasonably necessary for the protection of women and the existence and the development of the race.

When He created them, God made physiological and functional differences between men and women. These differences confer upon men a greater capacity to perform arduous and hazardous physical tasks. Some wise people even profess the belief that there may be psychological differences between men and women. To justify their belief, they assert that women possess an intuitive power to distinguish between wisdom and folly, good and evil.

To say these things is not to imply that either sex is superior to the other. It is simply to state the all-important truth that men and women complement each other in the relationships and undertakings on which the existence and development of the race depend.

The physiological and functional differences between men and women empower men to beget and women to bear children, who enter life in a state of utter helplessness and ignorance, and who must receive nurture, care, and training at the hands of adults throughout their early years if they and the race are to survive, and if they are to grow mentally and spiritually. From time whereof the memory of mankind runneth not to the contrary, custom and law have imposed upon men the primary repsonsibility for providing a habitation and a livelihood for their wives and children to enable their wives to make the habitations homes, and to furnish nurture, care, and training to their children during their early years.

In this respect, custom and law reflect the wisdom embodied in the ancient Yiddish proverb that God could not be everywhere, so he made mothers. The physiological and functional differences between men and women constitute the most important reality. Without them human life could not exist.

For this reason, any country which ignores these differences when it fashions its institutions and makes its laws is woefully lacking in rationality.

Our country has not thus far committed this grievous error. As a consequence, it has established by law the institutions of marriage, the home, and the family, and has adopted some laws making some rational distinctions between the respective rights and responsibilities of men and women to make these institutions contribute to the existence and advancement of the race.

OBSCURITY OF THE EQUAL RIGHTS AMENDMENT

In the nature of things, lawmakers use words to express their purposes. Courts must ascertain from their words the purposes of the lawmakers. In his famous opinion in *Towne* v. *Eisener*, 245 U.S. 418, 425, Justice Oliver Wendell Holmes made this trenchant observation:

> A word is not a crystal, transparent and unchanged; it is the skin of a living thought and may vary greatly in color and content according to the circumstances and the time in which it is used.

During my many years as a lawyer, a judge, and a legislator, I have discovered that many words have many meanings, and that the purpose they are intended to express must be gathered from the context in which they are used. I have also learned that the most difficult task which ever confronts a court is determining the meaning of imprecise words used in a scrimpy context.

The word "sex" is imprecise in exact meaning, and no proposed constitutional amendment ever drafted exceeds the equal rights amendment in scrimpiness of context. The amendment contains no language to elucidate its meaning to legislators or to guide courts in interpreting it. When all is said, the equal rights amendment, if adopted, will place upon the Supreme Court the obligation to sail upon most tumultuous constitutional seas without chart or compass in quest of an undefined and unknown port.

The imprecision of the word "sex" as used in the proposed amendment is clearly revealed by these definitions set forth in the recently published American Heritage Dictionary of the English Language:

> 1.a. The property or quality by which organisms are classified according to their reproductive functions. b. Either of two divisions, designated male and female, of this classification. 2. Males or females collectively. 3. The condition or character of being male or female; the physiological, functional, and psychological differences that distinguish the male and the female. 4. The sexual urge or instinct as it manifests itself in behavior. 5. Sexual intercourse.

When one undertakes to ascertain the obscure meaning of the ambiguous equal rights amendment in an impartial, intellectual, and unemotional manner, he is inevitably impelled to the conclusion that it is susceptible of several different and discordant interpretations.

If it should accept the fourth and fifth definitions of the term "sex" as set forth in the dictionary, the Supreme Court could reach the conclusion that the equal rights amendment merely annuls existing and future laws, visiting upon the adulterous acts of women different legal consequences from those it visits upon such acts of men.

If it should accept the first, fourth, and fifth definitions of "sex" as set forth in the dictionary, the Supreme Court could reach the conclusion that the amendment is only concerned with sex per se, and has no application whatever to legal distinctions made between men and women on the basis of their respective functions in the relationships and undertakings on which the existence and development of the race depend.

A learned student of the constitutional aspects of sex-based discrimination in American law, Prof. Leo Kanowitz, accepts this interpretation. He had this to say in his work on "Women and the Law, the Unfinished Revolution":

> It is submitted that the adoption of the Equal Rights Amendment would not fundamentally change the picture. While the proposed amendment states that equality of rights shall not be abridged on account of sex, sex classifications could continue if it can be demonstrated that though they are expressed in terms of sex, they are in reality based upon function.

If it should accept the third definition of "sex" as set out in the dictionary, the Supreme Court could reach the conclusion that the equal rights amendment annuls every existing Federal and State law making any distinction between men and women, however reasonable such distinction might be in particular cases, and forever robs the Congress and the legislatures of the 50 States of the constitutional power to enact any such laws at any time in the future.

This is the interpretation which I fear the Supreme Court may feel itself obliged to place upon the House-passed equal rights amendment.

When he testified before the Senate Committee on the Judiciary in opposition to the equal rights amendment on September 10, 1970, Prof. Philip B. Kurland pointed out that the equal rights amendment merely provides that—

> Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

He stated that the language of the proposed amendment is too barren to elucidate its meaning; that he thought the difficulty of its construction did not arise out of the use of the word "sex" but rather from the use of the word "equality"; that almost a century ago Sir James Fitzjames Stephen asserted in his book "Liberty, Equality, and Paternity" that the word "equality" is a word so wide and vague as to be by itself almost unmeaning; and that nothing that has happened in the intervening years has done anything to make the word specific.

I am not alone in my fear that the Supreme Court may reach the conclusion that the equal rights amendment annuls every existing Federal and State law making any distinction between men and women, however fair or reasonable such distinction might be in particular cases, and forever robs the Congress and the legislatures of the 50 States of the constitutional power to enact any such laws at any time in the future.

When the equal rights amendment was under consideration in 1953, Roscoe Pound of the Harvard Law School; Albert J. Harno of the University of Illinois Law School; Charles Warren, noted constitutional lawyer and author of "The Supreme Court in United States History"; Leon Green of the University of Texas Law School; Dorothy Kenyon. distinguished lawyer and one-time judge of municipal court of New York City; Monte M. Leman, noted constitutional lawyer; E. Blythe Stason of the University of Michigan Law School; Harry Shulman of the Yale University Law School; William H. Holly, U.S. district judge; Everett Frazer of the University of Minnesota Law School; Walter Gellhorn of the Columbia University Law School; Glenn A. McCleary of the University of Missouri Law School; and Douglas B. Maggs of the Duke University Law School, joined one of America's greatest legal scholars, Paul A. Freund of the Harvard Law School, in a statement opposing the equal rights amendment upon the ground that they feared that this devastating interpretation might be placed upon it if it should be adopted. This statement made these indisputable observations:

> If anything about this proposed amendment is clear, it is that it would transform every provision of the law concerning women into a constitutional issue to be ultimately resolved by the Supreme Court of the United States. Every statutory and common law provision dealing with the manifold relation of women in society would be forced to run the gauntlet of attack on constitutional grounds. The range of such potential litigation is too great to be readily foreseen, but it would certainly embrace such diverse legal provisions as those relating to a widow's allowance, the obligation of family support and grounds for divorce, the age of majority and the right of annulment of marriages, and

the maximum hours of labor for women in protected industries.

Not only is the range of the amendment of indefinite extent, but, even more important, the fate of all this varied legislation would be left highly uncertain in the face of judicial review. Presumably, the amendment would set up a constitutional yardstick of absolute equality between men and women in all legal relationships. A more flexible view, permitting reasonable differentiation, can hardly be regarded as the object of the proposal, since the Fourteenth Amendment has long provided that no state shall deny to any person the equal protection of the laws, and that Amendment permits reasonable classifications while prohibiting arbitrary legal discrimination. If it were intended to give the courts the authority to pass upon the propriety of distinctions, benefits and duties as between men and women, no new guidance is given to the courts, and this entire subject, one of unusual complexity, would be left to the unpredictable judgments of courts in the form of constitution decisions.

Such decisions could not be changed by act of the legislature. Such a responsibility upon the courts would be doubtless as unwelcome to them as it would be inappropriate. As has been stated, however, the proposal evidently contemplates no flexibility in construction but rather a rule of rigid equality. This branch of the dilemma is as repelling as the other."

After analyzing in some detail the laws whose validity might be jeopardized by the equal rights amendment, the statement concluded with these observations:

The basic fallacy in the proposed Amendment is that it attempts to deal with complicated and highly concrete problems arising out of a diversity of human relationships in terms of a single and simple abstraction. This abstraction is undoubtedly a worthy ideal for mobilizing legislative forces in order to remedy particular deficiences in the law. But as a constitutional standard, it is hopelessly inept. That the proposed equal rights amendment would open up an era of regrettable consequences for the legal status of women in this country is highly probable. That it would open up a period of extreme confusion in constitutional law is a certainty.

When the equal rights amendment was first proposed by the Woman's Party way back in 1924, Justice Felix Frankfurter, who was then a member of the faculty of the Harvard Law School, made some remarks concerning it which merit the attention of the Senate. I quote his words:

Miss Crystal Eastman challenges the gallantry of men by offering as a poser in connection with the "equal rights" amendment of the Woman's Party, the question: "How would you feel about it if you were a woman?" Her question assumes a power of imagination which, alas, has been denied to mere men just because he can only think within his own skin. Therefore, I can't tell her how I would feel about it as a woman. It may be more relevant for me to tell her how I feel about it as one who cares, I suspect, as deeply as a man can care for the elimination of unjustifiable differentiations in law between men and women, but one who also happens to be a lawyer and perhaps familiar with what law can do and what law cannot do, in the significant details that matter.

The legal position of woman cannot be stated in a single simple formula, especially under our constitutional system, because her life cannot be expressed in a single simple relation. Woman's legal status necessarily involves complicated formulation, because a woman occupies many relations.

The law must have regard for woman in her manifold relations as an individual, as a wage-earner, as a wife, as a mother, as a citizen. Only those who are ignorant of the nature of law and of its enforcement and regardless of the intricacies of American constitutional law, or indifferent to the exacting aspects of woman's industrial life, will have the naivete or the recklessness to sum up woman's whole position in a meaningless and mischievous phrase about "equal rights." Nature made man and woman different; the Woman's Party cannot make them the same. Law must accommodate itself to the immutable differences of nature. For some purposes men and women are persons and for these purposes the law should treat them as persons, subjecting them to the same duties and conferring upon them the same rights. But for other vital purposes men and women are men and women—and the law must treat them as men and women, and, therefore, subject them to different and not the same rules of legal conduct.

The unjustifiable legal differentiations as to women still existing in different States vary greatly from State to State. Now that women have the vote, these discriminations will readily yield to correction by appropriate State action, provided the attempts at reform are preceded by an effective analysis of the legal situation in each State, an understanding formulation of remedies and an adequate educational exposition of the evils and remedies as a preliminary to legislation. But in a binding effort to remove remaining differences in the law, in the treatment of women as compared with men, which do not rest on necessary policy based on inherent differences of sex, the Woman's Party would do away with all differences which arise from the stern fact that male and female created He them. The Woman's Party cannot amend nature. But it can add considerably to the burdens already weighing too heavily upon the backs of women, the industrial workers, who are least able to bear them.

THE DESTRUCTIVE POTENTIALITY OF THE EQUAL RIGHTS AMENDMENT

Time and space preclude me from an attempt to picture in detail the constitutional and legal chaos which would prevail in our country if the Supreme Court should find itself compelled to place upon the equal rights amendment the devastating interpretation feared by these legal scholars.

Frankly, I do not see how the Supreme Court can do otherwise. The equal rights amendment contains no exceptions or limitations, and applies in absolute terms to every situation falling within its scope.

The Congress and the legislatures of the various States have enacted certain laws based upon the conviction that the physiological and functional differences between men and women make it advisable to exempt or exclude women from certain arduous and hazardous activities in order to protect their health and safety.

Among Federal laws of this nature are the Selective Service Act, which confines compulsory military service to men; the acts of Congress governing voluntary enlistments in the Armed Forces of the Nation which restrict the right to enlist for combat service to men; and the acts establishing and governing the various service academies which provide for the admission and training of men only.

Among the State laws of this kind are laws which limit hours during which women can work, and bar them from engaging in occupations particularly arduous and hazardous such as mining.

If the equal rights amendment should be interpreted by the Supreme Court to forbid any legal distinctions between men and women, all existing and future laws of this nature would be nullified, even though the courts might find them to be fair or reasonable.

The Yale Law Journal makes it clear that one of the primary purposes of the equal rights amendment is to deprive Congress of the legislative power to draft men for compulsory military service unless it drafts women for compulsory military service on exactly the same terms, or to sanction the voluntary enlistment of men for service in combat units of the armed service unless it authorizes the enlistment of women in such units on precisely the same terms. Moreover, the Journal makes it obvious that another of the objectives of the amendment is to convert Annapolis, West Point, and the other service academies into coeducational war colleges.

The Journal further asserts, in substance, that if the equal rights amendment is added to the Constitution substantial numbers of women will be enrolled in the Armed Forces to serve in combat and all other roles on exactly the same terms and under exactly the same circumstances as men; that these women will suffer the loss of their privacy and sometimes become pregnant and bear illegitimate children; and that the equal rights amendment will prohibit the discharge from the armed services of any single woman for pregnancy or child bearing, no matter how often she becomes pregnant or how many bastards she bears.

I am satisfied that the veterans who waded in the icy waters in the trenches until their feet bled during the First World War, the veterans who endured the heat of north Africa and the Anzio beachhead and the cold of the Battle of the Bulge during the Second World War, and the veterans who fought in the mountains of Korea and the steaming swamps of Southeast Asia during the conflicts in Korea and Vietnam are implacably opposed to having the equal rights amendment subject American girls to similar experiences. And I am sure that the fathers and mothers of the daughters of America agree with them.

At the present time Congress has the discretionary power to draft or refuse to draft women and the discretionary power to enlist or refuse to enlist women for combat service. Congress should retain this discretionary power.

America faces a precarious world. Powerful nations indicate their desire to extinguish the lights of liberty throughout the earth. As a consequence, America must maintain military might throughout the foreseeable future.

There has never been a more inopportune time in the history of our country for a constitutional amendment which will put Congress in a straitjacket and compel it to make a choice between having no Armed Forces at all or mingling men and women in our Armed Forces on exactly the same terms for exactly the same service.

In a moment of truth or a moment of pessimism more than a hundred years

ago a British politician, T. B. Macaulay, made this statement about the Members of the House of Commons:

The members are more concerned about the security of their seats than about the security of their country.

I hope that no truthful or pessimistic person will be prompted by any votes on the equal rights amendment to make a similar remark about Members of the Congress.

Sometimes I question the soundness of my conviction that women should not be converted into combat soldiers. If the militant women who demand that Congress submit the equal rights amendment to the States without changing a dot over an "i" or a cross over a "t" have the capacity to frighten the enemy like they frighten male politicians, the enemy might hoist the white flag without firing a shot.

The common law and statutory law of the various States recognize the reality that many women are homemakers and mothers, and by reason of the duties imposed upon them in these capacities, are largely precluded from pursuing gainful occupations or making any provision for their financial security during their declining years. To enable women to do these things and thereby make the existence and development of the race possible, these State laws impose upon husbands the primary responsibility to provide homes and livelihoods for their wives and children, and make them criminally responsible to society and civilly responsible to their wives if they fail to perform this primary responsibility. Moreover, these State laws secure to wives dower and other rights in the property left by their husbands in the event their husbands predecease them in order that they may have some means of support in their declining years.

If the equal rights amendment should be interpreted by the Supreme Court to forbid any legal distinctions between men and women, it would nullify all existing and all future laws of this kind.

As appears from pages 936 to 954 of the Yale Law Journal, the equal rights amendment is expressly designed to nullify the State laws which give these economic and social protections to wives, mothers, and widows, and to provide in their stead that the rights and responsibilities of men and women in the areas covered by the nullified laws shall be absolutely coequal.

There are laws in many States which undertake to better the economic position of women. I shall cite only one class of them, namely, the laws which secure to women minimum wages in many employments in many States which have no minimum wage laws for men, and no other laws relating to the earnings of women.

If the equal rights amendment should be interpreted by the Supreme Court to prohibit any legal distinctions between men and women, it would nullify all existing and future laws of this kind.

In addition there are Federal and State laws and regulations which are designed to protect the privacy of males and females. Among these laws are laws requiring separate restrooms for men and women in public buildings, laws requiring separate restrooms for boys and girls in public schools, and laws requiring the segregation of male and female prisoners in jails and penal institutions.

If the equal rights amendment should be interpreted by the Supreme Court to forbid legal distinctions between men and women, it would annul all existing laws of this nature, and rob Congress and the States of the constitutional power to enact any similar laws at any time in the future.

Moreover, there are laws which make it punishable as crimes for men to seduce innocent and virtuous women under promises of marriage, to have carnal knowledge of girls under the age of consent, and to transport women in interstate or foreign commerce for immoral purposes. The militant advocates of the equal rights amendment assure us that women and girls do not stand in need of the protection offered by laws of this nature, and that the amendment, if adopted, will invalidate them.

With one exception, everything I have said concerning what the equal rights amendment will do to existing Federal and State laws is fully supported by the article entitled "The Equal Rights Amendment—A Constitutional Basis for Equal Rights for Women," which appears in the April 1971, issue of the Yale Law Journal.

I wish the time at my disposal made it possible for me to read this 114-page article to the Senate.

The Yale Law Journal disagrees with my analysis of the effects of the equal rights amendment in one particular only. It contends that the amendment will not nullify laws requiring segregated rest rooms for the sexes.

I submit there is no basis for this position. The amendment contains no exception or limitation, and is absolute in its terms. It must be remembered that constitutional amendments are interpreted according to the words in which they are couched, and not according to the assertions or wishes of their advocates.

My contention on this score is supported by a statement which wise women joined in submitting to the 91st Congress to express their opposition to the equal rights amendment. This statement expressly declares that the amendment will destroy "laws that require separate rest rooms for women workers."

Moreover, my contention finds support in the letter which J. Fred Buzhardt, general counsel of the Department of Defense, wrote to Senator BAYH on February 24, 1972. Mr. Buzhardt stated in part:

The question here is whether Congress would be required either to draft both men and women or to draft no one. A closely related question is whether Congress must permit women to volunteer on an equal basis for all sorts of military service, including combat duty. We believe that the likely result of passage of the equal rights amendment is to require both of those results. . . .

If this amendment allowed no discrimination on the basis of sex even for the sake of privacy, we believe that the resulting sharing of facilities and living quarters would be contrary to prevailing American standards.

Even if segregation of living quarters and facilities were allowed under the amendment, during combat duty in the field there are often, in effect, no facilities at all, and privacy for both sexes might be impossible to provide or enforce.

MISGUIDED FAITH

Its advocates profess implicit faith in the potency of the equal rights amendment. They assert that it will usher in a new heaven and a new earth for American women. They are doomed to disappointment.

If I may borrow the words of Omar Khayyam, I will say that the equal rights amendment will undoubtedly shatter to bits what militant women deem "this sorry scheme of things entire," but will not "re-mold it nearer to the heart's desire."

The problems which life presents to women will remain and the effect of the amendment would be to diminish substantially the legislative power of the Congress and the legislatures of the 50 States to find solutions for them.

I am informed that the National Organization of Business and Professional Women has adopted the submission and ratification of the equal rights amendment as its project. I suspect that this organization is like some organizations to which I belong in which a handful of delegates to conventions adopt projects for the organization with little or no concern for the wishes of the membership of the organization as a whole.

Be this as it may, the equal rights amendment will not better a whit the position of the business and professional women who advocate its adoption. The reason for this is extremely simple.

The amendment will not remove any disabilities imposed upon women by the mores of society because these disabilities can be removed only by changing the attitudes of the people. Insofar as the law itself is concerned, business and professional women now have complete legal freedom to compete on terms of equality with men in all the relationships and undertakings of life.

MAJORITY OF WOMEN OPPOSE THE AMENDMENT

I am somewhat puzzled by the insistence of some of the supporters of the amendment that their sisters who become wives, mothers, and widows should be robbed of the legal protections which life and law have placed around them.

The overwhelming majority of American women oppose the equal rights amendment. This is made manifest by national polls conducted by experienced national pollsters.

There are 74,690,000 women of the age of 16 and upward in the United States. As a result of choice or necessity, 32,975,000—44.1 percent—of them are either working or seeking work outside of their homes. The remaining 41,715,000—55.9 percent—devote themselves exclusively to the keeping of their homes.

Millions of women in both of these groups find their deepest satisfaction and their highest fulfillment in enacting the roles of wives and mothers.

These women undoubtedly understand my love for the poem entitled "The Bride," which was composed by a gifted North Carolina poet, John Charles Mc-

Neill, whose beautiful poetry has not yet found its way into anthologies of verse; and a poem entitled "John Anderson My Jo," which was written by the Scottish bard, Robert Burns, who had such an uncanny capacity to describe the simple things which enrich life.

"The Bride" pictures a bride and groom standing at the threshold of their married life, and "John Anderson My Jo" portrays a long-married husband and wife nearing the end of their joint journey.

I deem it not amiss to quote these poems in full:

THE BRIDE

(By John Charles McNeill)

The little white bride is left alone
With him, her lord; the guests have gone;
The festal hall is dim.
No jesting now, nor answering mirth.
The hush of sleep falls on the earth
And leaves her here with him.

Why should there be, O little white bride,
When the world has left you by his side,
A tear to brim your eyes?
Some old love-face that comes again,
Some old love-moment sweet with pain
Of passionate memories?

Does your heart yearn back with last regret
For the maiden meads of mignonette
And the fairy-haunted wood,
That you had not withheld from love,
A little while, the freedom of
Your happy maidenhood?

Or is it but a nameless fear,
A wordless joy, that calls the tear
In dumb appeal to rise,
When, looking on him where he stands,
You yield up all into his hands,
Pleading into his eyes?

For days that laugh or nights that weep
You two strike oars across the deep
With life's tide at the brim;
And all time's beauty, all love's grace
Beams, little bride, upon your face
Here, looking up at him.

JOHN ANDERSON MY JO

(By Robert Burns)

John Anderson my jo, John,
When we were first acquent,
Your locks were like the raven,
Your bonnie brow was brent;
But now your brow is bald, John,
Your locks are like the snow,
But blessings on your frosty pow,
John Anderson my jo!

John Anderson my jo, John,
We clamb the hill thegither,
And mony a canty day, John,
We've had wi' ane anither;
Now we maun totter down, John,
And hand in hand we'll go,
And sleep thegither at the foot,
John Anderson my jo!

CONCLUSION

Congress and the States should amend the Constitution advisedly and soberly, and not emotionally.

Constitutional amendments are for keeps. Unlike a statute, they cannot be easily repealed. Once adopted, they can be removed from the Constitution only by the amending process. Consequently, they are likely to remain in the Constitution, and either bless or curse the American people until the last lingering echo of Gabriel's horn trembles into ultimate silence.

After reading the article in the Yale Law Journal, Dr. Jonathan H. Pincus, associate professor of neurology at the Yale University School of Medicine, posed the question which now confronts the Senate:

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

It is manifest that Dr. Pincus described the equal rights amendment correctly. Its probable effect is correctly summarized in a question I put to Prof. Philip B. Kurland and an answer he made to such question during the hearings of the Senate Committee on the Judiciary on the amendment. The question and answer were as follows:

Senator ERVIN. I take it from your statement that you are of the opinion that the most probable construction of the House-passed Equal Rights Amendment is that it would do these two things if ratified by the requisite number of States after submission by the Congress. First, it would nullify existing congressional and State laws which make distinctions between men and women which the legislative bodies considered to be reasonably justified by the physiological and functional differences between men and women, and second, that it would disable Congress and the legislatures of the 50 States ever to pass any such laws in the future unless the Constitution was amended to eliminate the House-passed amendment from the Constitution.

Professor KURLAND. I am afraid that is the way I read the meaning of the words that are set out in the House Joint Resolution.

I entreat Senators to take pause before they approve "the Tonkin Gulf resolution of the American social structure."

I entreat them to remember:

The moving finger writes; and having writ,
Moves on: nor all your piety nor wit
Shall lure it back to cancel half a line,
Nor all your tears wash out a word of it.

NATIONAL WEEK OF CONCERN FOR PRISONERS OF WAR AND MISSING IN ACTION IN SOUTHEAST ASIA

Mr. BOGGS. Mr. President, yesterday marked the beginning of the week that Congress earlier this year designated as a National Week of Concern for Prisoners of War and Missing in Action in Southeast Asia. As a sponsor of that joint resolution, I am pleased to take this opportunity to salute the National League of Families of American Prisoners and Missing in Southeast Asia for their efforts in having this week set aside to focus national attention on the plight of our POW's and MIA's.

The list of activities sponsored by the League of Families during the coming week is impressive. Beginning with a national day of prayer last Sunday, the league has organized nationwide displays, rallies, dedications, broadcasts, and letter-writing campaigns to dramatize the fate of their loved ones.

Mr. President, the relatives and friends of our POW's and MIA's, who have worked so tirelessly to make this week a truly meaningful observance for all Americans, live daily with anguish and frustration unknown to most of us. Their dedication to the release of their loved ones, some of whom have been held captive for as long as 8 years, is truly inspiring.

During the coming week, I hope that every American is touched by the appeals of the National League of Families on behalf of our prisoners of war and missing in action. The plight of these men, though most difficult for their wives and parents and children, must be the concern of every American of good conscience.

CLEARCUTTING ENDANGERS GAME

Mr. CHURCH. Mr. President, the Subcommittee on Public Lands, of which I am chairman, has been holding hearings on clearcutting, a logging practice that involves clearing all existing trees from a section of forest. Timber companies use this technique to reduce the cost of logging and to permit planting in the cleared areas of a single species of tree, such as pine. In much of the East and the South this means a conversion from mixed forests of hard and soft woods to soft wood alone, usually pine.

Our hearings brought out a number of disadvantages of the clearcutting technique: Soil erosion and siltation of streams, loss of nutrients from the soil, failure to maintain forest regrowth, and unattractive scenery to those visiting our national forests.

Those favoring clearcutting as a logging technique often pointed to benefits to wildlife. Deer and other game are presumably provided browse in the cover that grows on the cleared areas. This argument, however, has been challenged.

Mr. Charles D. Kelley, Alabama fish and game director, recently spoke to the Alabama Conservancy on the relation between clearcutting and game management. Contrary to the conventional wisdom, he found that clearcutting hurt rather than helped game in Alabama. He has received reports from professional game managers saying that there was "immediate damage to all species of wildlife. Squirrel and turkey habitat lost permanently to areas planted in pines." From another area of Alabama, he found that "clearcutting and replanting to pine were detrimental to most species of game, some immediately, others over a longer period of time." Another biologist in Alabama states "I am convinced that clearcutting is the most serious threat to wildlife that we face today."

I ask unanimous consent that the address by Mr. Kelley at Auburn University, Auburn, Ala., on February 26, 1972, be printed in the RECORD.

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

STATEMENT PRESENTED BY CHARLES D. KELLEY, TO THE ALABAMA CONSERVANCY, FEB. 26, 1972, AUBURN UNIVERSITY, AUBURN, ALA.

I appreciate the opportunity of appearing here today and consider it an extreme pleasure to continue the discussion on what appears to be one of the greatest timber-wildlife problems which we have faced in many years. Timber management and its relationship to wildlife has been a topic for many heated discussions and it is time that we think seriously of reaching a common ground whereby all interests can get reasonable consideration.

I am not here to excuse the actions which have been taken, nor am I here to needlessly criticize individuals or companies unless such criticism has a bearing on reaching a common ground.

In preparing information for this presentation, I contacted several of the game biologists serving here in Alabama. I offer excerpts from their reports to give you some idea of the professional game managers' feelings about the clear-cut timber operations and to show that the practice and related problem is rather widespread in Alabama.

A report from southeast Alabama stated: "Timber was cut to the very edge of the stream. Many tops had been deliberately pushed into the water, others piled on the banks. An attempt was made to burn these piles but with little success. Erosion from the cleared areas is evident. Water has been retarded and access to the stream bank and to the stream itself is most difficult. The deeper areas of the creek are fast filling with silt. Flooding has increased due to the retarded runoff."

From southwest Alabama the following was received.

"Immediate damage to all species of wildlife. Squirrel and turkey habitat lost permanently in areas planted to pines. After one to two years, deer, quail and rabbit habitat returns, then is again lost as pines mature and shade out other species of desirable plants. Long range damage affects all species of wildlife. Loss of mast restricts carrying capacity of most wildlife species. Erosion following clear-cutting is detrimental to streams. Clear-cutting in District VII usually exceeds 400 acres, some up to 3,000 acres. Clear-cutting of large areas is resulting in strained relations between sportsmen, communities and the companies carrying out clear-cutting practices."

From north central Alabama came the following: "Clear definition needed on 'clear-cutting'. Believe the extent of land cleared and the replanting of pines rather than the practice itself is the 'bone of contention'. Clear-cutting and replanting to pine detrimental to most species of game, some immediately, others over a longer period of time. Clear-cutting by different companies varies."

A west Alabama game biologist stated that "large areas in this area clear-cut, followed by spraying to kill hardwood reproduction, then replanted to pines on a thirty-five year rotation. Clear-cut areas range in size from forty to several hundred acres—operations severely affecting small game and turkey."

Comments of another biologist were as follows: "I am convinced that clear-cutting most serious threat to wildlife that we face today. Wildlife losses greater than benefits received. Some clear-cutting in all three state game management areas. On one game management area, over 20,000 acres clear-cut and replanted to pines in last twenty years. Clear-cut area usually a solid block compartment of about 1,000 acres each. Another company has been clear-cutting approximately 20,000 acres scheduled for completion in the next three to four years. On a clear-cut area on the Talladega National Forest (Hollins Management Area) several turkeys were found dead following the seeding of the area with pine seed treated with a highly toxic chlorinated hydrocarbon."

From northwest Alabama came the report that "most clear-cutting in this area is confined to large timber companies and the U.S. Forest Service. There have been instances where a refuge manager has been denied the right to clear one acre for wildlife plantings because of the possibility of soil erosion, but just a sort distance away the same people who refused to agree to the clearing of a one-acre food patch clear-cut an area of approximately 200 acres."

The above reports are not pleasing but do represent what has happened over large areas of Alabama. As evidence by the reports, there has been large scale clear-cutting and little real consideration given to wildlife.

An exception to the majority practices is the consideration given by some companies and individuals to much smaller clear cuts and extensive use of controlled burn to benefit both timber production and wildlife. Recognition is also given to the design of cuts and the leaving of hardwoods in key locations. At least one major company has made major changes in recent years to better recognize wildlife needs, and indications are that others are planning to follow suit.

As Director of Alabama's Game and Fish Agency, I am charged by law to protect and enhance the fish and wildlife resources and in doing so, I am attempting to consider all reasonable factors involved with this objective. To arbitrarily state that clear-cutting is all bad or that no cutting is all good would not, in my opinion, be proper. I have lived in Alabama all my life and have witnessed a great deal of real progress and a sizeable portion of false progress, and to the best of my ability I have attempted to separate the two and prevent objections to realistic long range progress for our state.

Fish and wildlife resources are the products of our waters and our land. How we manage our land and water determines the amount of fish and wildlife that is present in any area.

With the demand for more outdoor recreational opportunities occurring at the same time that large areas of fish and wildlife habitat are being destroyed or degraded as a result of the ever increasing human population, the need for a multiple use concept for land and water is becoming more pressing with each passing year.

We have heard much about a multiple use concept for our forests and streams which includes hunting, fishing and other outdoor recreational activities. Unfortunately, the multiple use concept up until this time appears to have been more for propaganda purposes rather than for action.

An excellent example is the operation carried on by the U.S. Forest Service. This agency adopted a "multiple use concept" on forest lands on June 12, 1960. Multiple use practices on national forest lands as originally conceived included timber, wildlife, water, range and recreation. Today, twelve years after the program was initiated, only one wildlife technician is employed by the Forest Service in Alabama as compared to thirty graduate foresters. Of the 1972 budget for Alabama of nearly two million dollars, only $18,000.00 is allotted for fish and wildlife purposes. Over four and one-half times as much money will be spent by this federal agency in Alabama for forestry practices than will be spent on all other multiple use practices combined.

Despite the very meager effort by the U.S. Forest Service to develop forest service land on a practical multiple use basis, recreational visits to these lands by the general public have continued to increase each year. This fact alone underscores the urgent need for immediate implementation of the multiple use concept.

Frankly, we now enjoy a very favorable working relationship with the U.S. Forestry personnel in Alabama and feel that they are sincerely concerned about the failure to implement a sound multiple use program. Unfortunately, the policies are established well above the level of the Alabama office and there must be some soul searching throughout the U.S. Forest Service if we are to come to a state of cooperative effort rather than one of continued arguments.

During the past several decades, many forestry practices have been initiated which benefit both our forests and our wildlife. Some of these beneficial practices include selective cutting which results in a forest of both large and small trees that assures continuing income to the landowner and good habitat for wildlife. Control of wildfires and prescribed burning are also beneficial to wildlife and the forest.

Unfortunately, there have been other recent practices that some foresters claim to be exceedingly profitable, but are detrimental to our fish, our wildlife, our land and our water. These detrimental practices include clear-cutting of large blocks of hardwoods or mixed pine-hardwood forests and the replanting of these areas to pure stands of pines. Clear-cutting of large blocks of hardwood, as well as pine-hardwood forests are being carried out by governmental agencies, large timber companies and in some instances by private individuals.

Much misinformation and distortion have been used in the past to justify clear-cutting. A classic example of false propoganda in this field is a news article that appeared recently in a number of newspapers in Alabama and nearby states. The headlines read "Wildlife Flying High on Pulp Firm Lands." I quote the news report in part:

"This will make environmentalists and ecologists happy; Alabama's pulp and paper companies, which own thousands of acres of Alabama woodlands, are doing great things for wildlife in those forests. More wild turkey, deer and quail are in these woods today than ever before. The fourteen news media people on a Southern Forest Institute tour of Georgia and Alabama forests this week saw some of the things that big companies are doing to improve the environment for wildlife. At the Pickens County forest holding of . . ."

I end the quote here as enough has been said.

Now let us examine what really did occur.

The group visited a game preserve in west Alabama that has been developed as a hunting area for company officials, special guests, employees and prospective customers. The company has spent large amounts of money on this preserve to increase deer, turkey, quail, squirrel, dove, waterfowl and other wildlife. The company has constructed a fine hunting lodge and there is no doubt that there is more wildlife on this game preserve than in years past. This explanation was not included in the news release. Neither did the news release reveal the fact that as a result of certain forestry practices by the same company, there is less game on other areas of company-owned lands now than was present a few years ago.

The practice of clear-cutting has had wide publicity during the past several years. Congressional subcommittee hearings have been held on the subject, both in Washington and in other cities throughout the nation. On April 20, 1971, Senator Gale McGee, Democrat from Wyoming, introduced a bill, S. 1592 to ban clear-cutting of timber on federal lands for a period of two years. Few meetings that are attended by concerned conservationists adjourn without the subject of clear-cutting having been discussed.

There does not seem to be a "clear-cut" definition for "clear-cutting." In Alabama some companies cut all brush and trees, burn the debris and thoroughly disc the area. Others cut all brush and trees, pile the debris in piles or push it into the nearby streams, but do not disc, while still others cut all merchantable poles and logs, spray the area with herbicides to kill hardwood, but do not otherwise disturb the soil. All of these operations are classed as clear-cutting by the landowners.

In this state, clear-cutting operations are almost without exception the first step for converting the land into even age pine production. Both clear-cutting and pine monoculture go hand in hand, and they will be discussed as far as practical as a single activity.

Forest lands provide the necessities for survival for many species of wildlife and the removal of all trees from large blocks of land deprives wildlife of a suitable enironment. Wildlife, in order to survive in clear-cut areas, is faced with two alternatives. It must adapt to the quick and drastic change in its environment or move to a suitable environment; otherwise it dies.

Clear-cut areas planted to pines provide habitat for rabbit and quail for a period of two to three years, and deer habitat for a period of up to five years. Although deer habitat may be present in some degree for a period longer than five years without control burning, vegetation usually becomes so dense on the area after this period that deer cannot be successfully harvested by the hunter. For all practical purposes, pure pine plantings in many areas after five to seven years become a relative wildlife desert. If the planting is not too wide, wildlife will sometimes pass through, but without suitable food and cover, it will not tarry. Turkey, squirrel and raccoon habitat is destroyed immediately upon clear-cutting, and if the area is planted to pure pine, it will not be productive for these species. Clear-cut areas planted to pine that are long and narrow do not appear to pose as serious a threat to wildlife as do large, wide, solid compartments, even though the total acreage in the long and narrow strips may be the same size or even greater. The present trend for clear-cutting in many areas of Alabama appears to be in large, solid blocks from several hundred acres to 3,000 acres.

On observing clear-cut areas throughout the state, a number of severe environmental problems have been noted in addition to those already mentioned.

A number of clear-cuts have been made on steep slopes which have created a severe erosion problem. On at least some of these steep areas, furrows for planting seedlings have been plowed straight up and down the hill and no attempt was made to follow the contour. The results have been the creation of large gullies and a much greater erosion problem than was created by the clear-cutting alone. This eroded soil enters nearby streams and fills the stream channel for many miles downstream. Not only is fish habitat destroyed in the immediate area, but fish habitat is degraded on the entire watershed.

On a large clear-cut area on a stretch of one of the game management area located on a major timber company's lands, bulldozers were used to push tops, stumps, dirt and other debris into a creek until the creek was filled. That which could not be pushed into the creek was piled on the creek bank. Needless to say, fishing opportunities on this creek have been greatly depreciated for many years in the future.

An area in Wilcox County which contained some of the best turkey hunting in the state was leased to a large timber company for sixty years. Over half of this 1,500 acres has now been clear-cut and planted to pines. Although an occasional turkey may be found in the area that remained uncut, quality turkey hunting on this land no longer exists.

I have stated the case as we see it in our Game and Fish Agency and have referred to situations which have now made history. During recent months, I have had meetings with representatives of the forest industry and have worked with these people toward formulating guidelines which will not necessarily be pleasing to the wildlife interests, nor will they be pleasing to large numbers of timber producers in Alabama. I have found that, among the timber producers in our state, there are many in high positions who are concerned wildlifers and faced with the dilemma of trying to satisfy timber production demands while maintaining reasonable wildlife populations. Basically, the timber interest is looking for a common meeting ground for two reasons: (1) the desire of many of these people to maintain lands where wildlife can be given reasonable treatment and (2) mounting pressure from an aroused public to ban clear-cutting per se.

As stated earlier, I am not advocating, nor do I intend to advocate, the banning of clear-cutting on private lands in Alabama, but I will continue to devote my efforts and the efforts of my staff to assure that in producing the timber products in Alabama that wildlife is not eliminated or greatly decreased in the process. Frankly, I am convinced that although we have realized tremendous success with the wild turkey in Alabama, a continuation of this success is not expected and in fact, a rapid decrease in population is expected if the program to eliminate large areas of hardwood with a conversion to pine is continued. The same holds true for the fate of the squirrel and other lesser hunted species such as racoon, opossium, etc.

The dark side has been stated and now for something more pleasant.

I was extremely pleased to receive a policy statement adopted by the Board of Directors of the Alabama Forest Products Association at a January meeting. The policy is as follows:

A. Areas to be harvested by the clearcutting system should be kept as small and as narrow as practical. Large, wide clearcuts should be avoided.

B. Clearcutting should not be employed on an area adjacent to lands recently harvested by this method. The lapse of time should be sufficient for the newly established forest growth to present a pleasing appearance and afford game cover.

C. Hardwood types should be left along stream beds and drains and managed as hardwoods. Clumps of hardwood trees, including den trees and good food-producing trees, should be left in other areas.

D. The forested area along stream beds should not be clearcut but managed as uneven aged forest.

E. Forested strips should be left along highways for their aesthetic value until such time as harvested areas behind them are tall enough for their removal.

F. Control burning should be considered at periodic intervals for hazard reduction and to encourage the growth of food plants for wildlife.

G. Streams should be kept clear of tops.

Although this is merely a recommendation to Association members and does not go as far as some would expect, I do feel that it is a recognition of many members' desire to retain wildlife and a further recognition of the public pressure which has been brought to bear in recent years. I feel that it is a giant step toward a common meeting ground and it is my desire and intent to continue to meet with the forest products industries and to attempt to gain compliance with the policy and even improve the policy where needed in future years.

In closing, I must state that I feel that we have fussed long enough and the time has now arrived whereby we should get together to see what can be done toward the production of timber and the retention of quality wildlife in Alabama.

UNEQUAL RIGHTS

Mr. DOLE. Mr. President, today I wish to emphasize my belief that we, as a nation, have not committed ourselves to the concept of providing equality of educational opportunity for all children—an education based on the unique needs of the child, rather than a single stereotype.

The problem as it pertains to the handicapped is serious, particularly because it is generally true that education for the handicapped can only be as good as our Nation's commitment to and success in providing adequate educations for the so-called masses of normal children.

Our failure to guarantee adequate instructional services to handicapped children not only inflicts undue hardship upon the child and his family, but afflicts the Nation as a whole. As adults, for example, our handicapped children today would have an earning capacity of more than $15 billion.

The problem is well stated in the March 3 Wall Street Journal article entitled "Unequal Rights," written by David Gumpert, which I ask unanimous consent to have printed in the RECORD.

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

UNEQUAL RIGHTS—DENIAL OF EDUCATION TO ABNORMAL CHILDREN SPURS PARENT PROTESTS

(By David Gumpert)

MEDFORD, MASS.—Every weekday morning at about 7:30, 14-year-old Wayne Keel stations himself by the living-room window to watch the yellow school bus pick up the children from neighboring houses in this pleasant Boston suburb. As he watches the bus make its rounds, the thin boy turns to his mother and asks, "Go to school?"

Sometimes Mrs. Keel tells Wayne that school is closed. On other days, she tells the boy that he's too old to go to school. Wayne never presses the issue, but the mother knows her son isn't satisfied, because the question always comes up again. "I think he's really puzzled," Mrs. Keel says. "Every day he looks out and sees that bus, and he can't understand why he isn't going to school."

The morning ritual in the Keel household has been going on for almost two years now. The reason: Wayne Keel is afflicted with autism (a little-understood form of schizophrenia characterized by withdrawal) and also shows signs of mental retardation. His schooling stopped in April 1970, when the special private institution that he'd attended said the boy's behavior made further assistance impossible.

Now, Wayne Keel has nowhere to go for schooling. The Medford public school system says it doesn't have any regular classes for severely disturbed children. The few state and private schools that are equipped to handle children like Wayne are full. Since mid-1970, the boy's sole schooling has consisted of sporadic private tutelage, ranging from one-and-a-half to 10 hours weekly, provided by the Medford system. So Wayne, who has no friends or playmates, spends his days pasting together paper rockets and buildings, and babbling to himself.

A COMMON PLIGHT

The plight of Wayne Keel, unfortunately, is far from uncommon in the U.S. According to Department of Health, Education and Welfare estimates, fewer than three million of the nation's approximately six million handicapped children of school age are receiving adequate special education. And of those who aren't receiving special attention, slightly more than two million are either in regular classes, where they're often failing and learning little or else they're receiving a minimal amount of home instruction, like Wayne. About a million receive no instruction whatsoever.

"This means there are more than three million children for whom the American school system has said, 'We don't have the time or the resources to provide you with an appropriate education,'" says Fred Weintraub, assistant executive secretary of the Council for Exceptional Children, a nonprofit organization for the handicapped based in Arlington, Va.

Until recently, protests have been rarely voiced by parents whose handicapped children were excluded from special programs. In the vast majority of such cases, however, this lack of action hasn't been caused by

apathy. Rather, many parents were reluctant to discuss their abnormal children because of the real or imagined social stigma involved in the siring of retarded or emotionally disturbed offspring.

CHANGING ATTITUDES

But attitudes have changed, largely because of increasing exposure in the media and in discussion groups of the many families (including prominent families) whose children are handicapped. Around the country, parent groups are going to court in an attempt to force school systems to provide special classes for abnormal children. For example, class-action suits on behalf of abnormal, out-of-school children have been filed in the District of Columbia and a number of states, including California, Pennsylvania, Michigan, New York and Massachusetts.

Such activity is beginning to have some effect. Federal courts in Pennsylvania and the District of Columbia have already cleared the way for at least some handicapped children to be enrolled in special public-school classes. And on both federal and state levels, legislation is being proposed to grant handicapped children the same educational rights as other children have. (Among the states, Florida, Georgia, Massachusetts and South Carolina are in the process of overhauling their laws on education to benefit handicapped children.)

"The incredible number of . . . handicapped not receiving any educational services is one of the great tragedies in the American way of life," asserts Rep. Charles A. Vanik (D., Ohio), sponsor of a bill in the House that would amend the 1964 Civil Rights Act to prohibit discrimination against the handicapped in federally assisted programs, including education-aid plans. The House bill and an identical bill in the Senate are pending.

Federal agencies have also become increasingly active in protecting the educational rights of the handicapped. According to Edwin Martin, associate commissioner for the Health, Education and Welfare Department's Bureau of Education for the Handicapped, federal spending to spur the education of the handicapped has increased to an estimated $215 million this year from $45 million five years ago.

OPTIMISM FOR 1980

Mr. Martin also cites the fact that the number of handicapped children being placed in special classes has been increasing at a rate of about 100,000 a year for the past five years—partly because of increased federal spending. He adds that this rate should acelerate to the point that by 1980 all handicapped children will be receiving an adequate education.

But such acceleration is dependent on state cooperation—and school systems in most states have traditionally done little for handicapped children. To be sure, some public schools have established special classes for the handicapped; but more often than not these classes aren't all-inclusive in their acceptance of pupils, and many will accept only those with the mildest disabilities. Medford, for example, has elementary school classes for mentally retarded children, for children with mild emotional disturbances and for those who are blind or visually handicapped; it has no classes for other types of handicapped children. (State residential schools, which usually do accept severely disabled children, are in most cases hopelessly overcrowded and understaffed—New York's highly publicized Willowbrook being a case in point.)

"The more serious the handicap, the more difficult it is to get services," Mr. Martin says. "It's kind of as if a doctor would treat you if you had a cold but not if you had pneumonia."

Certainly, the range of abnormalities afflicting handicapped children is wide. Such abnormalities, which often stem from birth defects, include emotional disorders, deafness, blindness, cerebral palsy and other types of brain damage, and mental retardation. It's estimated that 10% to 12% of all school-age children have one or more of these handicaps.

Despite the problems of educating all these children, Mr. Martin believes further state cooperation is possible. Furthermore, he says, it's "not an unreal possibility" that the government might consider withholding federal funds from a state that doesn't fully cooperate in the education of handicapped children.

On their side, public schools argue that they're not equipped to cope with the special problems of many handicapped children. Some physically handicapped children, the schools say, aren't toilet-trained. Emotionally disturbed children, they contend, often disrupt classes and are sometimes violent.

SPECIAL CLASSES? "TOO COSTLY"

What about special classes for these children? "Too costly," school administrators say. They point to the fact that educating a handicapped child can cost up to three times that of educating a normal child—at a time when most school systems across the country are squeezed for cash. And some administrators say that even if funds were available their use could often be wasteful since, they argue, many handicapped children will never benefit from schooling.

Such arguments have little sway with many educators and parents of the handicapped. "If a new apartment house goes up, and there are more children, the schools find facilities," says Lewis Klebanoff, a professor of special education at Boston University and an editor of The Exceptional Parent magazine.

Others charge that public schools often don't care what happens to handicapped children. "Some principals simply tell parents, 'The schools aren't for crippled kids,'" says Larry Brown, director of the Task Force on Children Out of School, a Boston group that has studied the exclusion of handicapped children from public schools.

The contention that many handicapped children can't benefit from education is also dismissed by numerous educators. While these educators concede that some children are so severely disabled that they'll require lifetime institutionalization and that schooling would be of little help, they add that the vast majority—possibly 95%—of handicapped children could benefit from proper educational treatment. "There's no reason why, if we spend a few dollars, these kids can't fit smack into society," says Frances Connor, a professor of special education at Columbia Teacher's College in New York.

According to others who favor aiding the handicapped, the payment of these "few dollars" now will also be cheaper for the public in the long run. HEW's Mr. Martin, for example, says that more than 30% of the 2.5 million handicapped children expected to leave school during the next five years may need either partial or full public support in the form of institutionalization or welfare. Mr. Martin adds that it costs about $250,000 for lifetime institutionalization or welfare. But with proper education, he says, "at least 90% of the handicapped are potentially employable."

Money, however, will not provide the entire solution to the problem. Other than the absence of funds, a major obstacle exists: finding all handicapped children. Many state and local school officials say they don't know how many handicapped children are being denied a proper education. In Massachusetts, for example, Joseph Rice, associate commissioner of special education for the state, readily concedes that he doesn't know the number of handicapped children who aren't in school. "In theory, we ought to have records of this," Mr. Rice says. "In practice, we don't." (The location problem is compounded by the fact that some of the less severely handicapped children are enrolled in regular classes and are being simply dismissed as slow learners.)

The early discovery of handicapped children is particularly crucial, educators say, since intelligence and physical coordination develop to the greatest extent in the earliest years. For this reason, HEW's Mr. Martin says his bureau has been advising states to begin "preschool programs (for the handicapped) as a priority." Nevertheless, most educators concerned with the plight of the handicapped agree that even delayed discovery and treatment can be productive.

The history of 20-year-old Laura Bernard is illustrative. Laura has slight brain damage but went through the fourth grade before her condition was noticed, says her mother, Martha Bernard, president of the New York Association for Brain Injured Children. When the Bernards realized that their daughter wasn't learning to read or write, they had her examined by a neurologist. Following the neurologist's discovery of "minimal brain dysfunction," Laura was placed in special classes for the remainder of her school career and today she is learning to be a teacher's aide in a special program at New York University for handicapped people and slow learners.

Laura Bernard's brain damage is slight, but educators say even severely handicapped children can profit from special classes despite years of neglected treatment. For example, the Campus School, a state-supported school for the handicapped operated under the auspices of Boston College, Chestnut Hill, Mass., reports that it has had success in preparing many types of severely handicapped children for school programs from which they had previously been excluded.

According to Dan McCarthy, director of the Campus School, his institution last year moved four of its 30 students into regular school programs. Mr. McCarthy says one case involved a 14-year-old emotionally disturbed boy with cerebral palsy who had been sitting home for a year prior to enrollment in the Campus School. After one year of special treatment, the director says, the boy was admitted to a Boston private school for mildly handicapped children; prior to his treatment, the school had rejected the boy.

"There's no question even the most severely handicapped children can be helped with the proper program," Mr. McCarthy says. He adds, however, that the Campus School, which this year hopes to integrate about 20 of its 57 students into regular school programs, hasn't been able to enroll all the children it would like because of a shortage of state funds. The school currently has a waiting list of about 70, Mr. McCarthy says, and most of these applicants are sitting at home.

Such children may ultimately be helped by the courts—as has already occurred in Pennsylvania and Washington, D.C. Last year's successful suit in Pennsylvania, for example, claimed that denying an education to some mentally retarded children violated the equal protection provisions of the Constitution's 14th amendment. The suit, filed in federal district court by the state's Association for Retarded Children, resulted in a consent agreement that, in effect, obligates Pennsylvania to provide schooling for all retarded children in the state.

SUCCESS FOR SEVEN CHILDREN

The successful suit in Washington, D.C., was filed in federal district court by the National Law Office, a legal-aid organization, on behalf of all handicapped children in the city. Specifically listed were seven handicapped children, who had been excluded from public schools. The court subsequently ordered the Washington school system to immediately provide the seven children "with a publicly supported education suited to

their needs" and to compile a list of all city children who are excluded from school. The court is expected to decide about the latter group in the near future.

Court action on handicapped children's education rights isn't always immediate or affirmative. In New York, for example, a federal appeals court recently received a case brought by parents of two brain-injured boys, who, the parents claimed, were being denied an education. The federal court, however, referred the case to state courts, where an outcome is pending. (Lawyers in such cases say they prefer to avoid state courts, which, they say, tend to be more protective of state school officials and less receptive to class-action suits than federal courts.)

Expeditious ourt action favoring the handicapped may pose its own problems. Some special education experts express concern that hasty court action will leave the public schools unable to cope with a flood of handicapped children. "I'm worried that all this is being dumped on one agency," says I. Ignacy Goldberg, professor of special education at Columbia University's Teacher's College; he cites the fact that Pennsylvania public schools must place all mentally retarded children by next September.

Nevertheless, as time goes by, uneducated handicapped children and their parents continue to suffer. Robert Dickinson of Spencer, Mass., for example, worries that his nine-year-old brain-damaged son, Tony, may never learn to speak or otherwise communicate since the youth has never had proper training.

Tony Dickinson is physiologically able to speak, and Mr. Dickson says he has been told by speech therapists that the youth, with proper special training, might be helped to speak to some degree and that he also has the potential to learn sign language. Tony, however, has spent only slightly more than a year in school and now spends most of his days watching television. (He is also tutored an hour a day in academic subjects.)

"We must develop some communication before his neurological growth stops," Mr. Dickinson says. He adds that he has inquired about enrolling Tony at special schools as far away as Kansas and Georgia—all to no avail.

Here in Medford, Barbara Keel, mother of autistic Wayne, says that caring for her son "keeps me at home almost constantly." Mrs. Keel has one source of optimism, however. In early April, she says, Wayne will be enrolled in a four-week evaluation program at a state school to determine whether he has the potential to learn a vocation.

Meanwhile, Mrs. Keel says, Wayne's hyperactivity prevents her taking him on outside excursions. She also worries about the absence of playmates.

"I really think he needs someone besides me," she says.

AIR TRANSPORTATION TO NEW ENGLAND

Mr. TALMADGE. Mr. President, last week the distinguished senior Senator from New Hampshire (Mr. COTTON) placed in the RECORD correspondence he had addressed to Delta Air Lines.

The Senator's objective was to express his concern with respect to the future air service to northern New England, particularly New Hampshire and Vermont, should the pending merger of Northeast Airlines into Delta Air Lines be consummated.

I can well understand the Senator's concern, because air transportation is important to the economy of any region.

As the Senator knows Delta Air Lines is based in my State of Georgia—and I must say Delta does a pretty good job in serving all of our State, including smaller communities such as Augusta, Columbus, Brunswick, Macon, and Savannah in addition to our capital, Atlanta. I have never known Delta to shirk its responsibilities with respect to the smaller communities it is required to serve.

I ask unanimous consent that the reply of Delta Air Lines to the letter of the senior Senator from New Hampshire be printed in the RECORD.

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

DELTA AIR LINES, INC.,
Atlanta, Ga., March 23, 1972.

Hon. NORRIS COTTON,
U.S. Senate, Committee on Commerce, Washington, D.C.

DEAR SENATOR COTTON: This is in response to your letter of March 20, 1972, to Mr. Tom Beebe, Chairman of Delta Air Lines' Board of Directors and Delta's Chief Executive Officer, concerning airline service in New England. In that letter you informed us of certain data which appeared in the *Commuter Airline World* of January 1972 (which we have not yet seen), and posed certain questions involving Delta's planning with respect to northern New England service. Specifically, your question was whether you properly interpreted Delta's underlying intention as portending a drastic curtailment of certificated air service to northern New England following consummation of the Delta-Northeast merger.

We cannot tell you whether the report in *Commuter Airline World* is accurate or not. As stated above, we have not seen the article, and would comment only after seeing it in its entirety. We can state, however, that point number 5 as summarized in your letter of March 20, 1972, is not accurate, if it speaks as of a time immediately following consummation of the merger.

And the latter is the point which I want to make perfectly clear to you. Neither statements made by Delta at its informational meeting with New England commuter carriers, nor the rationale embodied in our recent realignment application (filed just prior to the prehearing conference in the *New England Service Investigation*) spoke of a time immediately following consummation of the merger, but rather as of some future point in time following *conclusion* of the *New England Service Investigation*.

So that our overall position will be clear, following is a recapitulation of the position which Delta has expressed consistently in both the merger proceeding and the pending *Investigation*:

First: Upon consummation of the merger, Delta will inherit all of Northeast's authority, obligations and rights in New England, including northern New England. In addition to various service improvements which Delta will inaugurate as a result of the joinder of the Delta and Northeast route systems, Delta will continue serving all markets which are being served by Northeast in New England on the date of merger consummation.

Second: Northeast, of course, is suspended at a number of points in New England. As these suspension authorities come up for renewal (whether the suspensions are in favor of service by a third level carrier, or otherwise) Delta will deal with them on a case-by-case basis, pending completion of the *New England Service Investigation*.

Third: In the *New England Service Investigation*, Delta will propose what it thinks will be the best possible future service pattern *for New England*, including trunkline service where it appears to be in the public interest and economically feasible, and service (with or without subsidy, as circumstances may dictate) by a local service carrier and/or a third level carrier where that appears best calculated to serve the traveling and shipping public. Delta's realignment application was filed to facilitate this thorough exploration of New England's service needs in the *Investigation*. Delta would not expect to receive subsidy itself under presently foreseeable circumstances.

Fourth: Once this thorough exploration and investigation is completed, Delta will be bound by whatever the Board decides in the *Investigation*. Delta will, of course, live up to those obligations and responsibilities to the best of its ability.

Ever since the Delta-Northeast merger was first proposed, Delta has supported a thorough investigation of northern New England's service needs, such as that now getting underway in the *New England Service Investigation*. This is the proceeding in which the future of northern New England's air service can best be resolved, with whatever changes are required by the public convenience and necessity, based upon the record to be developed.

By contrast, further delay in deciding the *Delta-Northeast Merger Case* would do nothing but further delay New England service improvements, and may well result in Northeast's demise and the loss of job opportunities for hundreds of New England citizens. Northeast's survival is at stake, and the Board's decision to examine the problem in two separate proceedings—the *Merger Case*, concerned with the problems of Northeast and its several thousand employees, and the *Investigation*, concerned with the long-range overall New England service pattern for the future—has made good sense.

These same basic considerations require all reasonable expedition in the *Merger Case*. On the other hand, the *Service Investigation* will require an in-depth and comprehensive examination of all facets of New England air service problems.

On the assumption that the merger will be approved at an early date, Delta is devoting its attention to these problems with vigor, and will continue to unfold its thinking as our studies progress. We sincerely hope that you will understand our real and serious concern with all facets of these problems.

Respectfully,

R. S. MAURES.

TOWARD A NEW ERA OF AMERICAN TECHNOLOGICAL RENEWAL

Mr. BROCK. Mr. President, this year, as every 4 years, the country will again go through the process of electing a President. These months of campaigning illustrate well the diversity and size of this country. The magnitude of our United States allows for many variations, in economic as well as in cultural development. Some of these economic variations have come about voluntarily; with some communities electing to keep an agricultural rather than industrial way of life such as the Amish of Pennsylvania, other having been swept up in an industrial whirlwind of economic growth, such as the cities bordering on New York and the suburbs of Los Angeles. An economic map of the States would present a picture of a multitude of cities, counties and States, all at widely differing plateaus on the development scale.

In the past, this pattern has worked, out of coincidence, much to the favor of the Nation, with areas once considered economic backwaters, such as my own State of Tennessee, now becoming the growth nodes of the country. Older industrialized areas are shifting into new growth patterns emphasizing the nature of an increasingly service-dominated economy.

Today, communities throughout America find their fates more closely interlocked with America's ability to maintain its technological lead than ever before in our history. The small town no longer produces agricultural products but now has its own electronics or plastic pipe factory.

The face of America has changed. The need for a new policy for technology has been established. And the President's program for that purpose will successfully carry out the mandate to keep America in the forefront of technological change.

The pattern of dynamic change in the American economy has evolved out of the freedom of the American system. Free exchange of ideas, and the accompanying freedom to build and benefit from this building have been the blocks of progress used in economic development of the country. As we grew, the fund of knowledge required to sustain this growth grew. In 1966, Professor Schmookler, one of the foremost students of economic change said:

> Society generally uses far more of its resources to disseminate technology than to advance it. This is plain from the far greater manpower, including that of students, devoted to formal and informal technological education than to discovery and invention. Indeed the task of imprinting existing technology on each new generation seems to grow in size and complexity with each increase in the stock of knowledge.

The composition of this growth has been challenged of late, but the necessity for the further development of knowledge on controlling our environment has not. Whether you are for economic development through industrialization, or against it, both sides recognize the necessity for further development of technical know-how. Only by this further development can either side hope to achieve its respective goal.

What has perplexed the policymakers as well as the students of growth is the question of how a continuous stream of science and technology can be fed into the system to insure this growth in knowledge. An equally difficult question has been just what proportions of pure science are needed in combination with technological know-how to bring the desired result.

First and foremost, I would like to say that no one has come up with complete answers to these two questions. Economists from Schumpeter to Kuznets to Professor Schmookler have attempted to isolate these proportions so as to cast some light upon how much we should expect and to make sure whether we are moving ahead or falling behind in this very important enterprise. Debates have only served to illustrate how much more we need to know.

This need to know was recognized by the administration and prompted the first message of its kind to the Congress on science and technology.

In his message the President outlined efforts to stimulate support for research and innovation in the private sector, efforts to strengthen collaboration between Federal agencies and State and local governments, as well as efforts to strengthen cooperation between the United States and other nations in science and technology.

These efforts are already well underway in the National Bureau of Standards' experimental technology development and applications incentives program as well as a complimentary program, administered by the National Science Foundation.

The approaches being considered as well as those already underway emphasize the high quality of talent and understanding that is being brought to bear on this problem.

Problems of governmental imposition of priorities are wisely being avoided as the program will heavily rely on private sector initiative for the identification of opportunities in which Government and business can enter into cooperation.

The Bureau of Standards has indicated that preference will be given to experiments showing promise of stimulating additional research and application without further investment of Government funds.

Preference will also be given to experiments in which there is evidence that more effective transfer of research and development to applications can be achieved and where similar efforts are not already underway.

These preferences closely correspond with what available evidence we have on what to do and what not to do to foster a climate of sustainable self-generating discovery and adoption of new technology.

Rather than operate in competition with existing efforts in high technology areas, the Government is purposely seeking out industries in which the size of the individual companies in the industry is small and their technologies dated. There are industries where a number of companies may wish to mount a new technological effort of substantial scale. Without Government assistance such efforts would be impractical. One such operation is already underway with the National Retail Merchants Association, a trade association representing more than 26,000 retailers. In collaboration with the National Bureau of Standards, NRMA has begun work in the areas of automated merchandise and customer identification systems and in formulating the technical evaluation criteria for assessing the high technologies which may be applicable to these systems.

The program will also include an evaluation of existing programs for inventors and the development of experiments to render new forms of assistance to inventors and small firms.

Other areas in which the effort will be mounted are experiments dealing with the transfer of Government-held technology, the use of Government procurement as an R. & D. incentive, the stimulation of the adoption of new technology by the aggregation of users with diverse requirements and dissemination of knowledge about advances in science and technology by way of published studies, symposia and demonstration tests. While in the past, information has been widely available, development costs of the applications has limited their adoption to the largest companies. The application of computer technology via the mini computer and computer networks now makes management tools more widely available to diverse and as yet unstructured markets. Experiments in this area will aid in the adoption of high technology within middle sized firms.

I would like to endorse this program, so sweeping in its effects, so relatively costless in its price. I would like to go on record as saying that these steps are the first movements toward a new era of American technological renewal.

FOREIGN TRADE AND INVESTMENT

Mr. HARTKE. Mr. President, the current debate on my Foreign Trade and Investment Act of 1972 has brought forth recurrent charges of probable retaliation on the part of our trading partners. The specter of Smoot-Hawley is trotted out—and then ignored—to frighten the uninformed.

The world of the 1970's is vastly different from preceding eras. Transportation costs have plummeted downward, communications are vastly improved, multinational organizations and corporations abound, and most countries are pursuing nationalistic trade policies or seeking to industrialize behind carefully designed tariff walls.

Nor can we forget the historical setting of past and present trade policies. A recent article in the Washington Post written by Barbara H. Starkey, Ph. D. candidate at Georgetown University and an international economist with the Department of Agriculture, puts into historical perspective the movement for preserving a diversified production base and helping to assure full employment through a regulated trade policy. Barbara Starkey notes that trade quotas were vital in starting America on the path to industrialization and have frequently played an important role in our industrial growth. She acknowledges that the Smoot-Hawley tariff did nothing to bring us out of the depression. However, she further notes that similar legislation in the 1890's was followed by an industrial boom, but stresses that the difference was the presence of dynamic new industries.

In my Full Employment Act of 1972, S. 3179, I have set as a national goal the achievement of a zero rate of long-term unemployment. I share Barbara Starkey's feeling that continued reliance on the principles of free trade will make the achievement of full employment a near impossibility. Under my Foreign Trade and Investment Act of 1972, S. 2592, our foreign trade will continue to grow but in the context of much-needed stability. Rather than operating under a series of rules which allow the precipitate demise of one industry after another, imports would rise only in concert with domestic production.

Mr. President, because Barbara Starkey has added to the debate over trade policy much needed background and thought, I ask unanimous consent that her article be printed in the RECORD.

There being no objection, the article

was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 26, 1972]

AMERICAN JOBS AND FOREIGN TRADE: TWO VIEWS

(By Barbara H. Sharkey)

Categorical opposition to protection has been expressed in many quarters during recent months. Some have argued against it on the ground of economic efficiency while others have expressed fears that a worldwide reversion to economic nationalism and regional trading blocs would lead us into the same kind of disasters as did the Hawley-Smoot Tariff of 1930. Devastating trade wars and worldwide depression have been prophesied by our Cassandras. There is, however, a rational argument for protection, though perhaps not for protection of the kind and magnitude demanded by its more vociferous supporters.

Throughout much of our history, American economic development has taken place behind fairly high tariff walls, and some of our ablest minds have defended this policy. As the first Secretary of the Treasury, for example, Alexander Hamilton argued for a variety of measures to stimulate the growth of manufactures at home. Among them were protective tariffs and outright import prohibitions; restrictions on exporting necessary raw materials; subsidies and prizes; tariff exemptions for raw material imports; encouragement of new inventions; consumer protection regulations and inspections of manufactured commodities and facilitating money and credit transactions and transportation.

Today government intervention to encourage research and development of new products and technologies, to protect consumer interests, to provide access to credit and to facilitate transportation is still considered appropriate. It is only in the area of tariffs, quotas and subsidies that free traders object to government interference with the free market mechanism.

What Hamilton was really advocating was the principle of a managed economy, a principle which economic nationalists have been defending ever since. This principle is, of course, incompatible with laissez faire economics, which requires minimum government intervention so that the forces of supply and demand determine the direction of economic development. But those who propose to bring about maximum economic growth and full employment in the American economy by following a policy of international trade liberalism have failed to face up to the pitfalls which lie ahead if we pursue this course.

THE ADJUSTMENT PROBLEM

Among these pitfalls, suggested in other contexts by various commentators are:

A free trade policy does not guarantee investment will move into industries that would provide mass employment. If the pressure of freer competition is allowed to force U.S. producers into industries in which they are most efficient, they may well invest in capital-intensive technologies that are highly productive but do not create many jobs, or they may continue exporting capital and technology to countries where labor costs are cheaper than at home.

A free trade policy will create substantial adjustment problems for firms and workers in the older, less competitive industries which have formed the backbone of our economy. Although the Williams Commission on International Trade and Investment recently recommended a strong program of adjustment assistance to meet this problem, rapid economic change exacts a social cost from those affected which federal adjustment aid, no matter how strong, could scarcely offset. Furthermore, if substantial unemployment persisted, adjustment assistance would be unable to accomplish one of its principal objectives—relocation of displaced workers. In that case adjustment benefits would become a glorified form of unemployment compensation for those arbitrarily put out of work.

Of course, one way out that would be compatible with free trade would be to give up the goal of full employment and provide a guaranteed minimum income with no obligation to work. The state of technology is such that if the economy were operating at maximum efficiency, the United States probably could achieve the productivity level required to provide a decent income to all citizens at less than full employment. This is not a serious possibility, however, since it would run counter to the still-cherished American belief in the importance of work.

The alternative is to provide work rather than compensation for unemployment. In this case it would probably be more rational for the country to sacrifice the goal of maximum economic efficiency and seek instead to achieve full employment by giving deliberate direction to the economy's development during the coming decade. This would mean abandoning the idea that our domestic and international interests would be well served only if we allow the pressure of freer competition to push total output to its highest possible level. It would mean accepting a somewhat slower rate of economic growth and a slightly smaller GNP pie in order to obtain more stability in the job market, more equality in the distribution of national income, and more balance among the various sectors of our economy.

Philosophically, this would mean a radical departure from current thinking about international economic problems, for it would mean giving up the primary assumption of trade liberals—that competition-induced efficiency is the *sine qua non* of economic health. In practice, however, we have been moving away from economic liberalism ever since we began to adopt Keynesian prescriptions to cure our domestic economic ills.

Even the Williams commission, which generally affirmed the liberal philosophy, recognized that "advanced industrial societies, including our own, have become less tolerant of the disruptive effects of economic change . . . Workers have acquired substantial stakes in their skills, jobs, homes, and communities. They have acquired valuable seniority and pension rights. They are unwilling to bear disproportionately the costs of changes that benefit society as a whole; they look to government to protect their stakes. Governments have had to assume greater responsibilities for ensuring high levels of employment, social stability, a healthy environment, and other social objectives."

Managerial economic policies of the kind needed to promote full employment, stabilize prices, and secure economic justice are not now and never can be compatible with foreign trade policies founded upon classical economic liberalism. That this incompatibility is not recognized by so many economic writers and commentators today is attributable to the fact that the free trade philosophy has taken on many of the qualities of religious dogma or myth in our increasingly secular society. It gained acceptance at a time when it had immediate practical value, and the postwar world has been well-served for the past 25 years by the international economic institutions which were shaped by its advocates.

Today, however, if we spend our energies trying to ward off the supposed dangers of rising protectionism and renewed trade wars, we will be fighting straw men. Of far more importance to the future economic health of both the United States and its principal trading partners is the question of what new leading sector industries we are respectively going to encourage to replace those which led us into the postwar boom we have been experiencing.

THE NEW GROWTH LEADERS

Our historical experience should have taught us by now that the introduction of a dynamic new industry into a lagging economy is usually a much more effective restorative than is a change in tariff policy, either in a more liberal or a more protectionist direction. Thus in the 1890s, for example, new industries such as automobiles, chemicals and electricity provided the stimulus needed to lift industrial economics out of the doldrums. In the 1930s, on the other hand, no such new industries were forthcoming, and in the end it was only war which brought renewed dynamism to the international economy. Even though there was a worldwide return to protectionism during both periods, and the United States at both times enacted two of the highest tariff schedules in the country's history, it was not the tariff but the ability to create new leading sector industries at the end of the 19th Century and the failure to do so in the 1930s that made the difference between the return to prosperity and deepening depression.

As in the past, so now our economic troubles can be attributed largely to the aging of the mass-consumption and high-technology industries which have been the leaders of our economy for much of the century. Patchwork help, in the form of excise tax cuts on domestic automobiles, import quotas on foreign textile manufacturers or subsidies for ailing aerospace firms, can keep such industries reasonably healthy for some time to come, but it cannot restore to these sectors their former role as growth leaders.

To take their place the Council of Economic Advisers and the National Goals Research Staff have identified several areas whose development would be both stimulating to the economy and consonant with the emerging national consensus on recorded priorities. These include health care, education, mass transit, new towns and leisure industries. Either private or public investment in such fields could provide substantial employment opportunities and would be responsive to the increases in consumer income which a growing economy should engender.

THE CASE OF THE STOL

The problem is, however, that the probable growth industries of the 1970s will not necessarily be high productivity industries, even though they are capable of providing full employment at a modest rate of expansion. For this reason, we cannot expect that investment tax credits of the type proposed to date by the Nixon administration will provide sufficient incentive to private industry to move into potential growth sectors of the economy. Such credits are consistent with a liberal policy in international trade matters, for they are likely to encourage investment in technologically intensive industries and they do not subject business to many governmental controls. But if high-technology industries are not the probable leading sectors of the American economy in the 1970s, generalized investment incentives will do little to bring about full employment.

What will be needed to accomplish this goal are deficit spending that puts money directly into the hands of consumers, and government direction of the flow of new investment so that funds are forced into the lower productivity, more labor-intensive industries that promise most for the economy's future. Policies of this type cannot help but have a distorting effect on the international economy. Apart from the problems caused by a demand-induced inflation created by deficit-financed consumer spending, government direction of the flow of public and private investment into high-priority sectors of the economy whould prevent the principle of comparative advantage from functioning properly in international trade.

An example of this effect may soon confront us with respect to the question of the short-takeoff-and-landing airplane (STOL), a desirable addition to our transportation service in highly populated regions of the country and a product with high employment potential for the lagging aircraft industry. NASA, FAA and the Air Force have all been working cooperatively with aircraft manufacturers to develop a satisfactory STOL for domestic commercial use, and so far $500 million has been spent on the project. Yet not too long ago Time magazine reported that Canadian manufacturers already had successfully tested a STOL, which they hope to produce and sell principally to the U.S. market, Without resorting to a tariff, the United States could keep out the Canadian product simply by subsidizing the American STOL at a level sufficient to give it a cost advantage over its competitor.

Similar situations might arise with respect to other products that have recently attracted public interest. For example, tax breaks for domestic companies producing low-cost modular housing for the mass consumption market, subsidies for developers of pollution control devices, or research support for the design of more effective health care delivery systems might operate just as effectively to keep out potential foreign competitors as would outright tariff barriers. Such policies would differ little in intent from the protection accorded to our infant industries in the 19th Century, and would in fact serve the very purposes which were then given as justifying protection—the encouragement of balanced growth and domestic prosperity.

BEYOND THE MARKETPLACE

The international implications of a return to an economic nationalism of this sort need not be at all gloomy if they are dealt with straightforwardly and with a concern for the economic interests of our friends and allies. As Lord Keynes observed almost 40 years ago:

"If nations can learn to provide themselves with full employment by their domestic policy [and, we must add, if they can also attain equilibrium in the trend of their population], there need be no important economic forces calculated to set the interest of one country against that of its neighbors. . . . International trade would cease to be what it is, namely, a desperate expedient to maintain employment at home by forcing sales on foreign markets and restricting purchases, which if successful, will merely shift the problem of unemployment to the neighbor which is worsted in the struggle, but a willing and unimpeded exchange of goods and services in conditions of mutual advantage."

Interestingly, many of the most vigorous opponents of protectionism today would probably support initiatives taken by the public sector to stimulate investment in innovative and socially desirable directions. What free traders of this persuasion really object to is not so much the principle of government management of the economy but rather the idea that old, powerful and highly visible industries such as automobiles, textiles and aeronautics might be the chief beneficiaries of protectionist policies. If the economy were not to rely solely on the marketplace to guide it in making investment decisions, however, their argument against using moderate tariff and quota protection to support older, less dynamic sectors of the economy while promoting the development of newer, more vigorous growth industries would lose much of its force.

What I wish to suggest is that in the future the marketplace will probably not be an adequate governor of the American or any other industrialized economy which genuinely wishes to achieve full employment; that if this is so, protectionist policies could serve a variety of useful purposes, either as a spur to economic development or as a low-cost form of adjustment assistance or both; and that if protectionist policies are to be used in either of these ways, they should not be selected haphazardly but as part of an overall national economic plan whose international impact has been taken into account.

Keynes' point was that "The outstanding faults of the economic society in which we live are its failure to provide for full employment and its arbitrary and inequitable distribution of wealth and income." These are still the outstanding faults of the economic society in which we live, with the addition perhaps of its inadequate provision for environmental protection and the quality of life.

Many of the policies required to correct these faults will not be consistent with the free trade philosophy. And unless we and our trading partners are prepared to make creative use of economic nationalism to overcome these problems, it is unlikely that international free trade, no matter how complete, will serve the purposes of either prosperity or peace.

CONTINUATION OF TRADITIONAL DIPLOMATIC HIERARCHY

Mr. FULBRIGHT. Mr. President, recently one of our most distinguished commentators, Mr. Eric Sevareid of CBS, reported on a suggestion relative to the continuation of the traditional, diplomatic hierarchy to be found in all the capitals of the world. He attributes the revival of this idea to Mr. Cyrus Sulzberger in the following words:

Mr. Sulzberger's thought concerns the almost equally preposterous, exhausting and expensive world of international diplomacy. It is not precisely a new idea but an idea whose time has come, which is what counts.

Abolish the whole structure of embassies with their lavish residences, immense staffs and endless, meaningless round of luncheons, dinners, receptions and courtesy calls. In Washington today there are one hundred and fourteen embassies, three legations, seven so-called interest sections; over 1600 people with diplomatic credentials, besides their families; and office staffs totaling around five thousand.

The point is that instantaneous communications and the jet plane have made formal embassies redundant. Heads of state and foreign ministers now deal very directly with each other. Specialists travel constantly. Ambassadors have all but lost their realistic function. Norway, says Sulzberger, is thinking of abolishing ambassadors, just maintaining specialists in ordinary offices and flying them around.

Newspaper society pages in this and other capitals would look a bit barren, the canape industry would suffer a slump, and liveried doormen and chauffeurs become a vanishing race. But a great number of others, including some ambassadors, would feel the lifting of a great weight. As Adlai Stevenson remarked when he was our U.N. Ambassador, the diplomatic life is "one third protocol, one third alcohol and one third geritol."

The transfer in our own Government of responsibility for foreign policy from the Department of State to the National Security Council, under the leadership of Dr. Kissinger, makes much more reasonable the idea of discontinuing the outmoded and obsolete diplomatic machinery. Dr. Kissinger quite obviously is perfectly able to perform the necessary functions formerly discharged by ambassadors. I commend this idea to the attention of the Senate. I ask unanimous consent that the statement by Mr. Sevareid and the article by Mr. Sulzberger be printed in the RECORD:

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

Anyone in the realm of public affairs learns to be grateful for small favors, one good idea in a week is a rarity; two is a feast. This week Time magazine's Hugh Sidey has one; the New York Times' Cyrus Sulzberger has another. Both come under the general heading of "stop the nonsense."

Since the Democrats are out this year trying to get in, Mr. Sidey's thought is directed at them. He would abolish the autumn presidential campaign in its traditional sense. Let the Democratic nominee, he says, set up a shadow administration, somewhat in the British manner; let the nominee name and gather the men who would form his cabinet and agency heads. Let them all speak and decide as if they were in power, showing the people their policies and programs and maybe even demonstrate in the field how they would approach things like housing and water pollution.

The endless, exhausting, preposterous barnstorming from airport to auditorium to airport all over the country with all the attendant hoopla and repetitious speeches could be cut way down; the news media would cover the candidate just as intensively in his changed role, and—mostly—in one place, as they cover an actual administration. Millions of dollars and nerve ends could be preserved and the populace left far less jaded and fed up.

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[From the New York Times, Jan. 28, 1972]

SENT TO LIE ABROAD NO MORE

(By C. L. Sulzberger)

JERUSALEM.—The practice of diplomacy has changed enormously since Sir Henry Wotton, a seventeenth-century poet-envoy, observed: "An ambassador is an honest man sent to lie abroad for his country."

Nowadays he spends less time "lying abroad" in a physical sense because of innumerable hours taken up in faraway conferences, and if he "lies" by distorting the truth, either his own government or that to which he is accredited will probably leak it to the press.

Diplomacy as once known is at an end—but the last to know it are the diplomats and their foreign ministries. The inflation in their rank and consequent deterioration of their capacities is all too often evident. In diplomatic as in monetary affairs there is a kind of Gresham's Law which sees bad money driving out the good.

Once an effective ambassador required cultivation, perspicacity and the ability to make decisions. Communications took a long time and sometimes there was the need for swift action. Even as recently as 1945 Averell Harriman, while U.S. envoy in Moscow, personally decided to exclude Russia from allied military occupation of Japan.

The diplomat was often a personage. France employed as ambassadors the famous Paul Claudel and Saint-John Perse (Alexis Leger). George Seferiadis, Greek Ambassador to Britain, won the Nobel Prize for literature as the poet "Seferis." Even the nineteenth-century U.S.A.'s diminutive overseas representation included Washington Irving and Nathaniel Hawthorne.

But the need for experienced decision-takers or intellectual luminaries has faded in the mechanized modern world. There are and will be exceptions. A notable case is Walworth Barbour, who has been American envoy here for more than half of Israel's life. His wisdom and decisiveness have been responsible for avoiding several dangerous crises and solving others.

If one considers today's plethora of independent states and ministates, each of which has come to demand exchanges of embassies, one sees the game has become ridiculous. There is no urgent reason for the U.S.A. to maintain ambassadors in Burundi or Mauritius, for example.

Moreover, the need to fill all posts transcends the ability of the Foreign Service and tempts U.S. Presidents even further to pay off campaign contributors on an absurdly lavish scale by dispatching them around the mushrooming diplomatic world.

It would be wiser and cheaper to pare swollen staffs and do more international business at the U.N. glass menagerie in New York to which almost all countries are accredited. Even such envoys of the prosperous United States as Ellis Briggs and John Tuthill found they could work more efficiently as well as more cheaply with half the staff allotted.

Norway has begun to think aloud about doing away with ambassadors altogether. One idea discussed in Oslo is that teams of experts could be maintained and flown abroad if and as required to represent Norwegian interests.

With all the multilateral bodies now existing—such as the U.N., the Organization of African Unity, the Organization of American States, etc.—surely there are enough common meeting grounds to allow nations to handle bilateral business.

The happiest ambassador I ever knew was a Nepalese general who, years ago, served simultaneously in Paris, London and Washington. Whenever he received a rare message from Katmandu he handed it to his local Number Two, told him to say the Ambassador was traveling, and promptly took off. The unhappiest ambassador I knew was the envoy of an East European land, proud of its cuisine, who was deprived of his cook by budget cutters at home.

Jean Laloy, a brilliant French diplomat, regarding an age in which cabinet ministers and superenvoys jet around the world, suggested in a book six years ago (*"Entre Guerres et Paix"*) that much of today's diplomatic burden could be borne by permanent working groups of experts set up in a nation's capital to handle specific problems as they arose.

It is certainly time to consider these and other approaches with the idea of reducing costs and lowering bureaucratic towers of Babel as they rise in even the smallest capitals. At one moment the United States had four ambassadors in Paris and three in Beirut. Hasn't the moment arrived to repeal traditional diplomacy if those are its current methods?

FOOD SERVICE PROGRAM FOR CHILDREN

Mr. CASE. Mr. President, on February 16, 1972, the regulations for the special food service program for children were published for comment. The program's purpose is to feed needy children during the summer months, thus carrying on the work of the national school lunch, school breakfast, and preschool feeding programs. It is a very important program because, without it, the nutritional progress made during the school year will be lost.

One month after the regulations for this program were issued for comment, the Department of Agriculture told school administrators that—

plans for financing such programs must be limited as matters now stand to anticipated revenues not in excess of amounts expended for identical purposes last summer.

The communication went on to state:

Imperative you establish obligations under this constraint.

When I received word of this communication, I wrote to the Secretary of Agriculture as follows:

MARCH 17, 1972.

Hon. EARL L. BUTZ,
Secretary of Agriculture,
Department of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: In light of the President's most recently expressed concern for the school children of our inner cities, I am shocked to hear that the United States Department of Agriculture intends to curtail severely the Special Summer Feeding Program.

This will be a great loss to our cities and will lend to further intensification of our urban problems.

As you know, the summer program was curtailed last year because funds for the program were impounded. The program to feed needy children did not begin until July 26, 1971, instead of the end of the school year in early June. We now learn that New Jersey will not be allowed to spend any more than last year's actual expenditures. In other words, New Jersey is being asked to stretch money for six weeks to nine weeks of the feeding program.

Moreover, the situation is even more serious. The actual need for the summer feeding program in New Jersey goes well beyond last year's approved funds. A well run program that will reach children this year will cost between $2.5 and $3.0 million—or more than double last year's costs.

Congress is committed to seeing that all our children receive the food they need. I am sure you concur in this view and I request that you reconsider promptly the funding for the Special Summer Feeding Program.

Sincerely,

CLIFFORD P. CASE,
U.S. Senator.

In effect, what the Department appears to be doing is instituting its regulations before considering the pertinent questions on the regulations.

I have received a number of letters from interested organizations which raise serious doubts about the proposed regulations. I ask unanimous consent that they be printed in the RECORD.

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

STATE OF NEW JERSEY,
DEPARTMENT OF EDUCATION,
Trenton, N.J., March 17, 1972.

Hon. CLIFFORD P. CASE,
U.S. Senate, Old Senate Office Building,
Washington, D.C.

DEAR SENATOR CASE: We have sincerely appreciated your concern and efforts on behalf of the Child Nutrition Programs. Unfortunately, however, once again the U.S. Department of Agriculture has created a situation which threatens the nutritional well-being of both New Jersey's and the nation's children.

On February 16, the Department of Agriculture issued proposed new regulations for the operation of the Summer Special Food Service Program for Children. Our comments on those regulations, which were submitted to Mr. Rorex, are attached.

Despite statements from the Regional Office of the U.S. Department of Agriculture that plenty of time would be allowed for the planning of summer 1972 meal programs, these regulations were issued in preliminary form only six weeks before applications from summer sponsors had to be received by the state agency. The regulations themselves probably will not be published in final form until a few days before the April 1 deadline for applications.

New Jersey has not yet been informed by the Department of Agriculture of the size of our summer allocation for this year, so that sponsors must prepare elaborate applications on extremely short notice with no guarantee that funds will be available for their projects.

The proposed regulations require new application forms and a complicated application procedure. All our application forms had to be revised before sponsors could be invited to submit proposals. After we had spent two weeks of staff time revising forms, a package of forms prepared by U.S. Department of Agriculture arrived—the day before our scheduled information meeting with potential sponsors.

Late in the fall, U.S. Department of Agriculture had announced that the new summer program regulations would be available in plenty of time to allow thorough planning of this year's programs. Through December and January, regulations were expected "momentarily." When they were finally issued, they included a totally unrealistic application deadline, which prevents sponsors from making any but the most superficial plans for their summer activities.

I am sure you recall the delay and confusion which preceded the funding of last year's Summer Special Food Service Programs. Your role in that victory, in which funds were released for all summer program applicants, was decisive.

I feel we may be forced to call upon you, and other members of Congress, again this year in order to prevent the Department of Agriculture from succeeding with its apparent effort to restrict the operation of the summer meal programs.

I am sure you are well aware of the importance of these summer meal programs to our children, especially those in urban areas. We must do everything we can to insure that these programs will be available to all children who need them.

I will keep you apprised of the number of applications we receive and the total amount of funds New Jersey will need this summer.

Any assistance you can offer will be most

appreciated by summer program sponsors, and more importantly, by the children themselves.

Sincerely,

LEWIS B. STRAUS,
Director, Office of Food Program Administration.

STATE OF NEW JERSEY,
DEPARTMENT OF EDUCATION,
Trenton, N.J., March 1, 1972.

Mr. HERBERT D. ROREX,
Director, Child Nutrition Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C.

DEAR MR. ROREX: I would like to offer the following comments on the proposed amendments to the regulations governing the Special Food Service Program for children.

225.7 (a–1): As a result of the late issuance of these amendments, and the further delay before their final publication, it is most unrealistic to expect summer program sponsors to submit completed applications before April 1. The effect of this regulation will simply be to prevent summer meal programs from reaching the children who need them most.

Moreover, we received on February 28 a letter from T. F. O'Shaughnessy, Director of Child Nutrition Programs in the New York Regional Office, informing us that the revised application form was not yet ready. It is totally unjustifiable to require applications to be submitted on such short notice if they are not even available to the state office four weeks before they are due. We would suggest May 1 as a more realistic deadline.

Finally, the priorities established in the regulations here penalize potential new sponsors by placing them in a category of second preference. There is no logical reason why children deprived of summer meal programs in the past should be further penalized by this type of priority.

225.7 (b–1): Again, the April 1 time constraint makes it virtually impossible for potential sponsors to gather the information required for the individual site sheets. In particular, new sponsors who have not participated in the program before, must do thorough planning for their programs even before this information can be provided. The unrealistic deadline precludes this.

Two of the items required on the site sheet are impossible to require of some sponsors and are in themselves contrary to the purposes of the Summer Special Food Service Programs. First it is unrealistic and impractical to require free public parks to develop a means to identify children who are eligible to participate at the site.

Children at a summer playground should not be regimented into attendance, or excluded from participating in any way. The additional expense of such identification cannot be borne by many sponsors, and should not be required unless additional Federal funds will be available to bear these costs. Finally, this discriminates against poor children who must attend a public park rather than attend a more structured summer camp where enrollment is based on payment of a fee.

Of course, good management in food production and ordering will require accurate estimates of the number of children at each site, but these can be obtained without penalizing children by excluding them from the program.

Also, identifying children eligible for free meals is contrary to the requirements of the school lunch program which forbids identification of the poor children. In most urban areas, all children are eligible for free meals, and blanket determinations should be made on the basis of the need data required for participation in the program.

In the rare instance of summer programs with substantial numbers * * * collect payment.

Finally, although this is not discussed in the regulations, I must protest the fact that we have received no information thus-far on the amount of funds to be allocated for summer 1972 meal programs. It is difficult and unjust to demand that sponsors produce elaborate information on proposed programs with no knowledge of the number of programs which can be approved.

I trust that some changes will be made in the regulations to attend to these serious inequities. The summer meal programs have the potential of benefiting many needy children, but only if they are administered sensibly and with due consideration of the amount of planning they require.

Sincerely,

LEWIS B. STRAUS,
Director, Office of Food Program Administration.

JERSEY CITY YOUTH
DEVELOPMENT PROJECT,
Jersey City, N.J., March 16, 1972.

Senator CLIFFORD CASE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR CASE: I am writing to you in regard to the refunding of the State Summer Food Program for Jersey City. The city has received word that the refunding will probably be given out at the same level as last year's unless the Federal Government allocates more money to the State of New Jersey.

As Program Developer of the Jersey City Youth Development Project, I work with a great many of the youth in Jersey City everyday. Through my experiences with the youth, and working as a supervisor in the last three Summer Food Programs in Jersey City, I have learned what a program like this means to our city and especially to the children who so often are forgotten by their parents as well as their government.

However, I am sure that a person with your foresight and concern for the people of the city can realize the importance of our city receiving an increase over last year's allotment. I feel, just seeing the satisfied look on a child's face who just finished eating a balanced, nutritional lunch instead of his normal, if any, lunch of potato chips and coca cola, is reason enough for the increase of funds the city asks for. However, reason for such an increase is due to the increase of city agency participation. Mayor Jordan and his administration has been able to unite the different agencies and government programs of our city in one common cause; that, through the nutritional meals supplied by the state, we can develop the minds and bodies of our youth during this vital stage of growth and development. This cause is important to the city because the youth, under the leadership of a new, ambitious, courageous and unselfish mayor, are our last hope to revive a dying, but once promising city.

I urge you to recognize their needs and do all you possibly can to help us. I hope more letters from other agencies such as mine follow this letter to emphasize the need. The future of our country, the youth, lie in the government's hands.

Conrad Vuocolo, Director of Operation Step-Up and Tenant-Selections of the Jersey City Housing Authority, once said, "I'd rather see a kid hold a container of milk in his hand than a rock to break a window." I leave this thought with you as you consider our request.

Thanking you in anticipation, I remain,

Respectfully yours,

MICHAEL G. TSUCALAS,
Program Developer.

THE CHILDREN'S FOUNDATION,
Washington, D.C., March 6, 1972.

Mr. HERBERT D. ROREX,
Director, Child Nutrition Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C.

DEAR HERBERT ROREX: I am writing in response to the Notice of Proposed Rule Making (7 CFR Part 225) published in the *Federal Register*, Vol. 37, No. 32 on Wednesday, February 17, 1972.

In general, we are distressed by the shift in the emphasis of the summer feeding programs as proposed. The requirements for service institution participation are clearly designed to cater to the big cities which led the battle for full funding of the Special Feeding Programs last summer.

Our specific comments, objections and recommendations follow below:

Section 225.1 We are pleased that the Special Food Service Program for Children is no longer a "pilot" program.

Section 225.2 (i–1) We recommend that full instructions as to what constitutes an "in kind" contribution be published in the *Federal Register* and not simply in shortened form in the two guide-books (one of which, according to your letter of March 2, 1972, presently is not available.) Non-profit community groups who do not regularly receive FNS Instructions are at a distinct disadvantage because they are forced to add another step to their application process.

Section 225.2 (p–1) The administrative decision to divide the Special Feeding Programs into two different programs: one, year-round non-school food service and the other, summer food programs, is without statutory authority. While this division may allow for more efficient administration—a laudable move—it has already provided a rationale for withholding funds left over last summer from this fiscal year's year round non-school food programs.

Section 225.7 (a–1) The filing deadline of April 1 is unreasonable for this year in view of the late date of publication of the proposed rule making. Instead we suggest the following wording:

(1) Applications for participation of special summer programs for summer, 1972, which are filed within (6) weeks of the final publication of these amended regulations shall be given first priority.

(2) Applications for participation of summer programs for the following years must be submitted by May 1 of the year. Approval or denial of the application will be made within thirty (30) days or less of the date of filing. Applications received after May 1 shall be reviewed in the order of the date of receipt and shall be approved or denied within thirty (30) days or less of the date of filing.

Section 225.7 (a–1) DELETE the proviso that applications shall be considered "to the extent that funds are available for special programs." The size of the federal budget for child nutrition programs has *no bearing whatsoever* on the requirements for participation of local service programs.

Section 225.7 (a–1) Applications filed before the [designated] deadline shall be considered in the following priority: (1) First, applications from service institutions in economically needy areas serving more than a majority of children from low-income families and eligible for free or reduced price meals. (2) Second, applications from service institutions in economically needy areas but serving less than a majority of children eligible for free or reduced price meals. (3) Third, applications from service institutions not located in economically needy areas nor serving a majority of children eligible for free or reduced price meals *but* ones which serve children from low to middle-income families. (4) Applications from service insti-

tutions which participated in the program in the prior calendar year.

Section 225.7 (a–1) DELETE the following requirement which is irrelevantly and cruelly based on an unknown but, nevertheless, projected federal budget restriction:

If funds will not permit approval of all applications received prior to April 1, local interest as indicated by the level of local financial support and in-kind contributions shall be considered in determining which applications shall be approved.

The specific focus of this program is on economically needy areas, and yet, outrageously demands that interest in participation be measured by local cash and in-kind contributions.

Section 225.7(b) The amount of data required to demonstrate that poor economic conditions exist is unreasonably detailed. Only major cities with large bureaucracies could produce such extensive documentation without enormous effort.

This requirement discriminates against small, locally run programs, for example, summer programs conducted by churches or low-income community groups.

Furthermore, the requirement that at least half the mothers in the area be engaged in work outside the home is blatantly sexist and is a misreading of that portion of the statute addressed more specifically to the Breakfast Program.

Section 225.7(b-1) This requirement that individual applications be submitted for each site serves little use other than to generate additional paper work (which in turn serves to increase the amount of the "in-kind contribution" claimed).

To identify children eligible for free and reduced price meals counters the protection of the anonymity of needy children ensured by the Congress and the laws governing the child nutrition programs. The requirement that service institutions explain the methods they will use to identify needy children is regressive and discriminatory.

We therefore strenuously object to this requirement and suggest that the following wording be *deleted:*

. . . a description of . . . and the methods to be used to identify children eligible for participation at the site, including the methods to be used to identify those children eligible for free or reduced price meals.

Section 225.7(c) Competitive bidding for federal contracts should be required no matter how small that contract may be. If an arbitrary number must be selected we strongly suggest that any operation serving more than 100 children use a competitive bid procedure.

Section 225.10(e) This section is unclear and ignores the legislative history of Public Law 92–32 and in particular, the Joint Explanatory Statement of the Committee of the Conference. We have the following objections:

1) The term "severe need" used in the Conference Report is unreasonably translated into the requirement that "all or nearly all the attending children are in need of free meals". We suggest, instead, that that line be deleted and that the only requirement be that the State agency or FNSRO judge whether or not the service institution is unable to contribute financially to the program.

2) There is no real difference between the 80 percentum of the operating costs and 100 percentum of the cash expenditure. The conferees pointed out in their report that they *"felt that the Secretary of Agriculture has been unduly restrictive in using the authority to pay up to 80 per cent of the operating costs, and it is intended that he will be more liberal in recognizing circumstances of severe need and utilizing the authority to pay all the operating costs in such cases".*

In view of this statement by the conferees we urge the following wording: "in lieu of reimbursement for meals, up to 100 percentum of the cash expenditure for the costs of its food service, *provided, however,* that such financial assistance shall not exceed 60 cents for a lunch or supper, 20 cents for a breakfast, and 15 cents for supplemental food."

Section 225.18 (a–1) The State Agency or FNSRO should not be responsible for the meal-time schedules of each site operation.

Our conclusion is that these proposed rules serve little else than the interests of the Office of Management and Budget.

We urge you to revise them to serve the needs of hungry children in America.

Bread and justice,

BARBARA BODE,
Vice-President.

SUGGESTIONS, COMMENTS, AND OBJECTIONS CONCERNING PROPOSED REGULATIONS GOVERNING OPERATION OF THE SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

(Memorandum to Herbert Rorex, Director, Child Nutrition Division, Food and Nutrition Division, U.S. Department of Agriculture)

We, the undersigned organizations and individuals, protest the new focus of the Special Food Service Program for Children as reflected in the Notice of Proposed Rule Making (7 CFR Part 225) published in the *Federal Register,* Vol. 37, No. 32, Wednesday, February 17, 1972.

The proposed regulations appear designed to inhibit participation in the summer food programs. We cite below the most blatant examples of this attempt to play off the unrecognized food needs of millions of hungry children in non-urban areas against the needs of those crowded into the ghettos of major cities, for whom political concern has been expressed.

We strongly urge that equal consideration be given to non-urban as well as urban areas.

OBJECTIONS AND/OR RECOMMENDATIONS

Section 225.7 (a-1)—April 1 is an unreasonable deadline for filing of applications. Only those sponsoring agencies which regularly receive FNS notices can be expected to be aware that this early date is being considered. Even those areas in which a full time staff is employed to administer children's food service programs will have great difficulty meeting all the other requirements for participation prior to April 1.

Recommendations: That the required filing date for applications for summer, 1972 be placed six (6) weeks after the date of final publication of these amended regulations. The size of the federal budget for child nutrition programs is irrelevant in this context and cannot be considered a requirement for local participation.

Recommendation: Delete the proviso which reads "to the extent that funds are available for special programs".

The priorities serve no purpose other than to FREEZE summer food programs at a level below that reached last summer, 1971.

Recommendation: That applications filed prior to the (designated) deadline be assigned priority in accordance with the percentage of children served who would be eligible for free or reduced price meals.

Although this Special Food Service Program for children is designed ostensibly to serve poor children in economically needy areas, this section of the proposed regulations projects restrictions in the federal budget for child nutrition programs and then demands that local interest be measured by the amount of local cash and in-kind contributions. Furthermore, too much discretionary power is allowed to an unspecified agency to determine what will constitute a sufficient measure of local interest.

Recommendation: Delete the proviso which reads:

If funds will not permit approval of all applications received prior to April 1, local interest as indicated by the level of local financial support and in-kind contributions shall be considered in determining which applications shall be approved.

Section 225.7(b)—The amount of data required is ridiculously detailed and could be provided easily only by a large bureaucracy. These requirements discriminate against programs run by local community groups, churches and the like. The requirement that at least half the mothers be employed outside the home is a perverse misinterpretation of the statute and is blatantly sexist.

Recommendation: That the date requirements remain as they are currently written.

The anonymity of children receiving free or reduced price meals *must be protected.*

Recommendation: Delete the requirement that a description be given of the manner in which needy children will be identified which reads:

". . . a description of . . . the methods to be used to identify children, eligible for participation at the site, including the methods to be used to identify those children eligible for free or reduced price meals."

Section 225.10(e)—This section is unclear and ignores the warning of the Committee of the Conference in the Joint Explanatory Statement of Public Law 92–32, published in the *Congressional Record* October 22, 1971, in wihch they wrote that they felt that the Secretary of Agriculture has been unduly restrictive in using the authority to pay up to 80 per cent of the operating costs, and it is intended that he will be more liberal in recognizing circumstances of severe need and utilizing the authority to pay all the operating costs in such cases.

Recommendation: That up to 100 per cent of the cash expenditure for the operating costs be paid in lieu of reimbursement for meals to service institutions financially unable to meet the need to serve free or reduced price meals to more than a majority of participating children.

We object to the arbitrary and capricious design of these proposed regulations and the insensitivity which they reflect to the needs of hungry children.

Barbara Bode, Vice President, The Children's Foundation.

John Kramer, Faculty Member, Georgetown Law School.

Carol Shapiro, Programs Director, Women's Action Alliance.

Susan Berson, Asst. Community Coordinator, The Children's Foundation.

Samn Brown, Southern Regional Coordinator, The Children's Foundation.

Pat Francisco, Asst. Community Coordinator, The Children's Foundation.

Susan Wager, Asst. Community Coordinator, The Children's Foundation.

Steve Martin, Field Coordinator, Selma Project, Alabama.

Louise Moody, Day Care Expert, Selma Project, Alabama.

Peg McConnell, Pres. of the Board, Massachusetts Alliance against Hunger.

Barbara Splain, N.E. Regional Coordinator, The Children's Foundation.

Jay Lipner, Staff Attorney, Rhode Island Legal Services.

Hulbert James, Director, Crusade against Hunger.

Paul Matthias, South Carolina Council on Human Relations.

Wade Rathke, Chief Organizer, Arkansas Community Organization for Reform Now.

Stephen Brooks, Deputy Director, Food Research and Action Center.

Charles C. Dunn, Administrator, The Children's Foundation.

Susan Orr, Community Co-ordinator, The Children's Foundation.

Bill Pastreich, Director, The Massachusetts Alliance against Hunger.

Johnnie Tillmon, Asso. Exec. Director, National Welfare Rights Organization.

Marie Daniels, Field Coordinator, Selma Project, Alabama.

Jim Evans, Executive Director, MISSEDUC Foundation.

Bert de Leeuw, Legislative Liaison, The Children's March for Survival.

AIR FORCE "OVERPAYMENTS" TO LOCKHEED

Mr. CHILES. Mr. President, I am appalled at testimony offered yesterday by the General Accounting Office regarding overpayments of more than a billion dollars knowingly made by the Air Force to Lockheed Aircraft Corp. on the C–5A transport plane contract.

I feel it is imperative to examine further just what role the Air Force has played in these overpayments, and certainly the Congress needs to find out what action the Justice Department needs to take in this regard.

Last year, when the Lockheed loan guarantee legislation was before us in the Senate, I asked a question that has never been answered to my satisfaction. I still want to know, why should Congress be called on to bail out certain private corporations that apparently so mismanage their affairs that they cannot keep themselves above water? And I also want to know: Once begun, where does it end? Why such special treatment for a very few companies when many others throughout the country will never get it and they have employees who do not want to lose their jobs, too.

Last night, I had a call from one of my constituents, the superintendent of a construction company in West Palm Beach. What he told me is worth passing on because, I feel, it puts this situation in perspective. He said that if his company operated like Lockheed, his company would surely go under, for he knows there will be no Government agency or action by Congress to bail them out. Mr. President, you and I know it, too.

I certainly feel the people of this country, as well as us in Congress, have every right to know more about this situation. It alarms me when the Air Force chooses to overpay Lockheed $400 million in one payment, more than the entire net worth of the Lockheed Corp. at the time. It further alarms me that the Air Force then saw fit to make available $705 million more for the same purpose. And it astonishes me that the Air Force would then arbitrarily change Lockheed's contract from a negotiated, fixed fee contract to a cost-plus contract on a retrocative basis, thereby making the overpayment beyond recovery. This smells to me like special treatment which, if not criminal in nature, is certainly indicative of irresponsible handling of taxpayer funds.

I really believe that when the people of our Nation get the picture of this disastrous practice of funneling millions of tax dollars to selected private corporations apparently not able to handle properly their affairs, a great pressure will build on both the executive branch and the Congress to discontinue it. I certainly hope so.

Mr. President, the need is obvious for Congress to delve deeply into this appalling situation. The need is obvious for the Justice Department to be responsive and concerned, to investigate thoroughly this problem. I call for these actions, and I commend the General Accounting Office for once again proving its effectiveness and value to us.

THE CONCEPT OF SECRECY

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the RECORD an article written by Mr. Jack Foisie of the Los Angeles Times, dated Bangkok, March 22. It illustrates, better than anything I have seen, the absurdity to which our Government is carrying the concept of secrecy. I call particular attention to the ingenious way in which a stranger may now enter the most secret establishment—by pretending to be a secret agent, the guards will refrain from even asking for identification.

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

THAI-BASED U.S. OPERATIONS CLOSETED IN TIGHT SECRECY

(By Jack Foisie)

BANGKOK, March 22.—Thailand is gradually becoming the staging area for most American-directed ground operations in Indochina as U.S. troop withdrawals from Vietnam continue and the war and political situations in Cambodia and Laos become more tense.

This has resulted in increased sensitivity on the part of Thai and American officials alike concerning U.S. air bases in Thailand and the camps and bases involved in cross-border operations.

In answer to a newsman's request, U.S. officials disclosed that there are 245 U.S. military advisers in Thailand and 280 members of the U.S. Special Forces.

But other than outlining their acknowledged training and advising roles, the officials declined to go deeper into Thai-based American operations in the Indochina war.

Officially, the role of all American Green Berets is to "train the Thais to be trainers" in counterinsurgency warfare, teaching tactics to their own troops and to those of "third-country" armies—that is, Laotians and Cambodians.

But these same American officials acknowledge that there are numerous secret camps—they call them "ad hoc training areas"—at which Americans are placed. They will not discuss the American role in these camps.

It is known however, that some are border camps fronting on Laos and Cambodia, manned by Thai soldiers and American Green Berets engaged in clandestine cross-border operations. Rebellious areas in Burma are also being penetrated from Thai-American camps in the western provinces of Thailand.

The participation of Thai army "volunteers" in Laos, as part of a Western-backed Royal Lao army, is now an established fact. More than 5,000 Thai troops, artillerymen and airmen are in action on foreign soil.

They are American-paid, but the Thai government has its own reason for making the "volunteers" available. The North Vietnamese army and its Communist Pathet Lao auxiliary are closer to the banks of the Mekong River than in past dry seasons, and the Mekong is Thailand's border.

Despite contrary evidence, both Thai and American officials continue to pretend that the volunteers sign up on their own. They are, in fact, regular Thai units led by their own officers and taking orders mostly from the U.S. Central Intelligence Agency.

One of the assembly areas for this trans-Mekong migration is the Thai army camp of Saritsena, outside the north central town of Phitsanulok. CIA-operated Air America transport planes fly the new men from there directly into Laos.

In the most recent explanation of the Thai presence in Laos, a U.S. State Department spokesman last week described the Thais as "local forces" eligible for U.S. support.

This definition is intended to avoid violating the congressional ban on recruiting and paying mercenaries for fighting in Laos and Cambodia.

Secrecy concerning military assignments in Thailand has reached the point that a visitor with a great deal of aplomb can stumble into a secret American camp and stay a while by pretending that he, also, is on mysterious assignment.

It happened this way, without a lie being told. The gate guard challenged: "Who are you?" The newsman assumed a serious, knowing look and replied: "Don't ask me."

For emphasis he pressed a finger to his lips. "Oh," the guard said, impressed. "I understand." He opened the gate and directed the visitor to the command post.

Exotic code names also figure into the secrecy. "Peppergrinder" is the name of a big American-Thai logistical base, for weapons and supplies destined for allied forces in Laos.

Despite their various unpublicized roles, the American Special Forces in Thailand have declined from the high point of 369 in 1969. The reduction was made possible after the Thai field police assumed their own training. The U.S. advisory force also has been cut back by 25 per cent from its high point.

Other American military activities have offset the reduction.

VEHICLE EMISSIONS MONTH

Mr. HARTKE. Mr. President, we are rapidly approaching the month of April—a month in which everything around us seems to come to life. Unfortunately, unless we maintain our struggle to eliminate pollution, those lovely April days that we all remember will be lost forever. One of the efforts that I have made to insure that every month is an enjoyable month was to introduce on September 16, 1971, a joint resolution to designate the month of April, 1972 as "National Check Your Vehicle Emissions Month."

Along with Representative ECKHARDT, I took this action because it is estimated that annual emission inspection, simple adjustments, and minor tuneups would result in at least a 15 to 25 percent reduction in air pollution caused by motor vehicle pollution. On the other hand, manufacturers estimate that compliance with the Federal emissions standards for 1975 model cars will result in only a 2-percent reduction in automobile emissions.

The resolution has received considerable public support. Shortly after its introduction, there was the formation of an ad hoc committee to support a presidential proclamation designating April 1972 as National Check Your Vehicle Emissions Month. This group has worked night and day to implement a program to carry out this resolution. Additional support has come from almost every quarter of American society.

Senate Joint Resolution 156 recently passed the House of Representatives, but unfortunately the Senate has to

date failed to take action on the resolution. April is close at hand, and I call upon Senators to support the efforts of the House of Representatives, the public, the industry, and other concerned citizens to make April the beginning of a commitment to act affirmatively to eliminate the unnecessary pollution caused by vehicle emissions.

FAR-REACHING RESULTS OF COURT-AUTHORIZED WIRETAPPING

Mr. McCLELLAN. Mr. President, in 1968, the Senate by a vote of 68 to 12 defeated a motion to strike title III of the Omnibus Crime Control and Safe Streets Act of 1968, a title of the 1968 act that I sponsored. By this vote, the Senate indicated its approval of the use of court-authorized and supervised wiretaps and electronic surveillance in the investigation of certain Federal offenses. Because of the claims and fears of some that title III would be ineffective or would not stand up to challenges in court, I have attempted to keep this body informed of significant developments in the use of wiretaps and electronic surveillance, so that we all might be able to judge the results of our work.

On December 1 of last year, I was pleased to inform the Senate that in its first major Federal appellate review, title III was sustained as constitutional. On October 13, 1971, the U.S. Court of Appeals for the Tenth Circuit, in *Cox. v. United States*, No. 71–1043, specifically upheld the legal reasoning behind and justification for title III.

The issue before the court in the Cox case was the right of the Government to use information concerning a robbery, which had been incidentally obtained during the course of a lawfully authorized and executed narcotics wiretap. The court upheld the statutory scheme, which provides for retroactive judicial approval for such incidentally intercepted communications. In so doing, Judge Doyle stated:

> In electronic surveillance of organized criminals involved in gambling, information might be intercepted disclosing a conspiracy to commit murder. Surely the officials must be empowered to use this information notwithstanding the lack of specific prior authorization.

Mr. President, to show the far-reaching and successful results of this one wiretap, I should like to bring to the Senate's attention additional facts in the Cox case as revealed by a July 30, 1971, full-page article in the Kansas City Star, an article which has only just been drawn to my attention.

According to this article, from January 1969, through May 1970, an organized group called by law enforcement officials a "Black Mafia" conducted "virtually 100 percent of the narcotics traffic and controlled much of the loan-sharking, gambling, prostitution, and burglary on Kansas City's East Side," carried out several bank robberies, had an estimated gross income of upwards of $100,000 a day, in the course of its diabolical operations killed at least 20 women and men, and were planning further killings when the leaders were finally incarcerated. Further, the article states:

> The Kansas City Black Mafia had ties with many other cities around the country. Asked if the gang could have operated for the length of time and with the efficiency it did without the assistance to some persons in law enforcement, a highly placed federal source said it definitely could not.

The organization's murder victims were people who refused to join the organization, who owed money or were suspected of being police informants. At least two of these victims were tortured before they were killed. Youths were recruited from the street to carry out robberies. These young men were often heavy narcotics users, who were supplied with weapons, given instructions, and forced to turn over some or all of the loot to the organization. Sometimes they were beaten out of what was to have been their share of the robbery proceeds. We can thus see how such an organization can ensnare susceptible youths into the most despicable and inhuman sort of life. But not only were young hoodlums reached by this gang: one of the regular targets for the organization's narcotics trade were the soldiers at Fort Riley.

By the beginning of 1970, Government agents knew a great deal about the nature and extent of the organization's operations, but "hard evidence was needed before they could secure indictments." After a series of incidents involving informants, infiltration, and plans for more killing, on April 30, 1970, agents received authorization to place a wire tap on the phone of one of the gang's three leaders. This is what the paper says about that wire tap:

> The wire tap proved to be the key that broke the case, for in addition to recording enough information on narcotics activity to warrant indictments, agents also overheard plans to rob the Southgate State Bank and a scheme to murder one of the pushers.

The repercussions of this one wire tap were far-reaching. Four men, bank robbers, were arrested and subsequently convicted. Fourteen narcotic convictions and one for assault of a Federal officer were obtained.

The wire tap also revealed plans to murder a pusher for shooting large quantities of the narcotics he was meant to sell. The intended victim was taken into private custody and agreed to testify for the Government. It was learned that a price of $10,000 was put on this man's head.

With the wire tap evidence and testimony of the pusher, the leaders of the gang were arrested. The tenacity of these men is shown by one fact that this was not the end of their evil-doing, for there were plottings from within jail and further killings of potential informants. But now 19 convictions have been obtained, including the convictions of the three leaders on various charges. This indescribably evil organization, Mr. President, has been thwarted by one wire tap.

Surely this case is a vivid demonstration of the worth of title III and the good it can do to end crime that nothing else can achieve. This one case alone vindicates the Senate's 1968 judgment that the motion to strike title II should have been defeated.

Mr. President, I ask unanimous consent that the entire text of the article be printed in the RECORD.

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

NARCOTICS RING HELD EAST SIDE IN DEATH GRIP

(By Michael J. Satchell)

Between January 1969 and May 1970 a Black Mafia organization conducted virtually 100 percent of the narcotics traffic and controlled much of the loan sharking, gambling, prostitution and burglary on Kansas City's East Side, it has been learned.

Authorities are convinced that in that period and in the months immediately after at least 17 persons and possibly more were slain as men and women who refused to cooperate, who owed money or who were suspected of being police informants were systematically eliminated.

An organized group, termed "Black Mafia" in a confidential federal report on its activities, also carried out or organized several bank robberies. At the height of the operation, between January and May 1970 its gross income was estimated in the confidential report to be an incredible $100,000 a day in Kansas City.

The Kansas City Black Mafia had ties with many other cities around the country. Asked if the gang could have operated for the length of time and with the efficiency it did without the assistance to some persons in law enforcement, a highly placed federal source said it "definitely could not."

The organization was broken up, but not routed. May 20, 1970, when federal agents and police conducted seven post-midnight raids and arrested seven of 18 persons named in a federal indictment charging narcotics violations. Others were arrested later.

At least three of the slayings and some of the bank robberies occurred after some of those arrested on the narcotics charges were released from jail on bond. Two high-ranking gang members, one suspected of being the informant who caused the May 20 arrests, were marked for death by the gang but were taken into protective custody by federal agents.

Authorities have learned from underworld sources that the men currently have $10,000 murder contracts on their lives.

The full scope and details of the Kansas City Black Mafia have been learned following a wide-ranging investigation. Sources include local and federal authorities and individuals who were at the heart of the narcotics activities that revolved around a highly profitable heroin and cocaine traffic.

Identified as leaders are James Eugene Richardson, 33, James Phillip (Doc) Dearborn, 38, and a white man, Eddie David Cox, 35.

Richardson received a 20-year sentence Oct. 16, 1970, after pleading guilty in U.S. District Court to a charge of conspiracy to sell narcotics. He also was found guilty two days later in Jackson County Circuit Court of assault with intent to kill a police detective during the May 20 raid. He received a 15-year sentence on that charge. He is now confined in the federal maximum security prison at Marion, Ill.

Dearborn is now in the U.S. Penitentiary in Leavenworth serving a 28-year sentence stemming from the narcotics violations. He also faces an 8-year sentence in the Missouri penitentiary after pleading guilty to a charge of burglary.

Cox is in the Kansas State Penitentiary, Lansing, serving time for parole violation on a 1- to 30-year sentence for kidnaping and felonious assault on a police officer that occurred in 1961. He faces a total of 35 years in federal prison when released from Lansing. Cox was sentenced to 15 years on the narcotics indictment and received a 20-year sentence for his role in the robbery of the Southgate State Bank, May 8, 1970.

The three men have extensive prior police records and all persons who authorities say

were close to the three principals have received lesser sentences, have been released because of their co-operation with authorities, have fled or have been killed.

After the arrests in 1970 federal authorities here prepared a confidential report for the organized crime section of the Department of Justice in Washington. Entitled "Black Mafia" the report focuses on the activities of Richardson, Dearborn and Cox, and reads in part:

"It was learned the men were engaged in clandestine wholesale narcotics. They were also engaged in crimes of bank robbery, burglary, murder, loan sharking, gambling and prostitution.

"They had the ghetto area of Kansas City under their complete control through fear, intimidation, violence and corrupt public officials."

This was not an exclusive Kansas City operation but had operatives in nine other cities, the report states.

"At the height of the operation in January 1970 through May 1970," the report continues, "it is estimated these men were taking in approximately $100,000 a day. The major sources of this income was through narcotics.

"Many of the earlier activities of Cox, Dearborn and Richardson are not clear in that most witnesses have been murdered, or they are not willing to talk."

Ironically it was Cox, a white man, who set up the syndicate rule and remained the "brains" behind the figurehead leadership of Richardson, a widely known and feared individual on the East Side.

Cox was paroled from Lansing in January 1968. One of his known associates was Dearborn, who had been released from the Kansas penitentiary in 1966 after serving time for burglary.

It has been learned that after revealing to Dearborn that they would take over and control the crime in the ghetto, Cox recruited Richardson, who was released in January 1969 from Leavenworth after serving a 4-year sentence for violating the Mann Act. Cox remained a leader except for the period between—1969 and January 1970 when he was in jail for a parole violation.

Together the three men reached their systematic process to take over the disorganized narcotics traffic here and to muscle in and control multiple criminal ventures.

Related one source: "There are 25 individuals in the way and each controlled two or more persons. It was started by talking to the individuals and telling them any activity had to be cleared with the group.

"Most of them were favorable. They had no alternative. Those who didn't accept it are no longer around.

"Between 1963 and 1970, 20 people were killed . . . mostly by gunshot. Men and women. There were no hired killers . . . it was done by the principals of the organization."

Related one gang member who joined after being released from a state penitentiary:

"They got to killing off people like crazy. Anybody got in their way, they would kill 'em. All you heard in the pen was 'Gene's (Richardson) taking over the town.'"

Federal authorities have described Richardson as "a tough, dangerous individual," "a rattlesnake without a rattle," and as a "tough sonofagun" whom "nobody dared cross."

A man marked for death, but who escaped, noted: "If you gave him a smart answer he would kill you."

Cox, while not having the reputation on the street for violence that Richardson had, nor being as well known on the East Side as Dearborn, put his special talents to full use in the gang's business, as the authorities noted.

A native of Joplin, Cox has a tested I.Q. of 162 and operates, according to the confidential federal report, "at the genius level."

The report describes him this way:

"Cox has all the characteristics of being a personable businessman but underneath this front he is a cold-blooded killer who has no respect for the life of anyone he thinks is a threat to his safety or livelihood.

"It is believed that he has been a participant in 17 homicides in the Kansas City area since March 1968, the murder of a federal narcotics agent in Chicago in March 1970 and the instigator of numerous other homicides.

"A reliable informant stated that Cox will not allow anyone to do the killing that directly involves himself as he does not trust anyone to do it correctly.

"He is very personable whose brilliance is concealed behind a guileless, blue-eyed countenance. The individual commands respect for his brilliance as well as his ruthlessness."

According to authorities the Cox, Dearborn and Richardson plan had been consolidated by October 1969 and the narcotics operation was functioning smoothly.

Below the triumvirate was an integral, second echelon of four persons. They were Mrs. Cecilia Mae Tucker, 33, a girl friend of Richardson who lived in a house he owned in the 1300 block on East 84th; Charles Edward Hudgens, 34, of the 1300 block of East 36th; Edward Courtland (Sonny) Miller, 34, of the 2100 block on N. 2nd, Kansas City, Kansas; and Walton Ireland Froniabarger, 38, of the 3200 block on E. 73rd.

Also involved, although not playing major roles, were the wives of two of the leaders, Mrs. Lee Esther Richardson of the 1700 block on Monroe and Mrs. Rita Mae Dearborn, who lived in the 7200 block on Brooklyn.

The main focus of the operation and its main source of income was in the narcotics trade. Heroin and cocaine were brought into Kansas City by carriers from Los Angeles, New York, Chicago and other cities.

At first, said a source, the narcotics would come in by the ounce. As the operation became better organized and other wholesale dealers were eliminated, it was carried into the city in pounds, and then in kilo (2.2-pound) quantities.

"In the beginning it had been stepped on (cut with quinine and milk sugar) and was only about 28 per cent pure," a source related in describing the quality of the heroin.

"The last stuff coming in was 87 to 95 per cent pure; it was straight off the boat."

After the heroin was tested by one of the gang—usually a pusher—to determine its strength, it was cut to about 10 per cent or less of purity and then placed in gelatin capsules which sell in Kansas City at a standard $10 a cap.

About 15 main street pushers were put to work selling the narcotics at $10 each. Generally the pusher got $4 for each one sold with $6 being paid to the organizers.

Deliveries would be made twice a day to the main pushers who usually would sell from their houses and apartments, known among narcotics users as "shooting galleries." The gang controlled almost 100 per cent of the narcotics traffic in the inner city and also moved about 100 capsules of heroin a day through a white dealer named Bobby who sold to addicts in the Plaza area.

At some point the heroin and cocaine trade expanded to Kansas City, Kansas, and Junction City, Kans., where there is a steady demand for narcotics from the soldiers at Ft. Riley.

While the estimate by some federal authorities of a daily income of $100,000 is too high, according to other federal sources and former gang members, there is no doubt that the profits from narcotics and other illegal activity were considerable.

Money was being raked in from individuals who were allowed to carry on their separate rackets with the gang's permission. It cost these persons 25 per cent of their take to remain in business. The gang also reaped profits from prostitution, gambling, loan sharking and other illegal activity, some of which they controlled directly, others which they "franchised."

Bank robberies also were planned by the group with Dearborn, Cox and Froniabarger specializing in this activity. Sources report they planned the robberies and used intermediaries to recruit youths from the street to carry out the robberies.

The youths, often narcotics users with heavy habits, were provided weapons, given detailed instructions, and then were forced to turn over most or all of the loot to the gang.

"The kids used were little hustlers off the streets . . . kids who were mugging and strong-arming," reported one person familiar with the bank robbery aspect of the gang's activities.

"They got kids who would kill their mamas to get a reputation. Usually 75 per cent of the take went to the group, although sometimes the kids didn't get anything or they got beaten out of their money."

Although federal authorities have only been able to link the gang definitely to one bank robbery—the May 8 holdup of the Southgate State Bank in which Eddie Cox was convicted with three other men—they say others were initiated by the organization.

To protect the leaders from close identity with the bank holdups twin brothers well-known on the street were used as intermediaries to the unreliable youths, a source related.

The brothers currently are serving 20- and 25-year terms for bank robbery after convictions stemming from the robberies of the Suburban Bank and Trust Company, Feb. 9, 1970, and the Empire State Bank, July 29, 1970.

Although huge profits were being reaped, principally from the narcotics operations, money was being spent fast.

"Expenses and overheads were high" noted a gang member, mentioning in the same breath the fees charged for bringing the narcotics into the city (up to $10,000) to the cost of payoffs.

Leaders of the group also lived expensively. Most, particularly the pushers and Richardson, were heavy narcotics users themselves although Cox was not.

Some gambled heavily, bought property and drove new cars. Richardson was fond of tooling around in a 1970 Cadillac Sedan de Ville and he also owned a Buick Electra 225. Money was spent carelessly with some members lavishing expensive presents on girl friends.

There also is evidence that some members were hoarding part of their profits, either in cash or jewels, in safe deposit boxes or possibly in numbered bank accounts outside the United States. After their May 20 arrests all of the core leaders quickly were freed after bonds totaling nearly half a million dollars were paid.

The story of how the illegal operation was smashed by authorities is a convoluted, often bizarre and irony-filled series of events involving undercover agents, infiltration, informants, secret surveillance that reportedly was not secret very long, a telephone wire tap and finally the May 20 raids.

Not until the principals were imprisoned, in some cases as much as six months after their arrests during which time all but Cox were out on bail, did their illegal activities cease.

Completely unknown to the gang was the fact that Walton Froniabarger, one of the main pushers, was an informant. He had been arrested by agents in a narcotics case and began supplying information on the gang in the hope of escaping prosecution.

Agents learned, however, he was playing a double role. In addition to supplying them with some information he gradually began taking a more active and genuine role in the gang's operation. Agents believe Froniabarger assumed he could beat his earlier narcotics arrest in court, and so reverted to his role of allegiance to the gang. He was dropped as an informant and agents, as they gathered evidence on the gang, included him in their prosecution plans.

After being released on bond following the May 20 raids Froniabarger jumped bail and now is being sought by authorities on a federal fugitive warrant.

Authorities began investigating the East Side narcotics activities intensively in October 1969, spurred in part by informant information and the killings Oct. 30 of Rudolph Hill, 28, and Laura Rosemary Jackson, 29.

Hill and Miss Jackson were found in their fourth-floor apartment at 3627 the Paseo. Their hands were bound behind them and they had been shot in the back of the head. Before they died, a source said, they had been tortured.

The couple dealt in narcotics and both had extensive police records. Federal sources say Froniabarger was seen leaving their apartment 30 minutes before the deaths and he took pains to leave unnoticed. Authorities believe he set up the couple for the killing.

According to sources the killings of Hill and Miss Jackson were only two of the estimated 17 to 20 murders that occurred here in connection with the Black Mafia's activities. Discipline among the pushers and others was strict, one informant recalled, adding:

"People were killed for three reasons: They wouldn't join the organization, they tried to hold out money or start their own bag (sell narcotics independently) or because they might be informants.

"All the pushers got into trouble at some time or other. The first time they were jumped on and got a good whipping. There was no second violation—they knew they wouldn't be around. Those who were eliminated were replaced."

Of the 17 homicides the investigation indicates that the following murders, in addition to those of Hill and Miss Jackson, are indisputably linked.

July 2, 1970: Mrs. Mary Louise Hudgens, 36, wife of Charles Hudgens, beaten unconscious and given a fatal overdose of heroin.

July 6, 1970: Hermanthony Quillar, 36, shot twice in the right temple with .38-caliber bullets.

Sources also indicate the following homicides are connected to narcotics and other alleged illegal activities and those in the latter part of 1970 may be part of the legacy of violence left by the operation after it initially was broken up.

May 15, 1969: Clifford Ernest Lucas, 37, shot twice in the back of the head with a shotgun.

May 23, 1969: Olnie Smith, Jr., 24, shot three times in the side with a small-caliber weapon.

June 6, 1970: Daniel McNeal, 21, shot in the head with .45-caliber and .22-caliber weapons.

July 26, 1970: Gary Lee Hill, 21, bludgeoned and strangled to death and his body tossed in Troost Lake.

Sept. 6, 1970: Manchester George Owens, 22, shot four times in the head and chest.

Dec. 18, 1970: Frank Delano Poole, 29, also known as Rollin Toby Smith, hit by shots fired from a passing car as he walked on the street.

By the first part of 1970 agents had a good idea of the extent and operation of the underworld activities, but hard evidence was needed before they could secure indictments.

A narcotics agent from Houston had entered the investigation in an undercover role and was posing in the ghetto as an armed robber and as a militant. Feb. 25, with the help of an informant, he successfully bought four capsules of heroin for $60 from Froniabarger at his residence. Also present at the transaction was a woman member of the gang. The agent also bought heroin from Hudgens.

Soon after it was discovered the man was a federal narcotics agent and plans were made to kill him. Tipped off that their man was in grave danger authorities quickly pulled him out of the investigation. The informant who introduced the agent to the gang to make the narcotics purchases also was spirited away.

By March 1970 the group reportedly was tipped off by a police officer that they were under heavy surveillance and attempts were made to tighten up the criminal organization.

"In March the gang got their first real knowledge that it was being surveilled," a gang source reported. "They heard it from a Kansas City police department officer . . . a detective. The word was the gang was being watched by the Bureau of Narcotics and Dangerous Drugs.

"Attempts were made to tighten up the loose ends . . . make sure there were no informants in the group and that pushers weren't selling to people they didn't know or who hadn't been buying (narcotics) for a number of months."

In addition leaders were also monitoring the radio traffic of agents who were assigned to watch them, for Eddie Cox owned a motor car equipped with radios which could receive police broadcasts.

"The Plymouth automobile he (Cox) owns is a law enforcement vehicle with an extra high performance engine and the car is equipped with both high- and low-band monitor radios which will intercept and monitor 16 police frequencies at one time," it is stated in the confidential federal report.

(Most law enforcement vehicles are sold after they have been driven for a certain number of miles. The radios are removed from them, but radio receiver equipment is not difficult to obtain.)

"It is known that he monitored FBI, Bureau of Narcotics and Dangerous Drugs, and the Kansas City Police Department frequencies frequently," the report adds.

The FBI and Bureau of Narcotics and Dangerous Drugs frequencies are highly confidential and it would be virtually impossible to guess them.

April 30, 1970, agents received permission from Judge Elmo B. Hunter of the federal district court to place a wire tap on Richardson's telephone. The tap was installed and connected to an office manned by agents at 121 W. 63rd.

The wire tap proved to be the key that broke the case, for in addition to recording enough information on narcotics activity to warrant indictments, agents also overheard plans to rob the Southgate State Bank and a scheme to murder one of the pushers.

The plan for the bank robbery was discussed on Richardson's telephone by Michael DeWayne Piggie, 21. Four men, the agents overheard, would rob the bank May 8 at 1:15 p.m. The bank was subsequently robbed and Piggie; Cleveland D. Ford, 26, Maurice Lanear, 21, and Eddie Cox, who was accused of driving the escape car, were arrested the following day and later convicted. Cox has remained in jail since then.

May 18 Dearborn and Richardson were overheard discussing plans to kill one of their pushers because he had been "coming up short on his bag." He had been short $4,000 on his payments because he had been shooting up large quantities of the narcotics himself.

Agents staked out the pushers' home and watched Dearborn and Richardson enter through a door left unlocked by prearrangement with another resident of the house. They were arrested and the pusher, who was asleep upstairs, was not hurt. After he listened to the tape recording of the plot to kill him he agreed to testify for the government and was taken into protective custody. Richardson and Dearborn were later released.

Authorities say that from then on a $10,000 price was put on the pusher's head. The offer remains.

Armed with the wire-tap evidence and the testimony of the pusher 50 agents and detectives swooped in on the gang two days later and arrested the principals.

Richardson, Dearborn, Froniabarger and Hudgens were held in the Jackson County Jail and there they began planning strategy after their anticipated release on bail.

"When they were in jail they got a copy of the indictment and went down the list of who might crack," a source related.

First out on bond was Mrs. Lee Esther Richardson, who reportedly went to a bank safe deposit box and removed enough valuable jewelry to act as collateral for the bonds for her husband, Dearborn and Froniabarger, whose earlier informant role still was not known by the gang.

In a federal report it states that it was then decided by the gang leaders that Mrs. Mary Louise Hudgens and Charles Edward Hudgens must be killed. Mrs. Hudgens reportedly had told another woman she and her husband might testify against the gang. The information was related to Richardson.

The report states Richardson arranged for the bond to free Mrs. Hudgens.

"Two days after her release on bond, the money for the bond being provided by James Richardson, she was found dead and available information indicates that she was killed by Richardson or one of his associates . . . by forcibly injecting an overdose of heroin," the report states.

"Information has come to this office that she was killed because Richardson felt she might have become a government witness. Richardson also was interested in getting Charles Hudgens released on bond.

"He provided the fee and posted bond. Information was received that he was also slated to be killed. After Hudgens was released he was taken into voluntary protective custody."

Information also was received that some persons were so anxious to kill Hudgens—who originally had been forced by Richardson to work for the gang in repayment of an old debt—that there would even be an attempt made on Hudgens' life while he was being transported between jails by a U.S. marshal.

Authorities spirited Hudgens away quickly and he remains in hiding, also with a $10,000 offer for his death.

Authorities were anxious to prosecute Hudgens for his role in the narcotics ring, but instead he was given a lengthy sentence and placed on probation.

"It would be almost impossible for the Bureau of Prisons to confine Hudgens in any institution where an associate of Richardson is not confined," a federal report states. "It is sincerely believed that if Hudgens is confined in jail he would be killed."

Out on bond Richardson and Dearborn moved swiftly to collect all the money owed them.

"When Gene (Richardson) got out on the streets he started collecting debts and putting the fear of God in everyone," a source said. "Tony (Hermanthony Quillar) was killed as an example. He owed money. There were more who got killed."

In a sidelight to the breaking up of the gang agents raided a house in the 4500 block of Benton May 22, two days after the mass arrests, and seized a cache of 23 weapons, described as extremely fine guns. The cache, owned and used by the gang, included eight .38-caliber revolvers, two sawed-off shotguns,

two pistols, six rifles, four long-barreled shotguns and a .30-caliber military carbine.

The gang's last encounter with the law occurred Sept. 21, the day after Richardson pleaded guilty in federal court on the narcotics charges. Police officers stopped Richardson's car on a traffic violation and discovered three felons, Mrs. Tucker, a bag of heroin and plastic syringes in the car.

Authorities said Mrs. Tucker was carrying two fully loaded .38-caliber revolvers beneath her armpits. Richardson tried to grab one of the revolvers, but was prevented from doing so by a policeman.

Oct. 16 Richardson finally was placed behind bars after being sentenced to 20 years in a federal prison. Cox still was confined after his May 9 arrest for the Southgate bank robbery.

Mrs. Rita Mae Dearborn was placed on probation Dec. 1 for five years with the provision that she remain out of Kansas City. Feb. 5 this year Dearborn was sentenced to 28 years and Mrs. Tucker received a 7-year sentence. Miller, who handled the Kansas City, Kansas, end of the narcotics operation, was sentenced to a 17-year term Feb. 23. Cox received 15 years the same day and Mrs. Richardson was sentenced to a 3-year term.

Others in the gang received varying sentences. Froniabarger, who jumped bail, still faces sentencing.

GROWTH AND INFLUENCE OF NATIONAL SECURITY COUNCIL

Mr. FULBRIGHT. Mr. President, several articles in the press recently have discussed the growth and influence of the National Security Council, and more specifically, Dr. Henry Kissinger, who controls the NSC, but not under the title of Executive Director. I, along with others, have raised the question of the wisdom of extending the immunity for accountability to the Congress, under the guise of Executive privilege to those in the White House, such as Dr. Kissinger, who appear to have the greatest influence upon the formulation of our foreign policy. This is a matter of fundamental importance to the conduct of our foreign relations, and in order to make clear the position of the Committee on Foreign Relations as well as the White House, I ask unanimous consent to have printed in the RECORD my letter of February 10, 1972, to Dr. Kissinger, and the reply thereto of February 28, 1972, signed by Mr. John W. Dean III, counsel to the President.

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

THE WHITE HOUSE,
Washington, D.C., February 28, 1972.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This will acknowledge receipt and thank you for your letter to Dr. Henry A. Kissinger dated February 10, 1972, which in his absence has been referred to me for response.

Consistent with long established principle and precedent, because of Dr. Kissinger's position as a member of the President's immediate staff he will be unable to accept your gracious invitation to appear before the Committee on Foreign Relations.

However, please be assured that we share your belief that the Executive and Legislative Branches should exchange views on foreign policy, and we are confident that such exchange can be carried out to the fullest extent by the constituted officers of the Executive Branch.

With warm regard.

Sincerely,

JOHN W. DEAN III,
Counsel to the President.

U.S. SENATE,
Washington, D.C., February 10, 1972.

Hon. HENRY A. KISSINGER,
Assistant to the President for National Security Affairs, The White House, Washington, D.C.

DEAR HENRY: In view of the wide public exposure you have received as a result of your recent press and television briefings, I wondered whether you might wish to reconsider your earlier reluctance to appear before the Committee on Foreign Relations. I doubt that the Founding Fathers contemplated that the Executive and Legislative branches should exchange views on foreign policy by reading press accounts.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

THE "VAT" TAX AND EXPORTS

Mr. HARTKE. Mr. President, it is common knowledge that the Nixon administration is considering the imposition of a value-added tax as a new source of revenue and a possible substitute for the real property tax. At the time of the introduction of my bill to provide a tax credit for education (S. 3322), I noted that the VAT tax is a regressive tax which will hit low- and moderate-income consumers the hardest.

In defense of VAT, some have claimed that it will aid American exports on the international market. But the impact of VAT is unpredictable. It may not help our exports, and it should not be imposed with that purpose in mind.

Mr. President, I ask unanimous consent that an article published recently in the Washington Post be printed in the RECORD. I believe that it represents a rational discussion of this one aspect of the value-added tax.

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

IMPACT ON TRADE IS UNPREDICTABLE—VAT AS AN INCENTIVE TO EXPORTS—A SHAKY BELIEF

(By Philip H. Trezise)

In floating the idea of a value-added tax (VAT) as a partial substitute for local property taxes and as a source of school revenue, the administration has opened the issue for serious discussion, which is to the good. Whether a national tax on consumption is a desirable way to raise funds for education or, for that matter, for other purposes, is surely a proper subject for national debate. But we should not be diverted by the repeated assertion that such a tax is also needed to help our international trading position.

No matter what some of our businessmen have come to believe about the "unfairness" to us of the VAT, as it operates in Europe, a national sales or consumption tax cannot be justified as a way to improve the U.S. trade accounts. Indeed, it is not even clear in which direction such a tax would work so far as our external trade is concerned.

Once more, we need to be sure what the issue is, it is true that some European countries levy a VAT on a wide range of goods and are allowed by the international trade rules to collect the same tax on imports and to rebate it on exports. We also have state sales and federal excise taxes which are imposed on imports and are not collected on exports. These taxes are not the same as customs duties or export subsidies. The benefits to the trade account from them, if any, depend on who in fact pays the taxes.

The argument for believing that our trade will benefit from a VAT is a rather simple one. The idea is that a general sales or consumption tax cannot always be passed on in its entirety to the home market consumer, because competitive conditions sometimes will not permit. When this happens, the producer absorbs part of the tax and in consequence accepts a lower rate of profit on his domestic sales. In that circumstance, he has an incentive to export, since the tax is then rebated to him and he can more nearly fulfill his profit expectations. Note that when the tax is wholly passed on to the consumer, the export incentive does not exist.

Should we expect that American producers will be required by domestic market conditions to absorb some of a VAT in their domestic sales and thus be induced to export more? One clue at least is that at present we find it necessary to apply controls over most of these same goods so as to restrain upward pressures on their prices. It is certainly not crystal clear why we should suppose that producers, who must be prevented by the application of federal power from raising prices, would find it impossible or even difficult to pass on to consumers, and in full, a national sales tax, which they could perfectly legitimately do.

In Holland a few years ago a VAT was imposed at a time of strong inflationary pressures. Prices rose by more than the VAT rate and the Dutch had to impose a general freeze to keep them in check.

The point is that the impact on trade of a VAT is not predictable and can, as in the Dutch case, be perverse. In our current economic situation, the assumption must be that at best a VAT would not help exports and, if the price controllers were not alert and effective, might hurt them by pushing prices up by more than the amount of the VAT.

Even if one assumes different competitive conditions, and widespread absorption of a part of a VAT by producers, skepticism about the trade effects would be warranted. Reports from the White House are that the VAT being considered would raise revenues of $16 billion. This would imply a tax rate of about 3 per cent on a broad base, or, with probable exemptions, perhaps 5 per cent. (VAT rates in Europe, by comparison, range upward from 11 per cent.) Rates of this kind, reflected in consumer prices as they mostly would be, would have some predictable and lively responses at home. But worked through to the international trading arena, they could not amount to significant export incentives.

More fundamentally, we do not need to go to a VAT or to other devices of the sort for trade or balance of payments reasons. The Group of Ten finance ministers agreed at the Dec. 18 Smithsonian meeting that "discussions should be undertaken promptly to consider reform of the international monetary system over the longer term" and that "attention should be directed to . . . means of establishing a suitable degree of flexibility [in the system]." This prescription is the valid one for our government, which must have had a large role in drafting it.

A sufficiently flexible monetary mechanism would assure that changes in national competitive positions, whether induced by tax changes or by other causes, would be reflected promptly in exchange rates, that is, in the international prices of national currencies. Any trade gains or losses from changes in tax systems would be quickly eliminated by changes in exchange rates. Surely, if we continue to believe in the vir-

tues of the market mechanism, an understanding with our trading partners on greater monetary flexibility must be priority number one for foreign economic policy.

VAT by contrast is irrelevant as an approach to our external accounts. Let us debate the issue of imposing such a tax as a domestic question, on which there is ample to be said.

RACIAL INTEGRATION—A THIRD ALTERNATIVE

Mr. HANSEN. Mr. President, as the country agonizes over the issue of forced busing to achieve racial integration in the schools, it is assumed by some with regard to this controversy, as with regard to the question of integration itself, that there are only two positions to be taken: To favor integration, and therefore, busing; or to prefer segregation, and therefore oppose busing.

Particularly do politicians find themselves categorized as supporting or opposing integration on the basis of their position on forced busing.

Prof. Nathan Glazer, whose most enlightening comments on the busing issue appeared in a recent Washington Post article, notes:

> But if to stand with the further extension to all the Northern cities and suburbs of transportation for desegregation is suicide, how can the liberal congressmen join with the South and with what they view as a northern bigotry in opposing busing? Is there a third position, something which responds to the wave of frustration at court orders, and which does not mean the abandonment of hope for an integrated society?

Professor Glazer concludes that not only is there a third position, but that it is by far the most logical and reasonable to embrace. Says the professor:

> There is a third path for liberals now agonized between the steady imposition of racial and ethnic group quotas on every school in the country—a path of pointlessly expensive and destructive homogenization—and surrender to the South. It is a perfectly sound American path, one which assumes that groups are different and will have their own interests and orientations, but which insists that no one be penalized because of group membership, and that a common base of experience be demanded of all Americans.

Professor Glazer points out that despite the pessimistic views of civil rights experts and bureaucrats administering desegregation laws, tremendous progress has been made in the past 10 years. He notes that the South is more integrated than the North; that the school systems of the South are desegregated; that hundreds of thousands of blacks have moved into professional and white collar jobs, into schools and universities, into integrated housing areas, into voting patterns, and into the mainstream of American life. He notes that while the Constitution specifies that certain rights must be guaranteed to all:

> One understand that the Constitution sets limits to the process of negotiation and bargaining even in multi-racial and multi-ethnic setting.
>
> But the judges have gone far beyond what the Constitution can reasonably be thought to allow or require in the operation of this complex process. The judges should now stand back and allow the forces of political democracy in a pluralistic society to do their proper work.

The tremendous progress made during the 1960's toward integration and protection of the rights of minorities must be continued in the 1970's. But the shuffling of children among schools to satisfy racial quotas does not serve the necessary and attainable goal of integration, or the moral obligation of racial equality. Rather, forced busing is the hysterical approach of those who have rejected without cause the ability of our society, guided by the Constitution, to right these wrongs, and who wrongly view opponents of such contrived and counterproductive approaches as racists.

Professor Glazer said the cause of civil rights and integration—

> Has been advanced because millions of blacks now vote—in the South as well as the North—and because hundreds of blacks have been elected to school committees, city councils, state legislatures, the Congress. This is what is creating an integrated society in the United States.
>
> We are far from this necessary and desirable goal. It would be a tragedy if the progress we made in achieving integration in the 1960s were not continued through the 70s. We can now foresee within a reasonable time the closing of many gaps between white and black. But I doubt that mandatory transportation of school children for integration will advance this process.

Mr. President, I ask unanimous consent that Professor Glazer's comments be printed in the RECORD.

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

IS BUSING NECESSARY?

(By Nathan Glazer)

It is the fate of any social reform in the United States—perhaps anywhere—that, instituted by enthusiasts, men of vision, politicians, statesmen, it is soon put into the keeping of full-time professionals. This has two consequences. On the one hand, the job is done well. The enthusiasts move on to new causes while the professionals continue working in the area of reform left behind by public attention. But there is a second consequence. The professionals, concentrating exclusively on their area of reform, may become more and more remote from public opinion, and indeed from common sense. They end up at a point that seems perfectly logical and necessary to them—but which seems perfectly outrageous to almost everyone else. This is the story of school desegregation in the United States.

For 10 years after the 1954 Supreme Court decision in *Brown*, little was done to desegregate the schools of the South. But professionals were at work on the problem. The NAACP Legal Defense Fund continued to bring case after case into court to circumvent the endless forms of resistance to a full and complete desegregation of the dual school systems of the South. The federal courts, having started on this journey in 1954, became educated in all the techniques of subterfuge and evasion, and in their methodical way struck them down one by one. The federal executive establishment, reluctant to enter the battle of school desegregation, became more and more involved.

The critical moment came with the passage of the Civil Rights Act in 1964, in the wake of the assassination of a President and the exposure on television of the violent lengths to which Southern government would go in denying constitutional rights to Negroes. Under Title IV of the Civil Rights Act, the Department of Justice could bring suits against school districts maintaining segregation. Under Title VI, no federal funds under any program were to go to districts that practiced segregation.

With the passage of the Elementary and Secondary Education Act in 1965, which made large federal funds available to schools, the club of federal withdrawal of funds became effective. In the Department of Justice and in the Department of Health, Education and Welfare, bureaucracies rapidly grew up to enforce the law. Desegregation no longer progressed painfully from test case to test case, endlessly appealed. It moved rapidly as every school district in the South was required to comply with federal requirements. HEW's guidelines for compliance steadily tightened, as the South roared and the North remained relatively indifferent. The Department of Justice, HEW, and the federal courts moved in tandem. What the courts declared was segregation because what HEW declared was segregation. After 1969, when the Supreme Court ordered, against the new administration's opposition, the immediate implementation of desegregation plans in Mississippi, no further delay was to be allowed.

PROGRESS IN THE SOUTH

The Federal government and its agencies were under continual attack by the civil rights organizations for an attitude of moderation in the enforcement of both court orders and legal requirements. Nevertheless, as compared with the rate of change in the years 1954 to 1964, the years since 1964 have seen an astonishing speeding-up in the process of desegregating the schools of the South.

Writing during the presidential campaign of 1968, Gary Orfield, in his massive study, "The Reconstruction of Southern Education," stated: "It has been a social transmutation more profound and rapid than any other in peacetime American history."

Orfield thought that it was all coming to an end. With Mr. Nixon attacking the guidelines that had brought such progress, and with the civil-rights coalition coming apart in the fires of the cities of the North, Orfield wrote, "A clear electoral verdict against racial reconciliation [that is, the election of Mr. Nixon] could mean that the episode of the school guidelines may recede into history as an interesting but futile experiment."

Orfield underestimated the bureaucrats, the courts, and the overall American commitment to the desegregation of Southern schools. While Mr. Nixon's appointees were suffering the same abuse as Mr. Johnson's before them for insufficient zeal, the desegregation of the racially divided school systems of the South proceeded. Thus the director of the HEW Office of Civil Rights, J. Stanley Pottinger, could summarize some of the key statistics as of 1970 in the following terms:

"When school opened in the fall of 1968, only 18 per cent of the 2.9 million Negro children in the Southern states attended schools which were predominantly white in their student enrollments. In the fall of 1970, that figure had more than doubled to 39 per cent . . . [and] the percentage of Negroes attending 100 per cent black schools dropped . . . from 68 per cent to 14 per cent."

There has been further progress since, and if one uses as the measure the number of blacks going to schools with a majority of white children, the South is now considerably more integrated than the North.

WHY THE DIVISION?

Yet the desegregation of schools is once again the most divisive of American domestic issues. Two large points of view can be discerned as to how this has happened. To the reformers and professionals who have fought this hard fight—the civil rights lawyers, the civil rights organizations, the government officials, the judges—the fight is far from over, and even to review the statistics of change may seem an act of treason in the war against evil. Indeed, if one is to take

committed supporters of civil rights at their word, there is nothing to celebrate.

A year ago the Civil Rights Commission, the independent agency created by the Civil Rights Act of 1957 to review the state of civil rights, attacked the government in a massive report on the civil rights enforcement effort: "Measured by a realistic standard of results, progress in ending inequity has been disappointing. . . . In many areas in which civil rights law afford pervasive legal protection—education, employment, housing—discrimination persists, and the goal of equal opportunity is far from achievement."

The civil rights movement sees that minorities are concentrated in schools that may be all or largely minority, sees an enormous agenda of desegregation before it, and cannot pause to consider a success which is already in its mind paltry and inconclusive. The struggle must still be fought, as bitterly as ever.

There is a second point of view as to why desegregation, despite its apparent success, is no success. This is the Southern point of view, and now increasingly the Northern point of view. It argues that a legitimate, moral, and constitutional effort to eliminate the unconstitutional separation of the races (most Southerners now agree with this judgment of *Brown*, has been turned into something else—an intrusive, costly, painful, and futile effort to regroup the races in education by elaborate transportation schemes.

The Southern congressmen who for so long tried to get others to listen to their complaints now watch with grim satisfaction the agonies of Northern congressmen faced with the crisis of mandatory, court-imposed transportation for desegregation. On the night of Nov. 4, 1971, as a desperate House passed amendment after amendment in a futile effort to stop busing, Rep. Jack Edwards (R-Ala.) said:

"Mr. Chairman, this will come as a shock to some of my colleagues. I am opposing this amendment. I will tell you why. I look at it from a rather cold Southern point of view. We are busing all over the First District of Alabama, as far as you can imagine. Buses are everywhere . . . people say to me, 'How in the world are we ever going to stop this madness?' I say, 'It will stop the day it starts taking place across the country, in the North, in the East, in the West, and yes, even in Michigan.'"

And indeed, one of the amendments had been offered by Michigan congressmen, longtime supporters of desegregation, because what had been decreed for Charlotte, North Carolina, Mobile, Ala., and endless other Southern cities was now on the way to becoming law in Detroit and its suburbs.

As a massive wave of antagonism to transportation for desegregation sweeps the country, the liberal congressmen and Democratic presidential aspirants who have for so long fought for desegregation ask themselves whether there is any third point of view: whether they must join with the activists who say that the struggle is endless and they must not flag, even now; or whether they must join with the Southerners.

To stand with the courts in their latest decisions is, for liberal congressmen, political suicide. A Gallup survey last October revealed that 76 per cent of respondents opposed busing, almost as many in the East (71 per cent), Midwest (77 per cent), and West (72 per cent), as in the South (82 per cent); a majority of Muskie supporters (65 per cent) as well as a majority of Nixon supporters (85 per cent). Even more blacks oppose busing than support it (47 to 45 percent).

But if to stand with the further extension to all the Northern cities and suburbs of transportation for resegregation is suicide, how can the liberal congressmen join with the South and with what they view as Northern bigotry in opposing busing? Is there a third position, something which responds to the wave of frustration at court orders, and which does not mean the abandonment of hope for an integrated society?

NOT A BETRAYAL

There is, unfortunately, a widespread feeling, strong among liberals who have fought so long against the evil of racial segregation, that to stop now—before busing and expanded school districts, are imposed on every city in the country—would be to betray the struggle for an integrated society. They are quite wrong. They have been misled by the professionals and specialists—in this instance, the government officials, the civil-rights lawyers, and the judges—as to what integration truly demands, and how it is coming about. Professionals and specialists inevitably overreach themselves, and there is no exception here.

It would be a terrible error to consider opposition to the recent judicial decisions on school integration as a betrayal of the promise of *Brown*. The promise of *Brown* is being realized. Black children may not be denied admittance to any school on account of their race (except for the cases in which courts and federal officials insist that they are to be denied admittance to schools with a black majority simply because they are black). The school systems of the South are desegregated. But more than that, integration in general has made enormous advances since 1954. It has been advanced by the hundreds of thousands of blacks in Northern and Western colleges. It has been advanced by the hundreds of thousands of blacks who have moved into professional and white-collar jobs in government, in the universities, in the school systems, in business. It has been advanced by the steady rise in black income which offers many blacks the opportunity to live in integrated areas. Most significantly, it has been advanced because millions of blacks now vote—in the South as well as the North—and because hundreds of blacks have been elected to school committees, city councils, state legislatures, the Congress. This is what is creating an integrated society in the United States.

A THIRD PATH

We are far from this necessary and desirable goal. It would be a tragedy if the progress we made in achieving integration in the 1960s were not continued through the 70s. We can now foresee within a reasonable time the closing of many gaps between white and black. But I doubt that mandatory transportation of school children for integration will advance this process.

For, so far as the schools in particular are concerned, the increase in black political power means that blacks—like all other groups—can now negotiate, on the basis of their own power, and to the extent of their own power, over what kind of school systems should exist, and involving what measure of transportation and racial balance. In the varied settings of American life there will be many different answers to these questions. What Berkeley has done is not what New York City has done, and there is no reason why it should be. But everywhere black political power is present and contributing to the development of solutions.

There is a third path for liberals now agonized between the steady imposition of racial and ethnic group quotas on every school in the country—a path of pointlessly expensive and destructive homogenization—and surrender to the South. It is a perfectly sound American path, one which assumes that groups are different and will have their own interests and orientations, but which insists that no one be penalized because of group membership, and that a common base of experience be demanded of all Americans. It is the path that made possible the growth of the parochial schools, not as a challenge to a common American society, but as one variant within it. It is a path that, to my mind, legitimizes such developments as community control of schools and educational vouchers permitting the free choice of schools. There are as many problems in working out the details of this path as of the other two, but it has one thing to commend it as against the other two: it expands individual freedom rather than restricts it.

One understands that the Constitution sets limits to the process of negotiation and bargaining even in a multi-racial and multi-ethnic setting. But the judges have gone far beyond what the Constitution can reasonably be thought to allow or require in the operation of this complex process. The judges should now stand back, and allow the forces of political democracy in a pluralist society to do their proper work.

VOICE OF DEMOCRACY CONTEST

Mr. PELL. Mr. President, the Veterans of Foreign Wars each year sponsors a Voice of Democracy contest. The Rhode Island representative in this national competition this year was Richard Webb, a junior at Barrington, R.I., High School.

I think the Veterans of Foreign Wars, and the Department of Rhode Island of the VFW, are to be commended and congratulated for their sponsorship of this fine program, which prompts our young citizens to stop and consider some of the basic tenets of our society and our form of government.

I believe that Senators will be interested in Richard Webb's thoughtful exploration of the limits of individual freedom in our country. I ask unanimous consent that the text of his essay be printed in the RECORD.

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

VOICE OF DEMOCRACY SPEECH BY RICHARD WEBB, OF BARRINGTON, R.I., HIGH SCHOOL

Mom: Hey, Mom—Where does our freedom stop? No, I've got to do this essay for history and the question was, "Where does an American's freedom end?" When he breaks a law and gets put in jail? Yeah, okay, thanks Mom. Hmmm—that's true, I guess, but I've got a feeling I can come up with something better! I don't exactly have to break a law to have freedom taken away from me. I mean, look at Roger Williams. He wasn't breaking a law when he wanted religious freedom, but the Puritans kicked him right out of Massachusetts for it, so he had to go start Rhode Island. And in the news, when those kids were demonstrating. They didn't break a law, but the policemen told them to go someplace else. Hey, wait a minute! They didn't break a law, but what about those other kids who weren't demonstrating? They couldn't get to classes, some of them, and it was too noisy to study. I bet that's the reason they got kicked out. Yeah, and "majority rules . . ." I know about that! There was only a couple of hundred guys demonstrating, I think, but there were lots and lots more who weren't, so it wasn't fair to the majority.

Now, back to this paper. Where did I hear it, "one man's freedom ends where another man's freedom begins"? Oh, I don't remember, but it's still a good way to start. One man's freedom ends where another man's freedom begins. Mmm . . . we've got a responsibility to the other people in our country, and each one of them has a responsibility to try and preserve the freedom that our fathers fought for as best they can. Each one of us has that responsibility to freedom. The thing is, however, no one can be taught responsibility to anything, let alone to free-

dom. How could anyone get all upset if I decided tomorrow that an intangible ideal like freedom just wasn't worth the worry—wasn't worth that responsibility. How can I understand that I'm responsible for the freedom I supposedly have if I can't even conceptualize freedom. The Constitution says I've got lots of freedoms, that they're guaranteed to me because I'm a citizen of the United States. What would it be like without my guaranteed freedoms? I don't know! That's even more difficult to visualize than the freedoms themselves. Maybe I can't really see the freedoms I've got, but I know they're there, and I know everybody tells me what a good thing it is to have them. When I'm older, they say, I'll understand. I hope so.

Good job. Dave. I liked the way you questioned freedom by pointing out that it's intangible. I think you could have drawn a better conclusion, a better reason for that responsibility to freedom, however, other than that older people tell you it's important. Your decision that freedom relies on individual and collective responsibility was a very good point. Your ideas were all there, though I think you could have developed them more, continuing to say, perhaps, that this responsibility to freedom is why we're not supposed to infringe upon the rights of others. If each person tries to fulfill his responsibility and is careful not to abuse the rights of others and the rights that are given to him in addition, I think we'll be that much closer to a peaceful existence.

FUTURE OF THE KENNEDY CENTER

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the RECORD an article by Mr. Christopher Lydon from the New York Times of February 27, 1972, about Mr. Roger L. Stevens, chairman of the Board of Trustees of the Kennedy Center. The article raises some fundamental questions about the future of the Center, especially with regard to the question of support from public funds in order that the patronage may be widened to include all economic classes. Mr. Stevens has done a remarkable job in guiding the Center through a most difficult period. The acceptance by the public in general has been far beyond expectations, but there remain very serious problems involving the last payments to the contractors for claims arising out of delays, together with the maintenance of the Center as a memorial. I commend the article to the Senate and ask unanimous consent that it be printed in the RECORD.

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

CRY THE BELOVED STEVENS?

(By Christopher Lydon)

WASHINGTON, D.C.—By all measures, the most powerful performance of the Kennedy Center's first six months has been that of Roger L. Stevens, the deceptively shy, vaguely monkish-looking millionaire who has come to dominate the Center almost to the point of making it a personal vehicle. "Some day," says a Broadway producer, admiringly and only half-kiddingly, "it will be renamed The Roger Stevens Center for the Performing Arts." Younger artists who question his taste and his authoritarianism had begun to call him "the Robert Moses of Culture" in unhappy memory of New York's master highway builder. Like him or not, almost everyone recognizes by now a distinctive Stevens style about the place.

A large part of Stevens's power results from his versatility. A self-made success in real estate, he took complete charge of the Center's difficult and often controversial construction. As the producer of more than 100 Broadway plays through the 1950's and 1960's, he has done all the booking at the Center's three theaters. A man of innumerable roles, he often meets himself coming and going.

Roger Stevens, the Kennedy Center chairman, has arranged, for example, with Roger Stevens, the independent producer, to bring his New York production, "Old Times" by Harold Pinter, to Washington this week. The same Mr. Stevens was able to ease out the Kennedy Center's first artistic director, George London, by naming him executive director of the National Opera Institute, which Stevens created when he headed President Johnson's Arts Council and of which Stevens happens still to be president.

Besides booking traveling shows into the Kennedy Center, Stevens has occasionally listed himself as producer—of Leonard Bernstein's Mass, for example, because he had commissioned it, and of Odets's "The Country Girl," because the revival was his idea and he had done the casting. For "The Time of Your Life," which played the Eisenhower Theater for three weeks in January, he did not credit himself, though in fact he had served a producer's function by posting a $35,000-a-week guarantee for the Plumstead Playhouse venture.

Even if theater professionals did not know Stevens was shaping every detail of the Kennedy Center program, they could guess it. There are details, like the prominent consulting assignments given to Oliver Smith, Stevens's long-time stage designer, adviser and occasional collaborator in New York productions.

But there are larger and more important patterns, like Stevens's preference for "classics" and for big-name stars, and the upper-middlebrow tone with which he stretched but seldom escaped the boundaries of commercial theater in New York. Two of the Kennedy Center's big opening productions, the Mass and "Candide," were the work of Leonard Bernstein, the composer with whom Stevens struck it rich in "West Side Story." And the Center's current musical is "Lost in the Stars," an adaptation of "Cry the Beloved Country," which Mr. Stevens guided to Broadway some 20 years ago.

It is widely—and for the most part ungrudgingly—observed that the Kennedy Center, a 70-million joint venture of private and government effort, would never have been built without Stevens' tireless pushing. Gradually, and with somewhat more misgiving, it is recognized that production, too, is a one-man show—that Roger Stevens in one form or another stands behind every policy, every triumph and every embarrassment.

"I respect Roger Stevens as a theater man," says Joseph Papp, founder of the New York Shakespeare Festival and a strong promoter of the idea of a government-supported "national theater." "He's a serious theater person. I have grave doubts that anyone can do better at selecting plays and booking them into the theater. But if you're going to *create* theater there, you're going to need other people."

Stevens' defense of his program—as it is of the building, which he is happy to have finished in the face of innumerable difficulties—is a pragmatic one: at a time when half the theaters in New York are dark and attractive product is scarce, he is keeping three theaters busy and audiences coming in droves. Yet as some of the opening euphoria wears off, questions hinting at an identity crisis keep coming up among the staff as well as among critical outsiders.

Is the Kennedy Center going to be a home of the arts or just a house? Can it be satisfied without initiating a single new play this season, settling instead for touring shows like the Broadway-bound musical "Sugar," and revivals like "Captain Brass-bound's Conversion" with Ingrid Bergman? Will it expand its audience beyond the rich, white and middle-aged who predominate night after night?

And, at the root, should it keep trying to break even, as Stevens still aspires to make it do? Or must it acknowledge that any truly national theater (if that is what the Kennedy Center wants to be) needs and deserves continuing outside support? "It's hard to argue with success if he's filling the house with nice stuff," Papp observed the other day. "They can make this case: why create a problem where none exists—that is, a situation where you *need* a subsidy. But the danger of institutions like that is they do the old stuff over and over again until they become moribund.

"Where are the new plays?" Papp persists. "And where are the American authors who are writing today? Being located in Washington, the Kennedy Center should reflect the serious work that's going on in this country. It should be provocative, challenging, political, strong in social content. There should be a Vietnam play there, and a black play. The way a theater grows is by producing its own stuff."

"Well, I mean, where *are* the new plays?" Stevens inquires in response. He has seen Mr. Papp's new season, with its plays on Vietnam and black militancy, but prefers not to discuss it specifically. "I read three or four plays a week, and they've all come to me from substantial people, but I just don't see any new plays that are worth doing. It's one thing to try out a play in a small threater where it doesn't cost you an arm and a leg, but not in a theater where it's going to cost you $150,000. We're not in a position to amortize the cost of a play in a week."

Steven's critics see that high level of cost—a lavish production standard and a rich stagehands' contract that was only rewritten under public pressure last month—as a sad inhibition on the Kennedy Center. But Stevens seems to consider it as inevitable as his own exclusive control over the selection of shows. "I'm supposed to be in charge of the theater," he says. "I put 125 plays on Broadway and I didn't go around asking people's opinions before I did them. I take the responsibility for that. You can't have a committee sit around and choose the plays."

Producer Jerry Schlossberg, whose new mystery, "The Others," with Julie Harris and Richard Kiley, would have been the first new play to appear at the Kennedy Center, found that the Washington opening he had hoped for would have been substantially more expensive than the Philadelphia tryout he settled for. "A play that could break even in New York with a weekly gross around $32,000 might need $41,000 to break even at the Kennedy Center."

Much more important, Schlossberg says, the Eisenhower Theater lacks the beam or ceiling lights that can be cast down over the front of the stage and that are essential to theatrical effects his and many other modern plays require. "They haven't done anything new at the Kennedy Center," Schlossberg says, "and the arrangements at the Eisenhower Theater almost preclude it"—at least under the old stagehands' contract that had most of the local production staff on overtime rates from midweek on.

It is an "absolute lie" that lighting problems forced Schlossberg out," Stevens rejoins. "He walked away from a commitment to the Kennedy Center because he got a guarantee in Philadelphia and we didn't have any Theater Guild subscriptions left. How could he say you can't light a play in there? We've had five successful plays."

If there is a distinctive Stevens smoothness about many of the Kennedy Center operations, there is an equally characteristic acrimony when things go wrong. Stevens

claims he was forced to absorb a substantial loss, about $30,000, on the opening two weeks of the American Ballet Theater last fall. Sherwin M. Goldman, the ballet company's president, who suspects that Stevens is covering up embarrassing losses on "Candide" and the two enormously expensive performances of the opera "Ariodante," has charged "hokum" and insists that the Kennedy Center made money on his ballet. Stevens, outraged, says bluntly, "American Ballet Theater won't come back here as long as Sherwin Goldman is president." There evidently has been no effort to let auditors from either side resolve the disputed profit and loss figures.

Stevens gets the last word in these little squabbles; but he also controls—or is stuck with—financial and political decisions that must shape the Kennedy Center's future. Persuading Congress to grant him $1.5-million a year to maintain the memorial functions of the building and reopen it to tourists is Steven's most immediate problem.

But the question of production subsidies—seemingly unavoidable after unexpectedly large opening losses—would seem to be closer to the heart of the matter. The $1-million production fund that Stevens raised for the start of the season is "pretty well decimated," he says. The deficit on Bernstein's Mass alone is about $400,000—much more than the Kennedy Center is likely to recover from its 40-cents-a-record share of royalties of the cast album. Anticipated profits from commercial shows like "Sugar" were supposed to have replenished the artistic production fund, but they have largely vanished into the Center's huge overhead. And the recently announced plan to take Center productions out of town—starting with New York bookings this spring of "The Country Girl," "Lost in the Stars," and the Mass—are not based on any clear prospect of profit.

For Joseph Papp, asking for subsidy and getting it is important in itself—a test of whether the theater will free itself of the primary need to fill its seats with people who can afford $10 apiece for an evening's entertainment. For others, the critical need for subsidy would be welcome if it forced questions of purpose that have never been openly debated at the Kennedy Center. For Stevens, who seems to sense the dilemma of purpose, the question of where the Center must look for help is another of the issues he keeps largely to himself.

The original hope was that the theaters in the Center would pay for themselves. The next best thing would be private sponsorship by individuals and corporations. Stevens does not rule out the last resort to Congress but, in fact, his concrete plan does not extend beyond finishing the Center's construction and paying off his building bills.

"Then," he promises, "We will see where we're going."

THE PARIS PEACE TALKS

Mr. BROCK. Mr. President, I call attention to events which took place last week in the Paris peace talks. It was quite appropriate that U.S. Ambassador William J. Porter repeated his strong demands that the North Vietnamese discuss the plight of our prisoners of war and missing in Southeast Asia. It was fitting because at the direction of this distinguished body the President has designated this week of March 26–April 1 as a National Week of Concern for Prisoners of War/Missing in Action, in his continuing attempt to bring world opinion to bear on the North Vietnamese with the hope that they will abide by the terms of the Geneva Convention in the treatment of prisoners.

The Communist response was the same as it has been before—a charge that the POW issue is being raised for political reasons. I suggest that such a charge is amply refuted by the fact that 74 of my distinguished colleagues joined as cosponsors of my Senate Joint Resolution 189 authorizing this action, and three others—the Senator from Colorado (Mr. EAGLETON), the Senator from Nevada (Mr. BIBLE), and the Senator from Oregon (Mr. HATFIELD)—indicated their desire to do so after the measure had passed, making a grand total of 77 names on this legislation.

No partisanship motivated our desire to give our Government another powerful tool with which to try to bring world opinion to bear on the North Vietnamese, to abide by the provisions of the Geneva accords, beginning with inspection of the camps by the International Red Cross which regularly inspects camps on the South.

To the contrary, the facts speak for themselves that an overwhelming majority of the Members of the House and Senate do, indeed, recognize this cause as one which is humanitarian, a cause which deserves first priority over any personal considerations. I am very grateful for their support. I ask unanimous consent that the article from the Washington Evening Star be printed in the RECORD.

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

UNITED STATES TO SHUN PARIS TALKS, HANOI CHARGES "SABOTAGE"

PARIS—U.S. Ambassador William J. Porter, angered by Communist refusal to negotiate at the Paris talks on Vietnam, adjourned the deadlocked talks today and said he would not return to the conference table until the Communists indicated in advance they were ready to get down to business.

A U.S. State Department spokesman said the move did not mean the United States was breaking off the talks, but chief Hanoi delegate Xuan Thuy denounced Porter's move as "sabotage" and said the United States "must assume full responsibility for the consequences."

The Viet Cong reaction was even sharper. "We will never accept these conditions," Viet Cong spokesman Ly Van Sau said, angrily shaking his fist. "What Mr. Porter is trying to do is assume for himself unilaterally the role of a judge who alone decides when the meetings are to be held. We reject Mr. Porter's action."

Porter said the United States would boycott next Thursday's session, and no new date was set for the next round. He told North Vietnam and the Viet Cong delegations that the United States or South Vietnam might suggest meetings to take up "particular points or subjects whenever such discussions appear likely to be useful."

Porter used his strongest language during the 147 meetings in Paris over three years. He was especially bitter at the Communists' refusal to negotiate on American prisoners and accused them of using them to exert "a particularly abhorrent form of blackmail."

"It would be a mockery of our concern for them were we to sit in this room with you and listen to more of your blackmail and distortions to the effect that the prisoner-of-war issue is an imaginary problem," Porter said.

The Communists had said President Nixon was using his plea for impartial inspection of POW camps as part of his re-election campaign.

MRS. BINH RETURNING

The U.S. move came while the conference awaited the announced return to Paris of Mme. Nguyen Thi Binh, the foreign minister of the Viet Cong's Provisional Revolutionary Government who has been in Hanoi since September for consultations with the Government of North Vietnam.

Stephen Ledogar, spokesman for the U.S. delegation, told newsmen the United States was willing to listen "if she comes with a negotiable plan. If she has no authority to negotiate there is no point of discussing it."

"We have had three years, 147 meetings, so there is ample evidence that the old formula of meetings does not work," Ledogar said. "We can't be any worse off than we are now. We are not ready to show up every Thursday for a new dose of their litanies."

REMINDER ON POWS

The talks have fallen into a familiar pattern—U.S. demands that the North Vietnamese discuss the freeing of American prisoners of war and Communist countercharges that the United States is escalating the air war while talking peace in Paris.

Porter reminded the Communists that President Nixon has declared next week as a week of national concern for prisoners held in Indochina. He said it would be a mockery of the U.S. concern for prisoners to meet next week without serious negotiation.

Today's session started off in familiar pattern. Porter once again called for North Vietnam to permit impartial inspection of the POW camps and the Communists refused on grounds the request was merely a maneuver in President Nixon's bid for reelection.

"President Nixon is raising the so-called prisoner of war issue while day and night U.S. bombers are raining thousands of tons of bombs on the Vietnamese population, including old men, women and children," Deputy Viet Cong negotiator Dinh Ba Thi said in a prepared speech.

BUSING AND THE SUPREME COURT

Mr. METCALF. Mr. President, on last Friday, March 24, 1972, I had the privilege of presiding over the Senate when the distinguished junior Senator from Connecticut (Mr. WEICKER) made a memorable speech. I returned to my office determined to make a statement in support of Senator WEICKER's able and courageous address, but the Senate adjourned before I had an opportunity to do so.

This is the comment that I would have made had I not been presiding and been present at Senator WEICKER's speech.

In discussing busing, the U.S. Supreme Court is talking about a constitutional question, and Senator WEICKER is eminently correct in reminding us that these issues cannot be resolved by an act of Congress, that a statutory resolution is not the solution.

On the second issue, that of an adequate appropriation for quality education, the Senator from Connecticut has made a strong case. Senator WEICKER points out that $2½ billion is woefully inadequate and that there should be an appropriation of at least $12 billion for this purpose. I agree that $2½ billion is pitifully inadequate, but the $12 billion is also insufficient. It would probably take at least $14 billion to give America the quality education that every boy and girl is entitled to expect to attain the American dream of equality of opportunity.

Nevertheless, in an innovative and bold

speech the Senator from Connecticut has opened up an avenue of debate that will be significant and important.

THE WAR IN VIETNAM—AN EVALUATION

Mr. FULBRIGHT. Mr. President, several books and many articles have been written about the war in Vietnam. With the thought that perhaps an exchange of letters between the Secretary of Defense and the junior Senator from Arkansas, in May and June of 1964—prior to the Tonkin Gulf incident—might be of interest to Senators as a supplement to the books, I ask unanimous consent that they be printed in the RECORD. Subsequent developments, I believe, give these exchanges some historical interest.

In addition, Mr. President, I ask unanimous consent to have printed in the RECORD an article from the February 1969 Reader's Digest, consisting of an interview with Adm. John S. McCain, Jr., commander in chief, Pacific, also for the purpose of enabling Senators to evaluate the judgment of one of our most influential leaders in the light of subsequent developments.

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

MAY 23, 1964.

ROBERT S. MCNAMARA,
Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: I enclose a picture from this morning's Washington Post with the cutline "Vietnamese soldiers hitch a Communist Viet Cong guerrilla prisoner to an armored truck carrier before dragging him through a stream to make him talk."

I want to know if this is the kind of advice the numerous American advisers are giving the Vietnamese. If we are not advising this procedure, why are we not using our considerable influence with the Vietnamese to prevent it?

The fact that torture is morally repugnant ought to be sufficient reason not to practice it. But if there are those who think it is required as part of a "realistic" approach to a tough and dirty war, let them ponder the fact that so far as I know, it has never really achieved its purpose, but on the contrary has frequently served to strengthen the sympathizers of those on whom it is practiced while degrading its practitioners. The experiences of the Romans with the Christians, of the Spanish Inquisition with presumed heretics, and of the German Gestapo with the European underground are prominent examples chosen at random from history.

I think we are all agreed that a major part of the problem in Viet Nam is political. The sort of activity pictured in the enclosure can only aggravate the political problem. It is all the more disturbing because it follows reports of napalm bombing of innocent villagers simply because the presence of Viet Cong is suspected.

I have been gravely concerned over the situation in Viet Nam even without reports of torture and indiscriminate bombing. In the best of circumstances, it is difficult to foresee a satisfactory solution. If the civilian population of Viet Nam—and the people of the United States—are to be alienated by such tactics, then it seems to me a satisfactory solution becomes impossible. Despite my concern, I have been restrained in my public comments and have supported the Administration's policy because, frankly, I have seen no alternative. However, I cannot support a policy such as that pictured in the enclosure, nor do I believe the Congress or the American people will support it. It is bound to fail. This being the case, we should cut our losses and withdraw.

I will welcome your early and candid comments.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

THE SECRETARY OF DEFENSE,
Washington, June 12, 1964.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I share the concern you have expressed in your letter of 23 May concerning the reported mistreatment of a Viet Cong prisoner, and assure you that our U.S. military advisors neither advise nor condone such practices. To the contrary, our advisors at all levels have emphasized the necessity for humane treatment not only because of the moral factors involved, but because of the very real psychological and propaganda benefits that can accrue to the Government of Vietnam cause in combatting the Communist insurgency and terrorism. Indeed, during the last eighteen months we have made major efforts to influence the Vietnamese military and civilian leadership to deal humanely with prisoners. Practical measures which have been fully accepted and supported by the Vietnamese High Command include intensive training in proper handling and interrogation of prisoners, and a widely-publicized amnesty program ("Chieu Hoi" program)—under which some 12–15,000 Viet Cong voluntarily turned to support of the Government.

Prisoner procedures provide for minimum routine interrogation at the time of capture in order to gain information of immediate tactical value. The prisoner is then moved to Division or Corps levels where more detailed interrogations are conducted. Prisoners believed to have knowledge of important information are transferred to Saigon where they are further questioned by expert interrogators.

On March 7, 1964 the Vietnamese High Command issued a directive controlling upon all Vietnamese forces on the subject of prisoner interrogation which states, in part: "Mistreatment of killing of prisoners of war is forbidden. Each unit is responsible for the handling of its prisoners. Mistreatment, beating or killing of prisoners will be severely punished".

Despite determined efforts to assure humane treatment of prisoners, we must recognize that in the heat and excitement of battle against any enemy who uses murder, terror and atrocity as his standard weapons, exceptions to the rule will occur. This is especially the case when Viet Cong atrocities or the results thereof have been seen by Vietnamese troops.

The particular incident to which you refer was investigated by the U.S. Military Assistance Command in Vietnam. We cannot tell definitely whether the incident actually occurred, inasmuch as no U.S. personnel were present and the Associated Press representative states he was given the picture by a Vietnamese stranger. However, the area in which the action allegedly occurred is one in which numerous Viet Cong atrocities have been committed and in which many bloody battles have been fought.

With regard to the use of napalm, this weapon is not employed indiscriminately by the Vietnamese air force. It is used when it is considered to be the most effective available ordnance against a specific target. U.S. adfisors ontinue to emphasize the need for care and discrimination in target selection and use of weapons.

Please accept my assurance that the importance of these matters is fully recognized by the Vietnamese High Command and that our U.S. advisors will continue their efforts to see that the Vietnamese High Command directive of March 7 is followed.

Sincerely,

ROBERT S. MCNAMARA.

[From the Reader's Digest, February 1969]

IN VIETNAM, THE ENEMY IS BEATEN

(An interview with Adm. John S. McCain, Jr., commander in chief Pacific)

(By John G. Hubbell)

Q. Admiral McCain, what is the military situation in Vietnam?

A. We have the enemy licked now. He is beaten. We have the initiative in all areas. The enemy cannot achieve a military victory; he cannot even mount another major offensive. We are in the process of eliminating his remaining capability to threaten the security of South Vietnam. I am convinced that that is why he has come to the conference table in Paris—to try to win there what he has failed to win on the battlefields.

We must, of course, expect further periods of very hard fighting as he attempts to negotiate some sort of victory. He could not care less about sacrificing manpower in an effort to win a political objective.

Q. Political and military leaders have been making this kind of optimistic statement for the last four years, yet the war has continued to escalate. What reason is there for such optimism now?

A. My optimism is based on hard military realities. The enemy has suffered staggering losses. More than 420,000 communist troops have been killed, 170,000 last year alone. In both Vietcong and North Vietnamese army units, leadership and general caliber of troops are deteriorating rapidly. The Vietcong has been so decimated that two thirds of its ranks are now composed of North Vietnamese, and the training capacity of the North Vietnamese can't keep up with the Vietcong's demands. Inexperienced youngsters are replacing battle-seasoned veterans (we have captured 14-year-olds). North Vietnam has had to increase its draft age from 30 to 33. North Vietnamese officers who have surrendered or deserted to us complained bitterly to having had to throw inadequately trained troops into battle.

North Vietnamese and Vietcong desertion rates have been high and appear to be accelerating. Of the nearly 90,000 who have come over to us since 1963, almost half have come in the past two years. Enemy troops now are giving up to our side at a sustained rate of 500 per week (including prisoners of war). In short, for the past year we have been looking at an increasingly anemic military capability.

Q. Is this the result of some new strategy on our part?

A. It's the result of having worked a terrible attrition on the enemy for four years. In recent months, General Abrams* has taken the initiative from the enemy in brilliant fashion. An enemy offensive in May—the first they were able to launch since last winter's Tet offensive against South Vietnam's cities—was crushed. The enemy then spent months gathering his forces for another major offensive in August. But Abrams hit the enemy in his staging areas before he was able to strike, and there was no August offensive. The South Vietnamese military supported by allied forces are rooting out the enemy's political apparatus, scattering his guerrillas, surfacing his arms and food caches, blocking his lines of communication, sealing off his sources of recruitment and undercutting his every hope of revival as a military threat.

Q. How is General Abrams able to launch such effective pre-emptive strikes? He must

* W. Creighton Abrams, Commander, U.S. Forces Vietnam.

have better intelligence now than was available a short year ago, prior to the Tet offensive. It appeared that no one knew that was coming.

A. There are really two answers to that. First, we *did* have signs that the Tet offensive was coming, but we didn't read them correctly because we couldn't believe what we were seeing. We couldn't believe that the communists would profane Tet, which is the most sacred time of the year to all Vietnamese, especially after agreeing to honor it with a truce.

Second, our intelligence is indeed much better now. One reason is that, after the communists so savagely violated Tet, large numbers of South Vietnamese finally turned against them. Prior to this, many South Vietnamese had no tradition of loyalty to the central government. Now such a tradition is developing. The people have become better sources of intelligence. In retrospect, the Tet offensive may have been the turning point of the war, where the enemy once and for all lost the South Vietnamese people—which is what this war is all about.

Q. And there is no chance the enemy could launch another offensive as savage as Tet?

A. Obviously, if you give an enterprising enemy a breathing spell, he is going to reestablish *some* capability. He is going to rebuild bridges, repair roads, train and equip forces and move supplies south. But he can't do anything again on the scale of the Tet offensive. Our intelligence is too good and our forces are too strong for him. It is possible he will try something spectacular—a major rocket attack on Saigon, for example—but it would be aimed mainly at demoralizing the American people and at scoring bargaining points at the conference table in Paris.

Q. You say the communists have lost the South Vietnamese people. What is the situation in the countryside, in the villages?

A. About 70 percent of the population now lives in relatively secure areas. This is largely the result of the government of South Vietnam's pacification effort and its new Phoenix Program, a highly efficient and successful intelligence effort which got under way in late 1967. Its purpose is to destroy the communists' political structure in South Vietnam. It goes about this by gathering intelligence, putting together dossiers, and distributing "most wanted" lists in villages and hamlets. We are now able to go into villages and pick up the communist leaders. Recently, for example, we apprehended 57 of the highest-ranking communists in Quang Duc province. We have destroyed the communist infrastructure in many villages and severely damaged morale among communist cadres.

Q. How effective are South Vietnam's armed forces now?

A. They have come a long way. In recent months, they have been displaying an increased morale, proficiency and dedication. The main reason is that they are receiving much better training, and are being led by a growing number of competent, combat-experienced men. Also, they are now equipped with the M–16 rifle (replacing the M–1), which increases their firepower by 50 percent. And there have been intangible factors, including the increased support of the South Vietnamese people, and an awareness that the war is being won.

There is still a lot of room for improvement, of course, but, in one recent week we got a good look at what the South Vietnamese can do. First, South Vietnamese Marines and regional-force soldiers took on the enemy at the Phuoc Tan outpost in Tay Ninh province, killed 148 and inflicted a casualty ratio of 20 to 1. Four days later, a Civilian Irregular force at Katum outpost in Tay Ninh province met the enemy, killed 135, inflicted a casualty ratio of 13 to 1 and captured a large quantity of arms and munitions. Two days after that, the enemy launched simultaneous attacks on the Phuoc Tan and Thien Ngon outposts in Tay Ninh province. Both attacks were beaten off; the enemy lost 276 killed, the South Vietnamese only 11. Significantly, these battles were fought close to the enemy's Cambodian sanctuaries, where he is supposed to have an advantage.

Just as happened with South Korea's armed forces, I believe it is entirely reasonable to assume that South Vietnam will come out of this war with a sufficiently strong military posture to face up to any communist aggression in future years. I think, too, however, that as in Korea, some sort of American military presence will be required in South Vietnam for several years.

Q. Do we need more men in Vietnam to finish the war?

A. Our current authorized strength is 549,500 (U.S. forces actually there now total 537,500), and total allied strength is about 1,400,000. This should be ample to do the job, particularly in view of the enemy's fast-deteriorating military posture.

Q. Do you have any advice for war-weary American people?

A. Yes. We must remember that the communists announced publicly long ago that they meant to extend their dominion over the world's peoples through "wars of national liberation." Vietnam is the first "war of national liberation," the testing ground. If the communists make it work there, we must expect to find ourselves involved in more such wars elsewhere. So we must not let it work in Vietnam. We must fight it to a finish, and achieve in Paris the kind of peace that will convince the communists that their evil experiment in warfare will not work anywhere else. The job will be much easier if every American understands that the war is as much his concern as that of the boys who are doing the fighting, bleeding and dying.

WAR POWERS

Mr. FULBRIGHT. Mr. President, my attention has been called to a publication of the Bureau of Public Affairs of the Department of State on the subject of the war powers of the President and Congress. It is a small publication called GIST.

This document presents the view of the executive branch on the bill which will soon be before the Senate, S. 2956. It ignores completely the position and arguments set forth in the committee report on this bill. This publication makes no mention of the 800 pages of testimony taken on the subject.

One would think that as a simple matter of fairness and objectivity, this document, published by the Department of State for domestic use, would at least mention the availability of congressional documents on the subject.

What bothers me is that Congress appropriates funds to the executive branch which the Executive then uses to propagandize the American people in support of the positions of the executive branch. It is rather as if a committee were to hold hearings and then publish only the views in support of the committee decisions.

I ask unanimous consent that the document be printed in the RECORD.

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

THE WAR POWERS OF THE PRESIDENT AND CONGRESS

1. *Background:* On February 9, 1972, the Senate Foreign Relations Committee reported out a bill (S. 2956) which, in the absence of a declaration of war by the Congress, or specific statutory authority, would limit the Presidential use of U.S. forces in hostilities or in situations involving an imminent risk of hostilities to the following:

To repel or forestall or to retaliate against an attack upon the U.S., its territories and possessions;

To repel or forestall an attack against U.S. Armed Forces outside of the U.S., its territories and possessions;

To protect U.S. citizens being evacuated from any country where their lives are being threatened.

The use of U.S. Armed Forces in any of the foregoing situations would be limited to 30 days or less, unless specifically extended by Congressional legislation.

2. *Effects of bill:* It is our view that the bill as now drafted would curtail Presidential action in many important situations that may be vital to the nation's interest. It could increase, in certain important cases, rather than decrease, the risks of involving the U.S. in armed conflict. The bill would:

Prohibit the President from using the armed forces as a demonstration of U.S. determination to exercise its rights, as for instance in the event of a renewed Berlin blockade.

Drastically reduce the President's ability to deploy U.S. Armed Forces for deterrent or defensive purposes, as in the case of the Czech invasion, when U.S. forces in Europe were augmented as a precautionary measure.

Appear to severely limit our ability to cooperate with our allies by prohibiting the participation of members of the U.S. Armed Forces in integrated commands such as NATO and NORAD, when forces under such command became engaged in hostilities.

Restrict the President's ability to react in the event of armed attacks against our nuclear submarines or even against U.S. citizens or merchant vessels on the high seas.

In addition, the bill could:

Reduce the President's ability to deploy U.S. armed forces and the world for peacekeeping purposes. This role is vital to the deterrence of armed conflict; it was so viewed at the time the Constitution was written. Such deployment of U.S. forces is not an act of war but an attempt to keep the peace.

Be misinterpreted by potential enemies and by our allies as an indication that the U.S. would be incapable of reacting swiftly in an emergency situation.

Generate, because of the 30-day limitation on the involvement of U.S. Armed Forces in hostilities, pressures to escalate hostilities in order to achieve objectives by whatever means available within that time period.

In the event of an armed attack on the United States itself, Congress may be unable to meet within the 30-day period, and the President would therefore be unable legally to continue U.S. defense measures. Moreover, once U.S. forces are being used for a legitimate purpose, it may prove impossible, as a practical matter, to terminate that action within an arbitrary time period.

3. *Administration's position:* Both the Congress and the President have constitutional powers affecting the use of our Armed Forces, and the two branches of Government should cooperate to see that these shared powers are exercised in a way that serves the nation's interest.

The Executive Branch:

Realizes that under our constitutional system decisions in this vital area should reflect a common perspective among the Legislature and the Executive, as well as the electorate, so that each may play its proper role;

Believes that Congress already has ample powers under the Constitution which it could exercise as a check upon Presidential action and that any attempt to try to define Congressional or Presidential powers more precisely than the Founding Fathers thought

wise should be approached with the utmost caution and study.

It is not advisable, in the emotional atmosphere of Viet-Nam today, to enact far-reaching legislation with major Constitutional implications. The views of the organized bar, which is presently undertaking a study of the war-powers issue, should be known and debated generally throughout the country before Congress takes action on this subject.

AID TO BANGLADESH

Mr. SAXBE. Mr. President, on March 2 of this year I placed in the RECORD at page 6520, the latest figures from the State Department relating to aid to Bangladesh. These figures showed that the United States was the supplier of at least 75 percent of all governmental assistance to East Pakistan prior to the war and 37 percent of the total prewar refugee relief in India. Further, I stated our contributions to postwar Bangladesh represented 14 percent of the known worldwide contributions.

These figures were furnished to me pursuant to my request for clarification of U.S. assistance to the subcontinent in comparison with that of other countries. I had heard reports that our assistance was no where near that great and that substantial amounts of food and other humanitarian assistance had been diverted to Vietnam, Indonesia, and Afghanistan.

When I testified before the Foreign Relations Committee on the recognition of Bangladesh, I scrupulously avoided any mention of economic assistance, although the subject was raised by my colleagues. It now appears that these reports may in fact be true, and I now seek publicly the clarification that I heretofore sought privately from the State Department.

In a letter to the editor of the Washington Post on Tuesday, March 14, 1972, David A. Weisbrod, Director of the Bangladesh Information Center, stated:

> The confusion surrounding just how much aid has actually flowed to East Pakistan/Bangladesh has become so intense that several Senate offices have reported they have received different figures from the Administration as to the amounts delivered . . . Despite considerable prodding from capitol hill, AID has not been able to produce a clear-cut breakdown of the quantities off-loaded.

The March 27 issue of Newsweek magazine contains an article entitled "Bangladesh: The Fight for Survival," stating:

> Yet, the United States not only maintains that no catastrophe is in sight, but has actually cancelled more than 60% of the humanitarian aid that it had previously earmarked for Bangladesh. 'Most people in Bangladesh are living such a marginal existence that economic problems don't really affect them,' one Administration official said last week.

Ignoring for the moment the callousness of this remark, I again ask now that the U.S. Senate is on record favoring the recognition of Bangladesh: What is our policy to that country and what aid and assistance have we delivered to it?

I ask unanimous consent that the letter to the editor of the Washington Post plus the Newsweek magazine article, plus a cable from the Emergency Relief Fund sent to the President, and finally an article in the Washington Post dated March 16 be printed in the RECORD.

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

U.S. AID TO BANGLADESH

(By David A. Weisbrod)

Through the spring and summer of 1971 President Nixon declared that humanitarian concern was one of the cornerstones of United States policy in South Asia. As evidence of this concern the President in his State of the World message referred to a figure of $158 million which the United States had "committed" to programs of relief in East Pakistan.

Lately, however, there has been a rising tide of criticism both from the public and Congress questioning the extent of U.S. humanitarian assistance to Bangladesh. Congress especially has expressed concern about the lack of dispatch on the part of the administration in helping mobilize a relief effort.

Although three weeks have elapsed since United Nations Secretary-General Kurt Waldhelm issued what he called the most urgent appeal for funds in the history of the U.N., so far no answer has been received from the United States commensurate with the $200 million appropriated by Congress for this purpose.

Several senators note that what has been holding up the program is the President's hesitation in according diplomatic recognition to the government of Bangladesh. Despite the administration's denial of this charge, during the entire period that the question of recognition has been kept under "review" no significant fresh assistance has been earmarked for Bangladesh.

On March 6, testifying before the Senate Foreign Relations Committee, Deputy Assistant Secretary of State Christopher Van Hollen announced the signing of a $21 million food agreement with the United Nations. Three days later a Washington Post editorial praised the agreement, noting, "The United States which provided two-thirds of the world's emergency aid to then East Pakistan has just kicked in another $25 million worth (sic)."

Senator Edward Kennedy however disclosed on March 7 that the new deal amounted to nothing but a restatement of a six month old agreement with the government of Pakistan that had already been credited as "committed" in 1971.

The confusion surrounding just how much aid has actually flowed to East Pakistan/Bangladesh has become so intense that several Senate offices have reported that they have received different figures from the administration as to the amounts delivered. One congressional source said that he was told by the Agency for International Development that so far $30 to $40 million worth of assistance had been delivered—only a fraction of the $158 million labelled as committed more than six months ago. Despite considerable prodding from Capitol Hill, AID has not been able to produce a clear breakdown of the quantities off-loaded.

If assistance is not provided quickly and if substantial work is not initiated on repairing the country's internal transportation network, a second, devastating and unnecessary round of disaster may strike Bangladesh.

After 10 months of struggle, civil war and atrocities the people of Bangladesh have at last established their own government. The political complications inherent in the relief operation last summer and fall have been eliminated. There is new found hope to build a free, democratic society. Will the United States meet its commitment to help in this effort?

BANGLADESH: THE FIGHT FOR SURVIVAL

Even to the poets who have so eloquently sung its praises, "Golden Bengal" has sometimes seemed a living hell. For centuries, famine, disease and civil strife have visited the land as regularly as the monsoons that lash its coast. But nothing in this ancient and bitter legacy prepared the Bengalis for the calamities that have befallen them in recent months: a devastating cyclone, the insensate massacres carried out by West Pakistan's army of occupation and, finally, a savage war. And while they emerged from this baptism of death as the proud inheritors of a newly independent nation, the Bengalis' suffering is far from over. For now, another tragedy looms—the specter of an internal collapse that could conceivably lead to revolution, anarchy and the destruction of the fledging state of Bangladesh.

Instead of alleviating their suffering, independence has in fact only brought the Bengalis new adversities. For Bangladesh emerged from war a ravaged nation. Its economy lies in collapse, its fertile farmlands are trampled and barren and its treasury is bankrupt. More than a million and a half people have died—and still the killing goes on. Though the new government of Bangladesh is led by a revered national hero. Sheikh Mujibur Rahman, it has so far proved inept and unequal to the Gargantuan tasks at hand. And with the exception of the Soviet Union, which has launched an effective campaign to carve out a new sphere of influence in Bangladesh, the developed nations of the world have been either indifferent to the plight of Bangladesh or clumsy in their attempts to alleviate it.

What is most baffling about all this is that, although a number of respected voices have been raised in alarm, the world as a whole has failed to grasp the magnitude of the new tragedy that threatens Bengal. "Seventy-five million people have been caught in this upheaval," says Toni Hagen, the Swiss director of the United Nations Relief Operation in Dacca. "There are no yardsticks for measuring it. Previous disaster relief operations around the world faced nothing so immense." Yet, the United States not only maintains that no catastrophe is in sight, but has actually canceled more than 60 per cent of the humanitarian aid it had previously earmarked for Bangladesh. "Most people in Bangladesh are living such a marginal existence that economic problems don't really affect them," one Administration official said last week. That type of reasoning has infuriated critics of the Administration such as Sen. Edward M. Kennedy. "The Administration's policy defies understanding," he told NEWSWEEK last week. "Each day this Administration delays in using already appropriated funds holds back the relief effort, and each day means one more day of suffering."

The Nixon Administration contends that additional emergency aid to Bangladesh is unnecessary because the threat of famine no longer exists. But the fact remains that the economy of Bangladesh—and thus the livelihood of the Bengalis—is in shambles. Industry lies idle, with much of its machinery ruined or ransacked and without the raw materials available to begin even modest production in those plants still capable of functioning. More than 400 factories owned by West Pakistanis or their collaborators before the war have been abandoned, and Bangladesh is empty of skilled men to run them. Virtually the entire transportation and communications infrastructure of the country has been destroyed. Some 500 road and rail bridges were blown up during the prolonged fighting and 7,000 of the country's 8,000 trucks are wrecks. All in all, there is hardly any way that vital foodstuffs can be distributed in the countryside. Says Hagen: "The situation is hopeless unless we can put the transport system back into operation, and this is a titantic effort."

HOBBIES

Making the picture even bleaker is the fact that many of the supplies that have been donated to Bangladesh are thoroughly useless. Costly air charters from West Germany flew in 250,000 sets of long woolen underwear, worthless in Bengal's sweltering spring heat. Hundreds of bales of hand-me-down winter clothes from Norway sit unneeded in valuable warehouse space. Planeloads of canned herring were flown into a country whose rivers abound with fish. Repeatedly, desperately needed money has been used to buy the wrong items. Six million dollars would have been more than enough to rebuild the country's two largest bridges; but, that sum was spent on blankets. Similarly, $200,000 would have purchased enough hand pumps to decontaminate thousands of wells putrified by human remains; instead, that amount was spent on air-freight charges for drugs, with the result that people are now cured of cholera one day only to contract it all over again the next day by drinking contaminated water "Bangladesh has been a playground for charitable hobbies," says Hagen. "You can't build bridges with baby food and you can't transport food with blankets. We need cash."

REFUGEES

The failure to come to grips with the chaos in Bangladesh cannot help but take a deadly toll in the wretchedly impoverished and overcrowded country. If 40 per cent of the people of the U.S. were packed into Florida, the population density would roughly equal that of Bangladesh. And with each passing week, the situation gets worse. More than 9.7 million of the nearly 10 million refugees who fled to India during West Pakistan's campaign of terror have returned to Bangladesh. But in a multitude of cases, their homecoming has been bitter; 1.6 million dwellings, each of which, on average, sheltered a family of seven, have been demolished, according to a U.N. survey. By the tens of thousands, refugees have been flooding Bangladesh's cities. More than 175,000 jobless Bengalis arrived last week in the capital of Dacca, taking squatters' rights in sordid shantytowns or living amid the rubble of ruined buildings, sleeping on the streets or in burned-out railroad cars.

Unemployed, unsheltered and underfed, these droves of humanity have hardly any chance of a better existence in the coming months. For by June, the relentless summer monsoon is expected to begin, flooding three-fifths of the countryside and enhancing the chances of widespread starvation. U.S. officials, to be sure, are dubious about such developments. One State Department specialist called the danger of starvation "possible but not probable," and added: "I've heard no anxiety in this office about mass famine." But others are not so sanguine. With nearly 230,000 tons of food—a six-week supply—in danger of rotting in the ports of Chittagong and Chalna because they cannot be distributed, the U.N.'s Hagen predicts widespread food riots "a few weeks from now."

VIOLENCE

If such riots should break out, they would be but another instance of the lawlessness that has scarred every day of Bangladesh's brief existence. There are nightly firefights in the major cities, and looting has become commonplace. (One formerly wealthy man recently wandered into a police station in his underwear—all he had left after being robbed for the seventh time.) Far more serious is the ongoing persecution of the 1.5 million Biharis, much-hated northern Indian Moslems who cooperated with the West Pakistani military. Less than two weeks ago, in the worst single outbreak of violence since independence, enraged Bengalis overran a Bihari camp near Khulna and indiscriminately slaughtered hundreds of its occupants. Compounding the general trend to lawlessness is the fact that most of the Mukti Bahini guerrillas have not turned in their weapons, and such violent extremists as Abdul Kadr Siddiqui, a man who won international notoriety by bayoneting Pakistani prisoners in public, are still running private armies.

Confronted with such myriad problems, Sheikh Mujibur Rahman's regime has so far failed to find solutions. Mujib himself puts in punishing eighteen-hour days and runs what amounts to a one-man government. His home is jammed with supplicants who besiege him even while he dresses and has breakfast in the morning; his office is awash with students asking for textbooks, men hunting lost trucks, civil servants with papers to sign. Sadly, the genial Prime Minister seems congentially unable to turn anyone away or to admit that he cannot satisfy every request; the result is that hardly anything gets done, and many supplicants wind up bitterly disappointed. "How can anybody run a country like this?" asks one incredulous diplomat in Dacca. "It's like being in a madhouse."

So it is. And not only are none of the country's pressing problems being solved, but Mujib's schedule is exacting a personal toll. Last week he told NEWSWEEK Senior Editor Arnaud de Borchgrave that he had been suffering pains in his chest and left arm. "But how can I rest?" he asked. "You saw all those people waiting to see me, and when they are gone it will be something else." And to another foreign visitor he complained: "Jail in Pakistan was not as bad as this job."

To be sure, Mujib's administration has been getting some support from its allies, most notably India, whose army was principally responsible for the creation of Bangladesh. Last week, as the last Indian troops left his country, Mujib won India's agreement on two sensitive issues—his government's right to try Pakistani prisoners where there is prima facie evidence that they committed atrocities and the demand that Pakistan recognize Bangladesh before other POW's will be repatriated.

Yet relations between Bangladesh and India have soured somewhat in recent weeks, as evidenced by the rather lackluster welcome given Indian Prime Minister Indira Gandhi when she arrived last week for talks with Mujib. During the last months of Pakistani rule, Indians smuggled out the bulk of Bangladesh's vital jute crop, thereby depriving the Bengalis of essential foreign exchange. Moreover, India also took all captured Pakistani Army equipment, although much of it had been paid for by taxes levied on the Bengalis when their state was part of Pakistan. As one resentful Bangladesh official said, "What India took as war booty actually belongs to us."

HOSTILITY

But whatever coolness may exist between Bangladesh and India is minor compared with the hostility the Bengalis feel toward the United States. A supporter of Pakistan during its war with India and the Bengalis, the U.S. still has not recognized Mujib's government; it is the only major power besides China that has not done so. U.S. officials have seized on the fact that no diplomatic ties exist between Washington and Dacca to justify the cancellation of some $97 million in previously committed aid. "Since we have not recognized the state," said one Administration official, "we cannot deliver this aid." But that argument cuts little ice with many people. When a group of 70 American fund raisers for Emergency Relief Fund, Inc., of Lansing, Mich., returned from Bangladesh last week after taking a firsthand look at the relief crisis, one of its members fumed, "Our government is not going to respond—for all the wrong reasons."

Others argue that Washington has been less than forthright on the aid questtion. As they see it, the Administration has been sulking over the loss of face it incurred by supporting Pakistan and has held back aid deliveries for fear of having to admit a mistake. There is also ground to believe that the U.S. hopes to see the Soviet Union get bogged down financially in Bangladesh. "The Russians acted as the champions for the Indian and Bangladesh cause," said one official. "Let them pay now." And as de Borchgrave found when he traveled to Bangladesh last week, the Russians have done just that. Below, his report:

Russia has wasted no time—and spared no effort—moving into Bangladesh. Before Mujib left for Moscow on a state visit three weeks ago. Soviet Ambassador Valentine Popov urged that he give Russia the contract to clear the nation's harbors and thereby facilitate the flow of relief supplies. With 29 sunken ships blocking the port of Chittagong and some 100 smaller vessels obstructing the only other port, Chalna, the project had top priority in Dacca. But Mujib still hoped that a U.N.-sponsored operation could do the job. Assured by U.N. relief administrator Hagen that the U.N. would approve the project by the time Mujib returned from Moscow, the Bengali leader stalled the Russians. But on his return to Dacca, Mujib found that final approval had not been granted by U.N. authorities in New York. "Tell the U.N. to forget about salvage," the Prime Minister told Hagen, "We have accepted the Soviet offer. The discussion is closed."

The Soviets obviously are hoping that by undertaking the harbor-clearance project they may pave the way toward acquiring long-term berthing facilities in the two Bay of Bengal ports—and thus have an eastern anchor for their Indian Ocean fleet. But the Russians have extended their influence in Bangladesh in other ways as well. They have offered a squadron of MIG's and a small fleet of transport planes to the young nation and have expanded their embassy staff to 90 people—many of them fluent in Bengali. (So rapid has this expansion been—and so long does it take the Bangladesh bureaucracy to accomplish any task—that official Soviet automobiles have taken to sporting home-made diplomatic license plates.) Everywhere in Bangladesh the Soviet presence is now visible. Communist propaganda films abound on television. The Moscow News fills Dacca newsstands and symposiums on Communism are held in outlying cities.

LOBBYING

It takes little detective work to determine Russia's motives in Bangladesh. For the Soviets believe, as indeed they have said privately, that the real revolution in the Bengali nation is yet to come. And when it does, they want to insure that it is oriented toward Russian Communism rather than the Chinese brand. According to the Soviet scenario, the suffering and unrest in Bangladesh will of necessity force the relatively conservative Mujib to move ever farther to the left. And just in case the Bengalis do not move toward a more radical regime on their own accord, the Soviets have been doing some lobbying toward that goal. The have been telling their local sympathizers that the working class in Bangladesh has been denied the fruits of the struggle against Pakistan while the middle class has been lining its pockets.

Many Bengalis—not the least of them Mujib himself—seem to believe that if they can swing the U.S. to their side, their problems will begin to disappear. "If you Americans can put a man on the moon, you can do anything," the Prime Minister said recently. "I plead with you to come to the aid of my people." But while the Nixon Administration may grant diplomatic recognition to Bangladesh in the coming week—and will, in all likelihood, increase American aid—it is by

no means ready to plunge into yet another Asian commitment. For one thing, active involvement in the multiplying problems of Bangladesh would siphon off far too much of the already reduced foreign-aid budget. Beyond that, there is little doubt that Washington believes the Soviet Union has taken on an insoluble problem that can only cause it grief—and thus distract Moscow from creating havoc in areas more valuable to the U.S. But that these budgetary and geopolitical considerations should be allowed to stand in the way of a massive humanitarian aid project is by no means universally accepted. "Surely," said one foreigner in Dacca last week, "the world's most generous nation cannot be so callous that it will stand by while millions go hungry."

CABLE SENT TO PRESIDENT RICHARD M. NIXON FROM AIRLIFT OF UNDERSTANDING PARTICIPANTS

In an airlift of understanding at their own expense, seventy American citizens from thirty-seven states associated with the Emergency Relief Fund chaired by Chester Bowles and Dr. Douglas Ensminger have visited most Bangladesh areas making on-spot observations, holding discussions with the Bengali people and their leaders about ways in which the American people may assist them in their desperate situation. We are gratified at news reports your administration may soon recognize Bangladesh. We join in urging immediate recognition. Overwhelming Bangladesh food needs compounded by severe transportation deficiencies. Therefore on humanitarian basis we urge that you make available through U.N. required number and kinds of aircraft and amphibians necessary to deliver foodgrains before onset monsoon rains. All required equipment available in Vietnam as surplus. This possible "Operation Save the People" airlift already cleared with Dr. Toni Hagen U.N. Mission Chief of Operations Bangladesh who would give it top priority. In view of massive need for funds, food and transport, and since normal channels including PL YBO funds are not available we beg you as a fellow concerned citizen to set in motion whatever effective action you deem proper to make same immediately available to save this struggling nation further tragedy and hopefully bring into being spirit of brotherhood with Bengalis which is in best American tradition. Some airlift members would be happy to meet with you at your convenience to share with you their personal experiences regarding specific needs in this new nation.

WEST HESITATES, DACCA GIVES PORT JOB TO SOVIETS

(By William J. Drummond)

DACCA, March 15.—The Soviet navy has taken a major step toward extending its influence in the waters surrounding the Indian subcontinent, taking advantage of the inability of Western countries to come up with $6 million to finance salvage operations.

After waiting for more than two months for the West, acting through the United Nations, to clear sunken vessels from the ports of Chalna and Chittagong, Bangladesh Prime Minister Sheih Mujibur Rahman gave the Russians permission to do the work.

Thirty hours later, United Nations headquarters in New York came through with approval for its representatives here to accept bids for the work. By then, it was too late.

The Soviet vessels were already under sail, and although it is understood that the Sheikh would like to cancel the invitation, he cannot, for diplomatic reasons.

Some neutral diplomatic sources here think that the Russian salvage fleet is the precursor of an extensive Russian naval presence in the Bay of Bengal.

The Russians will be able to chart every mile of the vast waterways of Bangladesh and will gain an important supply foothold to complement the growing Soviet naval presence in the Indian Ocean, according to these sources.

Other sources dispute this contention, pointing out that the larger of the two ports, Chittagong, cannot accommodate a vessel larger than a destroyer and would require extensive work before it could become a useful facility for ships of the line of the Soviet fleet.

Furthermore, these sources say, it seems unlikely that Mujib would tolerate full-fledged Soviet bases since the prime minister has proclaimed his country to be "The Switzerland of Asia."

In addition, India, the Soviet Union's majorally in the region, is committed to keeping the area free of the navies of the big powers.

Whether or not the Soviet Union gains a base, diplomatic sources of all persuasions say, its undertaking of the salvage operation is a significant step that will further heighten its political influence in Bangladesh.

The granting of the salvage job to the Soviet Union was a natural outgrowth of the delay, characterizing Western relief operations in Bangladesh, most of which are channeled through the United Nations Relief Operations Dacca (UNROD).

In early January, UNROD informed headquarters in New York that clearing the ports of vessels sank during the December war was an item of the highest priority. Even in the best of times Bangladesh imports more than a million tons of foodgrains a year, and with the ports blocked to normal shipping, a food shortage in the hinterland was bound to develop, UNROD said.

A Singapore firm was asked to provide a cost estimate for the work and the figure came to $6 million, which UNROD asked New York to supply.

Each day the food shortage up country became more severe. Rahman went to Moscow for an official visit, during which the Russians offered to clear the ports. Mujib did not give an answer immediately.

Mujib returned to Dacca on March 6, inquiring immediately whether the ports would be cleared by the U.N.

No approval had come. He waited until March 9 before accepting the Soviet offer to do the salvage job.

ELECTION OF C. R. GUTERMUTH AS PRESIDENT OF WORLD WILDLIFE FUND

Mr. METCALF. Mr. President, I invite the attention of Senators to another recognition of the effective work of C. R. Gutermuth on behalf of our natural resources.

That recognition was "Pink's" election as president of the World Wildlife Fund.

Pink Gutermuth was here when I came to the other body in 1953. At that time, he was vice president of the Wildlife Management Institute, a position he held for 26 years before his retirement in 1971. The institute, a nonprofit, private, membership organization dedicated to the sound management and wise use of natural resources in the broad public interest, is one of the oldest national conservation organizations in this country. Its program dates back to 1911.

Mr. President, I ask unanimous consent that the World Wildlife Fund press release of March 4, 1972, be printed in the RECORD.

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

GUTERMUTH ELECTED PRESIDENT OF WORLD WILDLIFE FUND

C. R. Gutermuth of Washington, D.C., one of the founders of the World Wildlife Fund and its voluntary Treasurer for the past seven years, was elected President of the organization at a meeting in Palm Beach, Florida, on March 1, it was announced by Board Chairman, John D. Murchison of Dallas. The change was recommended by Dr. Ira N. Gabrielson who has headed the WWF (U.S.) since its inception in 1961. Gabrielson was elected Honorary President, a place of distinction created several years ago for President Dwight D. Eisenhower.

Gutermuth, widely known in conservation circles as "Pink" has been Secretary of the North American Wildlife Foundation since 1945 and was the Vice-President of the Wildlife Management Institute from 1946 to 1971. He is the recipient of numerous conservation awards, including the "Leopold Medal" of The Wildlife Society and "Albright Medal" of the American Scenic and Historic Preservation Society. Gutermuth also is one of the founders of the Natural Resources Council of America and the National Watershed Congress.

WWF is the only conservation organization that assists, on a priority basis, projects to help save threatened species and habitat areas anywhere in the world. It recently launched a world-wide program to preserve biotopes, entire ecosystems, upon which all forms of flora and fauna depend. During its short lifetime, WWF has supported more than 550 projects in 70 countries around the world.

H.R.H. Prince Bernhard of the Netherlands, President, and Peter Scott and Dr. Luc Hoffmann, Vice-Presidents of the WWF International, and Board Member Guy Mountfort, participated in the WWF meetings in Florida, along with Dr. Gerardo Budowski, the Director-General of the International Union for the Conservation of Nature and Natural Resources in Morges, Switzerland.

JOHN JAY—GREAT LAWYER AND STATESMAN

Mr. JAVITS. Mr. President, John Jay, one of our greatest early American statesmen, was also a great lawyer. He was the first chief justice of New York State and wrote the constitution of the State. He was also President of the Continental Congress and later first Chief Justice of the United States. At the same time, Jay played a critical role in the negotiation of the settlement of the Revolutionary War as one of the Peace Commissioners.

On December 9, 1971, Otto E. Koegel, himself a distinguished lawyer and president of the John Jay Homestead Association, delivered an address at the American Bible Society commemorating the 150th anniversary of the election of John Jay as president of the society. Mr. Koegel outlines the highlights of John Jay's extraordinary career in a very interesting way and I call his address to the attention of my colleagues.

I ask unanimous consent that the address be printed in the RECORD.

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

HONORABLE JOHN JAY, U.S. STATESMAN

John Jay has not been given the importance as a founding father that his contribution to our nation deserves. His extraordinary record includes the following:

(1775) (1) Jay was first in his class at Kings College (Columbia) and was a lawyer

of great ability. He wrote the celebrated "Address to the People of Great Britain" hoping to stave off the war. It was published anonymously but when Thomas Jefferson saw it, he said: "This is a production certainly of the finest pen in America. . . . the first composition in the English language." Age 30.

(1776) (2) Chairman of the Committee to evade and defeat conspiracies, a committee with unlimited powers to imprison or banish from the country dissidents, a committee which required the greatest amount of courage and judgment. Age 31.

(1777) (3) First Chief Justice of New York State. Wrote its Constitution—included entire Declaration of Independence in its Preamble. Age 32.

(1779) (4) President of the Continental Congress. Age 34.

(1779) (5) Minister to Spain to obtain assistance in our difficulties with Great Britain. Age 34.

(1782) (6) One of the Peace Commissioners (Franklin, Adams and Jay) who negotiated the settlement of the Revolutionary War. As Peace Commissioner, he, on his own and against instructions from America (because it would displease France), insisted that the western boundary of the new nation be at the Mississippi instead of the Allegheny Mountains. Jay prevailed. Jay had received instructions from Gouverneur Morris, then Secretary of Foreign Affairs of the Confederation, not to insist on boundaries to the Mississippi River nor to the right to navigate the Mississippi. Morris stated that everyone knew that the Mississippi could be navigated only downstream and that the territory between the river and the Alleghenies was so vast that if you dropped all of Asia into it, it would be lost! Age 37.

Professor Richard B. Morris, Pulitzer Prize historian and a leading authority in the field, is editor of the Jay papers acquired by Columbia University. He says, "Jay's diplomatic achievements in Paris in 1782 still stand unrivalled in the annals of American diplomacy."

(1784–1789) (7) Secretary of Foreign Affairs of the Confederation, then the highest executive position in the land. Age 39.

(1786) (8) Under a New York law providing for the gradual manumission of slaves, a Manumission Society was formed and in 1788 John Jay was named its president. Age 41.

(1786) (9) In August 1786, nine months prior to the Constitutional Convention in Philadelphia, Jay, with great foresight, wrote Thomas Jefferson, Age 41:

"To vest legislative, judicial and executive powers in one and the same body of men, and that, too, in a body daily changing its members, can never be wise. In my opinion those three great departments of sovereignty should be forever separated, and so distributed as checks on each other."

(1787) (10) Wrote several of the Federalist papers advocating adoption of the Constitution, and collaborated with Hamilton and Madison as to the others. Also with Hamilton worked mightily to get New York to ratify the Constitution which actually was done by the slenderest of margins and New York was so backward in the matter that it sent no U.S. Senators to the Congress for several months. Indeed, New York was so difficult as far as being a part of a national government that even in ratifying the Old Articles of Confederation, New York did so with the reservation that its consent was conditional upon all the other states ratifying the Articles! Also, when it came to sending delegates to the Philadelphia Constitutional Convention, three were named, Hamilton, Lansing and Yates. Hamilton attended less than half of the sessions and Lansing and Yates seceded and went home, leaving only Hamilton to sign the Constitution. Even Patrick Henry of Virginia refused to go to the Convention, saying: "I smell a rat." Age 42.

(1789) (11) Served as Secretary of State under Washington for three months until Jefferson could get to America from France. Age 44.

(1789) (12) At the same time, Jay was Chief Justice of the United States. Age 44.

(1792) (13) In 1792, Jay was nominated by the Federalists for Governor of New York while holding the office of Chief Justice of the United States. He lost to Governor George Clinton although if the votes of one of three upstate counties had been counted, Jay would have been elected. Such votes were not counted. The law provided for the County Sheriff to deliver the votes to the Secretary of State. The Deputy Sheriff to whom the ballots were delivered was taken ill on the road and he sent them on to the Secretary of State by his Clerk. The opposition said the votes could not be counted by the Secretary of State and produced an opinion of Aaron Burr to that effect. Jay, when urged to make a fight of it, said, age 47:

"That injustice has taken place does not surprise me. . . . A few years will put us all in the dust, and it will be of more importance to me to have governed myself, than to have governed the State."

The greatness of Jay as a person is further revealed in the circumstances of family opposition to him both in the 1792 gubernatorial election and the Jay Treaty. Mrs. Jay's brother, Brockholst Livingston, was a talented man who later had a distinguished career on the New York Supreme Court and as Associate Justice of the Supreme Court of the United States, 1806–1823. Jay had selected him as his secretary when he undertook his mission to Spain. Livingston's biographer says that he developed a personal antipathy towards Jay, perhaps because of his personal and financial obligations to his brother-in-law. Livingston's behavior in the gubernatorial election, said a contemporary, was "almost like a madman." Mrs. John Jay said of her brother's vicious attack on her husband, "Oh, how is the name of Livingston to be disgraced." In 1798, her brother killed a man in a duel and there is evidence that he participated in one or two more.

(1794) (14) Ambassador to Great Britain in 1794 to negotiate the so-called Jay Treaty which settled many disputes and, in Washington's view, "bought time" and postponed another war until 1812 when we would be better prepared. Hamilton was first suggested as such Ambassador but President Washington was informed that the Senate would not confirm him. As to Jay, Vice-President John Adams wrote a remarkable letter to his wife April 19, 1794, age 49:

"You can not imagine what horror some persons are in, lest peace should continue. The prospect of peace throws them into distress. . . . The opposition to Mr. Jay has been quickened by motives which always influence everything in an elective government. . . . If Jay should succeed, it will recommend him to the choice of the people for president, as soon as a vacancy shall happen. This will weaken the hopes of the Southern States for Jefferson. This I believe to be the secret motive of the opposition to him, though other things were alleged as ostensible reasons; such as his monarchical principles, his indifference about the navigation of the Mississippi, his attachment to England, his aversion to France, none of which are well founded, and his holding the office of chief justice."

(1794–1800) (15) Twice elected Governor of New York State. Age 49–55.

(1800) (16) In the election of 1800 New York elected a pro-Jefferson legislature. Under the law at the time the legislature would cast its twelve electoral votes for Jefferson. Hamilton, who mortally detested Jefferson, urged Governor Jay to call a special session of the legislature, cause the state to be redistricted and make provision for the presidential electors to be chosen by popular vote. Such would almost surely have insured the defeat of Jefferson but Governor Jay rejected the proposal as one which "would not become me to adopt." Age 55.

(1800) (17) After his retirement as Governor of New York and without his knowledge or consent, he was again appointed Chief Justice of the United States by President Adams, and he was confirmed by the Senate. Secretary of State John Marshall sent to him his appointment, which he declined. President Adams, never one to flatter anyone, paid Jay a sublime compliment, viz, age 55:

"In the future administration of our country, the firmest security we can have against the effects of visionary schemes or fluctuating theories, will be in a solid judiciary; and nothing will cheer the hopes of the best men so much as your acceptance of this appointment. . . . I had no permission from you to take this step, but it appeared to me that Providence had thrown in my way an opportunity, not only of marking to the public the spot where, in my opinion, the greatest mass of worth remained collected in one individual, but of furnishing my country with the best security its inhabitants afforded against the increasing dissolution of morals."

(1821) (18) Second President of the American Bible Society. Age 76.

John Adams, in 1815, after more than a quarter of a century to reflect on the subject, said of those who contributed to the founding of our nation:

"I forbore to mention one of more importance than any of the rest, indeed of almost as much as all the rest, I mean Mr. Jay. That gentleman had as much influence in the preparatory measures in digesting the Constitution, and obtaining its adoption, as any man in the nation."

During the five years between the war's end and the formation of the new government, many of the founding fathers were disheartened and fearful that possibly the struggle for independence had been in vain. During that period Washington from Mount Vernon and Jay in New York exchanged frequent correspondence. On May 18, 1786, Washington wrote Jay from Mount Vernon, where he had been in retirement following the conclusion of the war, little suspecting that he might be called upon in a few years to become the first President of the United States. Washington was almost convinced that a federal union was impossible. He stated to Jay:

"My fear is, that the people are not yet sufficiently misled to retract from error! To be plainer, I think there is more wickedness than ignorance mixed with our councils. . . . I think often of our situation, and view it with concern. From the high ground on which we stood, from the plain path which invited our footsteps, to be so fallen! so lost! is really mortifying!"

Jay's reply was lofty and confident:

"That we shall again recover, and things again go well, I have no doubt."

In a letter from Mount Vernon of August 15, 1786, Washington wrote Jay:

"What astonishing changes a few years are capable of producing. I am told that even respectable characters speak of monarchical form of government without horror."

And Jay's reply of January 7, 1787:

"Shall we have a king? not in my opinion while other expedients remain untried."

Recently Arthur Schlesinger, Jr. wrote in the *New York Times* on the importance of preserving historical ties so as better to conduct our lives in terms of the present, the following:

"Some will regard preoccupation with the past as a matter of sentimentality. They could not be more wrong. The present emerges from the past, and a sense of history is one of the means by which a people achieve

purpose and strength for the future. 'In times of change and danger,' as John Dos Passos has written, 'when there is a quicksand of fear under men's reasoning, a sense of continuity with generations gone before can stretch like a lifeline across the scary present.' The benefits of past may not be so tangible as the benefits of superhighways; but it is precisely a perception of these impalpable values that our confused and turbulent society needs most today."

John Jay had nothing to gain materially and everything to lose by aligning himself with the revolutionary government. He was a third generation American of a prosperous family, his grandfather having come to America in 1686. His forebears had to flee France because of religious persecution. The Jays had marriage ties to important American families, John Jay's mother being a Van Cortlandt and his wife, Sarah, a daughter of William Livingston, signer of the Constitution and first governor of New Jersey. John Jay was moved entirely by patriotic motives and his life, public and private, was exemplary. Truly, he was the right man, at the right time, in the founding and preservation of our nation.

John Jay was a man of almost complete rectitude. In his long and distinguished career, he was never moved by opportunism. It seems fitting that we should conclude this resume of the first Chief Justice of the United States with a statement made by Daniel Webster:

"When the spotless ermine of the judicial robe fell on John Jay, it touched nothing less spotless than itself."

ADDRESS BY THE VICE PRESIDENT

Mr. CURTIS. Mr. President, last week, in New Orleans, Vice President AGNEW addressed a meeting of the National Grain and Feed Association. He spoke with his usual candor and demonstrated a deep understanding of the problems faced by our Nation's farmers as he discussed the Nixon administration's programs designed to remove stifling restraints and increase farm income and markets. I ask unanimous consent that the Vice President's speech be printed in the RECORD.

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

ADDRESS BY THE VICE PRESIDENT OF THE UNITED STATES

So there won't be any mistake about it—I am not here as a Democratic presidential hopeful.

In this even-numbered year, divisible by four, you can't be too careful. Every time there is a national meeting, an unpredictable number of would-be presidents show up, pooling their rhetorical resources as they try to make headlines.

But I am here in support of this Administration's agricultural policy. It is a policy which has unshackled the producers of grain and cotton from the restraints of previous policy—restraints that stiffled the initiative of farmers and restricted the acreage they could plant to these crops.

I am here to speak out in praise of those on Capitol Hill—both Republicans and Democrats—who enacted the bi-partisan Agricultural Act of 1970.

I am here to commend the efforts of organizations like the National Grain and Feed Associations from the various States—that have consistently supported the major goals of the Administration although frequently differing sharply with us on individual programs or methods for achieving our aims. We appreciate your having agreed with us on the target even when we have differed on the means of hitting it.

Every American should be proud of the accomplishments of American agriculture. Farming is the Nation's largest and most vital industry. It employs over 4.5 million workers, more than the employment in transportation, public utilities, the steel industry and the automobile industry combined.

In addition to being proud, we should take time to examine what we owe agriculture. And I'm talking now not just to those in this room, but to all the American people. The productivity of farmers enables the average family in this country to purchase its food requirements with only about 16 percent of its disposable income, after taxes.

The achievements of American agriculture are due mainly to the energy and skill of the farmers themselves. However, without the services of country elevators and other private handling and storage facilities, their labors would be in vain.

It is equally true that without the fruits of research and marketing projects, the financial assistance available through farm ownership and operating loans, and the backstopping of price support programs, it is highly unlikely that American agriculture would have reached its present pinnacle of efficiency.

The United States is the most progressive Nation on earth, and productivity is the key to our progress. Agriculture not only leads increases in productivity in the United States, but throughout the world.

In the past 20 years, the total of American industry boosted its output per man-hour by 150 percent. That is a significant increase. But during those same 20 years American farmers and farm families raised their output per man-hour by 300 percent—twice as much.

So why do we talk about problems in agriculture?

To answer this question brings us to the heart of what's wrong with American agriculture. Farmers are unable to get the same returns on their investments of capital, time and labor as do other segments of the American economy.

Some people seem to think that four-letter words are something new, developed for and the sole property of the radical-left and the underground publications.

But a good many of us have been using four-letter words for a long time. And one of the words used most often is *WORK*.

Down through the years it has been understood that whoever produces more should be compensated for more. A person was to be rewarded in proportion to his measurable output or contribution. This hasn't been true for farmers.

The income per capita of those who live on America's farms has gone up—but to a lesser degree than that of their colleagues who work in manufacturing and other industries.

One of the reasons is that farm income is only partially related to output and price developments in the general economy, and it fluctuates widely from year to year. But even more important has been the fluctuation caused by supply conditions for agricultural products.

In the past three years, farm production expenses have been increasing at a slightly faster pace than the general rate of inflation. But there has been a strong improvement in farm income in recent months.

After a generally disappointing income performance in the first half of 1971, agriculture closed out the year on the upswing.

The total earnings of the farm population from all sources reached a record high of $28 billion in 1971, and it is estimated that the realized net income of farm operators in 1971 was about $15.7 billion.

The year 1972 promises to be an even better year. Realized gross farm income is expected to exceed the 1971 record level by at least $3 billion, an increase of 5 percent or more. This would carry total gross income from farming to the highest level in history—to around $62 billion.

If 1972 turns out as present conditions indicate, the realized net income of farmers will average $16 billion for the four years of the Nixon Administration, 1969 through 1972. That's a 19 percent increase over the $13.8 billion average for the period 1961 through 1968.

What do such statistics prove? They prove that this Administration cares about farmers, and farm income—and is doing something about them. Yet even as Administration programs take hold—and it appears that this year some farm prices are at last rising faster than costs—the strident voice of opposition is heard.

Self-appointed spokesmen for consumers are beating the drums for price ceiling on farm products and loosened import controls on beef.

Secretary of Agriculture Earl L. Butz says he'll fight "like a wounded steer" to keep ceilings off farm prices.

For the truth is that, even if consumer food prices are slightly higher in 1972 than last year, disposable personal income will rise much more substantially.

If consumers were spending the same percentage of their take-home pay for food as they did 20 years ago, they would be spending about $40 billion more per year than they do now, or about $286 more per person for all food.

Food is the biggest direct outlet for raw farm products. However, it is the export market that holds out the greatest promise for the future of agriculture. Due to agricultural technology and efficiency, American farm production already is so huge that the output from one of every four cultivated acres goes into export market.

American farm leaders, notably those familiar with the basic commodities of wheat, feed grains and cotton have supported programs and policies that would tend to open up some of the half-shut doors to world trade.

However, international trade in agricultural commodities continues to be impeded by a variety of import restrictions. The economic and social conditions in nearly every major industrialized country present serious problems of adjustment for resources employed in agriculture, quite apart from international trade considerations.

Most governments have responded to this problem by adopting domestic price-support measures that are supplemented by restrictive trade policies. Tensions over these policies have been growing and surfaced prominently in 1971.

Unlike trade in manufactured products, agricultural trade received little substantive attention in the successive rounds of negotiations which reduced international tariff barriers in the postwar years. Indeed, many developed countries, including the United States, pursued domestic agricultural policies that resulted in an increased level of protection against agricultural imports.

U.S. farmers have a significant comparative advantage in many agricultural products and therefore a clear interest in reducing existing impediments to trade in these products. It is also clear that price-support techniques used in most industrial countries, including the United States, are major impediments to

the development of freer trade in agriculture.

Our agriculture support policies in this country have been substantially modified in recent years. Direct payments have been substituted for high price supports for major grains and cotton—the commodities traditionally exported.

This change has permitted market forces to have more influence over actual prices and has reduced the necessity for large export subsidies and import restrictions. The Agricultural Act of 1970 extends these reforms and improves upon them by giving farmers greater freedom in their planting decisions.

This Administration has focused attention on the situation and forced recogntion that agricultural trade is an important item on the negotiating agenda.

In his Economic Report, transmitted to the Congress in January of this year, President Nixon quoted from his Commission on International Trade and Investment Policy as follows:

"The time is ripe for a concerted international effort to deal with all aspects of the problem including, in particular, the levels and techniques of agricultural support."

The President suggested four important guidelines for future negotiations on agricultural trade:

Discussions over agricultural trade policies will be unproductive until domestic techniques of support are modified.

New policies will be needed to aid the adjustment of some resources, particularly low-income workers, to more productive and higher income pursuits.

Importing countries must participate with exporting countries in facilitating adjustment if an improvement in the international use of resources is to be obtained.

While each country must be free to provide income assistance to those employed in agriculture, the mechanism for this assistance should minimize interferences with production, consumption, and trade.

I commend these guidelines to your study, and invite the National Grain and Feed Association to lend its considerable influence and support in helping to create a climate of understanding that will hasten their application in future negotiations.

As you know, 1971 was the year we widened the political dialogue between the United States and Communist nations, setting in motion the forces that led to the recent historic visit to China of the President and Mrs. Nixon.

Commercial relations between state-controlled and free-enterprise economies present a great many problems, completely different from those experienced in trade between predominately market-oriented economies.

For example, private firms can be at a disadvantage in dealing with large state-trading agencies, and legal recourse by individual firms against foreign states may be difficult.

It is awkward to apply to rigorously socialized nations the commercial policy codes that have been negotiated among governments of market-oriented countries—such as those participating in the General Agreement on Tariffs and Trade.

And, of course, the Communist countries can more readily employ economic relationships for political ends than free-enterprise States.

Finally, the Communist states are not a party to a number of important international economic organizations and conventions.

Some significant changes took place in U.S. trading relationships with Communist countries in 1971.

In June the President lifted the embargo on imports from the People's Republic of China and freed a long list of U.S. goods for export to that area.

A requirement that 50 percent of U.S. exports of wheat, flour, and other grains to Eastern Europe and the Soviet Union be carried in U.S. vessels was also rescinded. (The lifting of this requirement has since been extended to include shipments to the People's Republic of China.)

The termination of this requirement facilitated the sale in November of last year of over $125 million in U.S. feed grains to the Soviet Union—the first such grain sales since 1964.

An amendment to the Export-Import Bank Act in August authorized the President to extend Export-Import Bank credits to further exports to Communist countries when he finds this to be in the national interest. In his first use of this authority, the President directed the Bank to participate in financing exports to Rumania.

Two Soviet Deputy Ministers of Foreign Trade visited the United States in 1971, and at the end of the year the U.S. Secretary of Commerce led a trade delegation from this country to Moscow and Warsaw.

U.S.-Soviet talks on trade and shipping are to be continued in 1972.

Today, with roughly two-thirds of our rice crop going into export, more than half our wheat and soybean crop, and about a third of our cotton crop, we can point to agricultural sales abroad as the brightest star in our galaxy of foreign trade—and one that will most certainly help our international balance-of-payments situation.

Well, all this has been a prelude to my spelling out for you that the agricultural policy of this Administration remains in 1972 what it was in 1971. We have offered farmers this year wheat, feed grain and cotton programs that are voluntary, that are not tied to rigid acreage allotments or bases as production controls, that are not subject to marketing quotas or penalties.

We have offered farmers programs that are market-oriented, with low price supports.

We are determined to keep the Federal Government out of competition with individual producers of grain and cotton insofar as we are able. This goal cannot be achieved if non-recourse loan levels attract production for government warehouse and takeover, rather than production based on what the commercial markets will accept.

As you know, we just went through this lesson in economics for the benefit of some slow-learners in Congress.

A strategic Grain Reserve and Loan Increase Bill passed the House of Representatives in December by a vote of 182 to 170. The bill as it came to the Senate would have done two things: It would have directed the Secretary of Agriculture to buy wheat and feed grain reserves, and it would have increased the loan level for the 1971 and 1972 crops of wheat and feed grains by 25 percent.

Secretary Butz said the bill would wreck farm export prospects and sabotage the government's farm surplus control bill. He called on the Senate to reject the House-passed bill.

Al Oliver, your capable executive vice president, testified against the bill before the Senate Committee on Agriculture and Forestry, citing as major flaws the additional buy and sell authority granted the Secretary of Agriculture and the price umbrella effect from high loan rates.

The Agriculture Act of 1970 deserves at least another look before I lose. This is a three-year farm measure which began with the 1971 crop year. It is the result of extraordinary efforts by a great many people interested in the future of American agriculture, and of much consultation among Congressional committee members, the conferees of both the Senate and the House of Representatives, and the Administration.

The Act provides realistic guidelines in a transitional period for U.S. farming. It has already demonstrated during its first year of operation that it is helping achieve the basic agricultural goals of this Administration:

1. To protect and improve farm income.
2. To provide more flexibility for farmers in making their own farm operating decisions.
3. To develop greater reliance on the marketplace.
4. To balance our supply of agricultural products with the demands of the marketplace and consumer.

The tools have been specially designed and honed for the job. Events of 1971 present solid ground for confidence that agriculture, and the 65 million people directly dependent on it, are moving toward a greater economic and social future.

I know we can count on the support of your organization as we help agriculture achieve this goal. And despite the problems of the moment, I believe with Oliver Wendell Holmes that "the great thing in this world is not so much where we stand, as in what direction we are moving."

THE GENOCIDE CONVENTION AND THE NUREMBERG TRIALS

Mr. PROXMIRE. Mr. President, at the end of World War II, one concentration camp after another was liberated only to reveal the horrors and atrocities of German genocide. All civilized men and women were shocked and outraged, and the victor nations organized the Nuremberg tribunal to investigate and punish those crimes against humanity. Never had we seen greater brutality, and never was there a greater desire to seek justice for the men, women, and children so brutally murdered.

That was nearly 30 years ago, and since then the horror and vengeful passions have died. And with the ebbing of this burning vindication, many have asked "What right did we have to hold the Nuremberg trials?" No doubt we had a moral right to punish those great acts of inhumanity and brutality, but what legal right?

In reality, the United States had no legal justification for trying Nazi war criminals. The fact that their actions were more than reprehensible was not sufficient cause for us to morally judge every major and minor official. Rather, there should have been a standing international agreement which outlawed inhumane methods of persecution and wholesale slaughter. Since such a treaty was nonexistent, we were forced to operate in a legal vacuum.

However, this vacuum has since been filled. There need not be another Nuremberg where civilized men make judgments based only on self-righteous indignation. A legal framework is provided by the Genocide Convention. I hope the Senate will act on it soon.

WELFARE REFORM

Mr. RIBICOFF. Mr. President, I commend President Nixon for his forthright and timely message on welfare reform. The President's message is the most positive one he has made on this subject in 2½ years and demonstrates

his commitment to passage of welfare reform this year.

As in the past, I do not agree with all aspects of the President's speech. We must go farther in several areas if we are to reform our welfare system adequately.

But disagreement over parts of the program should not obscure the principles we all support.

The family assistance plan, first proposed by President Nixon 958 days ago on August 1, 1969, would completely rebuild the unworkable patchwork which now passes for a welfare "system." For the first time in history a floor would be placed under the income of every family.

As the President said in his message today:

We must establish the more humane and relevant principle that the total income of each American family must reach a certain minimum standard.

Those who are unable to work should be given an income to sustain their needs. But the $2,400 provided in H.R. 1 is not sufficient. And those who can work would be provided with training, jobs and income supplements to their wages to bring them above the poverty level.

This legislation, which the President rightfully calls the most important single piece of legislation to come before the Congress in several decades, would do more than simply provide welfare payments. It would provide vitally needed rehabilitation and social services, employment opportunities, and massive aid for children.

H.R. 1 as modified by amendments I have proposed would provide assistance to millions who have never received aid before—single people and childless couples—while insuring that no recipient loses benefits. Substantial fiscal relief would also be provided to every State.

My amendments would establish uniform eligibility and payment standards and afford recipients due process and administrative fairness. No longer would welfare recipients be subject to payment cutbacks at the hands of State governments nor would they be subject to arbitrary administrative decisions at the hands of local officials.

If the family assistance plan were adopted, we would eliminate a system which creates incentives to receive welfare rather than work. We would eliminate a system in which it is financially advantageous for a father to desert his wife and children.

My proposals do "care" about children. For children, my proposals would provide $1.5 billion in child care services, $100 million for child care facility construction, $25 million for training of day care personnel, and for the first time would require all day care providers to meet comprehensive quality standards.

My proposals would not force mothers with small children to enter the working force. In fact, my proposal exempts mothers with preschool children from the work registration requirement. It exempts mothers with children above age 6 if adequate day care and/or suitable employment is unavailable. And it establishes priorities for enrolling people in the work program which insures that only those mothers who want to work will receive training and employment. These protections are more than sufficient to assure that no mother will be forced to leave her children against her will.

The President recognizes that in the short term the costs and caseload of the new welfare system will increase. But he also recognizes, as we all must recognize, that the future costs, both human and fiscal, will be much greater if we do nothing.

I join the President in urging Congress to take action on these proposals as soon as possible this year. No legislation should have a higher priority.

GUARANTEED ANNUAL INCOME

Mr. CURTIS. Mr. President, last week I called attention to a poll taken in his State by the senior Senator from North Dakota (Mr. YOUNG), indicating that 70 percent of North Dakotans oppose the President's welfare reform proposal with its guaranteed annual income. I suggested that those results would be substantially duplicated in many other States.

I wish now to invite the attention of Senators to a similar questionnaire poll recently conducted by the Senator from Oklahoma (Mr. BELLMON). Oklahomans responding to that poll indicated overwhelming opposition to the guaranteed annual income concept. Only 6 percent favored such a plan. It is particularly relevant to note that an equal number—6 percent—at the opposite extreme favored "stopping welfare entirely and letting people go hungry if they cannot or would not work."

Such polls show the extremist minority position which those advocating a guaranteed annual income occupy.

On the other hand, 84 percent of the Oklahomans responding to the poll favored "requiring able-bodied welfare recipients below 65 to register for a job or training and take a job when one is offered." This is consistent with the position which I believe represents the views of a majority of the members of the Committee on Finance where welfare reform is now under consideration. It is also consistent with the views of a majority of Congress as attested by the work requirements for welfare recipients enacted as the Talmadge amendments last December.

The recent children's march for survival in Washington was in protest of the President's welfare reform proposal. The vast majority of those responding to the questionnaire in North Dakota and Oklahoma also oppose the plan. I recognize that the protest marchers oppose it because it guarantees too little while most of those polled in the questionnaire probably opposed it because the very idea of a "guaranteed income" is anathema to our free society and free enterprise economy.

But no matter how you slice it, a broad spectrum of our people oppose the plan.

I repeat therefore my observation of last week:

It ill behooves Congress to force upon the citizens . . . a program they oppose by so wide a margin.

I commend Senator BELLMON and his constituents for their assistance in clarifying this issue before Congress. The full results of the Oklahoma poll appear at page 9484 of the CONGRESSIONAL RECORD of March 22.

MEDICINE IN NORTH VIETNAM

Mr. STEVENSON, Mr. President, considerable attention has been given to medical practices and research in Asia, especially because of President Nixon's recent trip to China. We are all fascinated by Chinese medical procedures and theories different from our own, yet seemingly effective.

One hears little about medicine in Vietnam, that little country where many of our young men—including many physicians—are still being sent.

Science magazine published an interesting article which describes the medicine and research in North Vietnam. The article portrays a body of medical practitioners with a deep interest in maintaining independence and self-reliance but the absence of a tradition of scientific research. Despite shortages of supplies and facilities, the people of North Vietnam are building up a medical knowledge and treatment on their own which could assist them in post-war reconstruction. North Vietnam follows medical procedures much closer to our own, but they are striving for their own body of medical knowledge apart from their Chinese neighbors.

Mr. President, 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:

[From Science magazine, Oct. 22, 1971]

EDUCATION AND SCIENCE IN NORTH VIETNAM

(By Arthur W. Galston and Ethan Signer)

We spent the 18 days from 23 April through 10 May in the Democratic Republic of Vietnam (DRVN), also called North Vietnam. As guests of the Vietnam Committee for Solidarity with the American People and the State Committee for Science and Technology, we visited educational, scientific, agricultural, and medical institutions, gave lectures and seminars on plant physiology (Galston) and molecular biology (Signer); and met at length with Vietnamese scientists and officials, including Premier Pham Van Dong. Like other American scientists who have visited the DRVN we found the Vietnamese to have a serious commitment to science, expressed primarily in the training of technicians and engineers for agriculture and industry, in the establishment of facilities, personnel, and supportive research for their expanding program of medical care, and in their interest in recent progress in Western scientific research.

SCIENCE EDUCATION

The Vietnamese have an ancient tradition of learning. We saw the Quoc Tu Giam (or National) University, founded in 1070—17 years after Bologna and 50 years before Paris were founded—which has graduated over 2000 persons (including many national figures) at the doctoral level in literature, history, philosophy, and mathematics until it was moved to Hue in 1797. The university

was rebuilt around 1700, but the buildings were partially burned by the French when they left in 1954; most of them have since been restored as a historical museum under the Ministry of Culture.

Elementary (1st through 7th grade) and nontechnical secondary (7th to 10th grade) education is supervised by the Ministry of General Education. All DRVN children attend school through the 4th grade; about one-third go through the 7th grade, and one-tenth go through the 10th grade (from which 45,000 graduated last year). Compulsory 7th-grade education was originally planned for next year, but fulfillment of the plan will probably take somewhat longer. By comparison, it is reported that in South Vietnam less than half the children are in school.

When the French left in 1954, the single university in Hanoi with its 700 students was the only one in all Indochina. Now, 17 years later, in the DRVN alone there are 75,000 students in 37 colleges and universities, including the University of Hanoi, the Polytechnic Institute and its branches, and specialized colleges. There are also 150,000 in vocational secondary schools (7th to 10th grade) among the population of 21 million. The vocational schools and ten of the colleges and universities are supervised by the Ministry of Higher Education, which shares supervision of the remaining 27 with production ministries such as that of Agriculture. Almost all the Ministry's staff of 200 have candidates (equivalent to our master's) degrees.

Ta Quang Buu, the dynamic Cambridge-educated Minister of Higher Education, still teaches mathematics to maintain contact with the university. In excellent English, he told us that in education the Vietnamese "are trying to do in 20 years what you Americans have done in 200 years." To some extent they are using both the Soviet and U.S. systems as models. However, Minister Buu feels that the Soviet system is too rigid and produces scientists whose training is too specialized, while the American system, although more practical in that it links science more efficiently to production, produces scientists whose scope is limited by their narrow political and social background. The DRVN is trying to evolve its own educational philosophy. As Minister Buu says, "We are in some sort of great Skinner box and trying to find reinforcement."

Students are selected for university by a competitive matriculation examination, given on one day each year throughout the country even during the height of the war. Each student chooses an examination in one of three blocks. Block 1 includes mathematics, physics, and chemistry; block 2, mathematics, chemistry, and biology; and block 3, literature, history, and geography. Candidates are screened to eliminate those with unusually poor political records, and to select those with unusually good records for new fields, but there is said to be no other systematic political selection.

Next year, Minister Buu hopes that the universities can begin graduate education. At present, 864 people in the country have either candidate's (master's degrees or doctorates, and these candidates come mostly from socialist countries; recently three Vietnamese candidate's degrees in biology have been awarded in fish breeding, cattle genetics, and ecology of estuarine vegetation.

Women constitute about 30 percent of the student body, but the number of women in fields such as medicine and pharmacy comes to 70 to 80 percent. The Vietnamese are trying to increase the participation of women in all of society, but they consider some fields, such as those requiring great patience, more suitable for women, whereas others, such as those requiring physical strength and endurance, are thought to be less appropriate. They say this despite the fact that much of the routine heavy agricultural labor in Vietnam is done by women. At present, not enough women are considered to be participating in education—for instance, only 10 percent of the students studying abroad are women, and only two or three women hold professorships with tenure, which are called chairs. Therefore, like disadvantaged minority groups in the United States, women are permitted lower university entrance requirements and are given special tutoring to prepare them for higher education. Scholarships, in the form of compensation to the family for loss of services at home and in the fields, are used to increase the number of women in secondary schools. "There is no freedom," said Minister Buu, "when there is no freedom of women."

As is the case in Europe, institutions are divided into faculties, each having at least one chair. The 37 higher institutions have 529 chairs for 7000 faculty members. Although the younger faculty members depend on a chair as in the European system, there is said to be more democracy here because of the relative lack of traditions. New chairs are decided upon in connection with the state committees on planning and on science and technology, with money being a prime consideration. Thus, chairs of physical engineering and of mathematical engineering were recently created at the Polytechnic Institute. The latter, which includes cybernetics and linguistics, was made possible by the gift of a Soviet Minsk 22 computer (roughly equivalent to the IBM 704). On the other hand a research chair of biochemistry, although needed, was considered too expensive because it would require equipment like electron microscopes.

Education at the old French university was in French. Now higher education is almost entirely in the Vietnamese language, although the many ethnically distinct minorities use their own language in everyday affairs, with Vietnamese as a second language. The most used foreign language is now Russian and the second is English, although most of the older professors speak French. Many of the textbooks are in Vietnamese; at first they were translations but now they are also as original writings; some Russian, English, and French texts are also used.

At the University of Hanoi (which we did not visit), occupying the buildings of the old French All Indochina University there are 500 faculty and 3500 students of whom 20 percent are women. Whereas 80 percent of the population as a whole are peasants, the student body includes rural peasants, urban working people, and intellectuals in the ratio 60:15:25. After graduation, 10 percent of the students go into academic work, 30 percent go into industry or agriculture, and 60 percent go into school teaching. Some 1200 of the ablest university graduates are now receiving advanced training in other socialist countries. About 75 to 80 percent of the students take the rigorous science curriculum.

The Polytechnic Institute, where we were received by a group of department heads led by the vice-director, Nguyen Thien Huoc, is now housed primarily in a spacious modern building constructed with Soviet aid in 1965. Is was founded in 1956 with 40 teachers, all educated in Vietnam, and 800 students, and was located at a muddy site in a former French military encampment. By 1965 there were 6000 full-time students and 200 correspondence students. At that time the Institute spawned four new engineering colleges, but retained the rest of the curriculum. Courses here emphasize technology, and even those in science are more applied than in the universities; for example, mathematics and physics are combined into a single department. There are currently the same number of students as in 1965 and more than 800 faculty; of the faculty over 100 have doctorates or candidate's degrees, and they devote, on the average, 30 percent of their time to research.

The Polytechnic's general educational policy is formulated by the government and the Communist Party. Scientific training aims at combining what is "most fundamental, most modern and most Vietnamese," but ideological and political education are not neglected. About 10 to 15 percent of the formal curriculum is set apart for courses in the history and political aims of the Vietnamese Communist Party and in Marxist-Leninist philosophy, taught by a special staff. In addition, Thursday evenings are spent in discussion of what they call "morals" and current events, and in other political activities.

Applicants to the Polytechnic must pass the general nationwide matriculation examination and also a second special examination. By design, one-third of the entrants are women, and special consideration is also given to ethnic minorities and factory workers. Most students are from peasant and working-class families, some from South Vietnam. Each receives a scholarship, including meals and textbooks throughout the 5-year course. Most graduates go into factories, although a few stay for further training as teachers or researchers.

The Polytechnic maintains more than 50 laboratories and shops simulating factory conditions. Those we visited were furnished with teaching equipment donated by the Soviet Union (some of which had been modified by the students, using electronic components from downed U.S. planes) and heavy machinery made in the Soviet Union, in Czechoslovakia, and also locally in Haiphong. The 300,000-volume library, whose 76,000 journals are mostly in Russian and Chinese, seemed well designed and housed.

During our visit to the Polytechnic, we saw damage remaining from the 1965–68 air war, when Hanoi, Haiphong, and surrounding areas were bombed by U.S. planes. A section of the main building had been damaged by a bomb attack during which 5 were killed and 20 were wounded by steel pellets from an "antipersonnel" cluster bomb. Such bombing disturbed the operation and the development of the Institute; in November 1965, the Polytechnic and most of its facilities were evacuated to a mountain area 300 kilometers away, where new facilities were built by the students. Most of the institute is now back in Hanoi, although we were told it could be quickly evacuated again—this time virtually without interrupting studies.

Some institutions are still dispersed in the countryside because of the war. Agricultural College Number 2, founded in 1967 at the height of the air war, is located about 1½ hours' driving time from Hanoi (College Number 1 is nearer Hanoi, and Number 3 is in a northern province). The 86-hectare campus which we visited was designed mainly for teaching and is a collection of small, temporary, bamboo-framed, thatch-roofed buildings including classrooms, a library, laboratories, and dormitories, which are dispersed among farm plots. A second campus 50 kilometers away includes 300 hectares of experimental farms. Both campuses have been bombed—up to eight times in 1 day—and the college claims to have shot down one plane and captured the pilot. To minimize damage from a possibility resumed air war, the buildings are set far apart, with air-raid trenches in between.

Vice-director Dao Truong Con told us that the college, which is supervised jointly by the Ministries of Higher Education and Agriculture, trains agriculturalists in three faculties: botany, zoology, and agricultural economics. Of the 104 teachers, about two-thirds belong to the Ho Chi Minh Labor Youth and many belong to the Communist Party, although neither is obligatory. There

are 1400 students, of whom one-third are women, and the college is just now graduating its first class. The 4-year course is planned to follow secondary school (10th grade), but the college also runs a 2-year "crash course" for 7th-grade graduates and remedial courses for weak secondary school graduates. Most college graduates will work on agricultural cooperatives, state farms, and agricultural stations as technical cadres; in the future some may be trained as teachers.

Students live at the college. Classes (7) run 6 days a week, with the students free to go home from 5 p.m. on Saturday until Sunday night. Half a day a week is spent in constructive maintenance of the grounds and fields. Students have private clubs where they may spend an hour a day at art and gymnastics, although 2 hours a week of these activities are included in the regular curriculum. Formal study takes 30 weeks a year, the rest of the time, except for 2 months' summer vacation, being spent at practical work.

The laboratories that we visited provided a striking contrast between their modest bamboo and thatch farmhouse-like exterior and the modern interior containing such equipment as microscopes, centrifuges, and electrophoresis apparatus. We also looked in on several classes in session. They seemed to be run in a traditionally formal way, with students, even in small groups, carefully taking notes from teachers who were, in turn, lecturing from their own notes.

SCIENTIFIC RESEARCH

Most of the research we saw was connected with medicine, such as that at two sections of the Materia Medica Institute: the Van Dien station just outside Hanoi and its affiliated pharmaceutical laboratories in the city. Both, under the direction of Dr. Nguyen Van Dan, are attached to the Ministry of Public Health. Since 1963 the institute has been preparing the first *Vietnamese Pharmacopoeia,* which will be ready this year. Written by a team of more than 100 doctors and pharmacists, its 600 monographs will describe general methods of analysis, plants, chemicals, medications, and vaccines. A second volume describing traditional medicines, started last year, is expected to be ready in 5 or 6 years.

The institute supervises plant research at ten botanical stations and testing of medicines at about 20 laboratories, dispersed throughout the country because of the air war. About 2000 villages throughout the country have their own medicinal gardens. The institute also runs seminars, colloquia, and symposia, and has some students doing theses.

The 10-hectare Van Dien station specializes in tropical botany, especially the introduction and acclimatization of new medicinal plants that are ultimately to be propagated and used at agricultural cooperatives. The 1000 medicinal plant species now in the garden are mostly common ones, but some new effective plants have been obtained from peasants who have developed their own home remedies, such as one used for curing diarrhea. Many of the display gardens, production fields, and seed-multiplication plots were destroyed during the air war when the station was bombed seven times. Although some of the damage has been repaired, several large craters were still evident, and not all the plant species lost during the bombing have been replaced.

One of the Hanoi laboratories resembles our Food and Drug Administration; it is part of a network, with a branch in every province, for testing medicines. Other laboratories study the chemical composition of medicinal plants; carry out chemical and microbiological analysis of antibiotics, vitamins, plant derivatives, and clinical samples; and practice pharmacognosy and forensic medicine. There is also a library, stocked mainly with Russian and German but also some American texts.

The National Institute of Hygiene and Epidemiology, where Huang Thuy Nguyen is director, was dispersed in the countryside during the air war, but is now back in Hanoi. However, the building—formerly the French Institut Pasteur for all Indochina—is reinforced on the ground floor with sand and brick against air raids, and so requires year-round air conditioning. The staff of 500 includes 98 with candidate's degrees (many of them women), most of whom are also professors at the medical or pharmacological faculty of the University of Hanoi. This institute's eleven divisions include seven for research, one for coordinating provincial hygiene and epidemiology stations, one for laboratory animals with farms and colonies in the countryside, a library, and a school of microbiology and chemistry.

We visited several research laboratories that were studying the growth of pathogenic organisms (*Treponema, Toxoplasma, Leptospira*), serological typing and preparation of antiserums and vaccines, including a polyvalent vaccine (against leptospira, cholera, and paratyphoid A and B) developed locally and said to be in adequate supply for the entire country. Director Nguyen's virology laboratory has prepared a measles vaccine and is now working on one for trachoma and rabies. The nutrition laboratories study health problems arising from ingested herbicides, insecticides, and additives; and they are also interested in increasing nutritive value of foods. We were told that there is no kwashiorkor and little beriberi in the DRVN because the government controls the degree to which the rice is polished. Since rice protein is poor in several amino acids (lysine, methionine, and tryptophan), an attempt is being made to supplement it with chemicals and with legumes in the diet. They had heard of and were interested in the lysine-rich strain of maize ("opaque-2") developed in the United States. They are also developing new foods, such as an infant formula made of wheat, rice, soybean, and fish extracts.

The institute's school offers a 3-year course, leading to a medical assistant's diploma. It accepts about 50 students a year, mostly women, who ultimately staff hospitals, laboratories, and provincial epidemiology stations. First-year training includes general physiology, chemistry, physics, and anatomy, while in the second and third years the students specialize in either chemistry or bacteriology. The school also has some postdoctoral medical students doing specialist's diplomas.

The laboratories in the various educational and research institutions were clean and orderly, even when the facilities were modest. There was a remarkable variety of foreign instruments—an East German Zeiss spectrophotometer, a West German Leitz fluorescence microscope, a French Jobin Yvon vaporphase chromatography apparatus, *p*H meters from China and Denmark, a Japanese inverted cell culture microscope, an electrophoresis apparatus from the Soviet Union, a Hungarian polarograph, and so on. Nevertheless, equipment and materials were obviously in very short supply.

Besides the very extensive library of the Polytechnic and the smaller libraries in all the institutions we visited, scientists may use the Central Scientific and Technical Library in Hanoi, directed by Tran Mai. Started in 1957 as an outgrowth of the Far Eastern Archaeological Library founded by the French in 1901, the library now has some 150,000 books and 4,000 periodicals. Most are in Russian, with English next, and then French, German, and Japanese. Chinese journals stopped coming during the Cultural Revolution but have now started again. In general, older people read French and English, whereas younger people read Russian and Chinese, although efforts are being made to extend language training. French scientists have recently sent 10,000 of the best books in their fields, including monographs, textbooks, and mimeographed materials, and gifts have also been received from other countries, including the United States. But books and especially recent periodicals are in very short supply. There are facilities for microfilming, but not for photoduplication.

The library is exclusively for the use of postgraduates, since undergraduates are expected to use either the libraries at their own institutions or their own state library, which has duplicates of many of the books here. Loss, mutilation, and theft of books occur occasionally but are said not to be a major problem. On the other hand, insect and fungus degradation cause serious difficulties in the tropical climate.

MEDICINE

Health care in the DRVN was efficiently and briskly described to us by Dr. Le Van Phung, director of hospitals, at the Ministry of Public Health. He said that the system is organized under five principles: (i) Medicine must serve production, national defense, mother and child, and ethnic minorities; (ii) it must be based on prevention; (iii) prophylactic and therapeutic care must be linked; (iv) Western and traditional medicine must be combined; and (v) administration must be through the mass organizations.

Dr. Phung summarized a number of statistics for us. Under French colonial rule, cholera, smallpox, trachoma, malaria, venereal disease, and leprosy were rampant, and infant mortality was high. There were only 47 hospitals in the entire country, and only one doctor for every 180,000 people. Now there is one doctor for every 7000 people (and if auxiliary medical personnel are included, there is one for every 1600 people). The yearly death rate has been reduced from 26 to 7.6 per thousand; maternal mortality from 20 to 0.8 per thousand births; and neonatal mortality (first 7 days of life) from 300 to 26 per thousand births (36 per thousand in the first year). Vaccination has made possible control of cholera, polio (Sabin-Shumakoff vaccine), typhoid, paratyphoid, and smallpox. Unlike Saigon Hanoi has no plague. The incidence of trachoma has been reduced from 80 percent to 40 percent and that of malaria from 9 to 0.14 percent; malaria has been controlled primarily with DDT supplied by the Soviet Union, although the disease is again on the rise because of resistant strains of mosquitos. Leprosy has been reduced from 2 to 1 percent, although facilities for leprosy treatment have been diminished since the world-renowned 2600-bed Quynh Lap leprosarium was destroyed by repeated aerial bombardment. Tuberculosis has been reduced from 4 to 1.5 percent partly through development of a heat-killed (43°C) variant of the standard BCG (Bacillus Calmette Guérin) preparation that makes storage and transport easier. Venereal disease has been reduced to several hundred cases a year, primarily because prostitution has been banned.

Despite the war, the population of 21 million is increasing by about 600,000 or 2.8 percent per year. Since this rate is considered too rapid for optimum development of the country, a birth control program has been instituted; this program is based on the use of rhythm method, condoms, and intrauterine devices. Abortion by dilation and curettage is also available on request at the district hospitals.

The core of the public health system is the village maternity clinic, of which there are

now 6000; there were 200 in 1955. Almost every village in the country has such a clinic, which is staffed by at least one doctor, an auxiliary doctor, a midwife with 2 or 3 years' training, a nurse, and a pharmacist. Using scale models, Dr. Phung showed us the two technical advances by which this network was able to establish effective sanitation. The first is a new type of double compartment privy that combines sanitation with production of economically valuable fertilizer. Urine is led off separately; feces are collected, a sand and ash mixture being added to the compartment after each use. When the first compartment is full it is sealed hermetically and the second compartment is put into use. After 2 months' anaerobic incubation of the first compartment, during which all parasites are killed and odors are destroyed, the material is removed and used as fertilizer. The second compartment is then sealed, and with the first ready for use, the cycle begins again. Except for about one-quarter of Hanoi, which uses a sewer system, each family in the DRVN now has such a privy.

The second advance is the provision of clean drinking water. Each group of two or three families is taught by the clinic to dig a good well with water-tight stone-lined sides. Where there is no water table, a channel filled with sand is used to filter swamp water. The clinics also do vaccinations, grow medicinal plants, and conduct educational campaigns such as one that reduced gynecological problems by teaching women to bathe daily.

Based upon the network of clinics is a pyramidal system of district and then provincial hospitals, and there are also special dispensaries for diseases such as trachoma, tuberculosis, and leprosy. The provincial stations of the National Institute of Hygiene and Epidemiology keep track of potential and actual epidemics and diseased individuals and operate mobile units for vaccination and spreading of public health information. The institute's Hanoi staff also operates mobile units for collection of samples, preliminary laboratory work in epidemiology, and control of epidemics.

The air war necessitated a tight and efficient organization of health services. Casualties were first minimized by dispersal of buildings and people (as with the Agricultural College we had seen earlier), camouflage, and trenches and shelters, especially between the 17th and 19th parallels where the bombing continues. For instance, we were told that a particular commune in the demilitarized zone, although hit with 430 tons of explosives in 180 bombardments, has suffered only 6 dead and 29 wounded because of efficient use of bomb shelters. Casualties are treated by a four-level network: Each cooperative has medics who dig out collapsed shelters, resuscitate, set tourniquets and splints, and evacuate to the village clinics if necessary. There shock treatment and transfusions may be given, and minor wounds are treated. Surgical cases are evacuated to the district hospitals, all of which can now perform operations, unless cranial surgery is required in the top level provincial hospitals. Because of the war, all medical students are now trained in surgery.

We learned more about medicine in the DRVN from Dr. Ton That Tung, a vigorous and forceful surgeon at the Viet Duc Huu Nghi Hospital, who was formerly Vice-Minister of Public Health, is a "Hero of Labor," and is widely respected among the scientists we met. Trained as a surgeon in Hanoi, he is a member of the Surgical Academy in Paris and of the Academy of Medical Scientists of the Soviet Union. The 350-bed hospital, started in the forest during the anti-French resistance and moved to Hanoi only in 1954, is used as a surgical training clinic for the university medical school.

In animated, rapid French, Dr. Tung told us that this medical school, the only one in the DRVN, graduates 300 to 500 doctors a year from the 5- to 6-year course following secondary school. Although students used to start in the hospital doing chores in the first year according to the French system, the war and dispersal of facilities have forced a change to the American system where students do not enter the hospital until the third year. This is not as desirable, according to Dr. Tung, because it gives less of a feeling for the patients. He also criticized the students for being too eager to specialize. In addition there are 20 schools throughout the country training 800 to 1000 auxiliary doctors ("feldschers") a year with a 3-year course. There are apparently enough nurses now, for the first time.

The hospital itself seemed clean and well run, although in modest quarters. We saw equipment from many different countries, mostly from the Soviet Union, China, East Germany, and Hungary, but also from France and Britain, and even oxygenators from the United States—not used very often, he said, because they waste precious oxygen. The hospital had recently received a gift of a heart machine from the American Friends Service Committee, for which Dr. Tung repeatedly expressed his appreciation. However, the hospital is still short of equipment and desperately short of medicines, especially methotrexate, isoniazid-streptomycin, and antibiotics.

Dr. Tung is very concerned about herbicides, which he believes accumulating evidence suggests are carcinogenic, although he is dissatisfied with the statistics obtained thus far. Since the start of defoliation by the United States, the most common cancers reported are hepatomas, and hydatiform moles and chorioepitheliomas of the placenta. Hydatiform moles have increased particularly in Tay Ninh, a province in South Vietnam heavily sprayed with herbicide Orange, which contains 2.4.5-T. This preparation, partly because it is contaminated with dioxin, is already known to cause embryonic malformations. He also described the effects of other "antipersonnel" weapons used in both the DRVN and South Vietnam. Among these is CS gas (o-chlorobenzalmalononitrile) which can cause ocular lesions. It reaches fatal concentrations when pumped into unventilated bunkers and tunnels by the Mighty Mite, a device developed by the U.S. Army. This allegation was supported by a film shown to us. Magnesium incendiaries burn at temperatures high enough to melt bone, and napalm has been "improved" so that it sticks better to flesh. Many children are treated for loss of or damage to limbs or eyes. These injuries are incurred when the children accidentally detonate small camouflaged mines that have been dropped earlier from the air. The fragmentation bombs now contain, besides steel pellets, small vaned steel arrows called "flechettes" that are more difficult than pellets to remove. We saw numerous photographs, x-rays and tissue specimens of civilians with pellets and flechettes embedded in their bodies; these were said to cause much pain and suffering. Treatment is becoming more difficult now that pellets are being made of plastic, and so cannot be located by x-rays. Dr. Tung and other Vietnamese are quite impressed with the remarkable variety of U.S. antipersonnel weapons, and the high level of research an development indicated by the yearly improvement and sophistication in each type. As he put it, "The United States has shown a kind of existentialism in applying science so creatively to the problem of killing people."

The Vietnamese appeared to take very seriously the task of cataloging the effects of the war. At the recent International Conference on Chemical Warfare in Vietnam, held in Paris on 12 to 14 December 1970, and attended by scientists from the United States, Britain, France, and other countries in addition to the DRVN and South Vietnam, the various herbicides, defoliants, gases, and other chemicals, their mode of application, and some of the effects of their use were extensively described. One study reported an increase in the rate of stillbirths at the Tay Ninh Provincial Hospital, and a rise in the incidence of the birth defects cleft palate and spina-bifida in Saigon, coincident with large-scale herbicide spraying in South Vietnam. Another study of 903 South Vietnamese patients evacuated to the Benh Vien Hospital in Hanoi included 179 who had spent from 2 months to 5 years in sprayed areas. Of the 19 women, 4 had been pregnant at the time.

Although the women appeared normal, had not been x-rayed during pregnancy, and had no family history of congenital abnormalities, three of the four infants were born with severe abnormalities. One of the children whose abnormalities are digital was born to a woman directly sprayed in the seventh week of pregnancy, the time when digital differentiation occurs in human embryos. A program of karyotyping cultured peripheral blood cells of these and other victims has recently been initiated. One of the three infants above, who has the symptoms of Down's syndrome (Mongolism), has the corresponding karyotype (21-trisomy), and preliminary karyotyping of other victims is claimed to show chromosome and chromatid breaks.

In all this work, the Vietnamese scientists impressed us as being very painstaking in amassing evidence and very cautious in drawing inferences. Nevertheless, it was quite clear from their research that chemical and other types of antipersonnel weapons are being used against civilians, and that teratogenic and carcinogenic effects may result from the use of herbicides in addition to their severe and possibly sometimes irreversible effects on plant and animal ecology.

VIETNAMESE SCIENTISTS

Our lectures began at 7:30 a.m., fairly late for the Vietnamese who are used to rising at 5 and then taking a siesta in the middle of the day. The large, bare lecture hall at the State Committee of Science and Technology building was filled with about 150 students, professors, and scientists—plant physiologists and agriculturalists for Galston's lecture and virologists, geneticists, and biochemists for Signer's. The lectures, delivered from a platform in front of an old, scratchy blackboard, were translated by Dang Vinh Thien, a 33-year old mechanical engineering graduate of the Pedagogical school. Thien's performance was extraordinary—rather than translating, he paraphrased groups of several sentences at one time. Often he didn't even wait for us to finish what we were saying since he clearly understood almost everything quite well, while at other times he interrupted to clarify a scientific point before translating. His broad scientific knowledge, he said, stems from his job as one of a team of ten that reviews international technological and scientific literature for a popularized fortnightly mimeographed bulletin, about 600 copies of which are distributed to scientists throughout the country.

The audience seemed to be listening closely and taking pains to follow. At the lectures and the three smaller seminars we each gave to groups of about 20, and in other discussions with scientists (for instance, at the Agricultural College), we were able to get some feeling for the scientific level of the Vietnamese from their interests and the questions they asked. Many of the questions were far too comprehensive for a brief answer; others dealt with details of our

lectures and related areas; still others asked for more information about developments in Western science of which they were aware and curious, and particularly about environmental and developmental effects of the herbicides with which their country is being sprayed. Most of the scientists had a good, if somewhat uneven, general background, biased toward the agricultural and medical sciences in which they specialize, and a few were extremely well read in even rather abstruse topics such as genetics of bacteriophage lambda. Their obvious interest and eagerness to learn made the discussions very enjoyable, and many of them seemed particularly intrigued by complex arguments and trains of reasoning.

Teaching was taken seriously by most scientists as an important aspect of their scientific development. Their approach seemed to be somewhat rigid and, to us, conventional. For example, they were quite disturbed when we happened coincidentally to mention that definitions of some terms and concepts—like "cistron"—were rather arbitrary and likely to change as information accumulated. "How, then," they wondered, "can you teach people what a gene is?"

Having essentially no scientific tradition of their own, the Vietnamese were very interested in learning how scientific research is organized in the United States and arranged several small meetings on the subject for us. They were careful to collect all the details of how we do things, with a view to planning ultimately to organize science to reflect their country's unique needs.

GENERAL EVALUATION

Several characteristics stood out among the institutions we visited and the scientists we met. One is the attitude of independence and self-reliance present in science as in everything else Vietnamese. Even as they described to us the various kinds of aid and assistance they were receiving from foreign countries, the scientists took pains to point out that conditions in Vietnam were unique, and that their particular problems required a specifically Vietnamese solution. For example, rather than bringing in foreign medical specialists they preferred to develop their own public health program from the beginning.

A second is the absence, despite an obvious respect for learning and knowledge, of a tradition of scientific research and higher education. This may once have existed, but has been missing at least since the years of French occupation. This causes the Vietnamese, on the one hand, to organize science and education in a way that matches their own assessment of their needs; but on the other, it means that at least temporarily they must adopt foreign methods for the organization of such matters as university education.

A third is the strong orientation toward public service and public welfare that runs through their scientific endeavors. Quite limited in resources, the Vietnamese are giving priority to the development of medical sciences, as they relate to care for war victims, to public health and nutrition, and to the development of scientific education and research establishments connected with the needs of agriculture and industry. Surprisingly, concern for public welfare was not restricted to the DRVN. Several times scientists urged us, in the name of national unity, to help their colleagues in South Vietnam too.

A fourth characteristic is close interaction between science and Vietnamese society. Examples are the change in orientation of doctors from curative to preventive medicine, and the adjustment of the research and educational structure to provide equal opportunity for women.

It is worth noting that these characteristics—independence and self-reliance, serious and responsible planning for the future, concern for public welfare, and change in social values—were also quite evident in the nonscientific aspects of Vietnamese life that we saw.

The scientists we met, and particularly the upper level administrators such as Minister Buu and Drs. Phung and Tung, seemed highly intelligent, serious, and competent. The institutions appeared well organized and well run. On the other hand, the little we saw of classroom procedure suggested that it was rather tightly disciplined and depended heavily on rote learning. The scientific, medical, and educational facilities all seemed hampered by shortages of equipment, supplies, books, journals, educational materials, and particularly medical supplies such as antibiotics.

In addition to the problems that beset all developing countries, the DRVN must deal with the war, which penetrates Vietnamese society at every level. During the air war—from 1965 through 1968 for most of the country, and through the present for areas below the 19th parallel—bombing on an unprecedented scale has severely crippled the country and its physical plant and has retarded the nation's development. Antipersonnel bombs and mines, napalm, and gas have killed many civilians and permanently maimed many more. Science must be extremely difficult under these conditions, and in the face of such destruction it might be expected to fall far behind national defense in priority. Yet, not only are morale and national unity very high, but we and other American scientists found a vigorous material and intellectual commitment to the development of science, and a lively interest in many areas of basic biology that are only remotely related to the country's immediate needs. Apparently, fighting the war does not preclude building up civil society and planning for the future.

The personal response of the Vietnamese, both scientists and others, also surprised us. Far from being treated as the enemy, we were continually welcomed warmly as friends. Their quarrel, they said, is with the U.S. government, but not with the American people. They also exhibited a nice sense of humor. While lecturing on independent and associated states of bacterial episomes, Signer noticed the translator's use of *doc lap*, one of the few Vietnamese words he had managed to learn. "I just recognized a familiar Vietnamese word—independence," An appreciative chuckle ran round the room.

A HOUSING VICTORY IN BROOKLYN

Mr. BUCKLEY. Mr. President, in this day of multibillion-dollar outlays for public housing and urban renewal, it is refreshing to come across a story of a housing victory that was won by the dedication, determination, and old-fashioned commonsense of private individuals. Such a victory is the story of 24 Furman Avenue, in the Bushwick section of Brooklyn, N.Y.

A remarkable woman named Mrs. Helen Barrera, starting with little more than a dream and the realization that more than money is required to renovate the slums, converted a garbage-strewn abandoned building in 1 year into a spanking clean residence to which the building's formerly despairing tenants now point with pride. The secret of Mrs. Barrera's success lay in her understanding that social as well as architectural rehabilitation is required if our urban renewal programs are to produce lasting results. By training and counseling the tenants, by arranging for onsite management in the form of three Baptist ministers, and by co-oping the building, Mrs. Barrera successfully infused the tenants with pride and hope. The rest was relatively easy.

An article entitled "How Hope Returned to 24 Furman Avenue," which tells the story of Mrs. Barrera's accomplishment, appeared in the Trinity Parish Newsletter for November–December 1971, as an item of interest to its readers, even though the project itself was not sponsored by Trinity Church.

Mr. President, 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:

HOW HOPE RETURNED TO 24 FURMAN AVENUE

A year ago, the 53-family apartment building at 24 Furman Avenue in the Bushwick section of Brooklyn was a house without hope. Physically, it was worse than a shambles—it was an unmitigated horror. It was ringed with heaps of garbage thrown from the windows of despairing tenants. Garbage choked the basement. Holes gaped in ceilings, toilets didn't work and the tenants in the top floor apartments were without heat for two years.

The owner, seeing only losses ahead, had walked away from 24 Furman Avenue with its controlled rents, tax arrears and $58,000 mortgage. The building was "abandoned," and this despite the fact that it was assessed at $180,000 and could not be duplicated today for a million dollars.

Worse even than the physical deterioration and pervasive putrefaction was the havoc wreaked on the spirit of those condemned to live here. Dogged by poverty, prejudice, frustration, fear and filth, they experienced a degree of degradation that grew progressively worse. When tenants moved out junkies moved in. There was a heroin factory on the fifth floor.

In short, a year ago the building was a disaster.

24 FURMAN AVENUE TODAY

Today, 24 Furman Avenue is transformed, regenerated, redeemed, a house to which hope has returned. The garbage is gone and so is the heroin factory. The basement, clean and newly painted, is a recreation area for children, teen-agers and adults. The toilets work, the ceilings are plastered and refinished, and the tenants have heat.

Even more important than the physical transformations have been the changes in the tenants. For the tenants have overcome fear and prejudice, and organized and become responsible. Cooperation has replaced friction between blacks and Puerto Ricans. The halls are patrolled and the junkies are kept out. The vacancies—there were seven a year ago—are filled and there is a waiting list.

How explain this miraculous change, this rebirth of hope and life?

HELEN BARRERA "GETS IT ALL TOGETHER"

Any explanation would have to begin with Helen Barrera. The Baptists with whom Mrs. Barrera works call her a general consultant, while the people at Catholic Charities describe her as an urban affairs specialist. Neither catagorization adequately describes this dyanamic, articulate and resourceful woman. For years she was engaged in "product development," an occupation that involved the rescue of faltering businesses. Then she switched to housing in the black ghetto. Now she is concentrating her formidably vitality and extraordinary concern for distressed humans on Puerto Rican housing.

Her specialty is "getting it all together" . . . bringing together the people who have financial muscle with people who have the expertise and the capacity to love and counsel oppressed and troubled fellow humans. It

involves prodding, cajoling and enlisting the cooperation of government officials, city, state and federal, of whose behavior, powers and duties she apparently has a thorough knowledge.

Officially, Mrs. Barrera is consultant for Total Operations for Neighborhod Environment, Inc. (TONE), the low-budget organization through which the miracle of Furman Avenue was wrought.

THE BAPTISTS AND TONE

TONE may be described as an activist expression of concern of the Southern Baptist Church. It got its initial funding—$1,000—as a gift from Dr. Cal Guy, a professor of Southern Baptist Seminary, and it was Dr. Guy who aroused the interest of 18 of the Southern Baptist leadership in TONE's mission. TONE's chairman, J. D. Callender, financial vice president of Amerado-Hess Corp., its president, Joe H. Hunt, vice president of AT & T, and its vice president, Robert Bell, of the American Can Co., are all active lay members of the Baptist Church.

The Rev. Rudolph Morgan, TONE's secretary, and the Rev. Kenneth Lyle, its treasurer, are both Baptist ministers.

Another leading actor in the drama of Furman Avenue is Joseph Colon, a Puerto Rican mortgage banker, president of the Puerto Rican Home Owners Association and a director of Banco Popular de Puerto Rico, a commercial bank. It was Mr. Colon who "discovered" 24 Furman Avenue and learned that it could be picked up from the nervous insurance company that held the $58,000 first mortgage for the bargain price of $24,500.

The sum was advanced by Banco Popular but was personally guaranteed by Messrs. Callender, Hunt and Bell, and was, in addition, underwritten by the Baptist Church of Lubbock, Tex. Mrs. Barrera and Mr. Hunt had been to all the banks that publicly boast of investing 1 percent of their assets in ghetto housing. Not even the personal guarantee of TONE board members would move the conventional Brooklyn banks. No savings bank would give TONE a mortgage.

TACKLING THE HARD-CORE PROBLEMS

Once TONE got possession of the property it found itself facing a host of weighty problems, some of them "hard-core things" like the heroin factory on the fifth floor. "The local precinct police captain was cooperative," Mrs. Barrera said. "He introduced me to the nice big black man who is his local aid in Community Relations. Pretty soon—guess what?—everything happened. The heroin factory disappeared."

Getting heat to the top floor tenants wasn't all that hard. "Someone had gone in and painted the valves. All we did was remove the valves, let out the air and up came the heat."

Then there were the stopped drains, the main sewer back-up, flooding the basement. "No one had ever told these people that they shouldn't throw lard down the sink or toilet. At the bottom of this huge structure the grease was caked so badly that when we went in with the Roto-Rooter knives it came out like candles for the altar."

Now the tenants began to get into the spirit of the thing. As Mrs. Barrera recalled it: "We said to the unemployed men, one day you work for us for the rent and the next day we'll pay you $20 to feed your family. We bought $300 worth of paint and with some of the back rent money we got from welfare we painted the whole house."

COLLECTING BACK RENTS

Getting this rent money from welfare illustrates Mrs. Barrera's resourcefulness. When TONE took over the title, she insisted that the insurance company formally relinquish all claim to back rents and assign these rents to TONE. Expensive boiler repairs were pending and the back rents (26 tenants were far in arrears) were needed to pay for them. "I gave the welfare people down at City Hall the choice of making reservations at the Waldorf-Astoria for these delinquent tenants or paying their back rents," Mrs. Barrera explained. "We got over $5,000." She added, her laughing dark eyes negating her words:

"Of course, this isn't the way you're supposed to do it."

Another hard-core problem facing TONE involved persuading tenants to give up some of the fruits of their ingenuity—free gas, electricity and telephone service, for example.

As Mrs. Barrera put it: "People are marvelously ingenious when they attack the system. Someone in the house was making 10 or 11 free calls a day to Puerto Rico. People had piped in gas and rewired the electricity and they were getting gas and electricity for nothing. No one would admit who the superintendent was. Con-Ed couldn't get into the locked-up basement to turn anything off. They couldn't collect. It was great!"

But it had to stop. Some of the hard-core people fought back. They sabotaged the elevator—cut the cable and started fires. And they broke into the storage room and stole everything in sight. "We had everything happen in that house."

WHEN "LOVE" MOVED IN

Three months after TONE took over, a crucial move was made. A two-room apartment on the ground floor where a dentist was supposed to be was vacated and three black, Spanish-speaking Baptist ministers were moved in.

With their arrival the turn around in the spirits and hopes of the tenants entered a new phase. As Mrs. Barrera described it:

"The quickest way you can get to the people is through the children. The children of these tenants were having problems—reading and writing and going to school. So the Baptist ministers opened their door and invited the children to come in. They gave them milk and helped them with their English homework. The mothers? They sort of seduced them—with goodness—tea, coffee and cookies.

"Then they helped the men with such things as notorization and getting jobs."

As the Rev. Rudolph Morgan, secretary of TONE, summed it all up: "Love is the name of the game."

Resentment, prejudice, suspicion—all collapsed before this onslaught of concern and love.

There was a great deal more to be done to make 24 Furman Avenue a good place to live. The tenants themselves did most of it, including plumbing and boiler-repair work under the tutelage of expert craftsmen. And the men cleaned out that garbage-choked basement and painted it for their family use.

"Joe Hunt gave $200 and got a friend to give another $200." Mrs. Barrera recalled, "so that for $400 we installed a toilet down there for the children. We bought an electric coffeepot and a ping-pong table and got a record player for music for the teenagers. Pretty soon everyone in the building had moved into the basement that only months before was so filthy you couldn't get through.

"Then the men and women organized committees and took the building over. They gave us a reception. The president of the tenants council said to us, 'You have come in here and changed our lives. And you haven't even asked us to become Baptists.' They were all Catholics," Mrs. Barrera added.

This isn't the end of the story of 24 Furman Avenue. TONE is now in the process of turning the building into a tenant-owned co-op or condominium. But that is a phase we won't go into here except to note that it is entirely feasible and will have a continuing beneficient effect in inculcating pride, spirit and hope in the families that live here.

Mrs. Jane Gallagher of Senator Buckley's office is giving Mrs. Barrera full support in this project. ("Jane keeps the bureaucratic doors open by asking 'why?' on the Federal Housing level. She is a crowbar when doors slam shut!")

Obviously, 24 Furman Avenue is a "pilot project." In the context of the gigantic problem of ghetto housing, which is now being climaxed by the abandonment by their owners of nearly 30,000 dwellings units a year, it is no solution at all. No one knows this better than Mrs. Barrera, Joe Colon and Joe Hunt, and the people associated with them. That is why Mr. Colon has worked out an ingenious program that aims to create a limited partnership on a substantial basis between churches and other community groups with profit-making institutions for the purpose of rehabilitating structurally sound buildings in ghetto areas that, like 24 Furman Avenue, have been abandoned by their owners.

FINANCING IS NO OBSTACLE

Thanks to federal housing and tax laws, financing large-scale rehabilitation of such buildings is not an insurmountable problem. Indeed, the profit and tax-shelter advantages are very attractive to profit-making organizations. Mrs. Barrera has a solid pledge now of $5 million—if she can put together $5 million worth of housing with the same kind of program that has worked so well at 24 Furman Avenue. This would be a substantially larger pilot project, or demonstration, involving several buildings. It would be large enough to set the stage for a full-scale attack on the problem.

Obviously, here is an opportunity for churches, or for an interfaith coalition of churches, to perform a spiritual ministry such as the Baptists are performing at 24 Furman Avenue on a scale that will truly test their Christian commitment. Prospective investors, for whom (and this should be clearly understood) the project is a business proposition, want to make certain the buildings will be there while they are getting their money back plus profit. But this assurance requires the limited partnership of churches to sponsor the program, to be the catalyst, so to speak, that puts the package together, and to perform the ministry that organizes the tenants and turns their lives around.

SOME "AMAZING" STATISTICS

The almost miraculous disciplining effect of putting the people in control of their own housing is revealed dramatically by a rehabilitation project at a 200-unit project in Spring Valley, New York.

The statistics, as recounted by Abraham G. Gerges, a lawyer with vast experience in housing rehabilitation, were "utterly amazing." Forty per cent of all the police calls in the town of Spring Valley in the year of 1969 went to this project. So did 35 per cent of the minor and major fire calls. In 1970 and to date in 1971 there has been not one police or fire call to the project.

"Bear in mind," said Mr. Gerges, "that there were the same tenants—there wasn't one change. There was just one difference—these were rental units in 1969; after rehabilitation they became co-op apartments.

"Another thing, with the transition we lowered the rents. We saved the welfare people about $36,000 a year."

Mrs. Barrera is still busy "getting it together." She has the tentative $5 million commitment to rehabilitate ghetto housing. But she has still to win the vital—meaning indispensable—commitment to the interfaith body that will undertake, through unremitting labor, patience and love, to "rehabilitate" the people and inspire them with hope and life. She needs and deserves the ardent cooperation of Christians.

CONGRESSIONAL CONTROL OVER U.S. DISTRICT JUDGES

Mr. ALLEN. Mr. President, we have read much and we have heard much of late on the question of whether or not Congress may exercise any degree of control over U.S. district court judges in the matter of fashioning specific remedies to implement the U.S. Supreme Court desegregation decision.

In the interest of clarifying the issue, I believe we should isolate the factual elements from the purely rhetorical and political arguments. Let us examine the facts.

First, a unanimous U.S. Supreme Court has said that racial balance in public schools is not required by the Constitution.

Second, Congress has not required racial balance. In fact, to the extent that Congress has addressed itself to the point, it has defined desegregation to exclude a requirement of racial balance in the schools. Obviously, since racial balance is required neither by the Constitution nor by Congress, it must follow that judicial decrees which require forced busing of children to achieve racial balance in schools is not required.

Third, despite the fact that racial balance and busing to achieve racial balance is required neither by the Constitution nor by Congress, U.S. district court judges have issued decrees which do require busing to achieve racial balance. Many of such decrees have required massive busing and other disruptive and—in my judgment—unjustified remedies such as disregard of the boundaries of separate political subdivisions of a State.

Fourth, these lower court decrees up until now have been upheld by the U.S. Supreme Court, as in the Charlotte-Mecklenburg case, not as a requirement of law, but as a permissible exercise of equity powers of U.S. district courts. In this connection, when we refer to equity powers, we are, in fact, talking about near-unlimited discretionary powers of U.S. district court judges to shape remedial decrees which are designed to balance the public interest with private rights protected by the Constitution.

There are those who contend that Congress can exercise no control whatsoever over the discretionary powers of U.S. district court judges except to enlarge and reinforce the powers of such judges. This is the issue. I contend that Congress does have the power to limit discretionary remedies which can be imposed by U.S. district court judges in cases involving 14th amendment issues. In fact, the 14th amendment specifically grants Congress that power.

Mr. President, in the Charlotte-Mecklenburg opinion, the Supreme Court pointed out that Congress has given Federal courts very little help by way of guidelines with respect to shaping remedial decrees in desegregation cases. The court, in fact, extended what I consider an open invitation for Congress to exercise its judgment in the matter of determining proper remedial decrees in school desegregation cases.

It should be pointed out that the exercise of congressional oversight in this area has nothing to do with limiting the jurisdiction of U.S. District Courts. To the contrary, any congressional guidelines which might be proffered necessarily recognize the constitutional issue involved and the jurisdiction of U.S. District Courts to effect remedies.

Mr. President, it would be presumptuous of me to cite the many types of cases where Congress has, in the past, prescribed judicial remedies designed to vindicate constitutional and statutory rights. For example, in the area of labor disputes, Congress has inhibited U.S. District Court judges in the exercise of discretionary powers in shaping remedies to the exclusion of congressional oversight. The comprehensive argument can wait.

In the meantime, Chief Justice Burger has said, in a different subject context, but in a context relevant to the question of the power of Congress to control U.S. District Courts in the area of injunctions:

> In these circumstances Congress may, of course, take any further legislative action it deems necessary to make unmistakably clear its intentions with respect to the Three Sisters Bridge project, even to the point of limiting or prohibiting judicial review of its directives.

Mr. President, the statement I have just quoted is from a news item published in the Washington Post, on Tuesday, March 28, 1972. I believe it contains an expression of a sound principle of law and also that it can be taken as a straw in the wind—an indication of the attitude of the U.S. Supreme Court on the question of congressional power to limit the exercise of discretionary powers by U.S. District Court judges.

Mr. President, I ask unanimous consent that the news item be printed in the RECORD.

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

TEXT OF JUSTICE BURGER'S OPINION IN BRIDGE CASE

Following is the text of Chief Justice Warren E. Burger's concurrence in the U.S. Supreme Court's refusal to consider the Three Sisters Bridge case:

I concur in the denial of certiorari in this case, but solely out of considerations of timing. Questions of great importance to the Washington area are presented by the petition, not the least of which is whether the Court of Appeals has, for a second time, unjustifiably frustrated the efforts of the Executive Branch to comply with the will of Congress as rather clearly expressed in Section 23 of the Federal-Aid Highway Act of 1968. If we were to grant the writ, however, it would be almost a year before we could render a decision in the case. It seems preferable, therefore, that we stay our hand. In these circumstances Congress may, of course, take any further legislative action it deems necessary to make unmistakably clear its intentions with respect to the Three Sisters Bridge project, even to the point of limiting or prohibiting judicial review of its directives.

U.S. ACCESS TO FOREIGN MARKETS

Mr. BURDICK. Mr. President, we are all aware of the need for easier U.S. access to foreign markets. Expanding U.S. exports is an established objective of our Government.

While we may differ on ways to right our trade balance, we can agree, I believe, that we face serious problems in this regard.

So it was particularly interesting and informative for me—and about 500 other representatives of government and industry—to hear recently the thoughts of the Senator from Hawaii (Mr. INOUYE) on the U.S. export situation.

Senator INOUYE addressed the Government-Industry Awards dinner of the Electronic Industries Association on March 8. I was in attendance at the dinner.

Because Senator INOUYE's remarks are particularly pertinent and the speech was carefully prepared, I ask unanimous consent that it be printed in the RECORD.

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

SPEECH DELIVERED BY SENATOR DANIEL K. INOUYE AT THE ELECTRONIC INDUSTRIES ASSOCIATION GOVERNMENT-INDUSTRY AND AWARDS DINNER, WASHINGTON, D.C.

America has often been described as the land of promise. Every two years this becomes very evident . . . "I promise if elected to provide the people of the United States the best educational system that money can buy. I promise if elected to cut taxes $10 billion . . ."

Like all of you, I am thrilled by these promises to buy the best housing, the best educational system, and the best health care for the people of the United States. These are dramatic and tangible promises and they are easily understood. However, I maintain that in concert with these promises someone should tell the people of the United States how we intend to pay for these programs. I gather that politicians—and I am one of them—are reluctant to discuss this, but if we are to make America the land of reality and not only of promise, then we must turn our thoughts to creating the wealth that will pay for this vast array of social programs. This evening I wish to discuss the potential of foreign commerce as a source of this necessary wealth.

Our national attention has been directed to foreign commerce more closely than at any time since the early 1930's. For the first time in many years politicians, businessmen, bureaucrats and labor leaders are scrutinizing international commerce and are discovering the links that bind our domestic welfare to the international commercial and financial system.

However, it was only after a shaky monetary and commercial structure began to disintegrate that we, as a people, began to give international commerce sufficient attention.

I am certain that you, as important leaders in the business community, are familiar with the disheartening statistics.

Nowhere is the relative decline of our economic power more graphically illustrated than in our merchandise trade accounts. For nearly a century we enjoyed large positive trade balances. These export surpluses covered deficits resulting from overseas defense, foreign assistance, and tourism. The growth in exports also created well-paying jobs for millions of American workers. However, since 1964, when the United States enjoyed a trade surplus of some $7 billion, our positon as a competitor in the world marketplace has rapidly disintegrated. Last year, the United States suffered a deficit for the first time since 1893 approximately $2 billion. The de-

terioration from 1970 to 1971 alone amounted to more than $4 billion.

Even this retelling understates the gravity of the situation. Because of our peculiar accounting practices in counting concessionary "soft currency" sales and not including the cost of insurance and freight in computing our balances, we have chronically overstated the extent of our export sales. If one makes adjustments to reflect these distortions and arrives at a more realistic figure, it becomes clear that our Nation has for the last five years been experiencing severe trade deficits.

We have been rapidly losing our export competitiveness. In the crucial area of manufactured goods, the United States slipped from 25% of the world market in 1960 to 21% in 1970. In dollar terms that has meant a $6 billion loss in exports. In human terms it has meant 400,000 lost job opportunities that were and are desperately needed. In 1970 we also lost our position as the world's largest exporter of manufactured goods to Germany. The gap between the two nations increased in 1971, a year in which our imports grew three times faster in percentage terms than our exports.

In these circumstances the events of August 15th appear logical and necessary. I believe they were appropriate and deserving of support even if somewhat tardy.

The present Administration has shown considerable interest in arresting the decline in our foreign trade. It negotiated the terms of a dollar devaluation. It encouraged the formation of the Domestic International Sales Corporation (DISC). It supported legislation which expanded the credit facilities of the Eximbank. Finally, it has made a step towards coordinating economic policy by creating the Council on International Economic Policy, headed by Peter Peterson, now Secretary of Commerce.

Nevertheless, and important as these developments have been, I believe that we must have the vision to look beyond the two or three years during which time the devaluation should have its initial effects if we are to prevent such crises from becoming a recurring phenomena. The most important, and in some ways most difficult, task is for our country to establish a clear long range public policy on trade and exports.

It is a sad fact that in spite of the recent measures, this nation does not have a strategy to deal with the new world in which the United States is no longer *the* economic power center. These recent measures have basically been a response to developments over which the Administration has exercised little control and steps which can best be described as "crisis management". In the years ahead, however, "crisis management" must be subordinated to establishing clear commercial objectives or we shall find ourselves careening from crisis to crisis over which we exercise no control

As you undoubtedly know, there have been a number of proposals to deal with the problem. They range from "benign neglect" to the imposition of high quota barriers to foreign goods.

This last, draconian plan is, of course, what is popularly known as the Burke-Hartke bill, or the so-called "Fair Trade and Investment Act".

Although there may be several desirable features to the bill, its overall effect would be to disrupt our foreign commerce by impeding the flow of goods and services between the United States and the rest of the world and retarding our growth as well as that of multinational enterprises. Adoption of the bill would unquestionably lead to a massive trade war in which we would all be losers. The biggest loser would be the American consumer, who would find his choice of goods seriously limited and far higher priced.

The results of this protectionist measure can be devastating. Simply put, it will: (1) reduce overall foreign trade adding more men and women to the unemployment list. (2) reduce competition among domestic producers. (3) result in higher prices for consumer goods.

In other words, although proponents of this measure have every good intention to help the poor, the unemployed and the labor force of America, the results will be just the opposite.

Businessmen and academics have launched a massive attack on this bill. The Department of Commerce and several business associations have produced scholarly and persuasive studies which refute the claims made by the proponents of the legislation. However, I submit that these well-documented books and speeches are an inadequate response to this protectionist drive.

We must recognize that the Burke-Hartke bill is the result of the legitimate worry of working men and women about their jobs. It may be easy for a business executive making $100,000 or more per year to belittle the Burke-Hartke bill, but for the man whose very livelihood is threatened by foreign competition, it means job protection. It is their "security blanket." This protectionist threat would not have materialized if we did not have a 6% unemployment rate, but the fact is that this abnormally high unemployment is with us and threatens to be a long-term component of our economy. Nor is it helpful for various Administration officials to talk darkly about a permanent shift to a higher unemployment rate.

If we are to avoid the Fortress America strategy epitomized by the Burke-Hartke bill, we must first deal with the fears generated by our present economic policies. We can combat protectionism only by developing and implementing the kind of international trade strategy that we presently lack.

A sound strategy to coping with the economic difficulties we now face requires a judicious balance of offensive and defensive programs. In shaping our response to this new world of vigorous economic competition, we must include the following components in our strategy: (1) domestic and foreign policies and programs to encourage present and potential exporters; (2) policies to remove or alleviate current impediments to our foreign trade; (3) policies which place sufficient emphasis in our foreign affairs on economic matters and permit us to react, if necessary, to the actions of foreign governments that injure our economy; and (4) improved governmental machinery to develop the policies favorable to export and the U.S. economy, to provide the climate for trade and investment, and to conduct negotiations and administer assistance programs. Government can help to fulfill these demands, but it cannot do so without the cooperation of business and labor.

In the drama of the fight over quotas and tariffs, most individuals overlook the fact that export expansion is the other side of the coin. Every $1 billion in exports creates thousands of new jobs.

As Chairman of the Senate Subcommittee on Foreign Commerce and Tourism, I have had an opportunity to review this problem of export expansion. I discovered much to my dismay that there was literally no significant export expansion legislation currently before the Congress. It is particularly noteworthy that even the Administration, which has taken several important steps in helping to reorder the international monetary system and initiate trade negotiations, has failed to request of the Congress new authority to establish programs oriented to deal with the economic competition we are encountering.

It was to fill this vacuum that Senator Magnuson, Chairman of the Senate Commerce Committee, and I last year introduced S. 2754, the Export Expansion Act of 1971. Among the major provisions of this bill are the creation of an International Commercial Service under the auspices of the Commerce Department to replace the old commercial attaché system operated by the State Department; the creation of a Trade Development Corps to assist American business in solving exporting problems and finding markets for their products; establishment of a new program to train exporters; creation of a cost-sharing program; grants to states to encourage local initiative; strengthening the Federal Maritime Commission to deal with unreasonable freight rate disparities that injure American exports and to simplify complex rate structures; rejuvenation of foreign trade zones as a means to stimulate exports; creation of a commission to oversee unfair foreign trade practices; and finally reorganization of certain Commerce Department foreign trade functions.

In introducing the bill, Senator Magnuson and I were fully cognizant of the fact that we were only taking the first step in providing the necessary Congressional input. Because of Senate jurisdictional reasons our initial efforts had to be limited, but in the weeks and months ahead we intend to explore the following ideas:

(1) Ways to stimulate East bloc-American trade. In 1970 the United States accounted for only four percent of the total East-West trade, and American joint ventures with Communist organizations were virtually nonexistent. If we are to participate meaningfully in this trade, we must liberalize our system of export controls, streamline review procedures, and expedite legislative action on most-favored-nation treatment for Eastern bloc countries;

(2) Reorganization of the governmental machinery. It has recently been brought to light that there are more than 70 bureaus, agencies, offices, and commissions in the Executive branch dealing with international economic affairs. Of these approximately 40 deal with some aspect of export expansion. Clearly this situation cannot be tolerated in spite of the efforts of the Council on International Economic Policy. We must consider how we wish to overhaul this sprawling conglomeration of offices and whether or not we wish to emulate some of our competitors by forming a Department of Trade and investment to consolidate them in a form that can be effectively utilized;

(3) Renewed emphasis on high technology research and development. Other countries, particularly Western Germany and Japan, have embarked on programs to intensify their research and development spending. High-technology products is the field in which the United States still maintains its eminence. It is this area which had hitherto provided our substantial export surpluses, amounting to more than $8 billion in 1971. Even in this field our competitive advantage is disappearing. It is noteworthy that our surpluses in technology-intensive manufactured goods have not grown in the last few years. In spite of laudable Administration interest in this area, I believe that more direct assistance to high-technology companies should be considered, e.g., a "technology bank" to provide low-interest loans for research and development; direct grants for export-sensitive projects; financing and servicing beyond present Eximbank programs; and tax credits for higher research and development expenditures;

(4) Additional incentives to exporters. Only four per cent of our manufacturers now export in spite of the fact that international trade offers great opportunities as well as great challenges. It is common knowledge that foreign governments offer their exporters substantial incentives, including large depreciation write-offs. Our seven percent tax credit is hardly sufficient to offset these advantages. Therefore, I believe we would do well to consider the possibility of further tax incentives such as increased accelerated depreciation write-offs for those manufacturers who compete in the export market; and finally

(5) Additional governmental programs to facilitate exports. As I noted earlier, the proposed Export Expansion Act contains several new proposals to encourage exporting. These include cost-sharing programs with the Government and the establishment of service centers abroad. Further programs might include program grants and loans directly to manufacturers repayable according to incremental exports; improved servicing by domestic field offices; improved and easier documentation requirements; and computerized informational systems that will provide trade leads to companies at a moment's notice, with, of course, governmental follow-through and encouragement.

A full reversal and restoration of competitiveness can be accomplished only by the determined partnership of government, business, and labor. We in government can learn a few lessons from foreigners to enable American business to compete more effectively. Indeed you will notice that the proposals I have presented this evening are specifically designed to create a friendly climate for businessmen to engage in exporting.

It is easy for me to say that we should be more pro-business and enact realistic laws consistent with the challenges we face abroad, but we shall not achieve this by my saying it. The change will also have to come from business itself. In each of the countries with aggressive export expansion programs, business, government, and labor have forged policies which stress close cooperation and consultation. In many cases, this cooperation takes the form of agreement on social goals.

Japan is perhaps the outstanding example of this kind of society. In return for job security and rising wages, Japanese labor unions have been very cooperative authorizing only minimal industrial disruptions. While I do not advocate the wholesale adoption of foreign values and institutions, business leaders should reassess their corporations' activities if they expect government support to meet foreign competition.

Business must show that it can meet new social demands responsibly and effectively. A good example of the social conscience we need is the Xerox program through which participating employees take a paid leave of absence to work on programs beneficial to their communities. Much-maligned General Motors has an impressive range of programs designed to train minority group employees and encourage minority-owned small business. Not every company has Xerox's or GM's resources, but many large companies can afford to do more. This community involvement and commitment are precisely what must be done if we are not to remain frozen in those antiquated attitudes which see government, labor and business as mutually antagonistic blocs.

Corporation executives have sometimes privately asked me why business has been losing public support. I am not nor do I pretend to be a sociologist, but I have pointed out some examples in which business has not been adequately progressive. At a time when we face a serious drug problem, many people were properly horrified by the determined fight against the regulation of amphetamines by some pharmaceutical companies. Nor has business been in the vanguard to rectify consumer and environmental problems.

We in government should not have to legislate to compel these changes.

Too many people still think of business only as a profit-motivated and insensitive. All too often the attitude that many people see expressed by business is one of avoidance and defensiveness. When business fails to contribute positively, the field is left open for anti-business elements to motivate government to take steps that business views hostile. This essential public support is a key ingredient, not only in domestic politics, but, also, in export expansion.

The major beneficiaries of expanded foreign trade and exports will undoubtedly be the working men and women of America. And labor has a major role to play in the expansion of our exports. This must be kept in mind by labor negotiators as they approach the bargaining table.

I would like to conclude my remarks tonight with an optimistic appraisal of the state of the union. The naysayers and prophets of doom to the contrary, I find much to be hopeful about. It is true that deep divisions scar our society and that our economy has been badly buffeted. Nevertheless, we have the world's best-educated and most-skilled labor pool. Our society still produces the most advanced ideas in technology, business management, the social sciences, and the arts.

As we in government and you in business embark on this common journey through an unknown terrain we have reason for confidence that by working together we can reassure ourselves and assure the rest of the world that we have not yet seen the end of the American century.

THE FOOD PRICE HOAX

Mr. HUGHES. Mr. President, one of the cruelest hoaxes that has been visited on the American people in recent years has been the attempt of certain interests in the food industry to blame the farmer for the precipitate rise in food prices—particularly meat—in recent months. No one can blame the American consumer for being worried and indignant about the high prices at the supermarket. However, as those of us from the great food-producing regions of our country have been pointing out, the major cause for escalating food prices falls within the spread between what the farmer gets for his product and what the processed and distributed food sells for at the grocery counter.

Statistics released by the U.S. Department of Agriculture Monday, March 27, confirm that while charges for processing, transporting, and distributing food increased by 2.5 percent during February, prices paid to the farmer rose only 0.9 percent.

A news article in the March 28 Des Moines Register tells the true story and for the benefit of my colleagues and the consumers of our country 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:

MIDDLEMAN'S FOOD SHARE RISES—USDA REPORT SAYS FARMER SLICE DROPS

(By George Anthan)

WASHINGTON, D.C.—The "middlemen" who are being blamed by the Nixon administration for the rise in food prices, got most of the increase recorded last month, a government report said Monday.

The farmers' share of the consumer dollar actually dropped during the month, the U.S. Department of Agriculture (USDA) said in a report issued at the same time.

President Nixon and Agriculture Secretary Earl Butz have emphasized in recent days that consumers should not blame farmers for the 1.9 per cent increase in food prices in February.

The USDA announced Monday that while the retail cost of a typical "market basket" of food produced on U.S. farms rose 1.9 per cent in February, charges for processing, transporting and distributing this food increased by 2.5 per cent. Prices paid to farmers rose only 0.9 per cent.

This means the farmers' share of the total consumer dollar fell from 40.1 cents in January to 39.7 cents in February, the USDA said.

The USDA estimated that in January a typical American household was spending at the rate of $1,274 a year for its food. Farmers received $511 of this and middlemen $763.

But in February, the department said, prices increased so that the market basket of food was costing an annual rate of $1,297, with farmers getting $516 and middlemen $781.

Beef prices, which have undergone a steep jump in recent weeks, indicate the farmer's dilemma, according to the USDA. Retail prices of beef increased 3.9 per cent in February, the department said, but the price farmers receive increased by 1.2 per cent.

The USDA said middlemen handling beef, pork and some fresh vegetables "substantially increased their margins." However, handlers of poultry and egg products realized a smaller margin in February than in January.

The Price Commission has scheduled hearings for Apr. 12 on the increase in food prices, and Chairman C. Jackson Grayson has indicated that if the rise continues the unit will take action to impose controls.

Currently, raw, unprocessed agricultural products are exempted from the Nixon administration's price controls, but processed food is not.

Grocery prices in February were 6.5 per cent higher than a year earlier, the USDA reported.

DEATH OF LUKE C. QUINN

Mr. PELL. Mr. President, recently the health community of the Nation lost a particularly valued worker, leader, and friend with the death of Luke C. Quinn.

Luke Quinn was uniquely helpful in presenting to the Congress some of the most compelling health needs of the Nation during the past 20 years. His knowledge, his helpfulness, and his understanding of the health problems of the country will be sorely missed.

Personally, I had a huge admiration for Luke Quinn, both because of his own high qualities of dedication and integrity and because of the kindness and breadth of his interests. Our country is the poorer that we have lost the services of such a selfless, fine gentleman. I shall miss him and know that those who join me in missing him are legion in numbers.

I ask unanimous consent that the obituary of Col. Luke C. Quinn, Jr., published in the Washington Post, be printed in the RECORD.

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

[From the Washington Post, Mar. 13, 1972]

LUKE C. QUINN, CANCER FIGHTER, DIES

(By Claudia Levy)

Col. Luke C. Quinn Jr., 64, a lobbyist for the American Cancer Society who played a major, behind-the-scenes role in the passage last year of the Conquest of Cancer bill, died Saturday at the Clinical Center of the National Institutes of Health.

A legislative representative for the society and other public health groups here for 20 years, he died of a cancer that was discovered last summer. The retired Air Force officer put off further treatment until the fall, his assistant said, because Congress was holding hearings on the cancer bill he had fought so hard for.

That bill, signed into law by President Nixon two days before Christmas, authorized a $1.6-billion federal crusade against

cancer and gave the President a special responsibility for finding new research and treatment methods against a disease that kills 325,000 Americans a year.

The compromise legislation, Col. Quinn's associates said, was in part a tribute to the lobbyist's skill in encouraging both President Nixon and Sen. Edward Kennedy to join forces. He had also worked hard to marshal the support of citizens and scientists while the legislation was being fought out.

"There were so many bills floating around, and unless there was a single person to coordinate, we could have ended up with a mess," said Dr. Solomon Garb, cochairman of the Citizens Committee for the Conquest of Cancer.

The colonel had asked him and others to form the committee in 1969, said Garb, science director for the American Medical Center in Denver, Colo., because he was alarmed at the continuing cutbacks in cancer research funding.

A native of New York City who had studied at Columbia and American universities and the City College of New York, Col. Quinn served during World War II as an intelligence officer in Italy and then was assigned to Capitol Hill as the Air Force liaison officer. In 1952, after he retired from the service, he became a registered lobbyist for a number of professional and scientific groups interested in expanding medical research, including the cancer society.

He lobbied successfully for a 10-million special task force on genetic diseases and was instrumental in the establishment of the National Eys Institute and the Fogarty International Center at the National Institutes of Health.

He also helped create the John E. Fogarty Foundation for research into children's diseases in Providence, R.I., an institute that is named for the late congressman who was among the first to urge Col. Quinn to take on health legislative work.

"Quinn carefully kept his name out of the news for the 20 years he spoke for health interest," his assistant, Noël Noël, said.

"There was an element of martyrdom in which he did (last summer)," Garb said. "I think he probably sacrificed his own chances for survival to insure that a good bill was passed."

"The historic Cancer Act passed last year in Congress will be a permanent memorial to Luke Quinn," Sen. Kennedy said. "Because of his tireless efforts, we enacted the most important milestone so far in our national effort to conquer cancer. The disease claimed his life, but because he lived, millions will be saved."

Col. Quinn, who lived at the Watergate Apartments, is survived by a sister, Dorothy Judge, of Caldwell, N.J.

PUBLIC LAND LAWS

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Senator from Washington (Mr. JACKSON), I ask unanimous consent to have printed in the RECORD a statement by him and insertions on the subject of the William K. Wyant series on public land laws.

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

STATEMENT BY SENATOR JACKSON

I am pleased to bring to the attention of the Senate an authoritative appraisal of the environmental and legal issues surrounding the status of laws relating to mining operations.

Since 1951 when he first joined the staff of the St. Louis Post-Dispatch, Mr. William K. Wyant, Jr. has endeavored to inform the public of important environmental concerns. Mr. Wyant has been affiliated with the Post-Dispatch's Washington Bureau since 1964, and, through his diligent and comprehensive reporting, has made numerous and valuable contributions to the efforts to preserve and conserve our precious environment.

Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks this series of informative articles, written by Mr. Wyant, which appeared in the St. Louis Post-Dispatch successively, beginning December 12, 1971. I wish to also submit for the RECORD two related articles which appeared in the St. Louis Post-Dispatch.

Mr. President, in view of the fact that the Committee on Interior and Insular Affairs currently has under careful consideration legislation designed to revise and reform the mining laws, these scholarly works are a timely and valuable contribution to the body of information relevant to the issues concerning mining legislation.

[S. Louis Post Dispatch editorials—News analysis and interpretation]

OUTDATED MINING LAWS A BOOM TO DESPOILERS

(By William K. Wyant, Jr.)

(First of a series)

WASHINGTON, Dec. 11.—Before leaving office early in 1969, former Secretary of the Interior Stewart L. Udall denounced the 1872 federal mining law as "an outright giveaway of vital national resources." For a century, the law has encouraged plunder of the public lands, critics say, permitting minerals worth billions of dollars to be taken off without payment.

The law is regarded as an engraved invitation for miners to come in, look, and take. This right of virtually untrammeled access, defended as sacred by some in industry and Government, hampers good management of an increasingly valuable national heritage.

Action is under way in Congress to change the bewhiskered old law. It was enacted after the California gold rush and reflects a time when the Western domain seemed limitless. It provided the lonely and grizzled prospector, braving Indians with his pickax and burro, a way of staking his claim and defending it against others.

But today, the descendants of the burros are running wild in the western desert, and giant companies such as Kennecott, Anaconda and American Smelting and Refining Co. need a quarter of a billion dollars in capital to bring in a new mine.

What the miner found on public lands was his by right, free of charge. He had earned it. That was the philosophy. With respect to hardrock minerals such as copper, molybdenum or uranium, that philosophy still prevails in the law and is widely championed to this day, particularly in the mining industry.

"All valuable mineral deposits in lands belonging to the United States, both surveyed and unsurveyed, are hereby declared to be free and open to exploration and purchase, and the lands in which they are found to occupation and purchase, by citizens of the United States," Congress declared in 1872.

Under the General Mining Laws as they have developed, a person who has discovered a valuable mineral deposit on public lands—or thinks he has discovered it—may stake it and file a claim at the local county courthouse. There is no obligation to file with or notify the Federal Government, a fact that has caused great trouble.

After filing, the claimant, whether he be the Anaconda Co. or a weekend prospector hoping for a lucky strike, has acquired what is known as an unpatented mining claim. There are said to be at least 6,000,000 such claims. The claimant may proceed to take out his minerals without paying anybody for them, if he wishes. His claim is a property right that can be bought and sold.

If the mining claimant wants to own the land, he has the right to apply to federal officials for a patent. He can purchase the land outright for $2.50 or $5 an acre, provided he can prove that he has spent at least $500 on his claim, that a valuable mineral deposit has in fact been discovered, and that other requirements of the law have been met.

The amount of land involved in these transactions is sizeable. A lode claim, the kind filed for veins or zones of mineralized rock, can be as large as 600 by 1500 feet, about 20 acres. A placer claim, typical for sand and gravel containing gold, can be 20 acres. A mill site claim is limited to five acres of nonmineral lands. A person may file as many claims as he wants.

Only in the case of the so-called "locatable" hardrock minerals, such as copper, gold, silver and the like, does the 1872 mining law still apply with its full nineteenth-century vigor. In such cases, the seekers still may roam the public lands at will and take what he finds for nothing.

Restrictions on the way the miner uses or abuses the land are lacking. The fact that he need not notify the Government that he has made a claim has greatly complicated the task of federal officials charged with managing the public's property.

In 1917 and 1920, Congress enacted leasing acts covering fuels and fertilizer minerals—coal, oil, gas, oil shale, potash, phosphates and others. Common varieties of sand, stone and gravel have been sold outright since 1955. From mineral leases beginning in 1920 and running through the middle of last year, the U.S. received nearly two billion dollars. In addition, more than 3.3 billions were realized from leases on the Outer Continental Shelf.

Under a leasing system, the Government may permit exploitation of a mineral deposit. But the Government exacts a price and is in a position to impose terms, including measures to safeguard the environment. Moreover, the land itself remains under federal ownership. It is impossible to estimate how much the U.S. might have received from mining of hardrock minerals on public lands if they had been put under lease in 1920, as were oil and gas.

Arizona, by far the major copper-producing state, is said by that state's Department of Mineral Resources to have yielded more than 11 billion dollars worth of copper through the end of 1969. The state's copper output in 1969 alone was worth nearly $762,000,000. The U.S. owns about 45 per cent of Arizona. Most of that has always been owned by the Federal Government.

Although the Government gets no direct benefit under the 1872 law on hardrock minerals if taken from the public domain, it can impose a royalty on those minerals if taken from acquired land—that is, land the Government had to buy. For example, Missouri's "new lead belt" is on acquired lands in the Clark National Forest. Federal royalty receipts there are from $2,000,000 to $3,000,000 a year.

The giveaway aspects of the century-old law are important but are less harmful, in the minds of many critics, than other grievances to which the venerable statute gives rise. They include damage to the public's land that could be avoided and the almost intolerable burden the law imposes on federal land managers.

"It's nearly an impossible situation for us to operate under, the way it is at the present time," said E. I. Rowland, the Bureau of Land Management's director for Colorado at Denver.

A Forest Service official in northern Arizona put it more plaintively: "Sometimes you have to laugh to keep from crying."

The Government's land holdings add up to about one-third of the U.S. The major managing agencies are the Bureau of Land Management in the Department of the Interior and the Forest Service in the Department of Agriculture. Each is short of money and

personnel, particularly the Bureau of Land Management.

That agency, an Oliver Twist among federal agencies, has exclusive responsibility for a staggering 451,000,000 acres, or 60 per cent of federally owned lands. More than half is in Alaska. Much of it is marvelously beautiful—and, in total size, it is larger than Britain, France, Spain and Italy combined.

To look after all this federal real estate—essentially what is left of the original "public domain" after the nation's Western expansion—the bureau is authorized a permanent staff of less than 3800 persons. Its management appropriation for next year, exclusive of funds for emergency fire fighting and western Oregon forestry, will be $66,235,000, a pitifully small outlay, considering the dimensions of the bureau's task.

The Agriculture Department's Forest Service is in better shape, but it too is strapped. The Forest Service is responsible for 187,000,000 acres of forests and rangelands. Full-time employes in the National Forest Systems total 17,152, and this year's appropriation for forest protection and management is $192,000,000.

Because of a federal budgetary squeeze, both the Bureau of Land Management and the Forest Service are going through a personnel cutback. Both agencies operate at a profit, in the sense that they make a great deal more money selling resources from the public lands than they cost to run.

In recent years, the federal land managers have been caught between conservationists, who want the public's heritage protected and even salted away for the future, and the pressures generated by the national search for more energy, more minerals and more timber.

The pressure from mining interests is intense. This nation has only about 6 per cent of the world's land area and 6 per cent of its population, but it is using one third of the world's mineral production. Hollis M. Dole, the Interior Department's assistant secretary for mineral resources, said in September that the U.S. demand for primary minerals would quadruple by the year 2000.

As Congress sets about revising the old mining laws and setting new terms under which the public lands will be available for mineral search and development, there is obviously a great deal at stake for the mining industry. The industry, represented by the American Mining Congress, says it is fighting for its life.

That group's executive vice president, J. Allen Overton Jr., told the Idaho Mining Association at Cour d' Alene in July that he had come to tell them about "the alleged demise and burial of the American mining industry." He said the industry was facing the twin dragons of the 1970s—evil and misrepresentation.

"If unthinking purposeful opponents succeed in locking us out of the untouched mineral lands in this nation, and also lock us out of overseas resources," Overton said, "we stand in very definite danger of losing our freedom."

There is no question that access to the land is important to the mining industry, or that the industry itself is basic to the economy. However, the industry has powerful friends in Government, both in the Executive branch and in Congress. Traditionally, the Interior Committees of the Senate and House have been loaded with Westerners sympathetic to the mining viewpoint.

The Public Land Law Review Commission, headed by Representative Wayne N. Aspinall (Dem.), Colorado, was heavily stacked on the side of mining and other interests exploiting the public lands. The commission's monumental report, issued last year, was flabby in its approach to mining law revision, although it did say miners should pay for what they get.

In the wake of the commission's report, Senator Henry M. Jackson (Dem.), Washington, the chairman of the Senate Interior Committee, introduced a bill last February to erase the 1872 law, to give the Bureau of Land Management definite status and mission, and to provide for the leasing of hardrock lands.

Other legislative proposals to throw out the old law have been offered by Representative John P. Saylor (Rep.), Pennsylvania, the ranking Republican on the House Interior Committee, and Representative Morris K. Udall (Dem.), Arizona, a committee member.

Udall's bill, which has brought him harsh criticism in his home state, is substantially what was suggested in 1969 by his brother, the former Secretary of the Interior. Also pending are Administration proposals drawn up by the Interior Department and put forward by the present Secretary, Rogers C. B. Morton. They are too strong for industry's taste.

What the various bills would do, essentially, is establish a leasing system under which the Government would keep title to the land and the hardrock miner would pay a royalty on what he extracts. In addition, federal officials would get more power to control mineral exploration and development in the interest of other values of the land.

The handwriting on the wall was not difficult for the industry to see. It favored changing the law in some respects, anyway, and it set a battery of legal talent to drawing up a bill that was introduced in September by Aspinall in the House and by Senator Alan Bible (Dem.), Nevada, in the Senate.

The Aspinall-Bible bill would provide for payment of a small royalty and would eliminate some of the evils of the old law. It would preserve the structure of the mining location and patenting system, however, and would make it easier for claimants to tie up mineral lands for future development, an important benefit.

The industry-backed bill, a federal official said, would continue the present priority that mining enjoys over other values and would maintain the option of developing the land in private hands. It would continue the opportunity to tie up lands regardless of their mineral value, he said, and would make it easier for the mining industry to tie up land for prospecting.

High noon is approaching for the 1872 mining law, which has contributed richly to the mining industry, created a few millionaires and many paupers, and enlivened the legends of the Old West. The shoot-out in Congress will be next year.

MINING LAW CHANGE FOUGHT IN ARIZONA

(By William K. Wyant, Jr.)

(Second of a series)

PHOENIX, Dec. 13.—This sun-drenched desert metropolis, made verdant by irrigation waters and prospering with the copper industry, is the legal citadel for the American Mining Congress's effort to stave off drastic change in the 1872 mining law.

The hard-rock miners are willing to accept some alteration, but are unhappy about conservationist onslaughts and about legislative proposals that would limit their free access to hundreds of millions of acres of federally-owned land in the West.

In self-defense, the Congress has embraced and is supporting vigorously an alternative measure its lawyers here helped shape—the "Mineral Development Act of 1971", introduced in the House Sept. 14 by representative Wayne N. Aspinall (Dem.), Colorado, and three days later in the Senate by Senator Alan Bible (Dem.), Nevada.

Mining's importance to Arizona, which produces more copper than all the other states combined, would be difficult to overstate. Senator Paul J. Fannin (Rep.), Arizona, told the Congress at Las Vegas in October that copper mining employs more than 20,000 persons in his state, pays $177,000,000 in wages and foots about 12 per cent of Arizona's tax bill.

In 1970 Arizona turned out well over half the total United States and 13 per cent of the world's mine production of copper. Most of that came from around Tucson, much of it from what is or until recently was public lands.

The bills, miners are worried about, notably one championed early this year by Senator Henry M. Jackson (Dem.), Washington, would wipe the century-old law off the books and substitute a leasing system for hardrock minerals like copper. The Government would keep the title to the land and impose a royalty for minerals removed, as has been true since 1920 for oil and gas.

In contrast the mining industry's Aspinall-Bible proposal would fall well short of eliminating the old location-patent method which for generations gave hard-rock miners a blank check to roam the public lands, stake their claims, and take the minerals for nothing.

The Aspinall-Bible bill does provide for payment of a 2 per cent royalty to the Government on the "mine value" of minerals extracted, a point on which Aspinall, chairman of the House Interior Committee and a friend of mining, says he insisted when a committee of Congress lawyers consulted with him last summer about their draft.

"It was at my insistence they put it in," Aspinall told the Post-Dispatch in Washington.

As defined in the Aspinall-Bible measure, the mine value on which the Government's 2 per cent cut would be based is the proceeds from sale less depletion and all direct and indirect costs incurred, plus a reasonable profit. Other bills would exact 3 to 5 per cent on gross value, or leave the matter to the discretion of the Secretary of the Interior.

The industry's bill would tighten up the old law in ways designed to eliminate the nonmining abuses that have been rampant. It would convey title to minerals and land, but restrict the use of the surface to mining purposes. As far as legitimate mining is concerned, it would leave the public domain open to the virtually unhampered invasion miners insist is essential in their search for ore.

". . . It is to the public lands that the mining industry must look for a greater portion of our country's future metal and mineral requirements," George Munroe, president of Phelps Dodge Corp., told the Senate Interior Committee in indorsing the Aspinall-Bible approach Sept. 22.

"In the eight Western states in which the bulk of hard-rock mining is done, nearly half the land is public land, or under the supervision of the Federal Government."

Munroe is a director of the Congress and the head of a corporate giant that netted $112,621,000 on more than three quarters of a billion dollars in sales last year. Phelps Dodge is second only to Kennecott Corp. in domestic copper mining.

Also testifying on behalf of the mining congress along with Munroe were three other leaders of the industry—Ian K. MacGregor, chairman of American Metal Climax Inc.; Howard I. Edwards, vice president and secretary of Anaconda Co.; and Charles F. Barber, chairman of American Smelting & Refining Co.

Another mining witness that day was W. Howard Gray, chairman of the Congress's public lands committee. Gray is a Reno lawyer who served on the advisory council of the Public Land Law Review commission. The commission issued its report to Congress and the President in June 1970.

Of the four companies whose executives testified, a group with aggregate 1970 sales of more than 3.3 billion dollars and earnings of more than $370,000,000, Phelps Dodge and Amax had the best year in their history.

Despite the size of their own companies, however, the Congress spokesman voiced concern for the small miner.

The big mining companies have exploration divisions and stake claims of their own on the public lands. They also look to individual prospectors and small companies for bird-dogging evidence or minerals. Edwards of Anaconda reminded the Senate committee that Utah's Topaz Mountain beryllium strike—the world's largest—was made by a moonlighting school bus driver.

Senator Jackson's mining law revision bill would give the Secretary of Interior broad discretionary power over issuance of hard-rock mineral leases and require him to seek competitive bids for lands in which valuable deposits are known to exist. The Congress witnesses argued that competitive bidding would squeeze out individuals and small companies, since they could not afford the ante.

As was eloquently set forth, the cost of the mining game is going up. In their search for minerals basic to the American economy, miners are digging deeper and deeper and processing, with improved technology, ores of lower and lower grade. Anaconda's Twin Buttes copper mine south of Tucson cost more than $200,000,000. Amax's new Henderson molybdenum in the Colorado Rockies will run to more than $250,000,000.

The mining congress published and circulated the testimony of its star witnesses under the caption, "Mining Fights For Its Life". J. Allen Overtone Jr., the Congress's executive vice president, is proud of his industry's contribution to the national welfare but convinced that it is going through a "crisis of communications". Its problems, he says, are poorly understood by a public that takes for granted the metals essential to modern life.

"People have become hardware store mineral resources" that looms ahead.

On the same theme, Overton pointed to the September testimony of another Interior Department official, assistant secretary for Mineral Resources Hollis M. Dole, indicating that the United States demand for primary minerals will be four times greater in 30 years than it is now.

Contributing to the industry's present-day frustrations is the fact that the Federal Government speaks with many voices. Miners are being exhorted to go out and find more minerals, sometimes with federal financial help. At the same time, they are being chivvied about pollution, saddled with increased federal control, and told to stay out of scenic areas. The Government blows an uncertain trumpet.

Overton complained that the number of Government entities involved with mining had proliferated in the last 10 years. He ticked off 85 committees and subcommittees in Congress, nine federal departments, and 98 federal agencies, offices and bureaus.

The industry's legal committee involved in shaping up what became the Aspinall-Bible bill for mining law revision, Overton said, were Phoenix lawyers of "fine legal talent" who serve as counsel to the Congress's public lands committee headed by attorney Gray of Reno.

Included in the group are Howard A. Twitty of the Phoenix law firm of Twitty, Sievenwright & Mills; G. Henry Ladendorff, another lawyer here, and the Phoenix firm of Evans, Kitchel and Jenckes, Denison Kitchel of the firm, former counsel for Phelps Dodge and Asarco, came to public attention in 1963 when he directed the Goldwater campaign for the presidency.

It is not unusual for groups affected by prospective legislative action to draw up or help shape bills that eventually find their way into the hopper. They may not, of course, get what they want. The Sierra Club, a conservationist organization, claims credit for helping draft a rival to the Aspinall-Bible proposal, introduced by Representative John P. Saylor (Rep.) of Pennsylvania.

The Saylor bill, like measures sponsored by Senator Jackson and Representative Morris K. Udall (Dem.), of Arizona, would be a much more bitter potion for the mining industry to swallow.

The Interior Department in October offered its own proposals for change, retaining elements of the old location system for hard-rock minerals but giving the secretary more control over what goes on.

All the proposals, including the mining industry's, provide for payment of royalties to the Government where none, in the case of metals like copper and the like, have been paid before.

The industry lost the royalty battle when Aspinall's Public Land Law Review Commission, in which mining had great influence, came out last year with the recommendation that all users of the public lands should pay for what they get from what is owned by all the people, and specifically that the Government ought to collect royalty from miners.

"We have doubts that it is really necessary," Overton told the Post-Dispatch. After Aspinall insisted, he said, the Congress polled its members and they agreed to go along. He said one reason they went for it was that they did not want it thought that they were "flim-flamming the public."

Former Interior Department solicitor Frank J. Barry, an Arizonan now teaching law at the University of Oregon, became appalled at the iniquities of the old mining law while in federal office. He said he thought the copper companies could afford to pay a royalty.

"I don't see why they shouldn't," he remarked recently. "They get a 15 per cent depletion allowance on our copper."

COPPER: ARIZONA'S TREASURE

(By William K. Wyant, Jr.)

(Third of a series)

TUCSON, Ariz., Dec. 14.—When the United States made the so-called "Gadsen Purchase" from Mexico for $10,000,000 in 1853, it got a bonanza. The package included what is now southern Arizona and a rich treasure of mineral deposits. Copper is the big payoff now.

Close to 60 per cent of the nation's copper—a metal vital to modern industrial society—comes from this picturesque and fascinating desert country with its harsh, clear counters and soft Spanish names—the Santa Ritas, the Huachucas, Sahuarita, the Coronado National Forest.

It is a good place to look as the controversy gets under way over proposals in Congress to change the old 1872 mining law. That law, which invites the lonely miner to enter the public lands and take what he can find, is under intense fire as a legal monstrosity, woefully inadequate for the present day.

At stake in the struggle is the future of a vast federal land domain, owned by all the people of the United States and consisting of hundreds of millions of acres in the Western states and Alaska. This heritage is becoming more valuable as time goes by. The pressures on it are intense.

Around Tucson—sometimes called "the most cosmopolitan mining camp in the world"—and elsewhere, the pressures fall mainly on the Department of the Interior's underfed Bureau of Land Management, and on the forest service of the Department of Agriculture.

The bureau, a neglected and thinly staffed agency, has responsibility for 451,000,000 acres of federally owned lands. The Forest Service oversees 187,000 more. Neither is equipped to keep up with the multiple thousands of mining claims stake out on the public lands under the old law.

Regional and local federal officials in the West spent an inordinate amount of their time trying to cope with problems in which the old law—a holdover from pick-and-burro prospecting days—clashes with other uses of the public lands, such as recreation and the enjoyment of scenic areas.

Under the nineteenth century system that still covers copper, gold, silver, and other "locatable" hard-rock minerals, the claimant has no obligation to file his claim any place but the county courthouse. Federal land-managers have no direct way of knowing what claims have been filed, who filed them and where.

Federal officers hereabouts have little fault to find with the big, well-financed, legitimate mining corporations. They say the big outfits try to minimize damage, want a good public image, operated by the book, and know what they are doing.

Most of the difficulty, it was said, comes from small-time operators or individuals. Some are bona fide modern exemplars of the old prospector, seeking minerals and hoping to strike it rich. Others are after cheap land. Some are speculators. Mining claims have been used for real estate developments, fishing cabins, even brothels.

As a billion-dollar-plus producer and a leading contributor to the state's economy, copper is treated with respect in Arizona, although politicians no longer wear copper collars. The industry takes robust pride in its story and has an excellent man to tell it, Edward H. Peplow Jr.

Peplow is the executive secretary of the Arizona Mining Association, composed of American Smelting & Refining Co., Anaconda, Duval, Kennecott, Phelps Dodge and eight other companies.

One of Peplow's educational tasks is to drive to Tucson from his headquarters at Phoenix occasionally and show visitors through the immense complex of open pit copper mines in the Twin Buttes area 20 miles south of Tucson.

In times past, Arizona's mines processed rich ore containing 15 per cent to as high as 45 per cent copper. Bonanza ore is gone. The point about Twin Buttes is that the mines there are chewing up and getting copper out of ore that is less than 1 per cent copper, ore that would have been scorned in the past as worthless rock.

"It is ridiculous to say we are running out of minerals," Peplow said. As technology improves, more and more rock becomes mineable but such mining required immense amounts of capital for machinery and equipment. It also underlines the future importance of the public lands as a mineral resource.

One morning several weeks ago, Peplow showed up in a yellow miner's hard hat at a Tucson shopping center and met two busloads of New York Stater Club members. He had arranged to escort them through the Anaconda and Asarco work at Twin Buttes.

When box lunches, soda pop and the mining association's pamphlets had been stowed aboard, Peplow rode south with his charges through miles of flat country peppered with cactus and mesquite.

With a jovial good humor that would charm the scales from an Arizona rattlesnake, Peplow regaled the group with information about copper's importance to the state and nation, Anaconda's efforts to revegetate its alluvial dikes, and the expense and complexity of the mining process.

He discussed also the industry's state tax bite, about $44,000,000 or more a year. He warned his audience not to fall for pending efforts in Congress to change the old mining law in ways the industry considers unwise. He foresaw perils for the small miner.

"Every one of these properties," Peplow said after the New York Staters had viewed the yawning pits and the ore crushers and mills of Twin Buttes, "was first pointed out by the small miner—don't be fooled.

"The small miner is the basis on which this tremendous industry was built. Let's not deprive the little man of his right to come in and reap the fruit of something he has discovered. It is not right or equitable for the little man to be so severely penalized."

Just as Peplow suggested, there is a stupendous quality, a grandeur about a big copper operation that stirs admiration. In the immensity of Anaconda's pit, a mile long and 900 feet deep, the huge rock-moving trucks crawl about like ants. The grass the company planted is growing on the giant dikes of waste rock. Peplow told of plans for establishing a nature walk in the desert below.

"The No. 1 reason," he confided, "is that we're birdwatchers. But we also want to show that a mine is not the kiss of death for wildlife."

At Asarco's Mission Mine and the adjacent Pima, the visitors saw another gaping pit. They watched a primary cone-type crusher gulp truckloads of ore, grinding it to small rocks with lazy power. Finally they filed through a mill where the ore was ground to facepowder consistency. It came out as 35 percent or so copper to be sent elsewhere for smelting.

Bureau of Land Management officials at Phoenix said that the Anaconda, Asarco, and Pima operations around Twin Buttes as well as two more, the Esperanza and Sierrita mines of Duval Corp., involve lands that were federally owned until the late 1950s. Some are still unpatented mining claims and still in the public domain.

The old mining law permits hard-rock miners to obtain ownership of federal lands on which a valid mineral discovery has been made for a nominal fee, $2.50 or $5 an acre. There is no royalty payment to the Government, as is the case with oil, gas and coal. A move is afoot in Congress to put minerals like copper under a leasing system.

A leasing system would mean the government would retain title to the land, rather than having it pass into private hands. It also would mean a royalty on minerals taken out. The industry has agreed reluctantly to a modest royalty, but opposes a change to leasing because it would hamper their access to federal lands and their freedom of operations.

Typically, a big mining company that finally decides to invest as much as a quarter billion dollars in a new mine may go through a painful and elaborate process of assembling the land. Its lawyers must track down old claimants and buy their rights. It may have to pay a lot.

For example, it cost Duval Corp., a wholly owned subsidiary of Pennzoil United of Houston, around $15,000,000 to get together the real estate for its properties in the Twin Buttes complex, a Duval official said. Duval's Esperanza mine went into production in 1959. The company's new Sierrita mine, adjacent to Esperanza, got under way last year.

Both the Duval mines process low-grade ore and turn out molybdenum, used to strengthen steel, as well as copper. In the case of Sierrita, the project's total cost is expected to exceed $165,000,000. Duval received an advance of $83,000,000 in federal funds under a Defense Production Act copper expansion program. By 1975 it will have paid the government back in copper at a fixed price of 38 cents a pound, well below market.

"Esperanza was called to my attention by a promoter who had an option on unpatented mining claims," Ben G. Messer, vice president of Duval, said in his office at Tucson. Messer and a mining geologist first looked at the property in 1954. Duval bought the promoter's retained royalty interest in 1969 for more than $6,000,000. The promoter was a retired contractor from Tulsa.

Messer said Duval patented some 1730 acres of BLM federal land in 1961. It is getting ready to apply for patent to roughly 1000 acres at Sierrita. The company bought some land at auction from the state and some from private owners.

"You run into all combinations of state, federal and private lands," said Messer, a graduate of the Colorado School of Mines. At Mineral Park in northwestern Arizona, another Duval mine, the land was mostly public domain and he was able to acquire it for $600,000 to $700,000.

The price of copper escalated during the Vietnam war, causing protests from the Johnson Administration. United States Bureau of Mines statistics indicate that the domestic price rose to nearly 48 cents from less than 36 cents a pound from 1965 to 1969. The average price last year was more than 58 cents.

EXPLOITATION OF PUBLIC PROPERTY

(By William K. Wyant, Jr.)

(Fourth of a series)

JEROME, ARIZ., Dec. 15.—From this old mining town on Mingus Mountain in central Arizona there is a spectacular view across the Verde Valley to the Mogollon Rim and beyond. The abandoned copper works in the foreground loses itself in the northeastward sweep that reaches into the Coconino National Forest.

First came the Indians and then the Spaniards. Then, in the nineteenth century, after the California gold rush moved Congress to pass the 1872 mining law, men staked claims and took out more than a billion dollars in metals, chiefly copper, before the mines shut down in the early 1950s.

The United Verde Mine and United Verde Extension were the chief contributors to Jerome's glory. One produced more than $470,000,000 in copper, gold and silver and the other yielded $125,000,000. Phelps Dodge Corp. bought the United Verde Mine in 1935 and discontinued operations in 1953.

When Jerome was booming, the town had 11,000 people. The 1971, Arizona road map gives it 243. The mines poured millions of dollars into the pockets of a few men, employed thousands of others, left some holes in the ground, and took out mineral wealth that is gone forever from lands once publicly owned.

The 1872 law encourages the prospector or miner, giving him special status on the public lands. He may roam them more or less at will, stake his claim, and buy the land for a pittance if he has a valid mineral discovery. The law exacts no payment to the United States for hard-rock minerals removed.

In early expansionist days, western land was cheap. Much of the present public domain is what nobody wanted then. It was too high, too dry, too wet, too mountainous, too far away. The prospector in such country, it was felt, should have his reward. Let the man who found the minerals take them away. He had earned them.

National attitudes toward the public lands have changed, as have attitudes on scenic and recreational values. The one third of the United States that is federally owned is now looked on widely as a reasured heritage. The old mining law has not changed much, however. It is a legal mastodon that is dying hard.

There are numerous proposals in Congress for repealing the century-old General Mining Law, as it is called. Some would put hard-rock minerals on a leasing basis, like oil and gas, and make the miner pay a royalty on what he takes. The mining industry has expressed willingness to pay a modest royalty, but does not want the federal controls that a leasing system would entail.

Above all, the mining industry wants—and insists it must have—a continuance of the more or less unfettered access to the public lands. Conservationists, seeking to protect the lands, want controls. The struggle will be bitter because much is at stake. Arizona is a battleground.

The Arizona territory had fewer than 10,000 persons in 1870 when the Jerome mines were firing up. When admitted to the union in 1912, the state had more than 200,000 and in 1970 it had 1,752,122. Nearly 45 per cent of Arizona is federaly owned. Arizona has abundant minerals and scenery. It cashes in heavily on both, but sometimes these assets come into conflict.

There are about 1,000,000 mining claims now on federal lands in Arizona. These lands are managed chiefly by the Department of the Interior's Bureau of Land Management, which is responsible for nearly 12,000,000 acres in the state, and the Department of Agriculture's Forest Service, which has 11,436,756 acres.

Nobody knows precisely how many claims there are, old and new. One of the old law's mule-train anachronisms is that a claimant files at the county courthouse, not with the Federal Government. The Government has to find out the hard way.

Mining is essential to the United States. There will be more of it, rather than less, as the national requirement for minerals increases. The question is not whether mining shall take place but whether the public—through its officials—will be in a position to insist on minimizing and repairing damage, and to make an intelligent choice when mining threatens priceless scenic areas.

The damage that mining inflicts on the public lands, some of it inevitable, comes from exploration for minerals and from the extraction process. Snorting bulldozers penetrate and scar the back country. Antiquated laws require the miner to rip the surface to make good his claim, even though the minerals he seeks may be thousands of feet down.

Of the thousands of mining claims that are staked, relatively few turn out to contain valid mineral discoveries worth the time and effort of a prudent man. The old law encourages purposeless damage, as former Secretary of Interior Stewart L. Udall said in 1969. It contains strong incentives for fraud and abuses.

"The mining law of 1872 is just as good today as in 1872—if people were honest," Hall F. Susie, chief of the minerals branch at the BLM's state office in Phoenix. "One thing that is bad about it is that we have no way of knowing who is out there, so we can't even watch them."

Among federal officials in Arizona and elsewhere in the West, many are as enthusiastic about legitimate mining as the mining industry itself. The big outfits are trying to behave, they say. Most of the trouble is attributed to small wildcatters, nuisance claimants, and persons trying to use the old law to get a piece of government land for nonmining use.

The land management agency in Arizona cited six examples regarded as misuse of the 1872 law. Mining claims have been staked along the route of the proposed Central Arizona Project canal.

At Tucson in 1960, owners of expensive homes awoke to find mining claims staked in their yards. In the Phoenix area in 1955–60, claimants got title to about 400 acres of public lands at $2.50 an acre. Some was developed into valuable home sites.

At Wickenberg, the bureau said, a man put 160-acre placer mining claims on public lands and offered to trade these "desert ranches" on reasonable terms, accepting a horse as part of the payment. Near Sonora, a man developed a trailer court on unpatented mining claims. In Arizona's national forest, hundreds of "weekend miners" from the city have cabins or unpatented claims.

Congress in 1955 approved Public Law 167 providing that unpatented claims be used

only for mining. With this authority, the Forest Service has made a drive to remove cabins where mineral claims are invalid. In all such challenges, however, the Government may be put to great time, expense and trouble in disentangling the public's property from legal encumbrances.

"We haven't got as tough as we could have been," said James H. Fitch, special land use and minerals officer for the Coconino National Forest Ranger District at Sedona, a growing resort town northeast of Jerome.

"When you are dealing in mining claims, you are dealing in dreams. You're dealing in lifetime dreams."

Nestling in the forest amid surroundings of dramatic beauty, Sedona is still unincorporated but is beginning to generate urban problems. Fitch said that less than 20 years ago old homestead lands could be bought there for $1.50 an acre but now private land brings $10,000 or more.

The Sedona District of the Coconimo Forest covers 226,000 acres, Fitch said, and is looked after by a staff of five professionals. He estimated that there were 150 to 300 mining claims. One prospector has been searching two decades for the lost Geronimo gold mine. The district is not as beleaguered by claimants as are heavily mineralized forests in the state.

About 230 miles to the south, in the copper-producing area around Tucson, Coronado Forest Supervisor Clyde W. Doran has struggled hard to cleanse his 1,800,000 acres of various types of illegal occupancy under the mining law. He has a total force of about 60.

There has been an upsurge in claim-staking in the Coronado Forest in the last five years, Doran said, more than half of it by big, legitimate mining companies. He estimated 250,000 to 300,000 acres had been tied up. Doran emphasized that he was not against mining.

"If we are going to have two cars and a telephone, and go to the moon," Doran said, "we are going to have to put up with some of these things. Don't get me wrong, don't put me out on an environmental cloud."

However, Doran said that it would be a blessing if the old law was changed. In time, he said, Arizona's open spaces will be filled with people who will want places to go for recreation. He said that claimants should be required at least to register with the Federal Government and obtain a permit.

"Here's the sad part," Doran said. "We can spend up to five years going through a hearing—to decide whether a claim is valid. A day later, the claimant can go back to the same place and start over again."

Doran's zeal has gotten him crossways with the outspoken editor of the Tombstone Epitaph Wayne Winters, a champion of the small miner. Winters, 56 years old, staked a placer gold claim on the Coronado Forest near the Mexican border. He built a small adobe building on it. He called the claim "Oro Escondido," or hidden gold.

When forest supervisor Doran sought to dislodge him, Winters fought tooth and nail. After tedious legal proceedings, Winters finally filed his claim anew this year and called it "Doran's Folly."

In his writings, Winters has charged the Forest Service's "boys in green"—as he calls them—with pursuing a scorched earth policy.

Winters told the Post-Dispatch that he had a valid gold claim he expected to mine after retirement, to augment his income. In his view, there are things about the old law that need to be made modern but the federal bureaucracies are seeking to clear title to all the public lands.

"It amounts," he said, "to nationalization of the mining industry."

The embattled Tombstone editor expressed his conviction that if Congress substituted a leasing arrangement for the 1872 law, it would mean the end of the individual prospector and small miner seeking hard-rock minerals.

OLD MINING LAW HAMPERS U.S. AGENTS IN CALIFORNIA

(By William K. Wyant, Jr.)

(Fifth of a series)

SAN FRANCISCO, December 16.—The old 1872 mining law, which reflects the rough-and-ready, finders-keepers philosophy of California gold rush days, is today a thorn in the side of federal land-managers in the Golden State. This year a federal agent was shot as he tried to investigate a mining claim.

Unfetted access to public lands, a key point of the old law, is still vigorously defended by the mining industry as essential to the search for minerals. It is guarded also by vocal groups of small miners who, like the big ones, see increased federal controls as a threat.

Whether a mining claim benefits a big corporation or provides an excuse for a loner to live in the great outdoors, there is a mystique about the old law and its nineteenth century crotchets. The old law served the nation well in its time. Its admirers hate to see it go.

The shooting incident, followed by the roughing up of two government mining engineers, took place last April in the Shasta Trinity National Forest in northern California. Nobody was hurt seriously, but the circumstances illustrate the fierce resentment some small mining claimants have toward what they regard as federal harassment.

Joseph V. Flynn, chief of the division of lands for the Forest Service's California region here, said that a working party of four men had ventured into steep, Douglas fir country on a tributary of the New River in Trinity Forest. Their purpose was to examine a gold claim on which the claimant was living.

The claim belonged to Edward Isaacs, who had purchased it about a year earlier, it was reported. Flynn said the Forest Service had given the claimant notice, but he was not present. The federal men went ahead with their test, which consisted of using a sluice box to determine whether gold in significant quantity was to be found there.

"During the testing or sampling," Flynn recounted, "somebody fired a number of shots close to the sluice box. One of the shells had a hard-cased jacket and a fragment struck one of the helpers in the neck."

The wounded man, Flynn said, was Forest Service resource assistant Charles McFadden. He was taken to the nearest medical facility, about 60 miles away. Flynn said the two mining engineers went back to retrieve their equipment, whereupon they were attacked by unfriendly onlokers. One came away with a chipped tooth, the other a head cut.

Newspapers, reported the incident, which was investigated by the Federal Bureau of Investigation and the county sheriff.

Rallying to the trinity claimants, the Hayfork chapter of the Western Mining Council took an advertisement in the newspaper at Weaverville, proclaiming that the Forest Service and the Bureau of Land Management must produce court orders showing their right to make mineral examinations on unpatented mining claims.

An unpatented mining claim is a piece of land, typically 20 acres, that has been staked for minerals but is still owned by the Government. The claimant may take the minerals from the Government's land. If the claimant applied for and receives a patent to the land, it becomes his private property and goes on the tax rolls. Most claims never go to patent.

Speaking of the Trinity Forest difficulties and some others nearby, William Sanborn, the Forest Service's field mining engineer at San Francisco, said, "Basically, I don't regard these people as small miners. They are occupants of mining claims."

The Forest Service officials said New River in the Trinity region had been extensively mined in the old days, but gold production now was practically nil.

California, the nation's most populous state, is thickly carpeted with 20,000,000 acres of national forests, or about one fifth of the land. To handle this, the Forest Service has 3181 permanent fulltime employes. About 32,500 "live mining claims" were counted at the end of 1970, including 2362 filed during the year.

The Interior Department's land bureau in the state manages an additional 5,597,000 acres of federally owned land in the state. Much of that is in the southeast and includes 11,000,000 acres of desert, manned by five desert rangers. All in all, nearly 45 per cent of California is federally owned land, nearly as large as a proportion as in Arizona.

Under the 1955 multiple use law and the Mining Claims Occupancy Act of 1962, the federal land-managing agencies in California and other western states have been able to clear thousands of cabins from unpatented mining claims. At the same time they have tempered the law for certain hardship cases, where people have been living on mining claims a long time.

There used to be a good deal of cabin-building on mining claims in California by people who wanted summer homes, but that is a problem of the past. The state still has trouble with claims filed on the rights-of-way on rail, highway or pipeline projects. It is tedious and costly to clear away these encumbrances.

Charles F. Park Jr., professor of geology and mineral engineering at Stanford University, told the Post-Dispatch he thought the federal holdings would become more and more important to mining. He was not worried about the Government getting no direct payment for the hard-rock minerals removed.

"I think there is a tendency to overtax these things," Park said. He argued that American prosperity had been built on the availability of cheap resources in large quantities. Additional cost imposed at the mine, he said, would be multiplied by the time products reached the consumer.

Park has looked for minerals in many parts of the world. He sees a possibility that mineral supplies undergirding modern industrial civilization may run out, particularly if population continues to increase. He wrote a book on the theme, "affluence in jeopardy," published in 1968.

Last spring Park and David Brower, former Sierra Club leader and now head of Friends of the Earth, figured in a much-discussed New Yorker Magazine article. Park and Brower walked into the Glacier Peak wilderness in Washington State, where Kennecott Copper Corp. has a patented mining claim. Park thought the copper should be mined. Brower wanted it left alone.

"The lands used by the extractive industries are not necessarily ruined for recreation and other purposes," Park said in his book.

Another well-known geologist, a friend and contemporary of Park, is James Boyd, executive director of the new National Commission on Materials Policy set up by Congress under the National Materials Policy Act of 1970.

"We are old friends but we fight like stallions," Boyd said in his office in Washington. "Park assumes we are going to run out of raw materials. I start from the assumption that raw materials are infinite. You can get anything you want if you want to pay for it."

He said that Park would have been named to the materials commission but for the magazine article, which cast Park in an anti-conservationist role.

Boyd, an Australian by birth, directed the Interior Department's Bureau of Mines in 1947–51, and worked for Kennecott in the

1950s. From 1960 until recently, he headed the Copper Range Co.

When Boyd was president of Copper Range, he took the lead during the Vietnam War in pushing up the domestic price of copper, moving it toward the world price. In his view, the price is not high enough today to provide a sufficient flow of money to the industry.

"How do you encourage people to take business risks?" Boyd asked. "The only chance is the hope of reward."

The new statutory commission that Boyd is directing consists of seven members named by President Richard M. Nixon June 23. One is J. Hugh Liedtke, president of Pennzoil United at Houston. The Senate Public Works Committee voted to waive hearings, and the Senate confirmed them en bloc July 23. The commission's task is to recommend what the nation's materials policy should be.

Like Park, Boyd favors the mining industry's proposal for only limited revision of the 1872 mining law. A proponent of more drastic reform—a move to a leasing system providing federal controls over hard-rock mining—is conservationist Michael McCloskey, executive director of the Sierra Club in San Francisco.

"The crucial issue," McCloskey said, "is whether mining takes place at the option of the miners or whether it is to be made permissible at the discretion of the Government."

COLORADO METALS FIRM OBEYING ECOLOGY RULES

(By William K. Wyant, Jr.)

(Sixth of a series)

DENVER, December 17.—Colorado is a scenic and mineral-rich Rocky Mountain state, that is pocked and pitted by mining of the past. More than one-third of the state is federally-owned. Recreation and conservation pressures are interfering today with the mining industry's easy access to the public lands.

Many minerals made up Colorado's total production of $371,883,497 in 1970, but the most important—ranking even above petroleum—was molybdenum, a metallic element used for hardening and strengthening steel.

Under the 1872 mining law, molybdenum is one of the hard-rock "locatable" minerals such as copper, silver or gold, that can be taken from the public domain without payment to the Government. This is in contrast to oil, gas and other "leasable" substances on which the extractor pays a royalty.

It is not the Government's failure to obtain immediate revenue that spurs most critics of the old law to seek radical change, however. What concerns them more than the money is what they see as a crying need for better controls over mining on lands that are an increasingly valuable national heritage.

Two mines in Colorado's National Forests produce more than 60 per cent of the nation's molybdenum output and about 40 per cent of what is mined in the free world. The mines are owned and operated by the same company, Climax Molybdenum Co. of American Metal Climax Inc.

AMAX, a large concern with international ramifications, has an excellent record as a corporate entity that cares about the environment. The parent company and subsidiaries had net sales of $840,720,000 last year and earned $83,000,000 after taxes. There were 32,216 common stock shareholders. Dividends were $3.40 a share.

The company's Climax Mine, on Bartlett Mountain in the San Isabel National Forest northeast of Leadville, is the largest molybdenite deposit known to man. Claims were staked in the 1870s and the mine first got into production in World War I. The producing company merged with American Metal Co. in 1957 to form AMAX.

A "caving" system of mining is used at Climax. It is an underground mine, one of the world's biggest. As ore is taken from the inside of the mountain, there is a caving action in overlying rock, producing a cavity on the mountainside known as the "glory hole."

Climax and the company's second mine, the smaller Urad works in the Arapaho National Forest to the northeast near Empire, are credited with turning out more than $114,000,000 worth of molybdenum last year. Across the mountain from Urad, AMAX expects to have its new Henderson mine in operation by 1975.

The Henderson project will cost AMAX $250,000,000 and is expected to nearly double the company's present molybdenum output by the late 1970s. It has become famous among conservationists because of the measures the company is taking to prevent unnecessary damage to the environment.

Much of the responsibility for AMAX's efforts to minimize the adverse impact of mining in the beautiful country where it operates centers on H. Stanley Dempsey. He is division attorney for Climax Molybdenum Co. at Golden and chairman of the AMAX Environmental Planning and Protection Committee.

Another company officer who has assisted the effort is David H. Ackerman of New York City, vice president of the AMAX copper division.

"I think Stan Dempsey is probably the most enlightened mining industry executive I know — Stan really is a conservationist, philosophically," said Roger P. Hansen, executive director of the Rocky Mountain Center on Environment at Denver. Dempsey is a vice president of ROMCOE, a private environmental service for the Rocky Mountain states.

Hansen and Dempsey worked together to shape the "experiment in ecology," a project aimed at planning the company's new Henderson mine in such a way as to reduce its impact on the area's forests and streams. Among other things, the mill site will be 14 miles from the mine and a $40,000,000 railroad tunnel will be built under the Continental Divide to transport or from mine to mill.

The Henderson project has received national praise. In another project, ROMCOE contracted with AMAX to make an environmental resources inventory in the Wood River Valley in northwest Wyoming. The company has copper properties it may develop there.

"Spending anything on environmental studies is revolutionary," Hansen said. The American Smelting and Refining Co. asked ROMCOE to make a resource study, he said, on its molybdenite deposit in the White Cloud Peaks area of Idaho. Conservationists want that area protected. Hansen said the cost of ROMCOE's studies was in the $100,000–$125,000 range—small relative to the total sums spent in finding and developing a mine.

Hansen, who has a law degree from the University of North Carolina, is the chairman of the American Bar Association's Environmental Quality Control Committee. He said that most companies still considered environment a public relations responsibility." ROMCOE, he said, regards environmental quality as a total social problem requiring everybody's energy and resources—including industry's.

"These resources are not all in the hands of the traditional conservationists," he said. He protested against the attitude that people who worked for industry are villains, while those working for a conservationist group such as ROMCOE, for example, are heroes. "Nothing is that simple," he said.

In exploring and proving up the deep ore body for the new Henderson molybdenum mine and in assembling the land for it, AMAX officials at Golden estimated that the company had spent nearly $10,000,000. The Urad mine across the mountain will be exhausted and closed out in 1974.

AMAX filed claims at Henderson in the 1960s, it was said, and has obtained title to about 200 acres there by patenting under the 1872 Mining Law. In addition, the company got 8000 to 9000 extra acres through a swap with the Forest Service and is proposing another exchange involving several thousand more. The property now covers about 14,000 acres, some purchased from private owners.

Congress has authorized land exchanges on a value-for-value basis, when the trade is in the public interest. In the case of the Henderson project, the company bought up 24 plots of land that the Forest Service wanted in other areas and received in exchange federal lands it needed for the mine. Thousands of acres at the Climax mine were acquired in that fashion. Another 1000 or more is being sought, the Forest Service said.

The AMAX molybdenum operations in Colorado are an example of a favorable industry attitude toward the environment and also illustrate the transition into private hands of mineral deposits on public lands in the West. It is a transition the 1872 mining law encourages.

As Congress moves to revise the old law, the mining industry has reconciled itself to going along with a modest royalty on mined metals but is fighting imposition of federal controls it says might hamper its access to hundreds of millions of acres in the public domain.

The industry's pressure can be seen from the current controversy over the Uncompahgre National Forest on Colorado's western slope. Part of it is intensively mineralized. The acreage under new mineral claims has doubled in the last four years in a primitive area designated in 1932, when it was thought the miners—active there earlier—had finished with it.

The struggle is over a Forest Service proposal that the area, about 69,253 acres of rugged, scenic country, not be included as a unit of the National Wilderness Preservation System established by Congress in 1964. A chief reason was the prospecting and mining activity there.

Regional Forester W. J. Lucas said at a hearing in November that there was a lot of exploration work going on, and much of the area was "laced with four-wheel drive access routes leading to the patent mining properties and claims."

When the Wilderness Act was passed after a long battle, the mining industry was successful in getting into the law a provision that National Forest wilderness would remain open to prospecting and mining through 1983, but with regulations to protect wilderness values. For the Uncompahgre area, the Forest Service says mineral extraction should continue without the act's restrictions.

Clifton R. Merritt, director of field services for the Wilderness Society at Denver, countered with a conservationist proposal. He agreed that part of the old primitive area was unsuitable for wilderness, but urged setting up a new 127,000-acre wilderness, mostly outside the present tract.

"The mining interests say the conservationists are for a lockup of the whole region," Merritt said. "This is not the case."

In Colorado the Interior Department's Bureau of Land Management has nearly 8,500,000 acres of federally owned land. The Department of Agriculture's Forest service has more than 14,000,000. Both agencies have trouble keeping up with mining claims.

"They lap over each other like a pile of Jackstraws," said E. I. Rowland, bureau land director at Denver. "Many are located and recorded and forgotten."

ONE MAN WITH STAKES NAILS DOWN A FORTUNE

(By William K. Wyant, Jr.)

DENVER, December 18.—The Paul Bunyan and Robin Hood of the Western mining-claims scene is Merle I. Zweifel of Shawnee, Okla. Nobody has staked more claims than Zweifel, it appears, and nobody has done more to illustrate the absurdities of the 1873 federal mining law.

Federal and state officials concerned with mining know Zweifel's name well. He is the owner of Zweifel International, which describes itself as the "world's largest mining claim location service." Its motto is: "We fly farther and stake faster."

If Zweifel and his associates do not get their share of the mineral bonanza on public lands made possible by the old mining law, it will not be because of lack of enthusiasm or energy.

Last January, Zweifel, 59 years old and Oklahoma-born, issued a reference book of mining properties owned by his company and its colocators. The book termed the Zweifel assemblage of mineral claims the largest in North America.

"The properties comprise more than 20,000,000 acres of lode and place mining claims located in the states of Arkansas, New Mexico, Colorado, Wyoming, Utah, Arizona, Nevada, and off shore the East and West Coasts of North America," Zweifel said in his statement.

"Assemblage was commenced in 1954 and was accomplished without public financing or the issuance of shares of stock or securities."

Lawyers of the Department of the Interior are working at the federal center in Denver to shake the rich Government-owned oil shale lands in western Colorado loose from a cluster of Zweifel claims. Oil shale is a leasable mineral and cannot be claimed under the 1872 law. But the land can be staked for other "locatable" minerals, such as aluminum.

Zweifel is involved in a dispute with state officials in Nevada, where he is said to have filed more than 20,000 claims in eight counties. His claims cover silver and iron in New Mexico, uranium in Wyoming and beryllium in Utah. He has filed along the proposed canal route of the Central Arizona Project between the Colorado River and Phoenix.

Last summer, Nevada Attorney General Robert List alleged in criminal and civil actions that Zweifel had not done legally required preliminary work in filing claims along the Humboldt River. Zweifel publicized the case as the "Battle on the Humboldt," depicting himself as a victim of big mining interests, gamblers and the state's Republican Party.

Zweifel told readers of his quarterly news sheet that Nevada was really charging him with refusal to use a bulldozer on his claims to dig trenches and tear up the land. He made a virtue of his refusal by saying that he refused to inflict unnecessary damage on the environment.

"The mining law is a wild thing right now," Zweifel said in an interview. "It is out of step with the ecological and environmental concepts of today."

Under the antiquated 1872 federal law, which covers hardrock minerals such as copper, silver and gold, and under state laws in parts of the West, miners must do a certain amount of work on their claims. This requirement frequently results in pointless bulldozing and pitting of the public lands.

Zweifel's contention that his actions have a moral base, critics say, don't sit well with the fact that he served about two years in a federal correctional institution in the 1950s after his conviction on charges of mail fraud in a case involving gas fields in Oklahoma. But Zweifel says he was not guilty.

At any rate, he remains undaunted by the buffeting of fortune and his bouts with big oil, big mining and the Interior Department. He furnished material suggesting that his holdings might prove to be "a fantastic, trillion-dollar mineral and land package deal" and that he might leave his estate to the Assembly of God Pentecostal Movement.

"As long as I can make it right with my God, that's all I care about," he said.

Zweifel is said to have been moved toward religious considerations by the example of Zweifel International's former executive director, Mrs. Sandee Wyatt, a student of the Pentecostal Holiness Faith.

Zweifel's concern has advertised in Barron's and other publications, offering to take claim to 11,500 acres for $168, with the company retaining a one-half interest. Zweifel braved heavy snows in the winter, of 1965–66, shortly before he swooped down that spring on Colorado's oil shale lands with a truckload of claim stakes.

"I do the work myself," Zweifel said. "Actually, you can run 200 or 300 in a single day if you are staking placers. It's much slower in the mountains."

In February 1969, Zweifel received a letter from the then solicitor of the Interior Department, Edward Weinberg, who congratulated Zweifel on having provided one of the outstanding examples of "chutzpah"—a Yiddish term for brassiness. Zweifel took it in good humor.

Today, the Interior Department regional solicitor's office outside Denver is contesting 2910 claims made by Zweifel and his colocaters in the slate-rich Piceance Creek basin of western Colorado. The dispute involves 465,000 acres of Government land.

Since 1968, the Government has been trying to determine the validity of all mining claims on its immensely valuable oil shale lands in Colorado, Utah, and Wyoming. As President Richard M. Nixon noted in his message on energy June 4, 80 per cent of the nation's oil shale is on federal lands in the three states. In addition to Zweifel's claims, thousands of others have been filed over the years.

Secretary of the Interior Rogers C. B. Morton announced in June that the Government would undertake to develop its oil shale resources through a leasing program. This program is part of the federal search for ways of meeting the national energy needs of the future. It is a search that often conflicts with conservationist goals. And it is hampered by the claims of Zweifel and others.

As he thumbed through a printout of Zweifel's claims as thick as a Bible, an Interior Department lawyer said 1214 of them apparently had been filed in one day. He estimated the case had cost the Government from $25,000 to $50,000.

"If we were to attempt to contest in the next five years every questionable mining claim in the states of Colorado and Wyoming, in groups of 10 to a dozen," he said, "I don't know how many lawyers and mining engineers it would take. What we are trying to do is devise methods by which we can lop this stuff off in chunks."

However Zweifel may fare, his prodigious activity as a claim staker points up the fact that the 1872 law invites the miner onto the public lands. The miner may locate as many claims as he wants and file at the county courthouse. He has no obligation to inform the Federal Government.

The law gives the hard-rock miner priority on the public domain. Land agencies for the Government, chiefly the Interior Department's Bureau of Land Management and the Department of Agriculture's Forest Service, are thinly staffed.

Don Biddison, supervisor of Arapaho National Forest at Golden, Colo., said he had spent all his time for two weeks on an iron oxide mining claim in a scenic area near the Continental Divide. He recommended contesting the claim, partly on the ground that developing a mine there would be inconsistent with the National Environmental Policy Act.

"The old mining laws simply don't speak to the things we are concerned with nowadays." Biddison said, "they speak strictly to the monetary value of the mineral without regard to the consequence on the environment. There are literally thousands of claims on the Arapaho National Forest, most of which we are unaware of."

Former Interior Secretary Stewart L. Udall criticized the 1872 law shortly before leaving office in 1969. He urged the Public Land Law Review Commission to recommend that the old law be replaced with a modern system of mineral leasing.

Not only has the outmoded law been an obstacle to wise conservation and good management of what belongs to all Americans, Udall said, but it "operates as an outright giveaway of vital national resources."

When the commission came out with its report in June of last year, it recommended that the Government collect a royalty on production of hard-rock minerals but favored sticking with a modified version of the old law's location-patent system. Critics of the old law were disappointed.

One of those who was disappointed was commission member Robert Emmet Clark, a law professor at the University of Arizona, Tucson. Clark had sought support for a strong minority statement urging a full leasing system for all minerals except those made available by law for outright sale, but his effort failed.

"The main point," Clark said in an interview, "is that the United States does not surrender ownership under a leasing system. The only way you can have any kind of decent management is to have a leasing system."

Clark said he had long been convinced that mining companies have enjoyed an unplanned advantage since the beginning of the century. He said the 1872 law might have been justified for its time, but not today.

"I think there's got to be larger public control of natural resources," he said. "Responsible government must have more to say about how we use the surface of the earth."

There will be a struggle in Congress next year over rival proposals to change the old law. The mining industry opposes a leasing system on the ground that it would give the Secretary of the Interior too much power. The other side insists that the Government must have the right to control what happens on public land.

It will be a power struggle and a clash of philosophies. The mining industry has influential friends in Government, but the giveaway aspects of the existing system will be difficult to defend. Morris E. Garnsey, an economics professor of the University of Colorado, thinks the West has been exploited.

"These guys are getting away with murder," he said. "They are making millions. They have it all sewed up."

[From the St. Louis Post-Dispatch, Dec. 22, 1971]

THE PUBLIC STAKE IN MINING

After a century of private plundering of the public land under an antiquated 1872 federal mining law, 1972 may turn out to be year in which the remaining part of a rich public heritage is either saved or lost for posterity. As shown by a recent series of articles in the *Post-Dispatch* by William K. Wyant Jr., a battle is shaping up in Congress between conservationists, who want to remove the incredible giveaway provisions of the 1872 statute, and the private beneficiaries of the law, big and little, who want to limit change to a minimum.

The 1872 law, passed under the finders-

keepers philosophy engendered by the California gold rush, provides, among other things, that miners of so-called hardrock mineral such as copper, gold, silver, molybdenum and uranium may stake a claim on public lands and take out the mineral free of charge; that such miners may obtain outright ownership of federal lands on which a valid mineral discovery has been made for $2.50 to $5 an acre.

As a result of the 1872 act, a holdover from pick-and-burro prospecting days, huge mining companies as well as little miners have extracted billions of dollars worth of minerals from public land without paying anything to its owners, the American people. Others have used mining claims as a cheap means for acquiring or occupying public land for speculative purposes, for real estate developments or for fishing camps and private cottages.

Most of this exploitative activity has taken place on the 451,000,000 acres of federally-owned land managed by the Interior Department's Bureau of Land Management or the 187,000,000 acres managed by the Agriculture Department's Forest Service. Both agencies are woefully understaffed and underfinanced for guarding the public interest against a host of exploiters, many of whom are unknown. After a century of raids on the public land, royalties that might have been exacted on hardrock minerals have been irretrievably lost and some scenic lands have been scarred beyond repair.

To safeguard public property against the further reckless search for and extraction of minerals and against the further spoilation of priceless recreational and scenic values, legislation has been introduced in Congress which would give the Federal Government more control over mining.

Bills sponsored by Democratic Senator Henry M. Jackson in the Senate and by Democratic Representative Morris K. Udall and Republican Representative John P. Saylor in the House, and generally backed by conservationists, would wipe the 1872 anachronism off the books, retain federal title to the land and charge a royalty on minerals mined under leasing arrangements with the government, such as has been true of coal, oil, gas, phosphates and other such minerals since 1920. Other proposals would require hardrock mineral claimants to register their claims with the Federal Government and obtain a permit and require the Secretary of the Interior to seek competitive bids.

Bills which the mining industry helped draft and which were introduced in the Senate by Senator Alan Bible of Nevada and in the House by Representative Wayne Aspinall, both from states with rich mining constituents, would also impose royalties, but at much lower rates, and with far fewer safeguards for the public owners of land and minerals.

Although the mining industry contends that the industry bill is the only way to insure the satisfaction of the U.S. economy's colossal appetite for minerals, this is no reason why the public interest both in an adequate future reserve of minerals and in preserving other values should not be firmly overseen by the Federal Government, as would be provided by the conservationist bills.

INTERIOR DEPARTMENT OFFICIAL OPPOSES MINE INDUSTRY'S ROYALTY PLAN

(By William K. Wyant, Jr.)

WASHINGTON, December 31.—Harrison Loesch, assistant secretary of the interior, strongly backed today the Administration's proposal that the hard-rock mining industy pay a royalty on minerals taken from public lands.

A Department of Interior bill now before Congress would impose a royalty of 3 per cent of the gross value of minerals extracted. The mining industry is backing a 2 per cent royalty based on sale value less costs, reasonable profit and taxes.

"I wouldn't buy their deal at all," Loesch said of the American Mining Congress royalty plan. "By the time they get everything deducted, they wouldn't pay a durn thing."

Loesch is an outspoken lawyer from Montrose, Colo., on the western slope of the Rocky Mountains. He was named by President Richard M. Nixon in March 1969 to enter the Government as the Interior Department's assistant secretary for public land management.

Under an 1872 mining law, the Government still gives away hard-rock minerals like copper, gold and silver when found on unreserved public lands. The law permits miners to obtain full title to mineral lands on payment of nominal fees, if a valid claim has been made.

The Interior Department proposal advocated by Loesch would impose a royalty but retain some aspects of the traditional location-patent system. It would enable federal land managers to control mining and reduce environmental damage.

As Loesch pointed out in an interview, the Administration bill is a compromise. It goes further than the mining industry wants to go but not as far as conservation-backed bills, which would throw out the old law altogether and institute a full leasing system.

"I think it is a viable alternative that will not discourage the mining industry, while returning a reasonable revenue to the Government," Loesch said.

"It will take care of the environmental concern we all have about mining. It will give the control we do not now have over the reclamation and rehabilitation of mined areas."

Stronger proposals have been made in Congress by Senator Henry M. Jackson (Dem.), Washington, the chairman of the Senate Interior Committee, and by Representatives John P. Saylor (Rep.), Pennsylvania, and Morris K. Udall (Dem.), Arizona.

The American Mining Congress and its attorneys helped write an industry-backed bill that would eliminate some of the evils of the nineteenth-century law but fall short of giving the Government the control over mining on public lands that some proponents of change regard as essential.

Loesch said the Administration bill, taking what he called "a good middle ground" between extremes, would help dignify prospecting as a profession and would safeguard the interests of the small miner.

"It's going to operate in favor of the little guy," he said, "whereas the Jackson bill would cut him off completely."

Loesch has supervision over the Interior Department's Bureau of Land Management, which is responsible for about 451,000,000 acres of federally owned lands in the west and Alaska. He said the agency had been starved for years, in terms of money and personnel.

"Congress and the Budget Bureau don't believe the BLM needs what it really needs," Loesch said. Asked how he felt about the predominance of westerners on the Senate and House Interior committees, which deal with public lands, he said candidly that he favored it.

"I feel the public lands committees should be dominated by westerners," he said. "They live there."

Loesch said the conservationist spirit was strong in the west. It is particularly notable, he said, among cattle and sheep ranchers.

Loesch is not a darling of conservationists, but is regarded in his department as a champion of better management. He is not afraid of anybody, his admirers say.

He is friendly to mining but not as strongly oriented toward the industry as William T. Pecora, Under Secretary of Interior, a career geologist, or Hollis M. Dole, the department's assistant secretary for mineral resources, observers say.

Dole was director of Oregon's Department of Geology and Mineral Resources for 13 years before taking the federal post early in 1969. He has been a member of the board of governors of the American Mining Congress.

In mining as in other major fields, the American federal system is characterized by close and interlocking relationships between Government agencies and industry. This is often accomplished through "advisory committees" working at various levels. When properly supervised, the system works well.

The Interior Department, along with other agencies of Government, encourages mining as a means of obtaining minerals essential to defense and the economy. The department is charged also with the conservationist role of safeguarding the land, protecting it from undue harm.

"It's a dichotomy that has plagued better men than me," Loesch said in commenting on this aspect of public service. "It's a great problem as to what is really in the public interest."

There is agreement between men like Loesch in the Government and such harsh critics of the mining law as Representatives Saylor and Udall in the House that the nineteenth-century statute is now out of date.

Saylor, who has been criticizing the 1872 law since 1951, told the Post-Dispatch that the federal land-managing agencies were not only starved, "They are pale and emaciated, shivering and shaking, because until the past five or six years they have been the private domain of western members of Congress."

"The east has never realized the people own this land. The people of this country are beginning to realize they have a stake . . . and they have a big stake."

Saylor, a leading conservationist and the ranking Republican on the House Interior Committee, said that if all else failed he would vote for the mining industry bill introduced by the committee chairman, Representative Wayne N. Aspinall (Dem.), Colorado.

"It is better than nothing," Saylor said.

Representative Udall, who represents the major copper-producing area of the United States but favors drastic change of the old law, said things were changing in the west. He is believed to have taken a political risk by his stand.

"I did it as a matter of conviction and I find it is good politics," he told the Post-Dispatch. He pointed to a recent poll that showed Arizonans overwhelmingly supported his bill altering the old mining law.

Udall said he always believed nothing would be done about the outmoded law until western Senators and Representatives were willing to lead the fight. Pointing to the example of Senator Jackson and others, he said this had now come about.

There is also the testimony of Representative Aspinall himself, sometimes charged with being overly kind to the mining industry. Aspinall's colleagues—even those who battle against him—say he is unfairly maligned and is the hardest working man in Congress. Aspinall may take his time about it, but he has decreed that there must be a change.

The question is, how much?

"MIDDLEMAN," NOT FARMER, GAINING FROM HIGH FOOD PRICES

Mr. MOSS. Mr. President, for the past couple of weeks, administration officials have been telling the American consumer that increased food prices should be greeted as a healthy sign. Higher prices at the supermarket mean that hard-working American farmers are getting a better price for their crops.

According to information I just re-

ceived from the Department of Agriculture, that is not the case at all. Record high consumer prices are simply not being passed on to the farmer. They are being waylaid by processors, distributors, and other "middlemen."

For purposes of measuring food price increases, the Department of Agriculture usually talks about a standard "market basket" of farm products. During February, the retail price of this standard "market basket" increased $23 or 1.9 percent. On the other hand, prices received by farmers for this same "market basket" rose only $5. This meant that almost four-fifths of the food price increase went to the "middlemen."

This is hardly a good record for the administration's anti-inflation apparatus. Under Price Commission regulations, middlemen are only supposed to pass on the effects of increased crop costs. It is now obvious, however, that retail prices are growing at a faster clip than farm prices.

The Department of Agriculture has, in fact, determined that the "farm-retail spread" index, which shows the difference between what the retailer charges the consumer and what the farmer gets for his crops, has increased 2.5 percent in February alone. Translated into annual terms, this means that the middleman's share of the food price is growing at the rate of 30 percent a year.

I ask unanimous consent to have a chart showing the increase in this farm-retail spread during February printed at this point in the RECORD.

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

FEBRUARY INCREASE IN PRICE OF STANDARD "FOOD BASKET"

	Retail prices	Farm prices	Farm-retail "spread"
February	$1,297	$516	$781
January	1,274	511	761
Increase	23	5	20

Mr. MOSS. Mr. President, as far as I originally understood it, food prices were excluded from phase II controls in order to help the farmer. These new Department of Agriculture figures on the other hand show that the farmer himself is getting a very small portion of the high food prices being paid by consumers. Most of the money is going elsewhere.

I believe the administration should explain to the hard-pressed American consumer why we have to give special treatment to the food industry under the pretense of helping the farmer.

EVIDENCE MOUNTS AGAINST A VALUE-ADDED TAX

Mr. PROXMIRE. Mr. President, last week the Joint Economic Committee held 4 days of hearings on the merits of a value-added tax for the United States. We attempted to receive testimony from both proponents and opponents of the tax, but among the distinguished economists and businessmen that testified, only two gave the VAT their unqualified support. The majority of our witnesses agreed that VAT is both inequitable and inefficient and they were unanimous in recommending that the value-added tax should not be substituted for the property tax. Yet this rationale for imposing a VAT has been the only one emphasized by the administration.

In testimony before the committee, Prof. Richard Musgrave of Harvard University made a convincing case for not substituting VAT to raise needed local revenues. He said that—

I do not believe that there is a valid case for such a substitution (of VAT for the property tax). While the property tax need be improved—including above all state-wide administration and assessment—it is not a bad tax nor do I believe that, on the whole, it is excessively high. . . . Given the agenda of unmet public needs and the inadequacy of present revenue sources to provide for them, I find it unacceptable to introduce a major new tax such as the VAT only to serve as a substitute for the property tax. The property tax should be improved but it will continue to be needed as a major source of revenue at the state and local level. Its incidence, though controversial, is undoubtedly on the progressive side of VAT.

The case against VAT on equity and efficiency grounds was made more emphatic by Prof. Paul Taubman of the University of Pennsylvania and the National Bureau of Economic Research. According to his estimates more than $5 billion of consumer expenditures would not be taxed under VAT. The tax would be inefficient on the grounds that some consumption expenditures would be made cheaper relative to others by imposition of the tax. Professor Taubman also argued that the tax would be inequitable since it could be made progressive only for the low- and middle-income taxpayer. Even if income tax credits were given to the poor- and lower-middle-income taxpayer, Professor Taubman stated that VAT would "be regressive for income above $10–15,000, and certainly above $20,000."

As an alternative to VAT, Dr. Taubman suggested that—

To raise new revenues Congress should make the income tax fairer. To this end capital gains should be taxed as ordinary income and should be constructively realized at death. Congress should also eliminate the loopholes and subsidies in the existing tax law as detailed in the recent report of the JEC.

One aspect of the value-added tax that has been neglected until now is its effect on the economy—on overall economic performance, employment, and price stability. Dr. Allen Sinai of Data Resources, Inc., presented devastating testimony against VAT, based on the consequences that its imposition would have for economic growth. Dr. Sinai incorporated a valued-added tax into the reputable DRI forecast of the economy. He considered three alternative forms of VAT over a 2-year period. He concluded that—

The effects of all three alternatives are similar over the two year simulation period. The real growth of the economy declines. Inflation intensifies and unemployment rises. The growth of employment slows and productivity drops. Long-term interest rates increase sharply. The Federal budget deficit improves at first but later increases to more than it would have been without the tax. The only bright spot is in international trade where the trade balance grows substantially.

Dr. Sinai concludes that—

The evidence appears to be negative for one of the major arguments usually advanced in VAT's behalf. The VAT is inimical to economic growth in the U.S. economy, primarily because of its effect on the inflationary process. In fact, any of the VAT packages considered in this study would severely interfere with almost all of the goals of the recent Nixon Economic Plan, i.e., greater economic growth, lower inflation and unemployment, increased productivity, and reduced interest rates.

Mr. President, the excellent testimony presented before the Joint Economic Committee will provide background material for the public policy discussions that will follow in Congress.

I ask unanimous consent that the testimony of Dr. Musgrave, Dr. Taubman, and Dr. Sinai be printed in the RECORD.

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

JOINT ECONOMIC COMMITTEE, HEARINGS ON VALUE-ADDED TAX—APPRAISAL OF VALUE-ADDED TAX

(By Richard A. Musgrave)

The case for a federal value-added tax, prior to the currency adjustment of last year, was made mainly in terms of balance of payment considerations, viewing it as a means to corporation tax reduction. Since then the argument has shifted, with the VAT now to be used for property tax relief. Neither case is acceptable to me but I would not rule out the use of a value-added tax if it were applied to the finance of new social programs.

SHOULD WE FOLLOW EUROPE?

To begin with, let me point out that the background for the value-added tax in the U.S. is totally different from the European experience. There, the widespread move to a VAT in recent years was made as replacement for prior reliance on turnover taxes, a move which everyone agrees was an improvement. Moreover, it was undertaken to harmonize the tax structure among Common Market countries. Looking forward to a uniform rate, this would obviate the need for border adjustments on exports and imports within the Market. Again, an improvement. But here neither consideration applies. Fortunately, we do not have a turnover tax to replace and we do not contemplate joining the Common Market, having had one of our own for some time. For the U.S., introduction of a VAT would involve a massive shift of the federal tax structure towards sales taxation and this is quite a different matter.

VAT OR RETAIL SALES TAX?

The debate over VAT is somewhat misleading. The real issue is whether the federal government should adopt a broad-based consumption tax. Whether such a tax will take the form of a value-added tax or a retail sales tax is a relatively minor point, especially if the VAT appears as an explicit part of retail price. The two differ mainly in administration. Their burden impact and economic effects are essentially the same. My discussion, therefore, applies equally to both versions of consumption tax. While I lean towards the retail technique—mainly because it permits integration with the state sales taxes—this is not the major issue before your Committee.

RATES AND YIELD

At 1972 levels of G.N.P., the base for a study broad-based VAT should be about $500 billion, while with a narrow base it may be

as little as $250 billion. Using the broad-base concept, a 1 percentage point tax would yield $5 billion. By its nature the VAT involves a large number of taxpayers and is not an easy tax to administer. It would seem inadvisable, therefore, to introduce such a tax unless a substantial amount of revenue—say, $25 billion with a 5 percent rate—was involved.

BURDEN DISTRIBUTION

The burden distribution under a general consumption type VAT would be regressive.[1] This is the case because such a tax falls on the consumer, and because consumption as a percent of income falls when moving up the income scale. Its incidence thus differs sharply from that of a progressive income tax. This is illustrated in Columns I and II of the table, where we compare tax burdens under a 5% VAT with income tax liabilities yielding the same amount. The striking difference between the two taxes is obvious and needs no further comment.

BURDEN IMPACT OF RAISING $25,000,000,000 IN ALTERNATIVE WAYS TAX AS PERCENT OF AGI

Adjusted gross income	Income tax [1]	Value-added tax, 5 percent [2]	Value-added tax, 6 percent with credit [3]
	I	II	III
2,000		5.0	
4,300		4.5	2.7
5,000	0.49	4.4	2.9
10,000	2.26	4.0	4.8
15,000	3.03	3.7	4.4
50,000	5.96	2.5	3.0
100,000	8.63	2.0	2.4

[1] Joint returns, 4 exemptions. Above $15,000 assumes 10 percent as deduction. All income fully taxable. Assuming the yield from present rates at $100,000,000,000, the above equals one quater of present liabilities to yeild $25,000,000,000.

[2] Ratios estimated with reference to "Tax Burden and Benefit of Government Expenditures by Income Classes 1961–65." Tax Foundation, 1967. These estimates, especially for higher incomes, should be taken as illustrative.

[3] $2,000 of consumption is tax-free. Credit of $120 to vanish by $24 for each $1,000 of income in excess of $5,000.

DISTRIBUTION WITH CREDIT

It would not be fair to the cause of the VAT, however, to let matters rest here. Devices may be developed which will go far to take the regressive sting out of VAT or to be more—precise—to do so for all but the upper tail of the income scale. To some extent this might be accomplished by excluding certain items of consumption (e.g. food and clothing, in addition to housing) from the tax base, items which weigh heavily in low income budgets. Preferably and much more effectively, it could be done by using a broad-based tax but permitting an initial amount of tax-free consumption expenditure. As an administrative matter, the credit would take the form of a refund of tax on the exempted amount.

Thus, the taxpayer might be refunded for VAT paid on, say, the first $2,000 of consumption. With a 5% tax rate, the credit would equal $100 and to avoid excessive revenue loss, it might be made to vanish as income rises. Thus, the credit might shrink by $200 for each $1000 of income in excess of $5,000, so as to disappear when an income of $10,000 is reached. The revenue cost of such a credit would be, say, $5 billion, thus calling for a 6% (rather than a 5%) rate if $25 billion was to be raised.

The resulting burden distributions as shown in Column III would be progressive up to an income of above $10,000, thus including as much as 80% of all taxpayers in the progressive range. However, it is also shown that liabilities up to $15,000 would be above those under the income tax and that the burden distribution over the higher income range would remain regressive. While the former difference could be narrowed down by granting a higher credit, the latter feature cannot be removed by a practicable credit device.

IMPLEMENTATION OF CREDIT

Before turning to this aspect, let me note that the credit scheme is nice in theory but would be difficult to implement in practice. For households which are subject to income tax, the refund would simply be taken as a credit against income tax and the vanishing feature could be handled readily. For others, a cash refund would be needed. Since the bulk of households for whom the credit matters most will not pay income tax, effective implementation of the cash refund would be of crucial importance. This would be a difficult task and might cancel out most of the simplification gained by raising the tax-free limit under the income tax. The difficulty would be compounded if allowance was made against family size. In its absence a credit against payroll tax might be explored for the case of taxpayers subject to payroll but not to income tax, thus reducing the scale over which cash refunds would be needed.

FURTHER COMPARISONS WITH INCOME TAX

However this may be, suppose that an adequate credit can be implemented. This would remove the regressivity of the tax for the bulk of taxpayers but leave open two further questions.

(1) If a credit could be imposed which would leave the burden distribution more or less the same for, say, the lower 70 percent of taxpayers, as it would be under the income tax, what then would be gained by adding a new tax with all its compliance and administrative cost? While it is true that the tax would favor savers as against consumers (relative to the income tax) one may question whether this difference is sufficiently important to justify a new tax over this income range.

(2) Regarding the other 30 percent of taxpayers, a substantial difference between the two approaches would remain. Here, progressive taxation of consumption could be implemented only via a personal expenditure tax which is not in the cards. Now it may be argued that this is not too important, provided that upper bracket progression is implemented effectively via the income tax. If a VAT were introduced, it should thus be accompanied by removal of income tax preferences over the upper part of the income range.

If this were done and if an adequate credit was provided, I see no great objection to the use of VAT on distributive grounds. But the question is whether the result is worth the extra effort, compared to improvement of and continued reliance on the income tax.

SUBSTITUTION FOR PROPERTY TAX

I am now turning to the Administration's proposal—or what is said to be its proposal—that a federal VAT be introduced to support grants to states, to be passed on to local governments for school finance. This is to achieve the double objective of (1) eliminating dependence of educational facilities on the local tax base with resulting service differentials, and (2) of permitting property tax relief. The first objective is in line with the California court decision and altogether praiseworthy; but it is a non sequitur to suggest that property tax reduction is a necessary consequence. The obvious point to make is that to equalize service levels, it is merely necessary to place the property tax on a state-wide basis with equalized assessments and to redistribute proceeds back to localities in line with school needs. If a case is to be made for replacing property taxation with VAT revenue, it must therefore be made quite independent of the school issue.

I do not believe that there is a valid case for such a substitution. While the property tax need be improved—including above all state-wide administration and assessment—it is not a bad tax nor do I believe that, on the whole, it is excessively high. Home-owners, after all, not only pay property tax, but also derive favorable treatment under the individual income tax. Given the agenda of unmet public needs and the inadequacy of present revenue sources to provide for them, I find it unacceptable to introduce a major new tax such as the VAT only to serve as a substitute for the property tax. The property tax should be improved but it will continue to be needed as a major source of revenue at the state and local level. Its incidence, though controversial, is undoubtedly on the progressive side of VAT. Moreover, federal assistance to state-local finance, whether drawn from the income tax or a value-added tax, should be given to help jurisdictions with low fiscal capacity and high need to enable them to meet minimum standards of public service; it should not be given as an invitation to tax reduction at the state-local level.

BALANCE OF PAYMENTS ASPECTS

Since attention has moved away from the alleged balance of payment advantages of the VAT, I will note them but briefly. The argument has been that European countries have enjoyed a trade advantage because they have been able to apply an export credit under the turnover tax or VAT, whereas our exporters (not having such a tax to credit) have been at a disadvantage. This argument, at least in its crude form, is fallacious: introduction of such a tax without an export credit bestows a disadvantage on the exporters; and granting the credit merely removes this disadvantage, leaving the net situation unchanged. VAT-financed reduction in the corporation tax may involve certain indirect balance of payment gains—especially on capital account—but I do not consider these sufficient to be a major factor in the VAT issue. Moreover, if tax adjustments are to be made to improve the balance of payment situation, there are other steps (e.g. reconsideration of tax deferral) which should come first.

CONCLUSION

In conclusion, I would oppose introduction of the value-added tax as a substitute for revenue from present taxes, be it the property, income or corporation tax. Rather, I would support income tax and property tax reform. At the same time, it is my view that revenue available from present taxes will not suffice to meet our public needs during the coming decade. It is by now recognized that the hoped-for bonanza of excess revenue, due to built-in revenue growth, will not materialize. This mirage having vanished, we should recognize that substantial amounts of additional revenue—say, $50 billion or more—will be needed by the mid-70's if we are to mean business in meeting our social needs, including income maintenance, schools, health, environment, housing and other public services. We should recognize also (and I have seen none of our plentiful presidential candidates do so) that this revenue will not be obtained primarily from budget cuts or the closing of income tax preferences. These measures are important, but new taxes or substantial rate increases under

[1] Under the consumption type value-added tax the tax base for any one firm equals sales minus purchase of intermediate goods and minus purchases of capital goods. The sum of these bases equals consumption. Under the income type valued-added tax the base for each firm equals sales minus purchases of intermediate goods and minus depreciation. The sum of these bases equals national income. The tax here at issue and the one which is used generally in Europe is of the consumption type.

the income tax will be needed to meet the bill.

Viewed in this context, I am not prepared to rule out the use of a value-added tax. Assuming that an adequate credit is provided and that VAT is accompanied by income tax reform in the upper brackets, the resulting burden distribution need not differ greatly from that of raising income tax. If Congress is willing to finance overdue public needs in this way, while rejecting the income tax route, I for one would not object to the VAT approach. But this, I repeat, is a different matter from viewing the new tax as a replacement for present and in most cases superior, revenue sources.

ADDENDA

While I consider my conclusion (*no* for substitution, *possible yes* for finance of substantial new programs) sensible on substantive grounds, I must admit to some misgivings regarding its political viability. The revenue legislation of recent years has provided for substantial slippage in income and corporation tax revenue, and has been accompanied at the same time by a substantial increase in the weight of payroll taxes. Making a major new revenue source such as VAT available may well lead to further income tax slippage; and though VAT may not be introduced as a substitute in the first place, it may have a hidden long-run effect of this sort. Given this danger, it may be the better part of political wisdom to forego the VAT to begin with. Yet, nothing will be gained if nothing is risked and I would not adopt a purely defensive position.

Perhaps a solution might be found by linking VAT revenue to a specific social program such as expanded income maintenance (moving towards a negative income tax) or to the provision for health insurance. From my point of view this would be the better approach, although I must add that ear-marking (under ideal conditions) is a bad budget practice.

TESTIMONY OF PAUL TAUBMAN

The tax bill of 1961 reduced revenues by $15–20 billion annually. Now faced with financing new and generally urgently needed programs, Congress has been asked to raise revenues by about $15 billion by instituting a value added tax while earmarking some of these funds to decrease local property taxes. The extra revenues are needed but the value added tax, even with exemptions or tax credits for the poor, is inferior to many other taxes and will create a new set of "loopholes". Thus to raise new revenues Congress should make the income tax fairer. To this end capital gains should be taxed as ordinary income and be constructively realized at death. Congress should also eliminate the loopholes and subsidies in the existing tax law as detailed in the recent report of the JEC. Moreover while I would agree with the spirit of the Serrano decision the appropriate response to it is to replace a local with a statewide property tax.

THE VALUE-ADDED TAX

Technically the value added tax is imposed on the difference between revenues and the costs of goods and services purchased from other businesses. In alternative versions of this system firms: write off investment costs imemdiately; depreciate these costs over their useful life; or have no deduction for investment costs. The Nixon Administration's proposals, to which I will address myself, allow a firm to write off investment costs immediately. With such a write off, the value added tax is equivalent to a tax on the sum of domestic retail sales and imported goods. The value added tax as any other tax should be judged in terms of its equality and efficiency.

EFFICIENCY

Some economists have supported a value added tax in preference to a personal or corporate income tax on the grounds of efficiency. Roughly speaking, a tax is considered efficient if its imposition either does not alter resource allocation or does eliminate a preexisting misallocation. The income taxes in use in this country cause inefficiencies because of loopholes and preferential treatment. But even if these deficiencies were corrected, it is usually argued that income taxes would discriminate against the corporate form of business and against personal savings in general because of "double taxation" of profits and of savings.

The proposed value added tax, however, produces its own inefficiencies. First since investment costs are, but labor costs are not, allowed as a deduction, this particular value added tax would increase the cost of labor relative to capital and induce firms to use a more capital intensive process. Additional capital subsidies are not needed since the recently enacted investment tax credit and asset depreciation range system, both of which are unnecessary, bestowed a $7 billion subsidy.

Second for practical reasons the value added tax will not be applied to the total amount of consumption, i.e. the value of all goods and services that yield satisfaction to a consumer. While this criticism can also be levied against the income tax, additional problems occur with a value added tax. The basic areas of consumption which will not be subject to the value added tax are: those for which there are no market transactions; those that are provided by government; and those both purchased and consumed abroad.

One extremely important type of nonmarket transaction is provided by savings and wealth. In the discussion of taxation it is generally emphasized that people accumulate savings to provide for the consumptions of goods and services in the future. But while waiting to be consumed, wealth provides its owner with a feeling of security, status, and power—valuable services which would not be subject to the value added tax.

Two other important nonmarket transactions are the services of spouses and the rental value of owner occupied houses. The latter may eventually be taxed as houses are sold (if a house is not counted as an investment, but even in this instance the tax would inhibit people from trading in.) The non-taxing of a spouse's services will not only reduce the incentive to women to join the (officially defined) labor force but will also mean housewives will be taken out to dinner less.

Consumers also buy some consumption goods collectively and pay for these goods through taxes. While the extent of government provisions of consumer type goods and services varies by locale, at least some and probably most areas provide entertainment (in the form of parks, swimming pools, and concerts), higher education, garbage collection and medical services. I presume the value added tax will not apply to such services financed through general taxes; hence, these goods will become relatively cheaper. Such a relative price reduction would not be desirable for all such items. Moreover since the extent of public provisions of services varies both within and between locales, any benefits so conferred would not be distributed uniformly, but would be conferred upon people who itemize taxes paid to support personal consumption.

In recent years American tourists have spent about 3½ billion abroad *exclusive* of payments for transportation. While this total includes goods that will be imported, it excludes payments of Americans living abroad and non U.S. connected transportation. Thus perhaps some $5 billion of consumer expenditures would not be subject to the value added tax. In other words, since the value added tax would apply to hotel and other vacation expenses, the tax would encourage Caribbean vacations outside of Florida, Puerto Rico, and the Virgin Islands, ski vacations in Canada, etc.

The inefficiencies introduced by the value added tax will be costly because it is relatively easy for consumers to substitute non-taxed for taxed items. On the other hand I don't believe the inefficiency produced by "double taxation" to be costly. First the distortion introduced between present and future consumption by the tax on interest is counterbalanced by the zero tax imposed on the income (and consumption) in the form of security, status and power. At a more empirical level, let me also observe that the personal saving rate has not shown any trend in the last hundred years despite the major increases in income tax rates. Moreover there are available a number of devices such as pension funds and Series E bonds which sharply reduce the double tax on saving. While the nonintegration of the corporate and personal income tax involves an extra tax on the corporate form of business, it is difficult to believe that much extra resources have been misallocated out of the corporate and into the noncorporate sector. The costly inefficiencies from the income tax laws arise from its loopholes and preferential treatments. Rather than putting in a new law with another set of inefficiencies, it would be better to close the existing loopholes.

EQUITY

Economics generally does not provide a definition of equity. However, I believe that we should have a progressive tax system to narrow the extremes in income and to reduce the undue concentration of power of the wealthy. In judging the progressivity of the value added tax, it is necessary to consider this tax in isolation and as part of the tax system. Through a system of income tax credits, the value added tax system can be designed so that the poor effectively pay nothing, and the middle class very little. But while I have not seen the proposed rebate schedule, I would doubt that a $15 billion value added tax would be progressive as between the middle class and the wealthy. Indeed I would suspect the tax to be regressive for income above $10–15,000, and certainly above $20,000. Thus even judging the tax in isolation, I would consider it undesirable on equity grounds.

But this tax should not be judged in isolation. Congress is considering the value added tax now because it reduced taxes so greatly last year. In the 1971 Tax Act Congress, justifiably upset by a 6% unemployment rate, enacted a program of permanent tax reductions for business and for the wealthy without giving due thought to the short and long run consequences.

Part of these consequences are now apparent. To support needed expenditures, Congress is being asked to replace a tax on profits with one that is levied on wages and the total of profits less the expenditures on investment. Since wages constitute about two-thirds of nongovernmental GNP, the value added tax and last year's tax bill combine to produce a subsidy to wealthy owners of machinery and equipment paid for by consumers in general and the lower middle and middle class in particular. This combination is unwise since the subsidy to machinery and equipment will be translated primarily into higher interest rates and into less resources available for housing including low income housing. Therefore the first step Congress should take to raise $15 billion is to eliminate the Investment Tax Credit and especially ADR.

THE USEFULNESS OF THE PROPERTY TAX

Recently following the blockbusting Serrano decision, the local property tax has been subjected to severe attack. I think, however, that a national or statewide tax on residential property with uniform assessment to market value ratios is appropriate for the following reasons. First the available evidence, which admittedly is far from conclusive, would sug-

gest that the amount a person spends on housing increases in proportion to his income. Second the implicit rental income received by a homeowner is not subject to the income tax though his interest payments and property tax payments can be listed as itemized deductions. But in principle it would not make any difference if the same revenues were raised by taxing the income from capital or the value of capital. In other words, the property tax tends to offset the inequities and inefficiencies arising from the income tax treatment of owner-occupied houses.

A BETTER TAX PLAN

Rather than imposing a value added tax which will introduce new elements of inefficiency, Congress should correct the well known but glaring deficiencies in the income tax system. Much of the needed funds could be obtained by treating capital gains as ordinary income and by having constructive realization of gains at death. The ADR and Investment Tax Credit provisions of the 1971 Tax Act were major steps backward in our tax system. Both of these subsidies should be eliminated as soon as possible. Finally Congress should give serious thought to improving and raising more revenues from the gift and estate tax. Total private wealth in this country is in excess of $5 trillion. Since about 1% of the people die each year about $50 billion of wealth annually enters estates. Since wealth is highly concentrated among few families, about $30 billion of wealth is subject to estate taxes. But gift and estate tax revenues only amount to about $4 billion at all levels of government. Substantially more revenues should be raised from this source.

THE VALUE-ADDED TAX AND THE U.S. ECONOMY

I. INTRODUCTION AND SUMMARY

Evidence is mounting which indicates new sources of Federal revenues must soon be found. Vast amounts of funds may be required for welfare reform, revenue sharing and other expenditure programs. A budget margin for 1976 of only $5 billion is projected by the Administration, down substantially from last year's estimate of $30 billion. And this is under the assumption of no new Federal initiatives!

At the same time that new programs are being proposed, the options available for financing them are rapidly disappearing. There is no "peace dividend" from the gradual cessation of the Vietnam War. Tax reduction aimed at spurring a stagnant economy has just taken effect. Prolonged deficit financing might eventually lead to renewed inflation and higher interest rates. Even the return of full employment may not bring any fiscal bonus. Independent estimates of the full employment surplus show a substantial deficit for fiscal 1973.

Thus, the problem seems to be one of raising additional taxes, *given* the present expenditure programs in the Federal budget.[1] One candidate for this task is a Value Added Tax (VAT), already adopted by most major European countries and under consideration in Latin America.

This paper analyzes the quantitative economic effects of introducing VAT into the U. S. economy. The method of analysis involves simulating the behavior of the economy under alternative VAT programs. The simulations are performed with the Data Resources, Inc. econometric model of the United States. Comparisons are made on the basis of the Data Resources Control Solution of February 23, 1972. The VAT simulations are run over the two year period of 1972–73. This is done in order to permit the effects of VAT to evolve over time. It is unlikely that the tax, if adopted, would begin before 1973 and 1974 would be a more probable starting date.

Three basic alternatives are considered in this study. The first is an income type of VAT with essentially no exemptions, except for exports. The second is also an income based VAT but with a number of exclusions and rebates to low income families. The third alternative is an across-the-board consumption type VAT. All of the examples assume a 3% tax and that $14.8 billion of the generated revenues are transferred to state and local governments through increased grants-in-aid. These revenues are used by States and Localities to reduce property taxes by an equal amount. The $14.8 billion figure represents about one-third of the present estimated state and local government outlays for elementary and secondary school education. Any additional revenue is applied to the Federal budget deficit that arises from other new spending programs. Thus, the major rationale for VAT is to relieve the severe fiscal problems of States and Localities and to provide a source of funds for new social legislation.

A sketch of the principal findings follows. *Comparisons are relative to the DRI forecast of February 23, 1972.*[2]

On Prosperity and Growth: The economy is weaker under all three VAT alternatives. The real growth of GNP slows by an average of 1.0–1.5% over the two year period of the simulations, depending on the program that is assumed. An average of $8–18 billion of real GNP is lost. There are significant declines in real consumption and real capital expenditures. After tax profits fall anywhere from 2.2–2.4% by the second year of the new tax. The unemployment rate rises 0.6%, at a minimum, by the last quarter of the simulation.

The weakness in the economy is the result of inflation and subsequently lower disposable income which causes a decrease in consumption; the effect of higher interest rates on housing and business fixed investment; the effect of lower final demands and a reduced cash flow on investment; and the elimination of a portion of the full employment deficit without a compensatory easing of monetary policy.[3]

On Inflation and Unemployment: Inflation intensifies as the VAT is approximately fully passed forward into higher prices. In the initial year of the VAT simulations the implicit GNP deflator grows by at least 5% and in the second year by almost 4.5%. This compares to present DRI forecast rates of inflation of 3.4% and 3.5%. Wage claims gradually rise in response to the new burst of inflation. Further price reactions occur as wages move upward and productivity falls. The recently experienced chronic inflation makes inflation expectations especially sensitive to price changes and contributes to the price-wage interaction. The current incomes policy is assumed to continue.

Unemployment worsens, ranging from 5.8–6.3% by the second year of the three VAT simulations. The corresponding unemployment rate in the Control Solution is 5.3%. Thus, VAT is associated with a rightward shift in the Phillips curve.

On Interest Rates: Substantial increases occur in bond yields and initially in short-term rates. Higher long-term rates persist because of the continuing inflation, but a weak economy causes short-term rates to fall slightly by the end of the second year.

On International Trade and Finance: The balance of trade improves substantially as imports are taxed and exports exempted. This would contribute to an improvement in the balance of payments which also would be aided, in the beginning, by higher short-term interest rates. However, relatively higher domestic prices would somewhat offset these effects.

On the Federal Budget Deficit: The deficit is reduced initially except in the simulation with rebates. By the second year the deficits in all three simulations exceed their levels before VAT. The feedback effect of the weaker economy on tax receipts is responsible for this result.

II. METHOD OF ANALYSIS

The quantitative effects of broad based taxes, such as VAT, are impossible to determine with traditional methods of economic analysis. The principal analytical problem is the difficulty of applying a general equilibrium theoretical framework in an examination of the tax. The other major impediment is the absence of numerical estimates of the relations that realistically characterize economic behavior.

A large-scale econometric model is a useful device for dealing with these problems. A fully specified model will include equations which represent the interactions of all sectors of the economy, at least on the macroeconomic level. Such a model also will incorporate the appropriate time lags of economic behavior.

Established statistical methods are used to estimate the parameters of the model's equations. Once these have been obtained, the equations can be solved to provide a set of values for all of the dependent variables. The dynamic nature of the model permits a solution at each period of time, as previously solved for variables are "fed" into equations in subsequent periods. Thus, a solution path for each dependent variable can be generated over a specified interval of time in a general equilibrium framework.

Of course, the solution depends upon prespecified or exogenous variables, definitions, and the estimated parameters of the model. Some of the exogenous variables and parameters are thought to be subject to the control of policymakers. These are called policy instruments. Some large-scale econometric models are structured so a user can adjust the constants of the equations and the values of exogenous variables to correct for equation errors or to reflect judgment.[4]

A control solution is one where a "best" set of assumptions about the state of the world is incorporated into the model by the selection of specific values for variables and by constant term adjustments. A policy simulation is a solution of the model after one or more changes have been made in the set

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[1] It is not certain that all of the proposed programs of the Administration will be totally enacted or effective at the times indicated in the 1973 budget. There is also the possibility that a strong recovery may generate more tax receipts than are expected. This has occurred in other recoveries, most notably during the period following the enactment of the Revenue Act of 1964. Thus, with *no additional spending initiatives* the budget margin projected by the Administration might be too low.

[2] The economic environment surrounding the introduction of a VAT is reflected in the DRI Control Solution of February 23, 1972. The effects of VAT may very well depend on the prevailing state of the economy. For example, a salient feature of the February DRI forecast is the presence of substantial slack in the economy. The unemployment rate ranges from 5.9–5.0%, capacity utilization remains low at approximately 78%, and the gap between potential and actual GNP is still $28.6 billion at the end of 1973. Introducing a VAT at full employment might produce somewhat different results. For a discussion of the conditions underlying the control solution, see Data Resources, Inc., *Forecast of the U.S. Economy*, January 31, 1972 and *The Data Resources Review*, February 23, 1972.

[3] In another VAT simulation nonborrowed reserves were raised in the first period to maintain a constant real value. At the end of eight quarters real GNP still had decreased by 0.9%, profits after tax were down by 4.3%, and the unemployment rate was up 0.3%.

[4] See L. R. Klein, *Theory of Economic Prediction*, Chicago, 1971, for a discussion of constant term adjustments.

of assumptions about the world; specifically in the values of the policy instruments. The difference between the solution path of a variable in the control solution from that in a policy simulation provides a quantitative estimate of the policy's effect. Thus, in principle, a large-scale econometric model could be used to evaluate the effects of a VAT.

The Data Resources Econometric Model that was used for the VAT simulations consists of over 100 behavioral equations in its macroeconomic sectors.[5] Definitions and exogenous variables bring the number of economy-wide variables forecast to approximately 340. Parameters are estimated by ordinary least squares and two-stage least squares. Adjustments can be made by adding to the constant term, multiplying the solution values of dependent variables by a constant, and by changing exogenous variables. The Gauss-Seidel technique is used to solve the model.

III. RESULTS OF SIMULATIONS

A. Assumptions: The following discussion indicates the assumptions underlying each VAT simulation.

1. An Across-the-Board VAT:

(a) Coverage: The base is national income plus the change in inventories. The government sector is exempted as are exports. Depreciation is exempted but expenditures on capital goods are included. These characteristics define an income type, destination principle method of VAT. The resulting base is approximately $780 billion.

(b) Rates and rebates: A 3% VAT is assumed. This yields $23.4 billion of revenue in the first year of the tax. The tax is rebated on exports but fully levied on imports.

(c) Use of revenues: $14.8 billion of the increased federal revenues are transferred to States and Localities by increasing grants-in-aid. The remaining $8.6 billion is applied to the Federal budget deficit. States and Localities, in turn, reduce property taxes by $14.8 billion. Thus, there is no direct extra local spending, just a change in revenue sources.

(d) Monetary and fiscal policy: No compensating ease of monetary policy is assumed. The DRI control forecast underlying this VAT simulation already embodies an accommodating monetary policy. Government expenditures and transfers are assumed to be constant during VAT's initiation. Economy feedbacks affect transfers later in the simultation period.

(e) Prices and wages: VAT is assumed to be also fully shifted forward. This is because the slack economy of the underlying Control Solution does not assure a 100% shifting. Wages rise somewhat with the increase in prices as workers bargain for maintained real purchasing power. This process, however, is assumed to be a gradual one. Thus, only one-eighth of the initial rise in the GNP deflator is regained in the first period of the VAT. By the end of two years almost one-half of the first quarter's rise in prices has been recovered in wages. Phase 2 continues in effect. No additional incomes policy is assumed.

2. A VAT with Exemptions and Rebates:

(a) Coverage: The base is national income plus the change in inventories. The government sector is exempted as are exports. Depreciation is excluded but expenditures on capital goods are included. Services, except financial, are excluded. The value added in agriculture and in the manufacturing of food, clothing and shoes also is exempted. These features make this VAT more progressive than one that is levied across-the-board. However, it is still an income type, destination principle method of VAT. The resulting base is approximately $610 billion.

(b) Rates and rebates: A 3% VAT is assumed. This yields $18.3 billion of revenue in the first year of the tax. The tax is rebated on exports but fully levied on imports. Rebates to low income families are assumed, adding another element of progressivity to this VAT.

(c) Use of revenues: $14.8 billion of the increased Federal revenues are transferred to States and Localities by increasing grants-in-aid. States and Localities, in turn, decrease property taxes by $14.8 billion. Low income families receive $2.5 billion in transfer payments. The remaining $1.0 billion is applied to the Federal budget deficit.

(d) Monetary and fiscal policy—same as in the Across-the-Board VAT.

(e) Prices and wages: VAT is assumed to be fully shifted forward. Wages rise somewhat with the increase in prices as workers bargain for maintained real purchasing power. This process, however, is assumed to be a gradual one. Thus, only one-fifth of the initial rise in the GNP deflator is regained in the first quarter of VAT. By the end of two years almost 60% of the first period's price rise has been recovered in wages. Phase 2 remains in effect with no new incomes policies.

3. A Consumption Type VAT:

(a) Coverage: The base is equivalent to total consumer expenditures plus imports. The full value of capital goods purchased from other firms is exempted. Depreciation and other indirect taxes are included. These characteristics define a consumption type, destination principle method of VAT. The base is approximately $717 billion.

(b) Rates and rebates: A 3% VAT is assumed. This raises $21.5 billion of revenue in the first year of the tax. The VAT is rebated on exports and fully levied on imports.

(c) Use of revenues: $14.8 billion of the increased Federal revenues are transferred to States and Localities by increasing grants-in-aid. States and Localities reduce property taxes by that amount. The remaining $6.7 billion is applied to the Federal budget deficit.

(d) Monetary and fiscal policy—same as in the Across-the-Board VAT.

(e) Prices and wages: The consumption based VAT is assumed to be fully shifted forward into prices of consumer goods. Import prices also are increased. No other prices are changed initially; however, wage increases and feedback effects do raise the prices of investment goods and exports somewhat in subsequent years. Wages rise slightly as labor bargains for maintained purchasing power. About 10% of the initial rise in the GNP deflator is regained in the first period of VAT. After two years only 35% of the first period's price rise has been recovered in wages. The incomes policy of Phase 2 is assumed for the simulation.

B. Simulation Procedures: The assumptions are incorporated in the model through the use of constant term adjustments, multiplicative factors, and changes in exogenous variables.[6] The model then is solved and the values obtained in the policy simulations are compared with the control solution to obtain the quantitative effects of VAT.

Federal tax receipts are increased by raising indirect taxes $23.4 billion in the Across-the-Board VAT, $18.3 billion for the VAT with Exemptions, and $21.5 billion for the Consumption Type of VAT. These figures are the expected revenues from the application of a 3% VAT to the tax base in each program. State and local taxes are reduced by $14.8 billion, the assumed reduction in property taxes. Grants-in-aid are increased by $14.8 billion to reflect the transfer of Federal revenues to States and Localities. Other government expenditures and transfers are held constant in real terms. This requires increasing nominal Federal government expenditures except in the Consumption Type of VAT simulation.

To achieve the initial increase in prices caused by VAT the relevant implicit price deflators are raised with multiplicative factors. The price of exports is never increased since each VAT assumes their exemption from the tax base. In the Across-the-Board VAT all other prices are increased by approximately 3% except for the government expenditure deflators. The latter are increased by less since only a portion of government purchases are for goods and services from the private sector.

In the VAT with Exemptions and Rebates, no change is made in the deflators for food and beverages, clothing and shoes; and only a partial increase is imposed on the deflator for services. The other deflators, except for those related to government expenditures and exports, are increased by 3%.

Finally, for the consumption type VAT simulation the implicit deflators for consumer expenditures are raised by 3%. So is the deflator on imports. In all the simulations multiplicative factors are used to increase private, non-farm wages gradually during the first year. Also, first quarter feedback effects intensify the change in prices.

Analysis of the structure of the DRI model leads to other adjustments because the price increases are brought about by the VAT rather than by normal economic forces. Most of these apply only to the first quarter of the simulation.

C. Results: *All comparisons are relative to the DRI Control Solution of February 23, 1972.*

1. Prosperity and Growth: All of the VAT alternatives have restrictive effects on the economy. Tables 1 and 2 show some differences between the Control and VAT solutions.

[5] There are a large number of additional equations that deal with industry sales, profits, and production. See *The Data Resources Econometric Forecasting System: a Preliminary Account*, December 1971.

[6] Multiplicative factors change the solution values of the variables by a constant.

TABLE 1.—EFFECT OF A 3-PERCENT VAT ON THE ECONOMY (DIFFERENCES BETWEEN VAT SIMULATIONS AND FEB. 23, 1972, DRI CONTROL SOLUTION)

	Year 1 VAT			Year 2 VAT		
	Across the board	With exemps	Cons. type	Across the board	With exemps	Cons. type
GNP (current dollars)	5.1	10.3	2.5	−1.4	6.0	1.4
GNP (1958 dollars)	−14.4	−5.1	−12.5	−23.9	−12.9	−16.9
Consum. (1958 dollars)	−11.9	−3.8	+12.1	11.2	−6.4	−13.6
Durables	−3.8	−2.0	−4.2	−6.3	−4.3	−5.2
Nondurables	−3.8	−.6	−5.0	−5.5	−.8	−6.4
Services	−4.3	−1.2	−2.9	−4.4	−1.3	−2.0
Invest. (1958 dollars)	−3.1	−2.2	−.9	−6.5	−4.9	−2.6
Bus. fixed	−1.7	−1.2	.4	−5.0	−3.3	−1.3
Res. constr.	−1.4	−1.0	−1.3	−1.5	−1.6	−1.3
Savings rate (percent)	.1	.5	−.5	.4	.6	−.2
Housing starts (mills.)	−.156	−.118	−.148	−.065	−.122	−.075
Profits (after tax) (billions of dollars)	−2.8	−1.2	−.6	−5.5	−3.6	−1.9

TABLE 2.—EFFECT OF A 3-PERCENT VAT ON THE ECONOMY (PERCENT CHANGES IN VAT SIMULATIONS AND FEB. 23, 1972, DRI CONTROL SOLUTION)

	Year 1				Year 2			
	VAT				VAT			
	Across-the-board	With exemps	Cons. type	Control	Across-the-board	With exemps	Cons. type	Control
GNP (current dollars)	9.7	10.2	9.5	9.2	8.9	9.0	9.3	9.5
GNP (1958 dollars)	3.7	5.0	4.0	5.6	4.6	4.8	5.3	5.7
Consum. (1958 dollars)	2.1	3.7	2.0	4.5	4.8	4.9	5.4	5.5
Durables	3.3	5.4	2.9	7.6	5.9	5.9	7.5	8.2
Nondurables	1.5	3.0	.9	3.2	3.5	3.6	3.7	4.2
Services	2.2	3.8	2.9	4.4	5.7	5.7	6.2	5.7
Invest. (1958 dollars)	6.8	8.3	9.0	10.7	4.1	5.0	5.9	8.2
Bus. fixed	3.7	4.4	6.3	5.9	4.1	5.5	5.9	8.0
Res. constr	6.0	7.3	6.2	11.1	−2.7	−4.3	−2.3	−2.2
Housing starts	.3	2.2	.7	8.0	−.7	−4.0	− .3	−3.6
Profits (after tax)	11.1	14.5	15.8	17.0	7.0	7.3	9.2	11.4

The rise in nominal GNP is due to higher prices, Subsequently, a weaker economy lowers current dollar GNP. The effects of the Across-the-Board VAT are so severe that nominal GNP falls in the second year of the simulation.

Real growth declines at least 1.6% in the first year and 0.4% in the second, as compared to the Control Solution. Cutbacks in expenditures on durable goods, fixed investment, and residential construction account for most of the drop in real GNP.

Except for the effects of a Consumption Type VAT, higher prices reduce consumption, especially for durable goods where the elasticity of demand is greatest. Subsequent declines in real disposable income further diminish consumer spending. Business fixed investment falls because of decreases in final demand, higher interest rates which affect the relative price of capital goods, and declines in corporate profits. Residential construction is down because of an inflation-induced rise in mortgage rates and a decreased supply of mortgage money. Deposits at mutual savings banks and savings and loan institutions, the major source of funds for conventional mortgages, are diminished as short-term money market rates of interest rise during VAT's first year. The private sector saving rate increases sharply, but this rise does not enhance the growth of capital stock. The decrease in product demand, higher interest rates, and reduced business saving more than offsets the increase in private saving.

In the case of the VAT on consumption, there is a clear shift in the allocation of resources to investment. Real consumption declines more in this simulation than in the others. Fixed investment is stronger than in the other simulations. The net effect is a total loss of $29.4 billion in real GNP over the two year period. The VAT with Exemptions and Rebates showed the smallest cumulative decline in real GNP, $18 billion, of the three VAT simulations.

Table 3 shows the effect of VAT on prices, wages, and productivity. VAT intensifies the existing price-wage inflation, especially in the first year of its introduction. The chronic inflation of the last few years "sensitizes" inflation expectations to renewed increases in prices, whatever the source. The rate of wage increase depends mainly on unemployment and current price expectations. Since these expectations are not particularly sensitive, a given change in prices leads to a greater reaction of wages than in a situation where severe inflation has not been present recently. Prices subsequently react more because the movements in wages are greater than otherwise would have been the case. This sharper interaction of wages and prices occurs when the average of the annual rates of inflation has exceeded 2½% during the previous two years.[7]

[7] Eckstein and R. Brinner, "The Inflation Process in the United States", A Study Prepared for the Joint Economic Committee, February 1972, p. 3.

TABLE 3.—EFFECT OF A 3-PERCENT VAT ON INFLATION AND PRODUCTIVITY (PERCENT INCREASES IN VAT SIMULATIONS AND FEB. 23, 1972, DRI CONTROL SOLUTION)

	Year 1				Year 2			
	VAT				VAT			
	Across-the-board	With exempts	Cons. type	Control	Across-the-board	With exempts	Cons. type	Control
CPI	6.9	5.2	7.4	3.9	4.4	4.5	4.3	4.1
GNP deflator	5.8	5.0	5.3	3.4	4.1	4.0	3.9	3.5
Wages [1]	6.4	6.4	6.3	6.0	5.9	5.9	5.8	5.6
Production [2]	2.4	2.8	2.8	3.3	2.7	2.5	3.0	2.8

[1] Private nonfarm index of compensation per manhour.

[2] Real output per manhour, excluding agriculture.

Table 4 shows the course of employment and the unemployment rate. The labor situation grows substantially worse because of the weaker economy. The unemployment rate increases at least 0.2% in Year 1 (in VAT with Exemptions) and 0.5% in Year 2. In the other VAT simulations the unemployment rate gets even worse. The minimum declines in employment are 300,000 in the first year and 700,000 in the second. Decreases in aggregate demand lead to reductions in output and employment. These effects are consistent with rising wages.

TABLE 4.—EFFECT OF A 3-PERCENT VAT ON EMPLOYMENT AND UNEMPLOYMENT

	Year 1				Year 2			
	VAT				VAT			
	Across the board	With exemps	Cons. type	Control February 23	Across the board	With exemps	Cons. type	Control February 23
Employment (millions)	81.5	81.9	81.1	82.2	84.4	84.9	84.4	85.6
Unemployment rate (percent)	6.2	5.9	6.2	5.7	6.3	5.8	6.0	5.3

Table 5 shows the effects of VAT on some long- and short-term interest rates. Long-term interest rates rise substantially as a result of VAT. The new issue rate rises by as much as 80 basis points during the first year and 95 basis points in the second year.

TABLE 5.—EFFECT OF A 3-PERCENT VAT ON INTEREST RATES (PERCENT)

	Year 1				Year 2			
	VAT				VAT			
	Across-the-board	With exemps	Cons. type	Control Feb. 23	Across-the-board	With exemps	Cons. type	Control Feb. 23
Long-term rates:								
New bonds	7.70	7.38	7.77	6.97	8.15	7.81	8.23	7.28
Mortgages	7.67	7.60	7.65	7.38	7.49	7.51	7.43	7.19
Government bonds	5.85	5.76	5.86	5.65	6.18	6.03	6.21	5.81
Short-term rates:								
3-month bills	4.09	4.09	4.07	3.80	4.46	4.68	4.44	4.59
4 to 6 month paper	4.69	4.67	4.66	4.35	5.14	5.38	5.12	5.27
90-day CD's	4.61	4.59	4.59	4.29	5.03	5.26	5.00	5.15

This effect occurs in the VAT on consumption where the deflator for consumer purchases of goods and services rises the most of any simulation. Inflation expectations are rekindled and drive long-term rates upward. The increases are net of the weaker economy and show the important effect of sustained inflation.

Short-term yields climb in the first year of VAT but fall slightly during the second year as the weaker economy limits the demand for short-term funds. The supply of funds and demand for credit are relatively more important in determining short-term interest rates than is inflation.

Table 6 presents the impact of VAT on international trade. The destination principle method of VAT taxation that is employed decreases imports.

TABLE 6.—EFFECT OF A 3-PERCENT VAT ON THE U.S. TRADE BALANCE

[Billions of dollars]

	Year 1				Year 2			
	VAT				VAT			
	Across-the-board	With exmps.	Cons. type	Control	Across-the-board	With exmps.	Cons. type	Control
Exports-imports (current dollars)	0.9	0.5	0.5	0.3	3.9	3.1	1.3	2.0
Exports-imports (58 dollars)	3.2	3.1	3.2	1.4	5.3	4.8	5.0	2.8

The weaker U.S. economy also contributes to the improvement in the trade balance. The result is a very substantial improvement in international trade. The real value of the trade balance is about double that of the control solution for all of the VAT simulations. The implications of the increased balance of trade are on improved balance of payments and a strengthening of the dollar in foreign exchange markets.

Finally, Table 7 contains the figures for the NIA budget. Most of the VAT revenues that are earmarked to reduce the deficit are lost in the first year because of the feedback effects on tax receipts of a weaker economy. In the second year, the deficit is higher than it would have been without a VAT.

TABLE 7.—EFFECT OF A 3-PERCENT VAT ON THE FEDERAL BUDGET DEFICIT (DIFFERENCE IN VAT SIMULATIONS AND FEB. 23, 1972 DRI CONTROL SOLUTION)

	Year 1			Year 2		
	VAT			VAT		
	Across-the-board	With exemps.	Cons. type	Across-the-board	With exemps.	Cons. type
Fed. Sup. (NIA)	3.0	−2.3	3.1	−2.2	−1.9	−0.4

IV. CONCLUSIONS

This study analyzes the quantitative economic effects of three alternative programs for a Value Added Tax. The effects of VAT on prosperity and growth, inflation, employment and unemployment, international trade, and the Federal budget deficit are examined in simulations with the Data Resources, Inc. forecasting model of the U.S. economy. Traditional economic analysis of a broad based tax, such as VAT, would be difficult since the general equilibrium effects of a complete fiscal package are of interest. Furthermore, the quantitative effects a VAT can not be obtained without adequate estimates of the parameters of relations that realistically characterize economic behavior.

The alternative programs are:

(1) a 3% income based VAT which raises $23.4 billion and has no exemptions except for the government sector and exports. The tax is levied on imports. $14.8 billion is transferred to States and Localities.

(2) a 3% income based VAT which raises $18.3 billion and has exemptions for services, except financial, agriculture, food, clothing, and shoes. The tax is levied on imports. Low income families receive $2.5 billion in rebates. $14.8 billion is transferred to State and Localities.

(3) a 3% consumption based VAT which raises $21.5 billion and has exemptions for capital goods, purchases and exports. The tax is levied on imports. $14.8 billion is transferred to States and Localities.

The effects of three alternatives are similar over the two year simulation period. *Comparisons are based on the Data Resources, Inc. Forecast of February 23, 1972.* The real growth of the economy declines. Inflation intensifies and unemployment rises. The growth of employment slows and productivity drops. Long-term interest rates increase sharply. The Federal budget deficit improves at first but later increases to more than it would have been without the tax. The only bright spot is in international trade where the trade balance grows substantially. This is due to border tax adjustments where imports are taxed and exports are made exempt through tax rebates.

Ranking the alternative VAT programs is difficult, but in terms of the effects of each on real economic growth, inflation, profits, unemployment and interest rates, the order of preference would be VAT with Exemptions and Rebates, the Consumption Type VAT, and Across-the-Board VAT.[8] Thus, the more progressive method of VAT has the least deleterious effect on the economy.

The evidence appears to be negative for one of the major arguments usually advanced in VAT's behalf. The VAT is inimical to economic growth in the U. S. economy, primarily because of its effect on the inflationary process.[9] In fact, any of the VAT packages considered in this study would severely interfere with almost all of the goals of the recent Nixon Economic Plan, i.e., greater economic growth, lower inflation and unemployment, increased productivity, and reduced interest rates. Only the position of the United States in international trade would be enhanced.

[8] One need merely rank each simulation with respect to its performance in each category. The above ranking clearly emerges. No clear-cut evidence on the distribution of income could be obtained from the results.

[9] However, the results obtained in these simulations might not be matched in other instances where a different fiscal package was considered, e.g., the substitution of VAT for the corporate income tax or for personal taxes.

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HEALTH SCIENCE AND SOCIETY

Mr. MONDALE. Mr. President, more than 4 years ago, I first introduced a resolution to create a commission to investigate the ethical, legal, and social implications of advances in biomedical research and technology. At that time, there was great public attention to the innovation of heart transplants. This seemed to me to raise a whole host of complex issues for which society was unprepared. Such obvious issues as the definition of death and the consent for the removal of viable organs were presented.

I was somewhat surprised to find that there were many in the field of medicine and research who thought that the creation of a study commission was unnecessary or even undesirable. Four years later, we have seen that many of the problems which we predicted then have come to pass. Law suits have been initiated concerning the removal of organs. Moreover, a whole new set of issues have arisen which we only dimly perceived a few years back. In genetic engineering and in behavior control, we confront, sometimes, even more profound issues than we do in connection with organ transplants and implantation of artificial organs.

The passage by the U.S. Senate of Senate Joint Resolution 75, to create a National Advisory Commission on Health Science and Society, on December 2, 1971, represents a refreshing consensus in this body of the need for a thorough and comprehensive review of the way in which society must deal with issues posed by advances in medical technology. I invite the attention of Senators to a wide range of articles and editorials commenting on the state of the art, the hearings on Senate Joint Resolution 75, and the need to move forward in a comprehensive but judicious manner in equipping society to deal with such questions.

An article in the Wall Street Journal, of December 2, 1971, written by Jonathan Spivak, discusses many of the experimental efforts in the field of genetics. The article makes clear both the great potentials and risks which are involved.

The November 19, 1971, issue of Science magazine, contains an article entitled "The New Biology: What Price Relieving Man's Estate?" The article was written by Dr. Leon R. Kass, who serves as executive secretary of the Committee on the Life Sciences and Social Policy of the National Research Council—National Academy of Sciences. Dr. Kass surveys a number of developments in medical technology and comments perceptively on the ethical and social dilemmas which are presented. Two interesting articles appeared in the March 3 issue of Science magazine on gene therapy. One is by Ernest Freese of the Laboratory of Molecular Biology at NIH. The other, by Theodore Friedmann and Richard Roblin, contains some very useful comments on the ethicoscientific criteria which should be applied in gene therapy.

In the Washington Evening Star of November 18, 1971, an article entitled "The Patient-Individual or Society?" written by Judith Randal, discussed some of the ethical issues posed by the purposeful infection of mentally retarded children at Willowbrook in Staten Island, N.Y., with a hepatitis virus. Miss Randal points out how this experiment, and many others raising similar issues, have sparked Senate Joint Resolution 75. Another article on psychosurgery was written by Miss Randal and published in the Washington Evening Star of March 3, 1972.

Another indication of the rapidly growing awareness of ethical and social dilemmas was the sponsoring by the Kennedy Foundation of a symposium in Washington, D.C., on "Human Rights, Retardation and Research." More than a thousand experts drawn from a broad spectrum of scientific and academic disciplines participated in seven sessions exploring diverse questions in ethics and medicine. Such attention was noted in a column by James J. Kilpatrick in the Washington Evening Star on Tuesday, October 19, 1971, in a Washington Post editorial on November 3, 1971, and in a Boston Globe article on October 17, 1971.

Shortly after this very valuable symposium, the Senate Health Subcommittee held hearings on Senate Joint Resolution 75 and reported the bill favorably to the Senate on November 29, 1971. Articles commenting on hearings appeared in the January 7, 1972, issue of Science magazine, in the January 1972 issue of Technology Review, in the December 4, 1971, issue of Science News and in the December 1971 issue of Biomedical News.

After the hearings, I was pleased to see favorable editorial comments in a number of journals, some of which I have already placed in the CONGRESSIONAL RECORD.

I should like to invite the attention of Senators to an editorial in the Washington Evening Star of December 15, 1971, and to one in the St. Louis Post Dispatch on January 29, 1972. The Star editorial describes the proposed study as covering "a subject with enormous implications for all of us." The Post Dispatch concludes by saying:

> The bill now is before a House Subcommittee and strongly deserves positive action.

Mr. President, I can only echo the sentiments of the Post Dispatch editorial. I hope that our colleagues in the House will be able to act on this measure promptly. As Nobel Prize winner Dr. James Watson said in testimony before a House committee last year:

> If we do not think about the matter now, the possibility of our having a free choice will one day suddenly be gone.

I ask unanimous consent that the articles and editorials to which I have referred be printed in the RECORD.

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

[From the Wall Street Journal, Dec. 12, 1971]

PROBING THE CELL—SOME SCIENTISTS SEEK TO ALTER HUMAN GENES TO CURE MANY DISEASES

(By Jonathan Spivak)

WASHINGTON.—Medical researchers are preparing for a daring biological venture: an attempt to correct genetic defects that afflict mankind.

Their stated goal is nothing so awesome or controversial as breeding supermen, though some critics fear the effort could lead in that direction. Rather, the aim is to treat a variety of inherited diseases for which little help now can be had. Among these are cystic fibrosis, in which mucus clogs the lungs and other organs; sickle-cell anemia, which afflicts Negroes; and hemophilia, a tendency to uncontrollable bleeding.

Toward this end, the researchers are altering genes, the tiny packets of hereditary material that determine mental and physical endowment. The proponents like to call this effort "gene therapy," and they foresee great benefits. But critics call it "genetic engineering," and they foresee grave risks. Some scientists question whether the impact of gene changes on future generations can be adequately anticipated or effectively controlled. If a harmful gene were introduced into the human body, it couldn't be recalled and might spread eventually to thousands of persons, these scientists say.

"The promises offered by proponents of gene therapy largely ignore its limitations and hazards. . . . Let us not do to ourselves what we have done to our environment," researchers Maurice S. Fox of the Massachusetts Institute of Technology and John W. Littlefield of Harvard Medical School write in an editorial in the magazine Science.

THE SITUATION SO FAR

What's happening so far is this:

Laboratory researchers at the government's National Institutes of Health and elsewhere are working on genes in attempts to understand and eventually eliminate their disease-causing defects. These defects can permit accumulation in body cells of toxic substances that lead to brain damage and other harm.

Experiments being pursued include:

Fusing cells together so healthy genes replace defective ones.

Implanting cells with normal genes in developing embryos to overcome hereditary defects.

Tailor-making viruses to carry corrective genetic material.

Outside the research lab, a pioneering and controversial attempt at gene therapy has already been made. Last year two German girls

with hereditary mental retardation were deliberately infected with a virus carrying a gene that might effect a cure. No cure resulted, probably because the girls' mental damage was already irreversible. Nonetheless warns one specialist, "there will be a rush to get into this area and test new procedures on hopeless cases."

Some scientists suggest this research is opening up the eventual possibility of producing humans of any desired genetic characteristics—whether seven-foot basketball stars or geniuses with Einsteinian IQs—though the researchers argue this is not their aim at all. The basic technique for building supermen already has been developed in the laboratory. It avoids the haphazard mixture of genes resulting from a sexual union of sperm and egg. It is known as cloning.

THE STAKES ARE HIGH

In this laboratory procedure the nucleus of an unfertilized egg is replaced with a nucleus from another cell; that nucleus in effect fertilizes the egg and controls all its genetic properties. In a landmark experiment, British researchers have shown that a frog egg can thus be fertilized with another cell from the same animal. The offspring develops normally and is genetically identical with the single parent. This research is designed to gain a better understanding of human reproduction, rather than for any practical purpose.

But since all species are genetically similar, it will probably prove possible to clone man eventually, most scientists say. Human cloning, of course, would raise serious ethical issues.

Cloning aside, the stakes in the current debate over gene therapy are high, for the outcome is likely to control future progress in the science of human genetics. Many experts argue that a major push could bring immensely important results. Genetic diseases now show up in an estimated 70,000, or 2% of the babies born in the U.S. each year, and they take a high toll in prenatal deaths. Moreover, gene alterations might shed light on the causes of other diseases, including cancer, diabetes and arteriosclerosis, which are influenced by heredity, researchers say.

With strong congressional encouragement, the National Institutes of Health is investing about $20 million in genetic studies this fiscal year, and officials hope to increase the sum substantially next year. The problem of the hereditary aspects of disease "is ripe today," declares Dr. DeWitt Stetten Jr., director of NIH's National Institute of General Medical Science.

With the added money, NIH would establish genetic research centers throughout the country. These centers would seek to map the exact location of genes within human cells, identify individuals who carry genetic defects that could endanger their offspring, and determine the chemical processes by which gene defects cause disease. The ultimate goal: developing ways to remedy defective genes and prevent at least some forms of hereditary disease.

There are about 100,000 genes in every cell in the human body and each consists of the hereditary material known as DNA (for deoxyribonucleic acid). Scientists have already figured out the structure of DNA and the chemical code by which it enables genes to direct human growth.

It's also known that genes direct the formation of specific enzymes that are essential to the normal functioning of cells. And it's known that defective genes often lead to a breakdown in the cell's metabolism and thus to the accumulation of toxic substances.

Gene therapy is surrounded by a welter of problems, however. One major difficulty is finding ways to deliver genes to the specific cells that have hereditary defects. Most experts think it will be necessary to use infective viruses, but they worry that even apparently harmless viruses might turn out to have dangerous effects, particularly in causing cancer. Laboratory experiments with DNA have shown how easily gene changes can lead to malignancy.

Another obstacle is the probability that only 100 of the 2,000 known genetic diseases are produced by a single defective gene. Each of the other disorders presumably involves several defective genes and would be far more difficult to correct.

Nonetheless, progress is being made. NIH laboratory experiments have shown that a bacterial virus, known as the lambda phage, will correct a genetic disease called galactosemia; this disease, caused by lack of enzymes needed to metabolize the sugar galactose, may result in eye cataracts, brain damage and other difficulties. In lab experiments, the virus has transferred the healthy gene that prevents galactosemia to cells taken from a child suffering from the disease. But much more must be learned about the virus' effects before actual experiments on children are undertaken, scientists caution.

At the University of Maryland, Vasken Aposhian, who heads the department of cell biology and pharmacology, is directing a project that could lead to another early effort at gene therapy. He's hopeful that the gene or genes responsible for the body's production of insulin, which controls diabetes, can be identified and synthesized. If so, he would use a virus to pick up the genetic information and deliver it to human body cells. Youthful victims of severe diabetes could be candidates for such treatment.

Another approach, called cellular engineering, relies on replacement of entire cells to correct genetic defects. Dr. Robert A. Good at the University of Minnesota reports curing usually fatal blood disorders in several youngsters by transplanting healthy cells that replace genetically deficient ones. "These achievements involve full correction of several different inborn errors of metabolism and alleviation of their certainly fatal genetically based diseases," he reports.

But any tinkering with human genes remains worrisome to many scientists. "What you are really doing," argues one, "is dealing with the genetic stock of the human race, and dealing with it at a time when you don't know everything about it."

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THE NEW BIOLOGY: WHAT PRICE RELIEVING MAN'S ESTATE?

(By Leon R. Kass)

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Recent advances in biology and medicine suggest that we may be rapidly acquiring the power to modify and control the capacities and activities of men by direct intervention and manipulation of their bodies and minds. Certain means are already in use or at hand, others await the solution of relatively minor technical problems, while yet others, those offering perhaps the most precise kind of control, depend upon further basic research. Biologists who have considered these matters disagree on the question of how much how soon, but all agree that the power for "human engineering," to borrow from the jargon, is coming and that it will probably have profound social consequences.

These developments have been viewed both with enthusiasm and with alarm; they are only just beginning to receive serious attention. Several biologists have undertaken to inform the public about the technical possibilities, present and future. Practitioners of social science "futurology" are attempting to predict and describe the likely social consequences of and public responses to the new technologies. Lawyers and legislators are exploring institutional innovations for assessing new technologies. All of these activities are based upon the hope that we can harness the new technology of man for the betterment of mankind.

Yet this commendable aspiration points to another set of questions, which are, in my view, sorely neglected—questions that inquire into the meaning of phrases such as the "betterment of mankind." A *full* understanding of the new technology of man requires an exploration of ends, values, standards. What ends will or should the new technology serve? What values should guide society's adjustments? By what standards should the assessment agencies assess? Behind these questions lie others: what is a good man, what is a good life for man, what is a good community? This article is an attempt to provoke discussion of these neglected and important questions.

While these questions about ends and ultimate ends are never unimportant or irrelevant, they have rarely been more important or more relevant. That this is so can be seen once we recognize that we are dealing here with a group of technologies that are in a decisive respect unique: the object upon which they operate is man himself. The technologies of energy or food production, of communication, of manufacture, and of motion greatly alter the implements available to man and the conditions in which he uses them. In contrast, the biomedical technology works to change the user himself. To be sure, the printing press, the automobile, the television, and the jet airplane have greatly altered the conditions under which and the way in which men live; but men as biological beings have remained largely unchanged. They have been, and remain, able to accept or reject, to use and abuse these technologies; they choose, whether wisely or foolishly, the ends to which these technologies are means. Biomedical technology may make it possible to change the inherent capacity for choice itself. Indeed, both those who welcome and those who fear the advent of "human engineering" ground their hopes and fears in the same prospect: *that man can for the first time recreate himself.*

Engineering the engineer seems to differ in kind from engineering his engine. Some have argued, however, that biomedical engineering does not differ qualitatively from toilet training, education, and moral teachings—all of which are forms of so-called "social engineering," which has man as its object, and is used by one generation to mold the next. In reply, it must at least be said that the techniques which have hitherto been employed are feeble and inefficient when compared to those on the horizon. This quantitative difference rests in part on a qualitative difference in the means of intervention. The traditional influences operate by speech or by symbolic deeds. They pay tribute to man as the animal who lives by speech and who understands the meanings of actions. Also, their effects are, in general, reversible, or at least subject to attempts at reversal. Each person has greater or lesser power to accept or reject or abandon them. In contrast, biomedical engineering circumvents the human context of speech and meaning, bypasses choice, and goes directly to work to modify the human material itself. Moreover, the changes wrought may be irreversible.

In addition, there is an important practical reason for considering the biomedical technology apart from other technologies. The advances we shall examine are fruits of a large, humane project dedicated to the conquest of disease and the relief of human

suffering. The biologist and physician, regardless of their private motives, are seen, with justification, to be the well-wishers and benefactors of mankind. Thus, in a time in which technological advance is more carefully scrutinized and increasingly criticized, biomedical developments are still viewed by most people as benefits largely without qualification. The price we pay for these developments is thus more likely to go unrecognized. For this reason, I shall consider only the dangers and costs of biomedical advance. As the benefits are well known, there is no need to dwell upon them here. My discussion is deliberately partial.

I begin with a survey of the pertinent technologies. Next, I will consider some of the basic ethical and social problems in the use of these technologies. Then, I will briefly raise some fundamental questions to which these problems point. Finally, I shall offer some very general reflections on what is to be done.

THE BIOMEDICAL TECHNOLOGIES

The biomedical technologies can be usefully organized into three groups, according to their major purpose: (i) control of death and life, (ii) control of human potentialities, and (iii) control of human achievement. The corresponding technologies are (i) medicine, especially the arts of prolonging life and of controlling reproduction, (ii) genetic engineering, and (iii) neurological and psychological manipulation. I shall briefly summarize each group of techniques.

(1) *Control of death and life.* Previous medical triumphs have greatly increased average life expectancy. Yet other developments, such as organ transplantation or replacement and research into aging, hold forth the promise of increasing not just the average, but also the maximum life expectancy. Indeed, medicine seems to be sharpening its tools to do battle with death itself, as if death were just one more disease.

More immediately and concretely, available techniques of prolonging life—respirators, cardiac pacemakers, artificial kidneys—are already in the lists against death. Ironically, the success of these devices in forestalling death has introduced confusion in determining that death has, in fact, occurred. The traditional signs of life—heartbeat and respiration—can now be maintained entirely by machines. Some physicians are now busily trying to devise so-called "new definitions of death," while others maintain that the technical advances show that death is not a concrete event at all, but rather a gradual process, like twilight, incapable of precise temporal localization.

The real challenge to death will come from research into aging and senescence, a field just entering puberty. Recent studies suggest that aging is a genetically controlled process, distinct from disease, but one that can be manipulated and altered by diet or drugs. Extrapolating from animal studies, some scientists have suggested that a decrease in the rate of aging might also be achieved simply by effecting a very small decrease in human body temperature. According to some estimates, by the year 2000 it may be technically possible to add from 20 to 40 useful years to the period of middle life.

Medicine's success in extending life is already a major cause of excessive population growth: death control points to birth control. Although we are already technically competent, new techniques for lowering fertility and chemical agents for inducing abortion will greatly enhance our powers over conception and gestation. Problems of definition have been raised here as well. The need to determine when individuals acquire enforceable legal rights gives society an interest in the definition of human life and of the time when it begins. These matters are too familiar to need elaboration.

Technologies to conquer infertility proceed alongside those to promote it. The first successful laboratory fertilization of human egg by human sperm was reported in 1969 (1). In 1970, British scientists learned how to grow human embryos in the laboratory up to at least the blastocyst stage [that is, to the age of 1 week (2)]. We may soon hear about the next stage, the successful reimplantation of such an embryo into a woman previously infertile because of oviduct disease. The development of an artificial placenta, now under investigation, will make possible full laboratory control of fertilization and gestation. In addition, sophisticated biochemical and cytological techniques of monitoring the "quality" of the fetus have been and are being developed and used. These developments not only give us more power over the generation of human life, but make it possible to manipulate and to modify the quality of the human material.

(2) *Control of human potentialities.* Genetic engineering, when fully developed, will wield two powers not shared by ordinary medical practice. Medicine treats existing individuals and seeks to correct deviations from a norm of health. Genetic engineering, in contrast, will be able to make changes that can be transmitted to succeeding generations and will be able to create new capacities, and hence to establish new norms of health and fitness.

Nevertheless, one of the major interests in genetic manipulation is strictly medical: to develop treatments for individuals with inherited diseases. Genetic disease is prevalent and increasing, thanks partly to medical advances that enable those affected to survive and perpetuate their mutant genes. The hope is that normal copies of the appropriate gene, obtained biologically or synthesized chemically, can be introduced into defective individuals to correct their deficiencies. This *therapeutic* use of genetic technology appears to be far in the future. Moreover, there is some doubt that it will ever be practical, since the same end could be more easily achieved by transplanting cells or organs that could compensate for the missing or defective gene product.

Far less remote are technologies that could serve *eugenic* ends. Their development has been endorsed by those concerned about a general deterioration of the human gene pool and by others who believe that even an undeteriorated human gene pool needs upgrading. Artificial insemination with selected donors, the eugenic proposal of Herman Muller (3), has been possible for several years because of the perfection of methods for long-time storage of human spermatozoa. The successful maturation of human oocytes in the laboratory and their subsequent fertilization now make it possible to select donors of ova as well. But a far more suitable technique for eugenic purposes will soon be upon us—namely, nuclear transplantation, or cloning. Bypassing the lottery of sexual recombination, nuclear transplantation permits the asexual reproduction or copying of an already developed individual. The nucleus of a mature but unfertilized egg is replaced by a nucleus obtained from a specialized cell of an adult program or embryo (for example, a cell from the intestines or the skin). The egg with its transplanted nucleus develops as if it had been fertilized and, barring complications, will give rise to a normal adult organism. Since almost all the hereditary material (DNA) of a cell is contained within its nucleus, the renucleated egg and the individual into which it develops are genetically identical to the adult organism that was the source of the donor nucleus. Cloning could be used to produce sets of unlimited numbers of genetically identical individuals, each set derived from a single parent. Cloning has been successful in amphibians and is now being tried in mice; its extension to man merely requires the solution of certain technical problems.

Production of man-animal chimeras by the introduction of selected nonhuman material into developing human embryos is also expected. Fusion of human and nonhuman cells in tissue culture has already been achieved.

Other, less direct means for influencing the gene pool are already available, thanks to our increasing ability to identify and diagnose genetic diseases. Genetic counselors can now detect biochemically and cytologically a variety of severe genetic defects (for example, Mongolism, Tay-Sachs disease) while the fetus is still in utero. Since treatments are at present largely unavailable, diagnosis is often followed by abortion of the affected fetus. In the future, more sensitive tests will also permit the detection of heterozygote carriers, the unaffected individuals who carry but a single dose of a given deleterious gene. The eradication of a given genetic disease might then be attempted by aborting all such carriers. In fact, it was recently suggested that the fairly common disease cystic fibrosis could be completely eliminated over the next 40 years by screening all pregnancies and aborting the 17,000,000 unaffected fetuses that will carry a single gene for this disease. Such zealots need to be reminded of the consequences should each geneticist be allowed an equal assault on his favorite genetic disorder, given that each human being is a carrier for some four to eight such recessive, lethal genetic diseases.

(3) *Control of human achievement.* Although human achievement depends at least in part upon genetic endowment, heredity determines only the material upon which experience and education impose the form. The limits of many capacities and powers of an individual are indeed genetically determined, but the nurturing and perfection of these capacities depend upon other influences. Neurological and psychological manipulation held forth the promise of controlling the development of human capacities, particularly those long considered most distinctively human: speech, thought, choice, emotion, memory, and imagination.

These techniques are now in a rather primitive state because we understand so little about the brain and mind. Nevertheless, we have already seen the use of electrical stimulation of the human brain to produce sensations of intense pleasure and to control rage, the use of brain surgery (for example, frontal lobotomy) for the relief of severe anxiety, and the use of aversive conditioning with electric shock to treat sexual perversion. Operant-conditioning techniques are widely used, apparently with success, in schools and mental hospitals. The use of so-called consciousness-expanding and hallucinogenic drugs is widespread, to say nothing of tranquilizers and stimulants. We are promised drugs to modify memory, intelligence, libido, and aggressiveness.

The following passages from a recent book by Yale neurophysiologist José Delgado—a book instructively entitled *Physical Control of the Mind: Toward a Psychocivilized Society*—should serve to make this discussion more concrete. In the early 1950's, it was discovered that, with electrodes placed in certain discrete regions of their brains, animals would repeatedly and indefatigably press levers to stimulate their own brains, with obvious resultant enjoyment. Even starving animals preferred stimulating these so-called pleasure centers to eating. Delgado comments on the electrical stimulation of a similar center in a human subject (*4* p. 185).

[T]he patient reported a pleasant tingling sensation in the left side of her body 'from my face down to the bottom of my legs.' She started giggling and making funny comments, stating that she enjoyed the sensation 'very much.' Repetition of these stimulations made the patient more communicative and flirtatious, and she ended by openly expressing her desire to marry the therapist.

And one further quotation from Delgado (4, p. 88).

Leaving wires inside of a thinking brain may appear unpleasant or dangerous, but actually the many patients who have undergone this experience have not been concerned about the fact of being wired, nor have they felt any discomfort due to the presence of conductors in their heads. Some women have shown their feminine adaptability to circumstances by wearing attractive hats or wigs to conceal their electrical headgear, and many people have been able to enjoy a normal life as outpatients, returning to the clinic periodically for examination and stimulation. In a few cases in which contacts were located in pleasurable areas, patients have had the opportunity to stimulate their own brains by pressing the button of a portable instrument, and this procedure is reported to have therapeutic benefits.

It bears repeating that the sciences of neurophysiology and psychopharmacology are in their infancy. The techniques that are now available are crude, imprecise, weak, and unpredictable, compared to those that may flow from a more mature neurobiology.

BASIC ETHICAL AND SOCIAL PROBLEMS IN THE USE OF BIOMEDICAL TECHNOLOGY

After this cursory review of the powers now and soon to be at our disposal, I turn to the questions concerning the use of these powers. First, we must recognize that questions of use of science and technology are always moral and political questions, never simply technical ones. All private or public decisions to develop or to use biomedical technology—and decisions *not* to do so—inevitably contain judgments about value. This is true even if the values guiding those decisions are not articulated or made clear, as indeed they often are not. Secondly, the value judgments cannot be derived from biomedical science. This is true even if scientists themselves make the decisions.

These important points are often overlooked for at least three reasons.

(1) They are obscured by those who like to speak of "the control of nature by science." It is men who control, not that abstraction "science." Science may provide the means, but men choose the ends; the choice of ends comes from beyond science.

(2) Introduction of new technologies often appears to be the result of no decision whatsoever, or of the culmination of decisions too small or unconscious to be recognized as such. What can be done is done. However, someone is deciding on the basis of some notions of desirability, no matter how self-serving or altruistic.

(3) Desires to gain or keep money and power no doubt influence much of what happens, but these desires can also be formulated as reasons and then discussed and debated.

Insofar as our society has tried to deliberate about questions of use, how has it done so? Pragmatists that we are, we prefer a utilitarian calculus: we weigh "benefits" against "risks," and we weigh them for both the individual and "society." We often ignore the fact that the very definitions of "a benefit" and "a risk" are themselves based upon judgments about value. In the biomedical areas just reviewed, the benefits are considered to be self-evident; prolongation of life, control of fertility and of population size, treatment and prevention of genetic disease, the reduction of anxiety and aggressiveness, and the enhancement of memory, intelligence, and pleasure. The assessment of risk is, in general, simply pragmatic—will the technique work effectively and reliably, how much will it cost, will it do detectable bodily harm, and who will complain if we proceed with development? As these questions are familiar and congenial, there is no need to belabor them.

The very pragmatism that makes us sensitive to considerations of economic cost often blinds us to the larger social costs exacted by biomedical advances. For one thing, we seem to be unaware that we may not be able to maximize all the benefits, that several of the goals we are promoting conflict with each other. On the one hand, we seek to control population growth by lowering fertility; on the other hand, we develop techniques to enable every infertile woman to bear a child. On the one hand, we try to extend the lives of individuals with genetic disease; on the other, we wish to eliminate deleterious genes from the human population. I am not urging that we resolve these conflicts in favor of one side or the other, but simply that we recognize that such conflicts exist. Once we do, we are more likely to appreciate that most "progress" is heavily paid for in terms not generally included in the simple utilitarian calculus.

To become sensitive to the larger costs of biomedical progress, we must attend to several serious ethical and social questions. I will briefly discuss three of them: (i) questions of distributive justice, (ii) question of the use and abuse of power, and (iii) questions of self-degradation and dehumanization.

DISTRIBUTIVE JUSTICE

The introduction of any biomedical technology presents a new instance of an old problem—how to distribute scarce resources justly. We should assume that demand will usually exceed supply. Which people should receive a kidney transplant or an artificial heart? Who should get the benefits of genetic therapy or of brain stimulation? Is "first-come, first-served" the fairest principle? Or are certain people "more worthy," and if so, on what grounds?

It is unlikely that we will arrive at answers to these questions in the form of deliberate decisions. More likely, the problem of distribution will continue to be decided ad hoc and locally. If so, the consequence will probably be a sharp increase in the already far too great inequality of medical care. The extreme case will be longevity, which will probably be, at first, obtainable only at great expense. Who is likely to be able to buy it? Do conscience and prudence permit us to enlarge the gap between rich and poor, especially with respect to something as fundamental as life itself?

Questions of distributive justice also arise in the earlier decisions to acquire new knowledge and to develop new techniques. Personnel and facilities for medical research and treatment are scarce resources. Is the development of a new technology the best use of the limited resources, given current circumstances? How should we balance efforts aimed at prevention against those aimed at cure, or either of these against efforts to redesign the species? How should we balance the delivery of available levels of care against further basic research? More fundamentally, how should we balance efforts in biology and medicine against efforts to eliminate poverty, pollution, urban decay, discrimination, and poor education? This last question about distribution is perhaps the most profound. We should reflect upon the social consequences of seducing many of our brightest young people to spend their lives locating the biochemical defects in rare genetic diseases, while our more serious problems go begging. The current squeeze on money for research provides us with an opportunity to rethink and reorder our priorities.

Problems of distributive justice are frequently mentioned and discussed, but they are hard to resolve in a rational manner. We find them especialily difficult because of the enormous range of conflicting values and interests that characterizes our pluralistic society. We cannot agree—unfortunately, we often do not even try to agree—on standards for just distribution. Rather, decisions tend to be made largely out of a clash of competing interests. Thus, regrettably, the question of how to distribute justly often gets reduced to who shall decide how to distribute. The question about justice has led us to the question about power.

USE AND ABUSE OF POWER

We have difficulty recognizing the problems of the exercise of power in the biomedical enterprise because of our delight with the wondrous fruits it has yielded. This is ironic because the notion of power is absolutely central to the modern conception of science. The ancients conceived of science as the *understanding* of nature, pursued for its own sake. We moderns view science as power, as *control* over nature; the conquest of nature "for the relief of man's estate" was the charge issued by Francis Bacon, one of the leading architects of the modern scientific project (5).

Another source of difficulty is our fondness for speaking of the abstraction "Man." I suggest that we prefer to speak figuratively about "Man's power over Nature" because it obscures an unpleasant reality about human affairs. It is in fact particular men who wield power, not Man. What we really mean by Man's power over Nature" is a power exercised by some men over other men, with a knowledge of nature as their instrument.

While applicable to technology in general, these reflections are especially pertinent to the technologies of human engineering, with which men deliberately exercise power over future generations. An excellent discussion of this question is found in *The Abolition of Man*, by C. S. Lewis (6).

It is, of course, a commonplace to complain that men have hitherto used badly, and against their fellows, the powers that science has given them. But that is not the point I am trying to make. I am not speaking of particular corruptions and abuses which an increase of moral virtue would cure: I am considering what the thing called "Man's power over Nature" must always and essentially be . . .

In reality, of course, if any one age really attains, by eugenics and scientific education, the power to make its descendants what it pleases, all men who live after it are the patients of that power. They are weaker, not stronger: for though we may have put wonderful machines in their hands, we have preordained how they are to use them. . . . The real picture is that of one dominant age . . . which resist all previous ages most successfully and dominates all subsequent ages most irresistibly, and thus is the real master of the human species. But even within this master generation (itself an infinitesimal minority of the species) the power will be exercised by a minority smaller still. Man's conquest of Nature, if the dreams of some scientific planners are realized, means the rule of a few hundreds of men over billions upon billions of men. There neither is nor can be any simple increase of power on Man's side. Each new power won *by* man is a power *over* man as well. Each advance leaves him weaker as well as stronger. In every victory, besides being the general who triumphs, he is also the prisoner who follows the triumphal car.

Please note that I am not yet speaking about the problem of the misuse or abuse of power. The point is rather that the power which grows is unavoidably the power of only some men, and that the number of powerful men decreases as power increases.

Specific problems of abuse and misuse of specific powers must not, however, be overlooked. Some have voiced the fear that the technologies of genetic engineering and behavior control, though developed for good purposes, will be put to evil uses. These fears are perhaps somewhat exaggerated, if only because biomedical technologies would add very little to our highly developed arsenal for mischief, destruction, and stultification. Nevertheless, any proposal for large-scale

human engineering should make us wary. Consider a program of positive eugenics based upon the widespread practice of asexual reproduction. Who shall decide what constitutes a superior individual worthy of replication? Who shall decide which individuals may or must reproduce, and by which method? These are questions easily answered only for a tyrannical regime.

Concern about the use of power is equally necessary in the selection of means for desirable or agreed-upon ends. Consider the desired end of limiting population growth. An effective program of fertility control is likely to be coercive. Who should decide the choice of means? Will the program penalize "conscientious objectors"?

Serious problems arise simply from obtaining and disseminating information, as in the mass screening programs now being proposed for detection of genetic disease. For what kinds of disorders is compulsory screening justified? Who shall have access to the data obtained, and for what purposes? To whom does information about a person's genotype belong? In ordinary medical practice, the patient's privacy is protected by the doctor's adherence to the principle of confidentiality. What will protect his privacy under conditions of mass screening?

More than privacy is at stake if screening is undertaken to detect psychological or behavioral abnormalities. A recent proposal, tendered and supported high in government, called for the psychological testing of all 6-year-olds to detect future criminals and misfits. The proposal was rejected; current tests lack the requisite predictive powers. But will such a proposal be rejected if reliable tests become available? What if certain genetic disorders, diagnosable in childhood, can be shown to correlate with subsequent antisocial behavior? For what degree of correlation and for what kinds of behavior can mandatory screening be justified? What use should be made of the data? Might not the dissemination of the information itself undermine the individual's chance for a worthy life and contribute to his so-called antisocial tendencies?

Consider the seemingly harmless effort to redefine clinical death. If the need for organs for transplantation is the stimulus for redefining death, might not this concern influence the definition at the expense of the dying? One physician, in fact, refers in writing to the revised criteria for declaring a patient dead as a "new definition of heart donor eligibility" (7, p. 526).

Problems of abuse of power arise even in the acquisition of basic knowledge. The securing of a voluntary and informed consent is an abiding problem in the use of human subjects in experimentation. Gross coercion and deception are now rarely a problem; the pressures are generally subtle, often related to an intrinsic power imbalance in favor of the experimentalist.

A special problem arises in experiments on or manipulations of the unborn. Here it is impossible to obtain the consent of the human subject. If the purpose of the intervention is therapeutic—to correct a known genetic abnormality, for example—consent can reasonably be implied. But can anyone ethically consent to nontherapeutic interventions in which parents or scientists work their wills or their eugenic visions on the child-to-be? Would not such manipulation represent in itself an abuse of power, independent of consequences?

There are many clinical situations which already permit, if not invite, the manipulative or arbitrary use of powers provided by biomedical technology: obtaining organs for transplantation, refusing to let a person die with dignity, giving genetic counselling to a frightened couple, recommending eugenic sterilization for a mental retardate, ordering electric shock for a homosexual. In each situation, there is an opportunity to violate the will of the patient or subject.

Such opportunities have generally existed in medical practice, but the dangers are becoming increasingly serious. With the growing complexity of the technologies, the technician gains in authority, since he alone can understand what he is doing. The patient's lack of knowledge makes him deferential and often inhibits him from speaking up when he feels threatened. Physicians *are* sometimes troubled by their increasing power, yet they feel they cannot avoid its exercise. "Reluctantly," one commented to me, "we shall have to play God." With what guidance and to what ends I shall consider later. For the moment. I merely ask: "By whose authority?"

While these questions about power are pertinent and important, they are in one sense misleading. They imply an inherent conflict of purpose between physician and patient, between scientist and citizen. The discussion conjures up images of master and slave, of oppressor and oppressed. Yet it must be remembered that conflict of purpose is largely absent, especially with regard to general goal. To be sure, the purposes of medical scientists are not always the same as those of the subjects experimented on. Nevertheless, basic sponsors and partisans of biomedical technology are precisely those upon whom the technology will operate. The will of the scientist and physician is happily married to (rather, is the offspring of) the desire of all of us for better health, longer life, and peace of mind.

Most future biomedical technologies will probably be welcomed, as have those of the past. Their use will require little or no coercion. Some developments, such as pills to improve memory, control mood, or induce pleasure, are likely to need no promotion. Thus, even if we should escape from the dangers of coercive manipulation, we shall still face large problems posed by the voluntary use of biomedical technology, problems to which I now turn.

VOLUNTARY SELF-DEGRADATION AND DEHUMANIZATION

Modern opinion is sensitive to problems of restriction of freedom and abuse of power. Indeed, many hold that a man can be injured only by violating his will. But this view is much too narrow. It fails to recognize the great dangers we shall face in the use of biomedical technology, dangers that stem from an excess of freedom, from the uninhibited exercises of will. In my view, our greatest problem will increasingly be one of voluntary self-degradation, or willing dehumanization.

Certain desired and perfected medical technologies have already had some dehumanizing consequences. Improved methods of resuscitation have made possible heroic efforts to "save" the severely ill and injured. Yet these efforts are sometimes only partly successful; they may suceed in salvaging individuals with severe brain damage, capable of only a less-than-human, vegetating existence. Such patients, increasingly found in the intensive care units of university hospitals, have been denied a death with dignity. Families are forced to suffer seeing their loved ones so reduced, and are made to bear the burdens of a protracted death watch.

Even the ordinary methods of treating disease and prolonging life have impoverished the context in which men die. Fewer and fewer people die in the familiar surroundings of home or in the company of family and friends. At that time of life when there is perhaps the greatest need for human warmth and comfort, the dying patient is kept company by cardiac pacemakers and defibrillators, respirators, aspirators, oxygenators, catheters, and his intravenous drip.

But the loneliness is not confined to the dying patient in the hospital bed. Consider the increasing number of old people who are still alive, thanks to medical progress. As a group, the elderly are the most alienated members of our society. Not yet ready for the world of the dead, not deemed fit for the world of the living, they are shunted aside. More and more of them spend the extra years medicine has given them in "homes for senior citizens", in chronic hospitals, in nursing homes—waiting for the end. We have learned how to increase their years, but we have not learned how to help them enjoy their days. And yet, we bravely and relentlessly push back the frontiers against death.

Paradoxically, even the young and vigorous may be suffering because of medicine's success in removing death from their personal experience. Those born since penicillin represent the first generation ever to grow up without the experience or fear of probable unexpected death at an early age. They look around and see that virtually all of their friends are alive. A thoughtful physician, Eric Cassell, has remarked on this in "Death and the physician" (8, p. 76):

[W]hile the gift of time must surely be marked as a great blessing, the *perception* of time, as stretching out endlessly before us, is somewhat threatening. Many of us function best under deadlines, and tend to procrastinate when time limits are not set. . . . Thus, this unquestioned boon, the extension of life, and the removal of the threat of premature death, carries with it an unexpected anxiety: the anxiety of an unlimited future.

In the young, the sense of limitless time has apparently imparted not a feeling of limitless opportunity, but increased stress and anxiety, in addition to the anxiety which results from other modern freedoms; personal mobility, a wide range of occupational choice, and independence from the limitations of class and familiar patterns of work. . . . A certain aimlessness (often ringed around with great social consciousness) characterizes discussions about their own aspirations. The future is endless, and their inner demands seem minimal. Although it may appear uncharitable to say so, they seem to be acting in a way best described as "childish"—particularly in their lack of a time sense. They behave as though there were no tomorrow, or as though the time limits imposed by the biological facts of life had become so vague for them as to be nonexistent.

Consider next the coming power over reproduction and genotype. We endorse the project that will enable us to control numbers and to treat individuals with genetic disease. But our desires outrun these defensible goals. Many would welcome the chance to become parents without the inconvenience of pregnancy; others would wish to know in advance the characteristics of their offspring (sex, height, eye color, intelligence); still others would wish to design these characteristics to suit their tastes. Some scientists have called for the use of the new technologies to assure the "quality" of all new babies (9). As one obstetrician put it:

"The business of obstetrics is to produce *optimum* babies." But the price to be paid for the "optimum baby" is the transfer of procreation from the home to the laboratory and its coincident transformation into manufacture. Increasing control over the product is purchased by the increasing depersonalization of the process. The complete depersonalization of procreation (possible with the development of an artificial placenta) shall be, in itself, seriously dehumanizing, no matter how optimum the product. It should not be forgotten that human procreation not only issues new human beings, but is itself a human activity.

Procreation is not simply an activity of the rational will. It is a more complete human activity precisely because it engages us bodily and spiritually, as well as rationally. Is there perhaps some wisdom in that mystery

of nature which joins the pleasure of sex, the communication of love, and the desire for children in the very activity by which we continue the chain of human existence? Is not biological parenthood a built-in "mechanism," selected because it fosters and supports in parents an adequate concern for and commitment to their children? Would not the laboratory production of human beings no longer be *human* procreation? Could it keep human parenthood human?

The dehumanizing consequences of programmed reproduction extend beyond the mere acts and processes of life-giving. Transfer of procreation to the laboratory will no doubt weaken what is presently for many people the best remaining justification and support for the existence of marriage and the family. Sex is now comfortably at home outside of marriage; child-rearing is progressively being given over to the state, the schools, the mass media, and the child-care centers. Some have argued that the family, long the nursery of humanity, has outlived its usefulness. To be sure, laboratory and governmental alternatives might be designed for procreation and child-rearing, but at what cost?

This is not the place to conduct a full evaluation of the biological family. Nevertheless, some of its important virtures are, nowadays, too often overlooked. The family is rapidly becoming the only institution in an increasingly impersonal world where each person is loved not for what he does or makes, but simply because he is. The family is also the institution where most of us, both as children and as parents, acquire a sense of continuity with the past and a sense of commitment to the future. Without the family, we would have little incentive to take an interest in anything after our own deaths. These observations suggest that the elimination of the family would weaken ties to past and future, and would throw us, even more than we are now, to the mercy of an impersonal, lonely present.

Neurobiology and psychobiology probe most directly into the distinctively human. The technological fruit of these sciences is likely to be both more tempting than Eve's apple and more "catastrophic" in its result (*10*). One need only consider contemporary drug use to see what people are willing to risk or sacrifice for novel experiences, heightened perceptions, or just "kicks." The possibility of drug-induced, instant, and effortless gratification will be welcomed. Recall the possibilities of voluntary self-stimulation of the brain to reduce anxiety, to heighten pleasure, or to create visual and auditory sensations unavailable through the peripheral sense organs. Once these techniques are perfected and safe, is there much doubt that they will be desired, demanded, and used?

What ends will these techniques serve? Most likely, only the most elemental, those most tied to the bodily pleasures. What will happen to thought, to love, to friendship, to art, to judgment, to public-spiritedness in a society with a perfected technology of pleasure? What kinds of creatures will we become if we obtain our pleasure by drug or electrical stimulation without the usual kind of human efforts and frustrations? What kind of society will we have?

We need only consult Aldous Huxley's prophetic novel *Brave New World* for a likely answer to these questions. There we encounter a society dedicated to homogeneity and stability, administered by means of instant gratifications and peopled by creatures of human shape but of stunted humanity. They consume, fornicate, take "soma," and operate the machinery that makes it all possible. They do not read, write, think, love, or govern themselves. Creativity and curiosity, reason and passion, exist only in a rudimentary and multilated form. In short, they are not men at all.

True, our techniques, like theirs, may in fact enable us to treat schizophrenia, to alleviate anxiety, to curb aggressiveness. We, like they, may indeed be able to save mankind from itself, but probably only at the cost of its humanness. In the end, the price of relieving man's estate might well be the abolition of man (*11*).

There are, of course, many other routes leading to the abolition of man. There are many other and better known causes of dehumanization. Disease, starvation, mental retardation, slavery, and brutality—to name just a few—have long prevented many, if not most, people from living a fully human life. We should work to reduce and eventually to eliminate these evils. But the existence of these evils should not prevent us from appreciating that the use of the technology of man, uninformed by wisdom concerning proper human ends, and untempered by an appropriate humility and awe, can unwittingly render us all irreversibly less than human. For, unlike the man reduced by disease or slavery, the people dehumanized à la *Brave New World* are not miserable, do not know that they are dehumanized, and, what is worse, would not care if they knew. They are, indeed, happy slaves, with a slavish happiness.

SOME FUNDAMENTAL QUESTIONS

The practical problems of distributing scarce resources, of curbing the abuses of power, and of preventing voluntary dehumanization point beyond themselves to some large, enduring, and most difficult questions: the nature of justice and the good community, the nature of man and the good for man. My appreciation of the profundity of these questions and my own ignorance before them makes me hesitant to say any more about them. Nevertheless, previous failures to find a shortcut around them have led me to believe that these questions must be faced if we are to have any hope of understanding where biology is taking us. Therefore, I shall try to show in outline how I think some of the larger questions arise from my discussion of dehumanization and self-degradation.

My remarks on dehumanization can hardly fail to arouse argument. It might be said, correctly, that to speak about dehumanization presupposes a concept of "the distinctively human." It might also be said, correctly, that to speak about wisdom concerning proper human ends presupposes that such ends do in fact exist and that they may be more or less accessible to human understanding, or at least to rational inquiry. It is true that neither presupposition is at home in modern thought.

The notion of the "distinctively human" has been seriously challenged by modern scientists. Darwinists hold that man is, at least in origin, tied to the subhuman; his seeming distinctiveness is an illusion or, at most, not very important. Biochemists and molecular biologists extend the challenge by blurring the distinction between the living and the nonliving. The laws of physics and chemistry are found to be valid and are held to be sufficient for explaining biological systems. Man is a collection of molecules, an accident on the stage of evolution, endowed by chance with the power to change himself, but only along determined lines.

Psychoanalysts have also debunked the "distinctly human." The essence of man is seen to be located in those drives he shares with other animals—pursuit of pleasure and avoidance of pain. The so-called "higher functions" are understood to be servants of the more elementary, the more base. Any distinctiveness or "dignity" that man has consists of his superior capacity for gratifying his animal needs.

The idea of "human good" fares no better. In the social sciences, historicists and existentialists have helped drive this question underground. The former hold all notions of human good to be culturally and historically bound, and hence mutable. The latter hold that values are subjective: each man makes his own, and ethics becomes simply the cataloging of personal tastes.

Such appear to be the prevailing opinions. Yet there is nothing novel about reductionism, hedonism, and relativism; these are doctrines with which Socrates contended. What is new is that these doctrines seem to be vindicated by scientific advance. Not only do the scientific notions of nature and of man flower into verifiable predictions, but they yield marvelous fruit. The technological triumphs are held to validate their scientific foundations. Here, perhaps, is the most pernicious result of technological progress—more dehumanizing than any actual manipulation or technique, present or future. We are witnessing the erosion, perhaps the final erosion, of the idea of man as something splendid or divine, and its replacement with a view that sees man, no less than nature, as simply more raw material for manipulation and homogenization. Hence, our peculiar moral crisis. We are in turbulent seas without a landmark precisely because we adhere more and more to a view of nature and of man which both gives us enormous power and, at the same time, denies all possibility of standards to guide its use. Though well-equipped, we know not who we are nor where we are going. We are left to the accidents of our hasty, biased, and ephemeral judgments.

Let us not fail to note a painful irony: our conquest of nature has made us the slaves of blind chance. We triumph over nature's unpredictabilities only to subject ourselves to the still greater unpredictability of our capricious wills and our fickle opinions. That we have a method is no proof against our madness. Thus, engineering the engineer as well as the engine, we race our train we know not where (*12*).

While the disastrous consequences of ethical nihilism are insufficient to refute it, they invite and make urgent a reinvestigation of the ancient and enduring questions of what is a proper life for a human being, what is a good community, and how are they achieved (*13*). We must not be deterred from these questions simply because the best minds in human history have failed to settle them. Should we not rather be encouraged by the fact that they considered them to be the most important questions?

As I have hinted before, our ethical dilemma is caused by the victory of modern natural science with its nonteleological view of man. We ought therefore to reexamine with great care the modern notions of nature and of man, which undermine those earlier notions that provide a basis for ethics. If we consult our common experience, we are likely to discover some grounds for believing that the questions about man and human good are far from closed. Our common experience suggests many difficulties for the modern "scientific view of man." For example, this view fails to account for the concern for justice and freedom that appears to be characteristic of all human societies (*14*). It also fails to account for or to explain the fact that men have speech and not merely voice, that men can choose and act and not merely move or react. It fails to explain why men engage in moral discourse, or, for that matter, why they speak at all. Finally, the "scientific view of man" cannot account for scientific inquiry itself, for why men seek to know. Might there not be something the matter with a knowledge of man that does not explain or take account of his most distinctive activities, aspirations, and concerns (*15*)?

Having gone this far, let me offer one suggestion as to where the difficulty might lie: in the modern understanding of knowledge. Since Bacon, as I have mentioned earlier, technology has increasingly come to be the

basic justification for scientific inquiry. The end is power, not knowledge for its own sake. But power is not only the end. It is also an important *validation* of knowledge. One definitely knows that one knows only if one can make. Synthesis is held to be ultimate proof of understanding (16). A more radical formulation holds that one knows only what one makes: knowing *equals* making.

Yet therein lies a difficulty. If truth be the power to change or to make the object studied, then of what do we have knowledge? If there are no fixed realities, but only material upon which we may work our wills, will not "science" be merely the "knowledge" of the transient and the manipulatable? We might indeed have knowledge of the laws by which things change and the rules for their manipulation, but no knowledge of the things themselves. Can such a view of "science" yield and knowledge about the nature of man, or indeed, about the nature of anything? Our questions appear to lead back to the most basic of questions: What does it mean to know? What is it that is knowable (17)?

We have seen that the practical problems point toward and make urgent certain enduring, fundamental questions. Yet while pursuing these questions, we cannot afford to neglect the practical problems as such. Let us not forget Delgado and the "psychocivilized society." The philosophical inquiry could be rendered moot by our blind, confident efforts to dissect and redesign ourselves. While awaiting a reconstruction of theory, we must act as best we can.

WHAT IS TO BE DONE?

First, we sorely need to recover some humility in the face of our awesome powers. The arguments I have presented should make apparent the folly of arrogance, of the presumption that we are wise enough to remake our selves. Because we lack wisdom, caution is our urgent need. Or to put it another way, in the absence of that "ultimate wisdom," we can be wise enough to know that we are not wise enough. When we lack sufficient wisdom to do, wisdom consists in no doing. Caution, restraint, delay, abstention are what this second-best (and, perhaps, only) wisdom dictates with respect to the technology for human engineering.

If we can recognize that biomedical advances carry significant social costs, we may be willing to adopt a less permissive, more critical stance toward new developments. We need to reexamine our prejudice not only that all biomedical innovation is progress, but also that it is inevitable. Precedent certainly favors the view that what can be done will be done, but is this necessarily so? Ought we not to be suspicious when technologists speak of coming developments as automatic, not subject to human control? Is there not something contradictory in the notion that we have the power to control all the untoward consequences of a technology, but lack the power to determine whether it should be developed in the first place?

What will be the likely consequences of the perpetuation of our permissive and fatalistic attitude toward human engineering? How will the large decisions be made? Technocratically and self-servingly, if our experience with previous technologies is any guide. Under conditions of laissez-faire, most technologists will pursue techniques, and most private industries will pursue profits. We are fortunate that, apart from the drug manufacturers, there are at present in the biomedical area few large industries that influence public policy. Once these appear, the voice of "the public interest" will have to shout very loudly to be heard above their whisperings in the halls of Congress. These reflections point to the need for institutional controls.

Scientists understandably balk at the notion of the regulation of science and technology. Censorship is ugly and often based upon ignorant fear; bureaucratic regulation is often stupid and inefficient. Yet there is something disingenuous about a scientist who professes concern about the social consequences of science, but who responds to every suggestion of regulation with one or both of the following: "No restrictions on scientific research," and "Technological progress should not be curtailed." Surely, to suggest that *certain* technologies ought to be regulated or forestalled is not to call for the halt of *all* technological progress (and says nothing at all about basic research). Each development should be considered on its own merits. Although the dangers of regulation cannot be dismissed, who, for example, would still object to efforts to obtain an effective, complete, global prohibition on the development, testing, and use of biological and nuclear weapons?

The proponents of laissez-faire ignore two fundamental points. They ignore the fact that not to regulate is as much a policy decision as the opposite, and that it merely postpones the time of regulation. Controls will eventually be called for—as they are now being demanded to end environmental pollution. If attempts are not made early to detect and diminish the social costs of biomedical advances by intelligent institutional regulation, the society is likely to react later wtih more sweeping, immoderate, and throttling controls.

The proponents of laissez-faire also ignore the fact that much of technology is already regulated. The federal government is already deep in research and development (for example, space, electronics, and weapons) and is the principal sponsor of biomedical research. One may well question the wisdom of the direction given, but one would be wrong in arguing that technology cannot survive social control. Clearly, the question is not control versus no control, but rather what kind of control, when, by whom, and for what purpose.

Means for achieving international regulation and control need to be devised. Biomedical technology can be no nation's monopoly. The need for international agreements and supervision can readily be understood if we consider the likely American response to the successful asexual reproduction of 10,000 Mao Tse-tungs.

To repeat, the basic short-term need is caution. Practically, this means that we should shift the burden of proof to the *proponents* of a new biomedical technology. Concepts of "risk" and "cost" need to be broadened to include some of the social and ethical consequences discussed earlier. The probable or possible harmful effects of the widespread use of a new technique should be anticipated and introduced as "costs" to be weighed in deciding about the *first* use. The regulatory institutions should be encouraged to exercise restraint and to formulate the grounds for saying "no." We must all get used to the idea that biomedical technology makes possible many things we should never do.

But caution is not enough. Nor are clever institutional arrangements. Institutions can be little better than the people who make them work. However worthy our intentions, we are deficient in understanding. In the *long* run, our hope can only lie in education: in a public educated about the meanings and limits of science and enlightened in its use of technology; in scientists better educated to understand the relationships between science and technology on the one hand, and ethics and politics on the other; in human beings who are as wise in the latter as they are clever in the former.

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10. It is, of course, a long-debated question as to whether the fall of Adam and Eve ought to be considered "catastrophic," or more precisely, whether the Hebrew tradition considered it so. I do not mean here to be taking sides in this quarrel by my use of the term "catastrophic," and, in fact, tend to line up on the negative side of the questions, as put above. Curiously, as Aldous Huxley's *Brave New World* [(Harper & Row, New York, 1969)] suggests, the implicit goal of the biomedical technology could well be said to be the reversal of the Fall and a return of man to the hedonic and immortal existence of the Garden of Eden. Yet I can point to at least two problems. First, the new Garden of Eden will probably have no gardens; the received, splendid world of nature will be buried beneath asphalt, concrete, and other human fabrications, a transformation that is already far along. (Recall that in *Brave New World* elaborate consumption-oriented, mechanical amusement parks—featuring, for example, contrifugal bumble-puppy—had supplanted wilderness and even ordinary gardens.) Second, the new inhabitant of the new "Garden" will have to be a creature for whom we have no precedent, a creature as difficult to imagine as to bring into existence. He will have to be simultaneously an innocent like Adam and a technological wizard who keeps the "Garden" running. (I am indebted to Dean Robert Goldwin, St. John's College, for this last insight.)

11. Some scientists naively believe that an engineered increase in human intelligence will steer us in the right direction. Surely we have learned by now that intelligence, whatever it is and however measured, is not synonymous with wisdom and that, if harnessed to the wrong ends, it can clevely perpetrate great folly and evil. Given the activities in which many, if not most, of our best minds are now engaged, we should not simply rejoice in the prospect of enhancing IQ. On what would this increased intelligence operate? At best, the programming of further increases in IQ. It would design and operate techniques for prolonging life, for engineering reproduction, for delivering gratifications. With no gain in wisdom, our gain in intelligence can only enhance the rate of our dehumanization.

12. The philosopher Hans Jonas has made the identical point: "Thus the slow-working accidents of nature, which by the very patience of their small increments, large numbers, and gradual decisions, may well cease to be 'accident' in outcome, are to be replaced by the fast-working accidents of man's hasty and biased decisions, not exposed to the long test of the ages. His uncertain ideas are to set the goals of generations, with a certainty borrowed from the presumptive certainty of the means. The latter presumption is doubtful enough, but this doubtfulness becomes secondary to the prime question that arises when man indeed undertakes to 'make-himself': in what image of his own devising shall he do so, even granted that he can be sure of the means? In fact, of course, he can be sure of neither, not of the end, nor of the means, once he enters the realm where he plays with the roots of life. Of one thing only can he be sure: of his power to move the foundations and to cause incalculable and irreversible consequences. Never was so much power coupled with so little guidance for its

use." [*J. Cent. Conf. Amer. Rabbis* (January 1968), p. 27.] These remarks demonstrate that, contrary to popular belief, we are not even on the right road toward a rational understanding of and rational control over human nature and human life. It is indeed the height of irrationality triumphantly to pursue rationalized technique, while at the same time insisting that questions of ends, values, and purposes lie beyond rational discourse.

13. It is encouraging to note that these questions are seriously being raised in other quarters—for example, by persons concerned with the decay of cities or the pollution of nature. There is a growing dissatisfaction with ethical nihilism. In fact, its tenets are unwittingly abandoned by even its staunchest adherents, in any discussion of "what to do." for example, in the biomedical area, everyone, including the most unreconstructed and technocratic reductionist, finds himself speaking about the use of powers for "human betterment." He has wandered unawares onto ethical ground. One cannot speak of "human betterment" without considering what is meant by the human and by the related notion of the good for man. These questions can be avoided only by asserting that practical matters reduce to tastes and power, and by confessing that the use of the phrase "human betterment" is a deception to cloak one's own will to power. In other words, these questions can be avoided only by ceasing to discuss.

14. Consider, for example, the widespread acceptance, in the legal systems of very different societies and cultures, of the principle and the practice of third-party adjudication of disputes. And consider why, although many societies have practiced slavery, no slave-holder has preferred his own enslavement to his own freedom. It would seem that some notions of justice and freedom, as well as right and truthfulness, are constitutive for any society, and that a concern for these values may be a fundamental characteristic of "human nature."

15. Scientists may, of course, continue to believe in righteousness or justice or truth, but these beliefs are not grounded in their "scientific knowledge" of man. They rest instead upon the receding wisdom of an earlier age.

16. This belief, silently shared by many contemporary biologists, has recently been given the following clear expression: "One of the acid tests of understanding an object is the ability to put it together from its component parts. Ultimately, molecular biologists will attempt to subject their understanding of all structure and function to this sort of test by trying to synthesize a cell. It is of some interest to see how close we are to this goal." [P. Handler, Ed, *Biology and the Future of Man* Oxford Univ. Press, New York, 1970), p. 55.]

17. When an earlier version of this article was presented publicly, it was criticized by one questioner as being "antiscientific." He suggested that my remarks "were the kind that gave science a bad name." He went on to argue that, far from being the enemy of morality, the pursuit of truth was itself a highly moral activity, perhaps the highest. The relation of science and morals is a long and difficult question with an illustrious history, and it deserves a more extensive discussion than space permits. However, because some readers may share the questioner's response, I offer a brief reply. First, on the matter of reputation, we should recall that the pursuit of truth may be in tension with keeping a good name (witness Oedipus, Socrates, Galileo, Spinoza, Solzhenitsyn). For most of human history, the pursuit of truth (including "science") was not a reputable activity among the many, and was, in fact, highly suspect. Even today, it is doubtful whether more than a few appreciate knowledge as an end in itself. Science has acquired a "good name" in recent times largely because of its technological fruit; it is therefore to be expected that a disenchantment with technology will reflect badly upon science. Second, my own attack has not been directed against science, but against the use of *some* technologies and, even more, against the unexamined belief—indeed. I would say, superstition—that all biomedical technology is an unmixed blessing. I share the questioner's belief that the pursuit of truth is a highly moral activity. In fact, I am inviting him and others to join in a pursuit of the truth about whether all these new technologies are really good for us. This is a question that merits and is susceptible of serious intellectual inquiry. Finally, we must ask whether what we call "science" has a monopoly on the pursuit of truth. What is "truth"? What is knowable, and what does it mean to know? Surely, these are also questions that can be examined. Unless we do so, we shall remain ignorant about what "science" is and about what it discovers. Yet "science"—that is, modern natural science—cannot begin to answer them; they are philosophical questions, the very ones I am trying to raise at this point in the text.

PROSPECTS OF GENE THERAPY

(By Ernest Freese)

The prospects of developing gene therapy to treat inherited diseases were discussed by specialists of different disciplines at a meeting jointly sponsored by the National Institute of Neurological Diseases and Stroke and by the Fogarty International Center at the Stone House at the National Institutes of Health (NIH). Medical researchers have the following concern. More than 2 percent of humans suffer from diseases or defects in vitality that are inherited according to Mendelian laws (that is, have alterations within single chromosomes, resulting in, for example, homocysteinuria, sickle cell anemia, and the like). In addition, more than 5 percent have familial disorders whose tendency to develop depends both on the environment and on the cumulative effect of two or more genetic defects (diabetes, schizophrenia, and certain cancers). In fibroblasts, shed by the growing embryo and obtained through amniocentesis, some hereditary diseases can be detected either by the cytological analysis of chromosome anomalies (mongolism) or by biochemical tests (Lesch-Nyhan syndrome). If such an analysis clearly indicates the presence of a hereditary disease, the fetus can be aborted. Whether this kind of eugenics will be extensively employed depends on each society's ethical decisions, influenced by religious attitudes and economic affluence. But only a small fraction of all hereditary defects can be discovered by amniocentesis because most do not show up in fibroblasts. Most hereditary diseases will therefore persist in the human population and, with certain glamorous exceptions, will not yield to treatment with diets or drugs. In some of these cases gene therapy appears to be the only hope.

If foreign cells were not rejected, one could modify the genetic makeup of a tissue by transplanting cells or organs from a normal person into a person with hereditary disease. Such transplantation of erythropoietic cells or whole organs has been successfully performed in inbred mice. In humans, however, transplants are rejected in almost all cases (except identical twins). But one could take cells from the sick person, genetically transform them (by reversion, isolated DNA, virus transduction, cell fusion, and so forth) into cells expressing the normal genetic information, grow a larger number of them in tissue culture, and then return them to the donor. One would hope that their surface antigens would not have changed by this manipulation. (For polygenic diseases replacement of one defective gene by a normal one may be sufficient.) Or one could use certain artificial transducing viruses to treat the patient directly. Recent discoveries have made it probable that transfer of specific genetic information in humans will be feasible within one or two decades. This gene therapy would be initially useful only for mobile multiplying cells (such as those in bone marrow). But when more is known about the differentiation of cells, the replacement of other cell types, which can still multiply in the adult, may become feasible (for example, liver).

The possibilities and potential hazards of gene therapy were the subjects of the conference. Several speakers presented evidence indicating that human cells can express some genetic information contained in the DNA or RNA of animal or bacterial viruses and that the transferred information can be inherited from cell to cell. It is even feasible to link desirable genetic information to a nonpathogenic virus DNA and convey it by a virus into the cell. Furthermore, genetically normal human DNA can be taken up by human cells either directly or packaged into a virus coat, or whole chromosomes can be transferred via cell infusion. It is still not clear which conditions are necessary to allow the replication of the transferred DNA. Instead of transferring normal genetuic information, one could possibly subject tissue cultures of deficient cells to mutations and isolate revertants that have regained the normal biochemical property. In principle, it would even be possible to manipulate eggs or sperms genetically, or to produce chimeras by mixing blastocysts, but these possibilities have been disapproved because they would create many new problems and possibly increase, or at least perpetuate, undesirable mutations in the population.

A detailed summary of the meeting will be printed by NIH and can be obtained from the Fogarty International Center, National Institutes of Health, Bethesda, Maryland 20014.

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GENE THERAPY FOR HUMAN GENETIC DISEASE?

(By Theodore Friedmann and Richard Roblin)

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(NOTE.—Figures referred to are not printed in the RECORD.)

At least 1500 distinguishable human diseases are already known to be genetically determined (1), and new examples are being reported every year. Many human genetic diseases are rare. For example, the incidence of phenylketonuria is about one per 18,000 live births or about 200 to 300 cases per year in the United States (2). Others, such as cystic fibrosis of the pancreas, occur about once in every 2500 live births (3). When considered together as a group, however, genetic diseases of humans are becoming an increasingly visible and significant medical problem, at least in the developed countries. While the molecular basis for most of these diseases is not yet understood, a recent review (4) listed 92 human disorders for which a genetically determined specific enzyme deficiency has been identified.

Concurrent with the recent progress toward biochemical characterization of human genetic diseases have been the dramatic advances in our understanding of the structure and function of the genetic material, DNA, and our ability to manipulate it in the test tube. Within the last 3 years, both the isolation of a piece of DNA containing a specific

group of bacterial genes (5) and the complete chemical synthesis of the gene for yeast alanine transfer RNA (6) have been reported. These advances have led to proposals (7) that exogenous "good" DNA be used to replace the defective DNA in those who suffer from genetic defects. In fact, a first attempt to treat patients suffering from a human genetic disease with foreign DNA has already been made (8).

Nevertheless, we believe that examination of the current possibilities for DNA-mediated genetic change in humans in the light of some of the requirements for an ethically acceptable medical treatment raises difficult questions. In order to focus the discussion, in this article we concentrate on the prospects for using isolated DNA segments or mammalian viruses as vectors in gene therapy. For this reason we do not discuss other techniques, such as cell hybridization (9), which have been used to introduce new genetic material into mammalian cells. We limit our discussion to the possible therapeutic uses of genetic engineering in humans. The potential eugenic uses, for example, the improvement of human intelligence or other traits, are not discussed because they will be very much more difficult to accomplish (10) and raise rather different ethical questions. Whether genetic engineering techniques can be developed for therapeutic purposes in human patients without leading to eugenic uses is an important question, but lies mostly beyond the scope of this article.

SCHEMATIC MODEL OF GENETIC DISEASE

Some aspects of a hypothetical human genetic disease in which an enzyme is defective are shown in Fig. 1. The consequences of a gene mutation which renders enzyme E_2 defective could be (i) failure to synthesize required compounds D and F; (ii) accumulation of abnormally high concentrations of compound C and its further metabolites by other biochemical pathways; (iii) failure to regulate properly the activity of enzyme E_1, because of loss of the normal feedback inhibitor, compound F; and (iv) failure of a regulatory step in a linked pathway because of absence of compounds D or F, as in the increased synthesis of ketosteroids in the adrenogenital syndrome (11). In some cases of human genetic disease, accumulation of high concentrations of compound C and its metabolites appears to do the damage. Often a consequence is mental retardation.

The pathway in Fig. 1 is typical of some recessively inherited genetic defects which result in a deficiency of some gene product, usually an enzyme or hormone. In theory, such defects might be corrected by gene therapy, since such techniques might be able to restore the deficient gene product. Other kinds of genetic defects, including those such as the Marfan syndrome which show dominant inheritance and those such as Mongolian that are caused by chromosome abnormalities, could probably not be ameliorated by the kind of gene therapy we emphasize here.

CURRENT THERAPY

Human genetic diseases are usually treated by dietary therapy (12), drug therapy, or gene product replacement therapy (11). For example, diets low in lactose or phenylalanine are used as treatments for individuals with galactosemia and phenylketonuria, respectively. Such diets have proved exceedingly effective in galactosemia and have produced a marked reduction in the incidence of mental retardation associated with phenylketonuria. In terms of Fig. 1 this therapy corresponds to restricting the intake of compound A, thus minimizing the accumulation of compound C whose further normal metabolism is blocked.

Drug therapy has been used to block or reduce the accumulation of undesired and possibly harmful metabolites. One example is the inhibition of the enzyme xanthine oxidase with the drug allopurinol to reduce the accumulation of uric acid associated with gout and the Lesch-Nyhan syndrome (13). At present, this method of treatment has been applied to only a few human genetic diseases. Its more general application clearly depends upon the availability of drugs which act selectively on specific enzymes. In another form of drug therapy, drugs which combine specifically with the accumulated compound C are used. An example is the use of D-penicillamine to promote excretion of excess cystine in patients with cystinuria (11).

In theory, some human genetic diseases might be alleviated by supplying directly the deficient enzyme (E_2 in Fig. 1). Recently, attempts to treat Fabry's disease (14), metachromatic leukodystrophy (15), and type 2 glycogenosis (16), by administering the missing enzyme have been reported. Since exogenous enzyme molecules are eventually inactivated or excreted from the body, repeated enzyme injections would be required to manage the diseases in this way. In time, the patients would probably respond by forming antibodies against the administered enzyme. However, insoluble or encapsulated enzyme preparations may in the future provide a means of supplying therapeutic enzymes in a more stable and perhaps less immunogenic form.

There are growing possibilities for the early detection of some genetic diseases by diagnosis in utero. It is now possible to sample the cells of a growing fetus in utero and by examining these cells to diagnose a variety of genetic defects (17). If genetic defects are detected, some states will permit an abortion if the prospective parents so desire. We recognize that diagnosis in utero and abortion raise difficult social and ethical problems of their own and cite them only to indicate that there are additional alternatives to prospective gene therapy for coping with human genetic disease.

However, many genetic diseases do not yet respond to any of these treatments. For example, most genetic disorders of amino acid metabolism (other than phenylketonuria) cannot be well controlled by dietary therapy. Storage diseases associated with lysosomal enzyme deficiencies (18) do not appear to respond to enzyme therapy (14, 15) and will probably be impossible to control by dietary restriction. In addition, even in cases where disease management is effective, it is seldom perfect. Individuals with diabetes mellitus, when treated with insulin, have an increased incidence of vascular and other disorders and a decreased life expectancy compared to the nondiabetic population (19). Children with Lesch-Nyhan syndrome may have their uric acid accumulation controlled by drug (allopurinol) therapy, but their brain dysfunction, has to date, not been reversible.

These limitations of current therapy are stimulating attempts to develop techniques for treating human genetic diseases at the genetic level, the site of the primary defect. Genetic modification of specific characteristics of human cells by means of exogenous DNA seems possible for several reasons. DNA-mediated genetic modification of several different kinds of bacteria has been known for many years (20), and recent experiments suggest that the genetic properties of mutant *Drosophila* strains can be modified by treating their eggs with DNA extracted from other *Drosophila* strains (21). It has also been found that treatment of human cells in vitro with DNA extracted from the oncogenic virus SV40 results in permanent hereditable alteration of several cellular properties (22).

GENETIC MODIFICATION MEDIATED BY DNA

Permanent, heritable, genetic modification of a human cell by means of DNA requires (i) uptake of the exogenous DNA from the extracellular environment; (ii) survival of at least a portion of the DNA during its intracellular passage to the nucleus; (iii) stabilization of the exogenous DNA in the recipient cell; and (iv) expression of the new genes via transcription into an RNA message (mRNA) and translation of this message into the appropriate protein. Some of these processes are illustrated schematically in Fig. 2.

Mammalian cells take up proteins, nucleic acids, and viruses from their environment by a process known as endocytosis (23). After binding to the cell membrane, the macromolecules are drawn into the cell by an infolding of the external cell membrane leading to vesicle formation (see Fig. 2). Macromolecules contained in vesticles derived from invaginations of the external cell membrane can be degraded if these vesicles fuse with lysosomes. Lysosomes are cell organelles which contain a variety of hydrolytic enzymes. These enzymes can rapidly degrade ingested macromolecules, including DNA (24). Thus, mammalian cells possess mechanisms for protecting themselves from the potentially perturbing influences of foreign DNA.

Despite this cellular defense mechanism, exogenous foreign DNA can, under certain circumstances, become integrated in the DNA of the recipient cell. The evidence of this has come from studies of oncogenic virus transformation of mammalian, including human, cells (25). In the case of oncogenic transformation with SV40 virus, the viral DNA is apparently physically integrated into the chromosomal DNA of the recipient cell (26). It seems probable that heritable alterations of cell morphology and biochemistry are the result of the expression of one or more viral genes. Presumably, viral DNA integration takes place by base pairing of homologous regions of host cell and viral DNA followed by genetic recombination. However, the integration of ongenic viral DNA may represent a special case since at least one viral gene product may be required for integration (27). Other, nonviral DNA molecules, unable to supply this integration function, might integrate at a much lower frequency, if at all.

In addition to integration by genetic recombination, exogenous DNA might be stabilized in the recipient mammalian cell as an independently replicating genetic unit in the cell nucleus. Although such units are known to exist in bacteria, they have not been observed in mammalian cells. However, the cytoplasmic mitochrondria of mammalian cells do contain nonchromosomal, independently replicating units of DNA. The mitochondrial DNA replication system thus offers another possible site for stabilization of exogenous DNA.

For a human genetic defect to be repaired by administering exogenous DNA, the stabilized newly introduced DNA must be correctly expressed. That is, the new gene must be correctly transcribed into mRNA and this mRNA must be correctly translated into protein. Since little is known about the regulation of mRNA synthesis and translation during natural gene expression in mammalian cells, a corresponding high degree of uncertainty exists concerning the ability of newly introduced DNA to be expressed correctly.

A variety of attempts have been made to demonstrate DNA-mediated modification of genetically mutant mammalian cells, both in vivo and in vitro. Apparently successful results in vitro have been reported for diploid human cells lacking the purine "salvage" enzyme hypoxanthine-guanine phosphoribosyltransferase (HGPRT); in human reticulocytes synthesizing an abnormal hemoglobin; in several malignant cells of mouse origin carrying markers for drug resistance; and in mouse cells with defective melanin synthesis, among others (28). In addition, transient expression of HGPRT enzyme function has been detected in human cells deficient in HGPRT after exposing them to DNA from cells with normal amounts of

HGPRT (29). This suggests that exogenous DNA may be taken up and expressed, without necessarily being stabilized. However, none of the successful experiments described to date have been reproducible.

There may be several reasons for failure to demonstrate consistently the genetic modification of mammalian cells by DNA. Many previous experiments suffered from the unavailability of good genetic markers and sensitive selective systems for detecting modified cells. An important difficulty in using bulk DNA isolated from human (or other mammalian) cells is that the fraction of this DNA which is specific for any given gene is estimated to be extremely small, of the order of 10^{-7} (30). As we mentioned earlier, nonviral exogenous DNA may not be able to integrate into the chromosomal DNA of the recipient cell, thus preventing permanent genetic modification.

In spite of the lack of reproducible success in past experiments, several recent technical developments have suggested new ways in which the problems of low DNA specificity, failure of integration, and intracellular DNA degradation might be overcome.

The prospects for directing genetic modification of mammalian cells would almost certainly be enhanced by using DNA preparations containing only the gene for which the genetically defective cells are mutant. As already pointed out, both the isolation of a specific group of bacterial genes and the complete chemical synthesis of a single gene were reported recently (5, 6).

The RNA-dependent DNA polymerase recently found in RNA tumor viruses (31) could also be used for gene synthesis in vitro. Since this enzyme is able to make DNA copies from an RNA templete, it offers a method for synthesizing the DNA for any specific RNA which might be isolated in pure form. Thus, it seems probable that our developing ability to isolate specific genes, or synthesize them, will eventually eliminate the problem of low specificity of the exogenous DNA.

Some workers are developing techniques which could be used to overcome the problem of stabilizing the incoming exogenous DNA in the recipient cell (32). They plan to make use of the ability of the DNA from SV40 virus to integrate into the chromosomal DNA of the cell. Specific genes will be attached to the viral DNA by means of several biochemical steps which are already known and fairly well characterized. These operations would create a hybrid DNA molecule which would carry the information for integration from the original viral DNA and perform the specific gene functions of the attached DNA.

In this approach, DNA integration would be combined with biochemical manipulation of the DNA gene substance in vitro, and any gene-specific DNA segments obtained by synthesis or isolation could be utilized. It is clear that before such hybrid DNA molecules could be used in a human therapeutic situation, the oncogenic potential of the viral DNA would have to be eliminated.

In another experimental approach, virus-like particles which contain pieces of cellular DNA (pseudovirions) instead of viral DNA are being used as the vector for DNA-mediated genetic modification (33). This might help to protect the incoming DNA from intracellular degradation. However, pseudovirion DNA is probably a random collection of cellular DNA fragments (34) and hence nonspecific for any given gene; it might also be unable to stabilize itself by integration into the host cell DNA. This may explain why attempts to modify thymidine kinase-deficient mouse cells in vitro by means of polyoma virus pseudovirions have been unsuccessful (35).

It has recently proved possible to reconstruct infectious particles of several plant and bacterial viruses from the nucleic acid and capsid protein components (36). This suggests the possibility of creating artificial pseudoviruses as vectors for DNA-mediated genetic modification. These pseudovirions would contain specific DNA segments (either isolated or synthesized) surrounded by virus capsid protein. The probability of introducing a specific piece of genetic material might be greatly increased when compared with natural pseudovirions carrying randomly excised pieces of DNA. This in no way solves the difficulties of integration and expression of the genetic material. Since the specificity of virus-cell interactions is determined at least in part by the virus capsid protein, encapsidation of specific DNA molecules might confer some cell or tissue selectivity upon the DNA molecules used for gene modification.

DNA-MEDIATED GENE THERAPY

In attempting to envision how DNA might be used as a mediator for the modification of genes in a human being suffering from a genetic defect, we foresee several kinds of new problems. First, the existence of differentiation and cell specialization in the human body will pose several questions. Many human genes are active or expressed only in a small fraction of the cells of the body. For example, the activity of the enzyme phenylalanine hydroxylase (deficient in individuals with phenylketonuria) is demonstrable only in the liver. For prospective gene therapy there might be several consequences. (i) The introduction of, for example, the gene for phenylalanine hydroxylase into cells which do not normally express this enzyme would yield no therapeutic benefits if the expression of the newly introduced genes were also blocked.

Methods would have to be developed to deliver the exogenous DNA to the appropriate "target tissue," and to confine its action solely to that tissue. (ii) Some gene products (hormones, for example) are made and secreted by one specialized group of cells and act on target cells elsewhere in the body. Synthesis and secretion of hormones such as insulin are regulated by mechanisms which are still imperfectly understood. Thus, the introduction of new genes for insulin into cells not appropriately differentiated to provide the correct synthetic and secretory responses would be of little use as a treatment for diabetes. (iii) In several genetic disorders, genetic modification of the brain cells themselves may be required to reduce the accumulation of metabolites in the brain, because the blood-brain barrier might prevent enzymes made in other parts of the body from entering the brain (15). We wonder whether direct genetic modification of brain cells could be made safe enough for use in human patients.

Second, regulation of the quantitative aspects of enzyme production may present a problem. By mechanisms as yet unknown, concentrations of cellular enzymes are regulated so that neither too much nor too little enzyme is produced by normal cells. How will we ensure that the correct amount of enzyme will be made from the newly introduced genes? Will the integration event, linking exogenous DNA to the DNA of the recepient cell, itself disturb other cellular regulatory circuits?

Third, the patient's immunological system must not recognize as foreign the enzyme produced under the direction of the newly introduced genes. If this occurred, the patient would form antibodies against the enzyme protein, perhaps nullifying the intended effects of the genetic intervention. This suggests that the new gene introduced during gene therapy would have to code for an enzyme with the same amino acid sequence as the human enzyme.

In addition, administration of foreign genetic material to patients carries a risk of altering the germ cells as well as the desired target cells. One might think that this problem could be circumvented by first removing some of the patients' cells, carrying out DNA-mediated genetic modification in vitro, and then reimplanting the altered cells back into the patient. However, this approach is likely to be limited by the tendency of cells to dedifferentiate and become malignant when grown in vitro.

For an acceptable genetic treatment of a human genetic defect, we would require that the gene therapy replace the functions of the defective gene segment without causing deleterious side effects either in the treated individual or in his future offspring. Years of work with tissue cultures and in experimental animals with genetic defects will be required to evaluate the potential side effects of gene therapy techniques. In our view, solutions to all these problems are needed before any attempt to use gene therapy in human patients could be considered ethically acceptable.

We are aware, however, that physicians have not always waited for a complete evaluation of new and potentially dangerous therapeutic procedures before using them on human beings. Consider how little was known of the basic aspects of virology during Jenner's development of vaccination against smallpox. In this regard, potential gene therapy techniques resemble other medical innovations. There is currently, and there may continue to be, a tendency to use incompletely understood genetic manipulative techniques, borrowed from molecular biology, in clinical settings. We believe that the first attempt at gene therapy in human patients (8) illustrates this contention.

The case in question (8) concerns two children suffering from hyperargininemia, a hereditary deficiency of the enzyme arginase. The arginase deficiency leads to high concentrations of arginine in the children's blood and cerebrospinal fluid, and has associated with it severe mental retardation (37). An attempt has been made to correct this defect at the genetic level by injecting Shope papilloma virus into the children (8). The scientific rationale for this treatment is based upon the report that the synthesis of arginase is stimulated in rabbit skin infected with Shope papilloma, and that this new arginase activity had some properties which are different from those of the normal enzyme of rabbit liver (38).

In 1958, when these experiments were first reported, it was postulated that the viral DNA carried the gene for a vital arginase different from the cellular enzyme. In addition, the serums of laboratory workers who had worked with and thus been exposed to Shope papilloma virus were tested, and 35 percent of them exhibited lower concentrations of arginine than control hospital patients who had not knowingly been exposed to the virus (39). Thus, there were some grounds for believing that inadvertent infection with Shope papilloma in humans could lower the concentration of serum arginine without apparent harmful effects.

More recently, the interpretation that Shope papilloma virus codes for an arginase has been seriously questioned (40). It now appears more probable that the virus infection stimulates the production of a cellular arginase. Whether the induced arginase is coded for by viral or by cellular genes is important to the rationale of this attempt at gene therapy. If virus infection induces the synthesis of cellular arginase, and if the children have hereditarily lost the ability to produce arginase, then infecting the children with Shope payilloma virus may not have any possibility of correcting their condition (41).

The use of intact viruses as vectors in gene therapy raises further questions. When applied to the skin of rabbits Shope papilloma virus induces skin papillomas, a variable

proportion of which develop into cancerous skin lesions. Although Shope papilloma has not had any known harmful effects on humans, tests to establish the safety of large doses have not been performed. It should also be shown that a vector for clinical gene therapy is free from other contaminating viruses latent in the cells used to produce the injected virus.

The clinical results of this therapeutic attempt are not yet known. But we are concerned that this first attempt at gene therapy, which we believe to have been premature, will serve as an impetus for other attempts in the near future. For this reason, we offer the following considerations as a starting point for what we hope will become a widespread discussion of appropriate criteria for the use of genetic manipulative techniques in humans.

SOME PRELIMINARY CRITERIA

We propose the following ethico-scientific criteria which any prospective techniques for gene therapy in human patients should satisfy:

(1) There should be adequate biochemical characterization of the prospective patient's genetic disorder. It should be determined whether the patient (i) is producing a mutated, inactive form of the normal protein; (ii) is producing none of the normal protein; or (iii) is producing the normal protein in normal amounts, but the protein is rendered inactive in some way. For example, alterations in membrane structure leading to loss of the cellular receptors for insulin could produce a diabetes-like condition, even though the patient were producing normal amounts of insulin. We anticipate that defects of this type may be found affecting the activity of enzymes which are normally constituents of cell membranes. Our point is that only in the first type of genetic defect (i) would currently envisioned gene therapy techniques be likely to improve the patient's condition.

(2) There should be prior experience with untreated cases of what appears to be the same genetic defect so that the natural history of the disease and the efficacy of alternative therapies can be assessed. Thus, the first reported cases of a new human genetic disease would seldom be candidates for attempts at gene therapy. The reason for this criterion comes from our accumulating experience with some of the better studied genetic defects such as phenylketonuria and galactosemia. We now observe heterogeneity in these conditions; that is, what appears to be the same genetic disease turns out to have different genetic bases in different individuals. Widespread screening for phenylketonuria in newborns has detected individuals who, like phenylketonurics, have high concentrations of phenylalanine in the serum just after birth, but have concentrations in the normal range several months later (2). It is now also clear that some individuals with high concentrations of phenylalanine in the serum have normal intelligence quotients (2). We anticipate that other genetic diseases will exhibit the same kind of heterogeneity. Concern for the welfare of each individual patient dictates that we not rush in with gene therapy until we are very sure about the precise nature and consequences of his genetic defect.

(3) There must be an adequate characterization of the quality of the exogenous DNA vector. This will require the development of new, more accurate methods of analyzing the base sequence of the DNA, if synthetic DNA molecules are to be used, or the development of new methods of isolation and purification, if naturally occurring DNA molecules are to be used. We visualize the Food and Drug Administration, or some similar organization, establishing and enforcing quality standards for DNA preparations used in gene therapy.

(4) There should be extensive studies in experimental animals to evaluate the therapeutic benefits and adverse side effects of the prospective techniques. These tests should include long-term studies on the possible induction of cancer and genetic disturbances in the offspring of the treated animals. This will require the development of animal models for human genetic diseases. Previous work, which led to the isolation of a mouse strain deficient in the enzyme catalase (42) suggests that such animal models could be developed and might yield answers to some of the questions we have raised.

(5) For some genetic diseases, the patient's skin fibroblasts grown in vitro reflect the disorder. Thus, in some cases it would be possible to determine whether the prospective gene therapy technique could restore enzyme function in the cells of the prospective patient. This could be done first in vitro, without any of the risks of treating the whole patient. Some side effects, such as chromosome damage and morphological changes suggesting malignancy, could also be assessed at this time. Only when a potential gene therapy technique had satisfied all these safety and efficacy criteria would it be considered for use in human patients.

These criteria omit some other considerations which we believe are important. Although the ethical problems posed by gene therapy are similar in principle to those posed by other experimental medical treatments, we feel that the irreversible and heritable nature of gene therapy means that the tolerable margin of risk and uncertainty in such therapy is reduced. Physicians usually arrive at a judgment regarding the ethical acceptability of an experimental therapy by balancing the risks and consequences of different available treatments against their potential benefits to the patient. In general, the degree of risk tolerated in medical treatment is directly related to the seriousness of the condition.

High-risk treatments are sometimes considered more justified in life-threatening situations. For different human genetic diseases, the severity of the problem in the untreated condition and the response to currently available therapy varies greatly. Thus, phenylketonuria leads to mental retardation can be avoided for the most part by prompt neonatal dietary therapy. In contrast, in the infantile form of Gaucher's disease, a deficiency in the enzyme glucocerebrosidase (important in the metabolism of brain glycolipids) leads to severe and progressive neurologic damage and death within 1 or 2 years (38). There is as yet no effective therapy. Thus, the specific characteristics of each genetic disease will be an important factor in evaluating whether or not to attempt gene therapy. We believe that the prospective use of gene therapy will need to be evaluated on a case by case basis.

Another ethical ideal which guides experimental medical treatments is informed consent. By informed consent we mean that the patient, after having the nature of the proposed treatment and its known and suspected risks explained to him by the physician, freely gives the physician his consent to proceed with the treatment. Since many of the cases where gene therapy might be indicated will involve children or newborns as patients, there will be especially troubling problems surrounding informed consent. Parents of newborn children with genetic defects may be asked to give "consent by proxy" for gene therapy. Clearly, until we know much more about the side effects of gene therapy, it will not be possible to provide them with adequate information about risks to the treated individual and his offspring.

CONTROL OF GENE THERAPY

How can gene therapy in humans be controlled to avoid its misuse? By misuse we mean the premature application of techniques which are inadequately understood and the application of gene therapy for anything other than for the primary benefit of the patient with the genetic disease. In our view, it will be possible to control the procedures used for gene therapy at several levels. For example, between the patient and physician, we can usually rely upon the selection of a therapeutic technique having optimal chances of success. In general, we believe that the doctor will not recommend and the patient will not accept an uncertain, risk-laden gene therapy if a reasonably effective alternative therapy is available.

However, the physician, in this as in other cases of experimental therapeutic techniques, has a near monopoly on the relevant facts about risks and benefits of various treatments. Since the physician concerned may also be active in trying to develop the gene therapy technique, how can the patient be protected from a physician who might be over-eager to try out his new procedure?

It seems to us that significant opportunities for control also exist at the level of the hospital committees responsible for examining experimental techniques. Already at accredited hospitals, all proposals for research in which human subjects will be used must pass through a review committee. Further control exists through scrutiny of the proposed techniques by the physician's immediate peers.

Procedures to be used for gene therapy might also be controlled by the committees and organizations approving and funding research grants. Moderately large amounts of money will be required for the development of gene therapy techniques, hence there should be competition for public funds with other urgent medical needs. Thus, the first use of gene therapy in human patients would, of necessity, have secured the implied or direct approval of several larger public bodies beyond the principal physician-investigator. In our judgment, these levels of control will probably prove adequate to prevent misuse of projected gene therapy if, as we suspect, gene therapy is attempted in only a small number of instances. Any potential large-scale use of gene therapy (for example, the prospect of treating the approximately 4 million diabetics in the United States with DNA containing the gene for insulin) might appreciably affect the overall quality of the gene pool and would require other forms of control.

CONCLUSIONS

In our view, gene therapy may ameliorate some human genetic diseases in the future. For this reason, we believe that research directed at the development of techniques for gene therapy should continue. For the foreseeable future, however, we oppose any further attempts at gene therapy in human patients because (i) our understanding of such basic processes as gene regulation and genetic recombination in human cells is inadequate; (ii) our understanding of the details of the relations between the molecular defect and the disease state is rudimentary for essentially all genetic diseases and (iii) we have no information on the short-range and long-term side effects of gene therapy. We therefore propose that a sustained effort be made to formulate a complete set of ethicoscientific criteria to guide the development and clinical application of gene therapy techniques. Such an endeavor could go a long

way toward ensuring that gene therapy is used in humans only in those instances where it will prove beneficial, and toward preventing its misuse through premature application.

Two recent papers have provided new demonstrations of directed genetic modification of mammalian cells. Munyon *et al.* (44) restored the ability to synthesize the enzyme thymidine kinase to thymidine kinase-deficient mouse cells by infection with ultraviolet-irradiated hedpes simplex virus. In their experiments the DNA from herpes simplex virus, which contains a gene coding for thymidine kinase, may have formed a hereditable association with the mouse cells. Merril *et al.* (45) reported that treatment of fibroblasts from patients with galactosemia with exogenous DNA caused increased activity of a missing enzyme, *a*-D-galactose-1-phosphate uridyltransferase. They also provided some evidence that the change persisted after subculturing the treated cells. If this latter report can be confirmed, the feasibility of directed genetic modification of human cells would be clearly demonstrated, considerably enhancing the technical prospects for gene therapy.

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[From the Washington Star, Nov. 18, 1971]

THE PATIENT—INDIVIDUAL OR SOCIETY?

(By Judith Randal)

When earlier this year it was announced that Dr. Saul Krugman of the New York University School of Medicine had succeeded in immunizing a small group of children against serum hepatitis, the achievement was widely hailed as a promising public health development. If a vaccine could be perfected against this disease, many thousands of Americans each year—mostly over 40 or enfeebled—might be spared serious illness or death.

But less widely publicized has been the furor over ethics that has ensued in medical circles because of the design of the experiment and the patients on whom it was carried out. For the subjects of this study not only were too young to have legally volunteered, but were mentally defective, as well. Furthermore, although they served the cause of science, they were deliberately infected with virus with no assurance that the exposure would be of any benefit to them.

The experiment took place at Willowbrook, a state institution for the retarded on Staten Island. Related studies, involving similar risk, have been undertaken there by Krugman for the past 15 years. Throughout this period, "informed consent" has been obtained from the parents or guardians of the children, but one of the key factors in the controversy has been the meaning of that phrase.

Krugman maintains that deliberate infection is justifiable because hepatitis becomes a fact of life at Willowbrook for any child entering the institution who has not already had the disease. What is not clear, however, is what "informed consent" entailed in this instance.

His critics would like to know, for example, whether parents who volunteered their children knew that the disease carries a slight but real risk of death in this age group.

In their view, experimentation on children, particularly retarded children, is never justified and the presence or absence of parental consent is somewhat irrelevant.

At present, Krugman is bearing the brunt of criticism, but he is by no means the only investigator whose experiments, however valuable and valid, are controversial.

The question in all such studies—who is the patient, the individual or society?—disturbs the experimenter and his critics alike. And the deeper biological science probes into fundamental mysteries, the faster developments come and the broader are their implications.

At present, for example, it is possible, by taking a frog egg and replacing its nucleus with that of another cell from the frog's body, to grow an entire new frog without the egg's having been fertilized by a sperm—a technique known as "cloning."

At the same time, cancer researchers, in seeking to understand what makes man susceptible to malignancy in the first place, are turning their attention to the development of the fetus. Thus it certainly is theoretically possible that a cloned human being could be grown in the laboratory for cancer research, with various clones being "stopped" at different stages of development for study, as frogs are.

But such a human being would be every bit as human as the cloned frog is frog, with all the rights that human beings have and frogs do not. What, then, of the ethics of lethal experimentation on humans? Or experiments that, while not necessarily lethal, carry a high risk of injury? Would the goal of the conquest of cancer for the many justify the sacrifice of a few clones? From whom should informed consent be sought—or is this relevant? Can science achieve the same ends by other means?

It is just these sorts of questions that have sparked a congressional joint resolution which, at the cost of $1 million, would create a 15-member commission drawn from many disciplines to study for two years the ethical problems raised by advances in the biological sciences.

No one expects that the commission would come up with definitive answers, but just as the Kerner report on violence focused public attention on that issue, so the ethics commission could serve to examine in orderly

fashion the interlocking developments that are coming from laboratories around the world.

In a society preoccupied with such short-term issues as busing and the cost of living, and gearing up for a presidential election, the proposal will not gain much public attention. This is too bad. Failure now to confront the issues posed by advances in science only increases the likelihood that they will haunt us more deeply in the future.

[From the Washington Star, Mar. 3, 1972]

PSYCHOSURGERY TREND ALARMING

(By Judith Randal)

Is there any length to which society will not go to suppress behavior it considers deviant?

The question is raised by a 20,000-word report on brain surgery inserted into the Congressional Record last week by Rep. Cornelius E. Gallagher, D-N.J. Written by Dr. Peter R. Breggin, a Washington psychiatrist, after almost a year's research, it documents in chilling detail for psychological purposes portends.

At the University of Mississippi School of Medicine, for instance, Dr. Orlando J. Andy, working with a psychologist, has operated on several dozen people, most of them children. Some were only 5 years old.

According to letters written by the pair to Breggin, "these are not psychiatric cases, but behavioral problems." Furthermore, the goal seems to have been less the welfare of the children than to "reduce their hyperactivity to levels manageable by the parents."

What this may entail is illustrated by a boy whom Andy cals J.M. Nine years old at the time of his first operation, in 1966, the child has had three others since because his short-temper, aggression and other symptoms recurred after initial periods of "improvement."

At last report he was "manageable," which should at least spare him further surgery. But in the 1970 account, Andy notes: "Intellectually, however, the patient is deteriorating." Since the effects of psychosurgery are permanent, there will be no turning back.

It would be bad enough if such mutilation were confined to Mississippi. Unfortunately, it is not. Lobotomy—the procedure which ironically won Portuguese neurologist Antonio C.A.F.E. Moniz a Nobel prize—was replaced by electro shock and drugs as a treatment for the insane in the late 1950s. Now, however, it is experiencing a worldwide comeback, both in its original form and with refinements that reflect recent progress in medical technology. And this time, it is not only the schizophrenics whose brains are under siege.

Breggin has found, indeed, that most of the targets are people with "anxiety-tension states" and "obsession syndromes," particularly individuals of "good intelligence and personality." A disproportionate number of them are, he says, women and children, rebellious adolescents and, in a few cases—notably in California—prisoners whom authorities have found troublesome.

In fact, anyone who rubs his family or society the wrong way is apparently at risk.

In Texas, it has been drug addicts and alcoholics; in Canada, individuals who become "intractable" with age; in Britain, people with a pathologic fear of open spaces, and homosexuals; in Germany, sexual deviants, too.

Even chronic gamblers are in peril. Hauled into court for stealing money to meet his gaming debts, one Englishman was offered a choice between "voluntary" surgery and imprisonment. It is not hard to imagine that this could happen to political radicals as well.

An "old-fashioned" lobotomy involves deliberate destruction by scalpel of a portion of the brain's frontal lobes that is not by objective criteria diseased. More recently, however, other brain structures just as crucial to the personality have also been attacked and radium seeds, ultrasound, injections of olive oil or implanted electrodes have sometimes replaced the knife.

No matter how done, however, the operations have a uniform purpose: The "taming" of an uruly spirit that if not cowed by one procedure can always be blunted by the next. Thus, while these advances have the advantage of greater surgical ease and safety, their very simplicity makes them disturbingly attractive as tools for the mass application of mind control.

For the would-be despot—be he politician, prison warden, mental hospital superintendent, law enforcement official, bigot or simply family tyrant—psychosurgery is a dream come true.

Take the case of a woman with a long history of depression. So angered was she by what had been done to her in two operations insisted on by her mother that she refused to undergo a third and, let out of Boston City Hospital to go shopping took a fatal dose of poison. Yet instead of interpreting her suicide as understandably symbolic of vengeance, her doctors described her behavior as "paranoid" and were "gratified" that her apathy had lifted to the point where she could act.

The last time psychosurgery was in fashion some 50,000 Americans underwent this assault on their inmost beings and virtually every state hospital still harbors pitiful remnants of the results. Among the nations of the world, Russia alone has taken legal steps to see that it will not happen again. If the public cares about the rights of the individual guaranteed by the Constitution, it will demand that the United States do so, too.

[From the Washington Star, Oct. 19, 1971]

SCIENCE STARTS TO FACE ITS COMING OF AGE

Seventy-five of the most distinguished scientists and thinkers of the Western world turned up in Washington this past Saturday afternoon, as guests of the Joseph P. Kennedy Jr. Foundation. Their purpose was to think aloud for a few hours on some of the gravest questions ever raised. They were not concerned with science fiction; they were concerned with science reality instead.

Very few persons, outside the scientific community, have given much thought to these questions. We have more immediate things to worry about, after all, than "Who Should be Born?" It is fearfully hard work to grapple with such a topic as "The Ethics of New Technologies in Beginning Life." Few persons are equipped to comprehend today's biology. Given the word "gene" in a word association test, most of us would respond, "McCarthy."

The time is at hand when a great many Americans, at every level of public and private life, must begin to interest themselves in the frontiers of science that are now being actively explored. Yet the scientific questions are perhaps the least complex. Embryologists already know, in general, how to make a "test-tube baby." It is only the technology that remains to be solved. The moral and ethical questions are infinitely more profound: Who decides that such a baby shall be made?

Or consider, if you will, a less shocking prospect. It is only a matter of a few years before the mystery will be solved of sex determination as an aspect of child-bearing. Eventually—certainly by 2000—parents will be able to choose "boy" or "girl" as precisely as they fix a time for dinner. Should this determination be left solely to parents? Or does society as a whole, through some agency of government, have a right to exercise control?

War, it is said, is too serious to be left to generals. By the same token, is parenthood too serious to be left to parents? Within the next few years—certainly by 2000—new techniques of contraception will be universally available. These will be simple, foolproof, and for all practical purposes, free. The moral implications to one side, what of the social and economic implications? Who is to say how many children should be conceived? Should the number be left simply to chance?

Such questions barely cross the frontier. The day will come when geneticists will be able to concoct a fertilized egg of certain preselected properties. The arts of gene insertion, of gene deletion, even of gene surgery, are still primitive and experimental.

Let your mind wander in another field: Mood control. Here the chemistry is far advanced. We already have drugs—they are marketed by the billions—intended to tranquilize or to stimulate. It is but a step (the step can be taken if we choose) to the development of drugs more precisely intended to suppress or to enhance our capacity for aggression.

Should boxers, or football players, or soldiers be given "aggression pills" to improve their performance? Would the Attica uprising have occurred if violent prisoners were treated methodically, as a condition of their sentences, with non-aggression drug? The possibility of putting tranquilizers in water supplies has been discussed at scientific meetings. It could be done. Crime, presumably, would drop. Should it be done?

The most absorbing questions, perhaps, go to the limitations that should be imposed, if any, upon the process of discovery itself. Is there some point at which the door should be slammed? Are there frontiers that ought never to be crossed? Some eminent scientists believe that even now, they may have gone too far in playing God. Is it their responsibility to create life, or vastly to prolong life? Yet who can extinguish Promethean fire?

The scientists who met on Saturday at the Shoreham put in a skull-cracking afternoon. Most of the rest of us were watching college football on the boob-tube. For their thoughtful labors, some grateful thanks are due.

[From the Washington Post, Nov. 3, 1971]

THE ETHICS OF NEW DISCOVERIES

Following the recent symposium sponsored by the Joseph P. Kennedy Jr. Foundation on "Choices On Our Conscience," 21 participants issued a clear and useful statement on the need for greater attention to solving the ethical problems in the physical sciences. "Science and technology," they said, "have added immeasurably to human knowledge, health, well-being, and possibility for good. Inevitably, they have also radically changed the conditions of life and altered the choices that individuals and society have to make. Nowhere is this more evident than in relation to the dramatic advances being made in biological, genetic and medical science. In this field choices may be made, dogmatically or in ignorance, by inadvertence or by default, that can have an irreversible effect on our human future."

Awesome questions face us all in such human issues as how to treat artificial organs, mongoloid infants, test tube conception (cloning), education of the retarded, genetic engineering, electric stimulation of the brain. What has happened in these and other fields is that scientists have often been moving independently, and only now are the ethicists, lawyers, jurists, physicians, social workers, politicians and the common citizens catching up to pose ethical questions. No one denies that scientific exploration is in itself

a good or that the quest for knowledge is beneficial. But it is now clear that although a scientist may work in isolation, the results of discoveries may affect the general population. As Dr. Philip Handler, president of the National Academy of Sciences, recently said in a speech to the American College of Surgeons, doctors, for one group, might have to adopt a new kind of ethics where "the responsibility of medicine is not merely to the individual but to the human species."

Happily, the fear that scientific explorations and discoveries may be abused is not a matter of scientists battling ethicists. Many in the scientific community are alarmed also, including the Nobel winning co-discoverer of the structure of the DNA, Dr. James D. Watson; if we do not think about these matters now, he says, "the possibility of our having a free choice will some day suddenly be gone." The Kennedy symposium appears to have been a productive meeting. It aroused public awareness to the new conflicts between science and ethics. Perhaps most important, it forced those who followed the proceedings to realize that the options for future action are decidedly "choices on our conscience."

[From the Boston Globe, Oct. 17, 1971]

ETHICS OF LIFE AND DEATH WEIGHED AT KENNEDY-SPONSORED MEETING

(By Charles E. Claffey)

WASHINGTON.—Eight years ago, an infant lay in a bassinet in a distant corner of the nursery in Baltimore's Johns Hopkins Hospital, condemned to death.

His death sentence, all perfectly legal, was a sign on the bassinet that read: "Nothing by mouth."

The child, a mongoloid, lived 15 days, then starved to death.

His life might have been saved by a routine operation to remove the intestidigestion.

However, his parents, because the child was a mongoloid, refused to give the hospital permission to operate. Thus, doctors had no legal right to perform the surgery.

Right or wrong? Ethical or immoral?

That was one of the subjects yesterday in the most comprehensive symposium on human rights, retardation and research ever held, sponsored by the Joseph P. Kennedy Jr. Foundation.

Among the panelists was Dr. Paul A. Freund of the Harvard Law School, who said that he could not agree with the assumption made in the hospital that if the question had been presented to a court a judge would have endorsed the parent's right to decide that the child should die.

"In the case of a more 'normal' child, the parents would clearly have no such right, and this appears to be acknowledged on all sides."

And, Freund added, even if parents do not will their child's death but refuse consent to a lifesaving operation because of religious objections courts have overridden the religious scruples of the parents and ordered the operation in a child's best interests.

"Parents have an obligation not to mistreat or neglect their children and the courts will enforce that duty. Moreover, physicians who undertake to care for a patient have an obligation to use all reasonable measures (not forbidden by the parents) to promote the patient's well-being and not do him harm."

Freund compared the case of the 15-day old infant to euthanasia, or mercy-killing.

The death, he said, was caused not by human agency, but by impersonal forces.

But he offered these arguments to the contrary:

—Death occurred from starvation, resulting from directions given at the hospital.

—Inaction is tantamount to action when there is a duty to act and an omission to do so.

Freund concluded that the decision involving the proper care and custody of the child should not be made by doctors or parents but by a disinterested tribunal.

"In the end, though," he added, "the decision of parents and hospital, in harmony with that of law itself, would have been in favor of life."

Social critic Michael Harrington said the case of the mongoloid baby was important because "we are more and more going to have to face just such tormenting decisions." He added:

"Society is going to have to play God."

He noted, though, that such a tendency is "an enormously dangerous undertaking which could lead us, as Dostoevsky thought, to totalitarianism.

"Yet this role is thrust upon us whether we like it or not because we have ingeniously created the power to intervene in questions of life and death which were previously determined by a mysterious order of things . . . which was sometimes called God."

Harrington likened the issue to that of abortion, "so that is least now some- * * * Catholics are now willing to debate the details of a public policy which does not universalize their own private ethics and even contradicts it."

Harrington stressed, though, that he would have favored saving the life of the mongoloid child and using legal compulsion to do so if that were necessary.

"I am not arguing in favor of giving to government a new power of life and death but rather insist that it must protect life."

Therefore, Harrington said, that even though there are dangers inherent in law and state power in such cases, "I think they must be risked, for that is the only way to expand individual freedom—in this case, the individual freedom of a mongoloid child."

While the conference in Washington got under way, the Boston's Joint Center for the Study of Law and Human Genetics, cosponsored by Tufts-New England Medical Center and Boston College Law School, prepared for a meeting Wednesday at Boston College on the medical, ethical and legal ramifications of genetic advances.

Another major move in bioethics also is being taken by the Senate subcommittee on health, headed by Sen. Edward M. Kennedy. The commitee will hold hearings in November on a resolution filed by Sen. Walter F. Mondale (D-Minn.) and co-sponsored by Kennedy.

The resolution calls for establishing a National Advisory Commission on Health, Science and Society. This group of 15 would report to the President and to Congress after a two-year study of the broad ramifications of bioethical problems.

The Senate health group's hearings are expected to include testimony on total body irradiation of patients in Cincinnati to study the effects of radiation on human beings. The purpose of the studies, it is alleged, is to understand better the influence of radiation on the combat effectiveness of troops. The studies were done under Pentagon contract.

The Joseph P. Kennedy Jr. Foundation has supplied funds for an Interfaculty Program on Medicine and Ethics at Harvard and given $1.5 million to Georgetown University for a new Institute of Bioethics, which opened this month.

[From Science, Jan. 7, 1972]

ETHICS: BIOMEDICAL ADVANCES CONFRONT PUBLIC, POLITICIANS, AS WELL AS PROFESSIONALS WITH NEW ISSUES

Early last month the Senate passed a resolution calling for the establishment of a National Advisory Commission on Health Science and Society. The vote, assuming it is reaffirmed in the House, culminates a quiet battle that Senator Walter Mondale (D-Minn.) has waged for several years for a federal-level body to center the nation's attention on ethical and policy questions raised by new advances in biomedical technology.

The new body would have a 2-year existence, with a budget not exceeding $1 million a year. The commission, directed by a board of 15 professionals from the fields of law, theology, medicine, government, and the humanities, would have as its mandate the study and evaluation of the ethical, social, and legal implications of advances in biomedical research and technology. In addition to holding hearings and seminars, the commission would contract for studies to be conducted by various universities and research centers.

The resolution was unanimously approved by the Senate, despite mild Administration opposition voiced in testimony by Merlin K. DuVal, undersecretary of Health, Education, and Welfare for health and scientific affairs, who said public and private groups already have things under control.

Mondale tried to get the Senate to act on his commission idea in both 1967 and 1968, when heart transplants were the center of medical controversy. But the proposal met strong resistance from members of the biomedical community and got bogged down in committee. During hearings in 1968, for example Nobel laureate geneticist Arthur Kornberg testified he saw no new ethical or moral problems arising from advances in his field. The only use he could see for such a commission, he said, would be in educating the public on the need for more research money for scientists. Heart transplanter Christian Barnard took a similar tack. His remarks betrayed the assumption that attempts by any nonmedical body to influence medical or scientific policies would automatically be repressive.

Times have changed. Heart transplant decisions are child's play compared to the questions raised by advances in other fields, notably genetics, which have transformed yesterday's science fiction into today's foreseeable reality. Amniocentesis has made it possible to detect certain genetic disorders, such as mongolism and Tay-Sachs disease, in utero. In vitro fertilization of human ova has been achieved, and scientists are working on reimplantation of an egg in the womb. The ability to choose the sex of a baby is pending. And cloning—that is, producing an individual genetically identical to the original individual—may be technically possible in the next 50 years (some scientists say in the next decade).

Behavior modification is another field of equally rapid advances and stupendous implications. Both through chemistry and through electrical manipulation of the brain, scientists have found ways to stimulate or control emotion—developments that have the press speculating about "thought control" and the imminence of 1984.

Technology that indefinitely prolongs the life of the dying has raised questions as to the "right to die" and when to "pull the plug." Linked with this is confusion over the allocation of scarce and expensive resources such as kidney dialysis machines.

The increased sensitivity to individual rights manifested over the past decade has caused a number of old practices to be reevaluated. Sterilization of the hopelessly retarded has become taboo. Methods of obtaining "informed consent" for human experiments are being questioned. And the denial of a life-saving operation to a newborn Mongoloid, a practice taken for granted

at many hospitals for years, was the subject of passionate denunciation at a recent symposium on ethics.

A central issue in recent ethical debates has been abortion. Genetic advances and the rolling back of legal and religious prohibitions has turned the question of abortion into a forum for new attempts to define "life," "the right to life," the conflicting rights of interested parties (in this case, mother and fetus), and even (in the case of a grossly defective fetus) the right to be aborted.

A number of organizations that have recently come into existence are attempting to lay the groundwork, through symposia and interdisciplinary studies, for principles covering these matters.

One is the 2-year-old Committee on the Life Sciences and Social Policy of the National Academy of Sciences, directed by biochemist Leon Kass, which has been conducting studies in four areas: choosing the sex of the unborn, in vitro fertilization, behavior modification, and aging. Another is the Institute of Society, Ethics, and the Life Sciences of Hastings-on-Hudson, N.Y., which was set up in 1969 by Daniel Callahan, a writer and theologian. The Hastings institute has set up interdisciplinary task forces to conduct long-term studies on a similar range of subjects, including population and the teaching of medical ethics.

The Joseph P. Kennedy, Jr., Foundation, hitherto primarily devoted to the study of mental retardation, recently gave Georgetown University $1.3 million for the establishment of the Joseph and Rose Kennedy Institute of Bioethics, which will provide "on the job" training for graduate students in ethics.

The Kennedy institute, according to director Andre Hellegers, will be an unusual experiment in reuniting long-fragmented disciplines. Under one roof will be all the clinical, scientific, psychological, and sociological aspects of reproduction, genetics, and obstetrics.

Many people think that the reunification of long-estranged disciplines will be the only way to ensure a built-in sensitivity on the part of medical practitioners and researchers to the implications of their work. Says Hellegers: "Ethics as a cogent force fell apart when it became divorced from other faculties." By the same token, intradisciplinary barriers have allowed the legal profession to come up with laws that are theoretically sound but medically senseless, and have left most members of the clergy ill-equipped to offer advice on anything but religion.

There are still only a handful of universities across the country that offer courses with an interdisciplinary approach to ethics. The only full-fledged program is a 4-year course offered at Columbia University's College of Physicians and Surgeons. But ethics seminars, where available, are increasingly popular with medical students.

It has been more through the activities and symposia sponsored by such interdisciplinary groups as the Hastings institute than through the efforts of organized medicine that public attention has been focused on questions raised by new biomedical technology. These groups see a federal-level commission as a desirable supplement to their endeavors and a way to educate scientists as well as laymen on the need for public discussion.

The American Medical Association, by contrast, has indicated to Mondale's committee that the private sector is giving adequate attention to these matters through such forums as the biennial AMA congresses on ethical issues in medicine, which began in 1966. Nonetheless, the AMA Judicial Council moved in November to arrange for a series of articles on euthanasia, genetic engineering, and so forth to be written for the AMA journal—a possible sign that deep-rooted complacency in some areas is being rapidly replaced by concern over unanticipated and possibly irreversible developments the future may have in store.—Constance Holden.

[From Technology Review, January 1972]

WASHINGTON REPORT—"WHAT ABOUT THE RIGHTS . . .?"

(By Victor Cohn)

Has the time come for society to regulate science?

Consider this event. A mongoloid boy was born at Johns Hopkins University Hospital. Common enough—mongolism or Downs' syndrome is the most common cause of mental retardation. It occurs once in 600 births.

This baby also had an intestinal obstruction, however, that prevented him from receiving any nourishment. This could easily have been corrected by surgery, but the baby's parents refused permission.

They were told all the pertinent facts. Mongoloid children can lead happy, productive lives. They can learn simple jobs, though their IQ seldom tops 75. They are a focus of warmth and love in many families.

The parents nonetheless said "no" to the surgery, explaining, "Why burden society with a mongoloid child? Why not let God's will be done?"

The doctors consulted lawyers and judges, who said that no court would make the child a ward of the state—the only circumstance under which a judge could order the operation. It took 15 days for the baby to die, while, testified Dr. William Bartholme, senior assistant resident in pediatrics and doctor in charge, "I tried not to look at the baby, and when I did, I didn't want to touch it. The nurses were full of horror and disbelief. The father would call and ask, 'How are things?' meaning 'Did the baby die yet?' "

Dr. Robert E. Cooke, Pediatrician-in-Charge at Johns Hopkins, said of this case: "That's certainly child abuse. It gets on the border of murder."

An unusual case? Not so very. Bartholme said that at least four times in the last five years at this hospital alone, parents have similarly allowed mongoloid children to die by denying permission for surgery. He said that similar life-and-death decisions are made at least twice a week by doctors at this hospital.

"Society," added Dr. Cooke, "seems awfully unwilling to help us out of a jam."

This bona fide example was presented in a 25-minute film during a compelling symposium on the ethics of medicine—and a search for solutions—sponsored last fall in Washington by the Joseph P. Kennedy Foundation.

CHILD DEFENDERS?

Dr. Batholme thought that "what we need is a group of people sophisticated enough in law, ethics, sociology and medicine to make this kind of decision," instead of leaving it to parents and doctors. (Johns Hopkins now has such an advisory group.)

Mrs. Sydney Callahan, psychologist and mother of several children, agreed. Parents should not have the right, she argued, to doom a child as though it were their "property." Each person should be thought of as "belonging" to the human species, with "child defenders," perhaps, to represent a baby versus his executioners.

But Dr. Renee Fox, professor of Sociology at the University of Pennsylvania, said there are also dangers in the concept that we all must be our brother's—or child's—keeper. Severe emotional problems have been triggered by the request or demand of one member of a family that another sacrifice a kidney to save the first person's life. While some families have successfully accommodated a retarded child, others have been broken up. "What about the rights of our other children?"—this question was asked by the parents in the Johns Hopkins case.

Asked in Washington, such questions may be expected to generate political answers or responses. Sen. Walter F. Mondale (D-Minn.) and 16 senatorial colleagues have proposed a joint Congressional resolution to create a 15-member National Advisory Commission on Health, Science and Society, with a $1 million budget to make a two-year study of such dilemmas.

Mondale, a minister's son, has made such a proposal before, and in 1967 he even prompted a set of Senate hearings on the subject. They caused some, not much, comment. The largest notice was taken during the appearance of the glamorous Dr. Christian Barnard—his heart transplants were in their heyday. Barnard or not, the subject was soon forgotten.

DOES THIS SOUND FRIGHTENING?

One of these days, however, some new event—the birth of a test-tube baby? something else?—will take place someplace with the impact of an atom bomb, and all over the world everyone will say, "Why didn't we talk about such things?"

Biologist James D. Watson (of the double helix) passionately believes there should be "some form of international agreements" about whether or not to permit research leading to test-tube babies and cloned, biologically identical individuals "before the cat is totally out of the bag. If we do not think about the matter now," he maintains, "the possibility of our having a free choice will one day suddenly be gone."

Dr. Robert Edwards of Britain, a leading experimenter in test-tube conception, met Watson in debate in the Washington symposium, saying that the field is being investigated to help barren mothers have much-wanted children; that the "dogma that has entered biology from either communism or Christian sources has done nothing but harm"; and "we will do our transplants and go on with our work as we decide, not as anyone else decides."

Dr. Leon Kass of the staff of the National Academy of Sciences and Dr. Paul Ramsey, Princeton theologian, joined Watson in a call for a moratorium on such research. Dr. Howard Jones, Johns Hopkins obstetrician, compared such a call to the persecution of Galileo.

In any case, hazarded Dr. Anne McLaren of the University of Edinburgh, Scotland, babies produced in the test-tube and transplanted to mothers for their full growth and birth will be "a routine gynecological procedure within 20 years."

In that case, said Watson, "There are going to be a lot of mistakes. What are we going to do with the mistakes. . . . You can only go ahead if you accept the necessity of infanticide."

Does this sound frightening?

The fact is that infanticide is already being widely practiced in American society—in elective abortions, which the majority of us favor, and in the growing medical use of amniocentesis. (Fetal cells are drawn from the amniotic fluid to be tested for chromosomal abnormalities, if the doctor suspects they may be present. Mongolism is one that can be found.) Amniocentesis is often followed by abortion to prevent birth of an abnormal baby.

We also widely tolerate:

The incarceration—that's what it amounts to—of thousands of the retarded and mentally ill in institutions where life can only be called mean and degrading. There are good

institutions, too, but society usually isn't willing to pay the bill for them.

The sterilization of thousands of men and women, increasingly by voluntary choice to avoid producing babies, but also by law or judicial coercion or the decision of parents in the cases of many persons judged to be retarded or dangerous.

The inoculation of retarded children (as at Willowbrook School on Staten Island, a New York state institution for the mentally retarded) with infectious hepatitis virus, deliberately infecting them. This study has been necessary over the past 15 years to develop a hepatitis vaccine. The children would all have been exposed to hepatitis virus anyway in this crowded little society, the experimenters explain. In every case, there was "informed consent" of the parents. Yet some critics believe that no one, not even a parent, has the right to consent to an experiment on anyone else.

AND IF WE STOPPED?

In many other medical experiments and investigative treatments today, informed consent is a dubious instrument. How, asks Dr. Henry Beecher of Harvard, can anyone give informed consent to a procedure whose result no one can know?

But how would we develop new vaccines and new ways of medicine without human experiments?

Has the time come for society to regulate science? The question is rhetorical. To a degree, we are regulating science already—by setting innumerable rules for the uses of drugs and practices of physicians; by allocating funds for research and development, slighting some fields and stressing others; by laws and taboos and social and ethical sanctions.

So far the talk about such matters has mainly been expert to expert. A Mondale commission might at least bring in the public.

[From Science News, Dec. 4, 1971]

FROM HIPPOCRATES TO SENATE RESOLUTION 75

(By Robert J. Trotter)

Ethics became an integral part of medicine when Hippocrates first gave his oath. Since then, however, medicine and ethics have both grown more complex. Every advance in science and technology has ethical implications for society. In the biomedical field, the new issues are increasingly becoming matters of public concern, as the recent Kennedy and Airlie House symposiums indicated (SN: 10/23/71, p. 275; 10/30/71, pp. 294 and 298). Some say the Government should become involved.

These questions came before the public eye in 1967 when Christiaan Barnard completed the first successful human heart transplant. At that time Sen. Walter F. Mondale (D-Minn.) proposed to Congress a resolution that would establish a national commission to study medical ethics. Extensive hearings were held before the Subcommittee on Government Research but nothing came of them. In 1968 Mondale proposed almost the same bill and again no action was taken. In March of this year he reintroduced his bill and this time it will probably get out of committee and onto the Senate floor for a vote where it seems to have a good chance of passing.

The bill (Senate Joint Resolution 75) has bipartisan co-sponsorship of 22 Senators, among them the ranking members of the Senate Health Subcommittee. In the House Rep. Thomas Foley (D-Wash.) has introduced a companion measure that has similar bipartisan support. "This reflects a welcome consensus on the need for action which has developed since 1968," says Mondale. The Senate Health Subcommittee held hearings on the proposed commission bill Nov. 9.

Joint Resolution 75 would establish a National Advisory Commission on Health Science and Society. The commission would be composed of 15 members appointed by the President from among the fields of medicine, law, theology, biological science, social science, philosophy, humanities, health administration, government and public affairs. Its job would be to undertake a comprehensive investigation and study of the ethical, social and legal implications of advances in biomedical research and technology.

Seminars and public hearings would analyze and evaluate scientific and technological advances, current and projected, and implications for indvidiuals and society. Investigations by public and private agencies would be commissioned and findings and recommendations would be reported to Congress and the President at interim periods and at the end of two years. The commission would terminate after two years and $2 million.

Testimony — mostly favorable — given at last month's hearing centered on recent developments in science and specific areas where ethical guidelines are needed. Many of the questions that are recently finding their way into the public consciousness came up. Should carriers of hereditary diseases be allowed to have children? Should retarded persons be segregated from members of the opposite sex? Should they be sterilized? What are the ethical implications of test-tube babies? What will happen to society when men and women are free to determine the sex of their children? Which individuals should receive the benefits of artificial kidney facilities? How should society regulate the use of behavior modification drugs and other techniques to control human behavior? How can the controllers be controlled?

"The ethical over-kill has been tremendous" on these topics, says Henry K. Beecher of Harvard Medical School. He therefore emphasized some of the more discrete ethical problems of medical research that he believes need examination: invasion of privacy, trust and deception, and situation ethics were among the problems he believes need more attention.

These problems are "more portentous than any I have ever dealt with" says Abram Chayes of Harvard Law School. But, says Daniel Callahan of the Institute of Society, Ethics and the Life Sciences in Hastings-on-Hudson, N.Y., "I am optimistic enough to think that progress can be made." The issues have now surfaced and the public wants open discussion and debate.

The Administration, represented at the hearings by Merlin K. Duval, HEW assistant secretary for health and scientific affairs, seems to feel that enough progress is being made without another commission being formed. The National Institutes of Health, the Public Health Service, the Department of Health, Education and Welfare and the National Science Foundation are all doing work in the field of medical ethics. For example, NSF recently awarded $68,000 to the National Academy of Sciences to conduct a one-year technology assessment in biological and medical science developments. NSF has awarded a $1.5 million grant to the Center for Advanced Studies in the Behavioral Sciences to establish an integrated program of technology assessment that will take into account the societal impacts of current and future developments in medical biology. "In the private sector," says Duval, "several distinguished groups already in existence have broad responsibilities in the area outlined for the proposed Commission on Health Science and Society." He cites the American College of Surgeons, the National Academy of Engineering, the American Academy of Arts and Sciences, the American Philosophical Society, the IBM Co. and the World Council of Churches among others. "In the light of relevant activities already under way, and the number of existing institutions concerned on a continuing basis with issues raised by health research advances, is there a need for the National Commission proposed in Senate Joint Resolution 75?" asks Duval. He and the Administration think not, and therefore do not recommend that the resolution be enacted into law.

Mondale supporters, however, do not agree. They believe that the existing groups do not have enough public input and are not coordinated or staffed to handle all of the problems. Resolution 75 provides for public hearings, input from consumer groups and public reports to Congress and the President. The commission would make a blueprint of the problem and then contract with specific agencies to handle specific problems, instead of having many agencies each trying to cover all aspects of the same problem simultaneously.

[From the Biomedical News, December 1971]

SENATE APPROVES BIOETHIC PANEL; HOUSE NEXT

A national level bioethic commission has come a step closer to realization with unanimous approval by the Senate of enabling legislation.

Sponsored by Senator Walter F. Mondale (D.-Minn.), the bill to establish the National Advisory Commission on Health Sciences and Society now awaits House approval, expected in the early part of next year.

Advances in modern medical science have elicited innumerable questions of ethical, social, and legal considerations. The definition of death, complicated by the ability to artificially maintain the heart beat, and the ethical questions raised by the creation of test tube babies exemplify some of these complex concerns.

To study and evaluate the implications of such advances in biomedical research and technology, the 15-member commission appointed by the President from medicine, law, theology, philosophy, and the sciences is charged with the task of investigating and assembling the many complex considerations and of making recommendations which help create standards and guidelines.

COMMISSION POWER

Funded with $1 million a year for its two-year duration, the commission is empowered to conduct hearings and to perform or contract for research and study programs.

Importantly, the environment for a united, intense discussion on the bioethical considerations has changed drastically since Senator Mondale first proposed establishment of such a commission over three years ago, shortly after the first heart transplant. The bill never reached the floor of the Senate following hearings conducted early in 1968.

CHANGING MILIEU

Now, the bill has received a more favorable audience. "The depth of the interventions that are becoming feasible is such that they put the destiny of man at issue," remarked Dr. Hans Jonas, professor of philosophy at The New School for Social Research, New York, in his testimony before the Senate Subcommittee on Health's hearings on the proposed commission.

In this favorable light, the testimony given at the hearings last month largely endorsed creation of a national advisory commission.

However, Dr. Merlin K. DuVal, Assistant Secretary for Health and Scientific Affairs at the Department of Health, Education, and

Welfare, did not support enactment of the bill. Accompanied by Dr. Robert Q. Marston, Director of the National Institutes of Health, Dr. DuVal questioned the need for a national commission, citing examples of existing investigations on ethical problems.

OTHER EFFORTS

The National Science Foundation has awarded grants to conduct technological assessments in biological and medical science developments. In the private sector, the World Council of Churches recently completed a conference on technology and the future of man.

"The issues are so complex and the underlying currents of change moving so swiftly that in our view no attempt to describe this particular healthscape, at what would have to be a given moment of time, could be definitive for long," Dr. DuVal testified.

Instead, he favored "lower-keyed but continuing efforts by the present variety of private and semipublic organizations and entities attempting to rationalize and explain."

Responding to Dr. DuVal's testimony, Senator Edward M. Kennedy (D-Mass.), chairman of the subcommittee and a cosponsor of Senator Mondale's bill, stressed that the purpose of the commission was not to produce a "one time set of policy judgments but to address itself to new mechanisms and processes of making dynamic recommendations."

Praising the timeliness and need for the commission, Dr. Abram Chayes, professor at Harvard Law School and cochairman of the Commission on Law, Biology, and Ethics at Harvard, encouraged the subcommittee in its "forward and timely action" in meeting the urgency for such a study rather than waiting for a crisis situation

Comparing the work of his own commission to that of the proposed one, Dr. Chayes said that his group did not have the time, concentration of energy, staff, or resources "to conduct a sustained effort over a considerable period of time with critical masses of people."

[From the Washington Star, Dec. 15, 1971]

EDITORIAL—FACING ETHICAL DILEMMAS

Professor Abram Chayes of the Harvard Law School described the problem as "more baffling . . . and more portentous than any I have ever dealt with." Strong words those, but probably not exaggerated, for he was talking about the ethical dilemmas posed by the steady advances of biomedical research and treatment.

Chayes, along with a number of medical authorities, appeared before a Senate health subcommittee recently to testify in favor of creating a 15-member National Advisory Commission on Health, Science, and Society. The commission, with $1 million to assemble a staff representing a number of disciplines, would conduct a two-year study assessing the ethical problems of medical experimentation.

Another commission study, one that would get some brief publicity and then be pushed to oblivion in the back of somebody's file cabinet? Perhaps so. But there aren't any shortcuts in so complex a field. Moreover, the ethical questions involved here are compelling enough, while threatening to get even sharper as time goes on, that a high-calibre study could well serve as a major base of reference for charting future courses of action.

As the testimony presented so far to the subcommittee bears out, the scope of this subject is staggering. There are the familiar abuses of medical research where human subjects are not told the full story of the medicines to be tested or the experiments to be tried. Here the issue is one of assuring full disclosure while keeping open valuable avenues of research. Or consider those life-saving but extremely expensive devices, such as the dialysis machine that when used regularly can keep alive those people with serious kidney ailments. That only a fraction of Americans with defective kidneys who could benefit from these machines now has access to them, while the rest are left to die, brings into question the values of our rich society.

The issue of medical ethics extends farther. Who should decide, and on what basis, whether a defective infant or a terminal cancer patient is kept alive or left to die? It goes farther, still, to the frontiers of biomedical research. What should be the application, if any of drug-controlled behavior modification or the kinds of genetic engineering that some day will enable scientists to alter the characteristics of the unborn? Here, indeed, is uncharted territory, teeming with hope and horror.

There are few laws covering the dilemmas involved here. And no one has assumed command of trying to sort them out. It may well be that no one segment of our society, public or private, should be in total charge. But this is a question that in itself deserves full exploration.

The Nixon administration is on record as opposing creation of the new commission. So far, it has not presented a convincing case. Perhaps it just doesn't want to spend the $1 million. That a cheap price to pay for a full study of a subject with enormous implications for all of us.

[From the St. Louis Post Dispatch, Jan. 29, 1972]

EDITORIAL—"BIOETHICS"

The Senate last month quietly gave its approval to a bill which, if enacted into law, might well provide the nation with guidance in coping with one of the murkiest problems posed by the advance of science, the ethical, legal and social implications of developments in biomedical research and technology. The bill would establish a National Commission on Health, Science and Society; its passage by the Senate is the result of persistent efforts by Senator Mondale, who twice unsuccessfully had proposed such an agency.

Mr. Mondale's previous attempts came at a time when heart transplants were controversial and his bills met vigorous opposition from the medical community. As *Science* magazine points out, however, "heart transplant decisions are child's play compared to questions (now) raised by advances in other fields, notably genetics . . ." But the problems posed by medical developments go far beyond genetics. Advances in behavior modification have made thought or emotional control a reality; techniques of obtaining consent for experiments in humans are being challenged and medical technology which can prolong the lives of the hopelessly ill has raised the question of a person's right to die.

The proposed commission would have a modest budget of less than $1,000,000 and would consist of 15 members drawn from such professions as law, theology, government, the humanities and medicine. In addition to its own hearings, the commission would sponsor studies by universities and research groups on problems in "bioethics." The bill now is before a House subcommittee and strongly deserves positive action.

TRANSPORTATION TIEUPS AND AGRICULTURE

Mr. PACKWOOD. Mr. President, as Labor Subcommittee hearings on emergency transportation disputes progress, it becomes increasingly apparent that probably the foremost losers in any crippling transportation tieup are the Nation's farmers. Several excellent statements have recently been presented to the subcommittee on the impact of transportation tieups on agriculture and particularly agricultural exports, which comprise a significant portion of all agricultural goods produced in this country.

Because of their importance and relevance to other areas of study and other committeee work, I ask unanimous consent that three of these excellent statements be printed in the RECORD. The first was presented by Mr. Rodman Kober, of the National Grain and Feed Association; the second by Mr. Glen Hofer, of the National Federation of Grain Cooperatives; and the third was submitted by Mr. Joseph Halow, of Great Plains Wheat, Inc.

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

STATEMENT FOR NATIONAL GRAIN AND FEED ASSOCIATION BY RODMAN KOBER

Mr. Chairman and Committee Members: The National Grain and Feed Association ("NGFA") is a nationwide organization representing every aspect of the grain and grain processing industry from the smallest country elevator to the largest grain and feed complex. In addition, fifty-one state, regional and specialized industrial organizations are affiliated with NGFA, representing over 20,000 grain, grain processing, and farm service firms throughout the United States. Thus, we believe that we speak for the wide spectrum of interests generically referred to as the grain and feed industry.

I am General Counsel to Louis Dreyfus Corporation whose primary interest is the exportation of bulk grain and soybeans from the United States. In addition, I am Chairman of the NGFA's Transportation Committee whose interest in the pending legislation is obvious. Analogous to our interest as large scale users of transportation is the interest of the agricultural community whose ability to market its vast production is intimately related to the availability of adequate and reliable transport services. As a New Jersey resident who has commuted by train to and from New York City, I have a personal interest in the maintenance of those essential services.

It is characteristic of human nature that complaints are the likely response of those whose economic interests are disrupted by strikes. In the context of the proposed legislation, however, much more is at stake. Can the internal economy afford to forgo export sales of agricultural commodities because of interruptions in our national distribution system? Can our balance-of-payments account risk the adverse affects associated with port labor stoppages? Can we entertain erosion of our farmers' economic position because of price reversals associated with the farmers' inability to market their production?

Our sentiments are not intended as a general attack on organized labor and its right to bargain collectively. We do believe, however, that there are specific circumstances in which the effects of a work stoppage far exceed any potential benefits for the workers. National transportation strikes and coast-wide longshore strikes are particularly illustrative of such circumstances, where a single union can bring an important element in our marketing system to a halt under a contract or contracts that expire on the same date.

You may question whether transportation or longshore strikers can cause the loss of export sales of agricultural commodities or whether such strikes merely cause the postponement of that export business. Our corn, grain sorghum, wheat and soybean exports are relacable by similar grains and oilseeds produced in surplus in other countries. In fact, our national position as a grain exporter can be characterized as residual, which means that lower priced supplies are usually available from other sources. Foreign grain importers are quite sensitive to the possibility of crippling strikes in our distribution system, and the threat of a strike is often enough to cause America's agricultural export customers to look elsewhere for their supplies. We lose tens of millions of dollars in export sales in this way, although no one has determined an accurate means of quantifying this loss. I know from first-hand information that Japanese customers of Louis Dreyfus Corporation specifically refused to purchase portions of their requirements unless we were willing to guarantee shipment in the face of a threatened dock strike. Our experience can be verified by every one of our competitors. These are dollars sales which are irrevocably lost, especially in those instances where the exporter makes the sale with the option to ship comparable grain from some other country.

In 1970, the contribution of agricultural exports to our balance-of-payments was a record high of $6.4 billion. In view of its significance, any change in this factor must affect materially our balance-of-payments position. If balance in our international trading is an objective founded in the national interests, we can no longer afford the types of interruptions which the proposed legislation would seek to stem.

Existing legislation has simply failed in the transportation and stevedoring industries to provide the means of effecting collective bargaining agreements with a minimum of disruption to the national economy. In recent years, in fact, the Congress has increasingly been called upon to exercise its power to mandate ad hoc labor agreements when the parties appear on the verge of tying up a significant part of our distribution network. One would think that Congress itself would welcome the opportunity of extricating itself from the politically sensitive task of mediating such labor-management disputes.

Agriculture is particularly affected in an adverse manner by curtailment in rail service. Bulk grain and soybeans move in such vast quantities, both in interstate and foreign commerce, that alternate means of transport are simply not available to replace the capacity lost in a rail strike. The price effects of this situation are ironic: Consumer supplies dwindle precipitating increases in end product prices, whereas prices for the raw materials decrease as farmers find it impossible to move their produce to the marketplace.

As export sales of grain are lost, either due to a rail or longshore strike, we have unfortunately diverted substantial volume from commercial channels to surplus holdings in this country. The effect of dock strikes on American agriculture is particularly ironic since seldom do any of the issues that delay contract agreement relate even indirectly to the loading of bulk grain or grain products onto an ocean vessel. The best economic proof of the effect on farm prices of a dock strike can be found in the recent experiences in the Pacific Northwest. The existence or threat of a strike depressed grain prices, artifically, by up to ten cents a bushel (at a time when we sense a deepening national concern that farmers have been unable to maintain their relative share of our economy).

We are competing for economic survival in a world whose notions of labor-management relations are far different than ours. We must find some means of rationalizing adversary labor-management positions in the transportation and stevedoring industries if we are seriously to compete effectively in world markets. We believe that S. 560 and S. 3232 would achieve that objective while avoiding the consequences of a compulsory arbitration process in which third parties can dictate terms other than those proposed by either or both of the primary parties to a prospective labor agreement.

We believe that the last-offer selection alternative proposed in S. 560 and S. 3232 has considerable merit with one reservation. We agree with those who have predicted that the last-offer selection process should tend to cause the parties to formulate reasonable final positions. Our reservation is concerned with the possibility that each party to a dispute might submit a final position that was reasonable in certain respects and clearly unreasonable in other respects. Thus, it may be prudent to modify this portion of S. 560 and S. 3232 in this way: (1) the parties should be directed to identify those issues on which agreement has not been possible; and (2) the selection panel would be free to choose, without modification, the most reasonable final position on each unresolved issue from each of the final proposals.

If modified in this way, we believe that S. 560 and S. 3232 offers the best prospect of rationalizing labor negotiations in the transport and longshore industries with the least disruption to the bargaining process. It is in the nation's interest that this legislation be enacted now.

Transportation Crisis Prevention

(Statement of the National Federation of Grain Cooperatives)

Mr. Chairman and Members of the Subcommittee: My name is Glen Hofer and I am Executive Vice President of the National Federation of Grain Cooperatives. We appreciate the opportunity to express our observations on the impact of dock strikes and other transportation tie-ups on agriculture.

The membership of NFGC consists of 19 regional, farmer-owned grain cooperatives which, through their affiliated local cooperatives, serve well over a million grain producers. Their primary activities involve the storage, conditioning, processing and marketing, both in the domestic and foreign markets, of all grains. In the 1969–70 crop year, our network of local and regional facilities handled 2.3 billion bushels of grain or approximately 34% of the total U.S. grain crop.

U.S. grain production, like all agriculture everywhere, annually is faced with drought, disease and insect pests. In addition, artificial curbs are placed on U.S. production by the application of farm program regulation. Despite the inroads of these agents, however, once triggered by seasonal planting, the combination of U.S. geography and farm technology is invariably going to put in the neighborhood of ten billion bushels of grain (including soybeans) in the bin at the end of harvest. *Ten billion bushels* which must disappear in the following 12-month period before another crop rolls from the field. Ten billion bushels to be stored, milled, crushed, merchandised, eaten or exported; a very demanding exercise in logistics and one that depends entirely on an orderly flow of grain through the marketing channels which have evolved over the years. Linking each component of this marketing system are the trucks and trains, and barges and freighters which must conduct the grain each step of the way from the field to the ultimate consumer.

Needless to say—whenever one of the transportation modes fails to provide orderly movement for any reason, back pressure develops on one side of the blockage and a vacuum develops on the other side. Both of those conditions place stress on the entire system and, if prolonged, the effects become chaotic, costing the producers countless millions of dollars in terms of lost export markets and depressed prices. In addition, and perhaps equally significant for the purposes of these public hearings, the injurious influence soon spreads to the interests of the general taxpayer who has a vital concern in the U.S. balance of payments and the cost and effectiveness of U.S. farm programs.

Disruption or stoppage of transportation service can occur for one of several reasons. The shortage of railroad equipment during peak periods of grain movement has been a chronic ailment and has seemed to intensify during the past decade. The most acute problems, however, have developed from work stoppages on the railroads and at the seaports, due to labor-management disputes. The most recent, of course, being the 134-day tie-up of West Coast Docks and the 58-day work stoppage at East and Gulf Coast ports.

As mentioned beforehand, a block in the grain pipeline causes an intolerable upstream pressure buildup and a damaging downstream vacum. Using the recent dock tie-up as an example and looking back toward the producer from the blocked terminal export position, the following conditions were soon apparent:

Equipment Tie-up. A severe congestion of transportation equipment is inevitable when the docks are struck. The manager of Farmers Export facility at Ama, Louisiana, reports there were 649 grain barges waiting to be unloaded at Baton Rouge and New Orleans on the day before dock side operations were resumed in November under court order. Such immobilization of significant numbers of available barges severely disrupts the dry bulk traffic on the entire river system. In the same manner, loaded rail cars may be tied up in large numbers, intensifying the chronic harvest-time shortage of rolling stock.

Overtaxed Storage and Handling Facilities. With the work stoppage coming as it did, in the midst of harvest of a more-than-bumper grain crop, the facilities for storing and conditioning the grain were soon swamped. Our Indiana member reported a million bushels of corn on the ground in Indianapolis. Much of this corn had high moisture content and losses were suffered from it going out of condition. Drying facilities at Indiana Grain's elevators have good sized capacity for conditioning grain, but with the storage completely full and harvest still underway, they simply could not handle the situation. These conditions were repeated in many areas with another notable example in the Pacific Northwest where as much as six million bushels of soft white wheat are still on the ground in November, months after the July/August harvest time.

Depressed Farm Prices. Already under heavy supply pressure from the huge crop being harvested, farm gate prices for grain have suffered a further depressant through the loss of the export outlets. Since several factors bear on price, it is difficult to quantify the influence of the strike; but many responsible observers have projected a drop of from 8 to 10 cents per bushel. Our Illinois member has calculated that, at that rate, the Illinois farmers alone lost $34 Million directly out of net income from harvest time sales. Perhaps, the most serious impact on farm prices is yet to be felt. The combination of the export stoppage and the very large 1971 crop has made inevitable, the carryover of significantly increase stocks of all grains into

the new crop year. The effect of this burden of excess carryover will be extremely bearish and loan level farm prices are in prospect unless weather severely cuts back the predicted production figures for the 1972 U.S. grain crop.

Disruption of Government Program Planning. Supply agricultural control programs must plan well in advance if production is to be tailored to disappearance. The USDA recently announced the details for the 1972 wheat and feed grain programs. In view of the huge crop produced this year and in an attempt to forestall any further burgeoning of carryover stocks, the Department committed an additional $800 Million to the 1972 feed grain program and up to $200 Million more in the wheat program to pay for production cutbacks. Obviously, the loss in export disappearance will offset some portion of the anticipated cutback and the taxpayers' money will have gone for naught.

Looking downstream or toward the world market from the port bottleneck, these depressing conclusions can be drawn:

Loss of Export Sales. Documentation of the eventual actual losses are difficult to provide, but expert opinion in the form of comparative statistics and projections has been fractured in recent USDA releases and statements by grain trade leaders. Suffice to say here that very substantial losses have been suffered, even to the point of impairing agriculture's positive contribution to the critical U.S. balance of trade.

Loss of Export Customer Confidence. The most serious aspect of the involuntary absence from the world grain market is the rapid deterioration of customer relations. Few, if any, of the grain importing countries have adequate storage facilities for accommodating a grain stock pile of any volume. They must necessarily depend upon a regular schedule of purchase and delivery to keep their supplies in balance with current food and feed demand. Consequently, the capability of a supplier to provide regular service becomes a high priority factor in the importer's purchasing decision. Conversely, any inability to keep the pipeline full forces an immediate switch to alternate supply. Given the presence in the world grain market of a number of aggressive and well-stocked suppliers, business lost through transportation failure not only detracts from the seasonal total, but very likely is displaced in subsequent marketing years.

These are the reasons we are testifying in favor of legislation designed to limit the impact of *prolonged* transportation stoppages. In our view such legislation need not inhibit the bargaining posture of either management or labor but rather, if thoughtfully conceived and impartially administered, should greatly enhance the possibility of good faith bargaining.

In terms of the language of the legislative proposals being considered by this Subcommittee, we would make only two general observations.

In the context of agricultural production and marketing, the consequences of regional transportation stoppages quickly become national in impact on the farm community. For this reason, we urge favorable consideration for broadening the definition of national emergency to include regional strikes or lock outs.

We believe the "final offer" concept has merit. We also would express our agreement with a practical suggestion made by a previous witness at these hearings. Mr. Rodman Kober, representing the National Grain and Feed Association on March 3 proposed the last-offer selection process shoud provide that:

(1) The parties should be directed to identify those issues on which agreement has not been possible; and

(2) The selection panel would be free to choose, without modification, the most reasonable final position on each unresolved issue from each of the final proposals.

The National Federation of Grain Cooperatives would summarize as follows:

There is indisputable evidence that U.S. agriculture suffers immediate and disasterous results when prolonged work stoppages occur which stem from labor/management disputes in the transportation industry. The negative effects of these agricultural losses spread beyond the agribusiness community and should be of concern to the general U.S. taxpayer. Agriculture's problems are compounded and in some ways unique because there is no recourse to a plugged pipeline. We cannot bank the furnaces, lay off shifts or stop the pumps. When the season calls, agriculture's plant responds and the industry must accommodate to that schedule. Thus, we are terribly susceptible and need shelter from lengthy strikes resulting from disagreements in which we have no role in either the cause or the solution. It is our hope that these hearings will lead to the eventual passage of legislation similar to S.3232. We specifically cite two features as being necessary in any remedial legislation:

A. It should include regional application of its emergency definition.

B. It should contain a final determination tool such as the "final offer" concept.

We appreciate the opportunity to appear with testimony before the Senate Labor Subcommittee.

U.S. GRAIN EXPORTS

[Data in one thousand bushels]

	Marketing year [1]		
	July 1, 1970 to Mar. 12, 1971	July 1, 1971 to Mar. 10, 1972	Difference
Wheat	475,756	360,419	−115,337
Barley	58,335	13,983	−44,352
Oats	15,265	8,751	−6,514

	Marketing year [1]		
	Sept. 1, 1970 to Sept. 12, 1971	Sept. 1, 1971 to Mar. 10, 1972	Difference
Soybeans	247,498	242,209	−5,289

	Marketing year [1]		
	Oct. 1, 1970 to Mar. 12, 1971	Oct. 1, 1971 to Mar. 10, 1972	Difference
Corn	241,917	291,624	[2] +49,707
Sorghum	97,968	43,619	−54,349

[1] Marketing year for individual commodities have different starting dates due to different harvest periods.
[2] Corn blight in 1970 severely restricted availability for export during that marketing year.

WHEAT EXPORTS, BY CLASS, FROM PACIFIC NORTHWEST PORTS

[Data in million bushes]

	Marketing year		
	July 1, 1970, to Feb. 28, 1971	July 1, 1971 to Feb. 28, 1972	Difference
White Wheat	77.6	39.1	−38.5
Hard Winter	37.9	17.8	−20.1
Spring	35.4	14.2	−21.2
Durum	1.3	1.0	−.3
Total	152.2	72.1	−80.1

DOCK STRIKE EFFECT ON FARM PRICES

The above chart [not printed in the RECORD] shows the farm price of corn and soybeans from Sept. 15 to Dec. 7, along with indication of various actions involving the "on again-off again" dock strikes. Dec. 7 is the last day plotted since market prices beginning at that time were distorted by serious congressional consideration of increases in price supports and the enactment of a strategic reserve.

Note in the chart that between Sept. 15 and Oct. 1, corn prices fluctuated between 96c and 94c per bushel. On Oct. 1, the dock workers at the major Gulf ports walked off the job. In the next two weeks, corn prices drifted down to about 90c per bushel and then fluctuated around 90c to 92c until Oct. 20. At this time rumors began to fly through the grain trade that action would be taken by the National Labor Relations Board to end the strike. An NLRB complaint was filed on Oct. 22 but workers did not return to work until the following week when corn prices immediately responded by increasing to the 94c to 95c range. Prices continued to increase to the $1.00 to $1.01 level in the second week of November. Then on Nov. 13, the dock workers walked off the job. In three market days corn prices fell 6c per bushel. By the 22nd of November rumors began to fly that the "cooling off" provisions of the Taft-Hartley Act would be invoked. On Nov. 23rd corn prices were 98½c per bushel. On Nov. 24, it was announced that the President was beginning the proceedings to invoke the Taft-Hartley Act. Corn immediately jumped to $1.05 per bushel or by some 7c. In the first full week of December, corn had climbed to the $1.10 to $1.11 range.

While the market forces and reactions are somewhat different for soybeans and because the supply-demand balance for soybeans is much tighter than corn which subjects soybeans prices to greater anticipation and speculation, much of the same kind of analysis can be made for soybean prices.

STATEMENT OF JOSEPH HALOW

My name is Joseph Halow, and I am Executive Vice President of Great Plains Wheat, a non-profit regional market development organization representing approximately 400,000 wheat producers in the major wheat producing states in the Mid-West. Our organization was founded and is directed by wheat producers, who decided some thirteen years ago that their responsibility in the wheat industry did not end with wheat production. They decided they might then help a depressed wheat industry by becoming active in export market development. They recognized the fact that domestic demand for wheat remains fairly constant year after year and the most important variable disappearance factor is the export market. They felt they could best help themselves by attempting to develop new foreign outlets and expand existing overseas markets for U.S. wheat.

The efforts have proved to be successful, and during the 12 years of Great Plains Wheat's existence we have seen a very healthy expansion of wheat exports. It is true that there are other factors which have contributed to this expansion, and we cannot nor do we attempt to take credit for all of it, but we are proud to have been a part of this expansion. Prior to Great Plains Wheat's existence U.S. wheat exports had rarely exceeded 500 million bushels annually. In 1966/67 wheat exports reached the peak figure of 867.4 million bushels, and in the 1970/71 marketing year wheat exports totaled 739 million bushels, also a satisfactory figure. Not all the years are this good, however, and in

this marketing year wheat exports are now forecast at no more than 575 million bushels, a reduction of 25 million from the previous forecast. Again there are various factors which contribute to this decline in our exports, but one of the most glaring and frustrating has been the dock strike which on the West Coast has run for more than 130 days, exclusive of the 80-odd days cooling-off period as a result of the Taft-Hartley injunction. The effects of the strike on Asian wheat exports are borne out by the following figures:

U.S. WHEAT EXPORTS JULY 1 THROUGH JAN. 31[1]

[In thousands of bushels]

Region	1970–71	1971–72	Percent change
Asia	184,715	128,676	−30.3
Africa and Near East	56,917	63,846	+12.2
Europe	105,142	44,909	−57.3
Latin America	55,532	67,884	+22.2
Total	402,306	305,315	−24.1

[1] Inspections for export, USDA "Grain Market News."

The reduction in sales to the European markets is the result of a much larger than usual grain crop in 1971, greatly reducing Europe's import needs. There were increases in exports to Latin America, Africa and the Middle East, all served from Eastern or Gulf ports, which were closed for nearly 60 days before a Taft-Hartley injunction caused the ports to be opened again. Wheat sales to the Far Eastern markets, serviced from the Pacific Coast, registered a drop of a little over 23% in the first six months of the 1971/72 marketing year, that is, from July 1, 1971 through December 31, 1971 as compared to sales for the same period of time the preceding year. By the end of January, after another month of closed ports on the Pacific Coast, this percentage loss had dropped to over 30%. Our sales performance to this area would have been even worse had not some wheat moved to the Far East from Gulf ports, a longer and more expensive procedure.

The Far Eastern countries have no significant wheat production of their own, and their consumption has been increasing annually. This year they have taken a larger than usual share of their requirements from other wheat exporting countries. These lost sales are irretrievable, and, in themselves, represent a substantial loss to the wheat producer. Of even greater consequence, however, is the foreign buyers' loss of confidence in the United States as a dependable supplier. It is unreasonable to expect that a foreign mill must stop milling wheat and foreign consumers will stop eating wheat products merely because the U.S. is unable to deliver. They look to other sources of supply, and if their experience with the new supplier is good, will undoubtedly continue to buy from these other sources.

There is no shortage of wheat in the world, and other wheat exporting countries would be both willing and able to supply the needs of importers whom we are not able to service. Canada is easily able to supply much larger quantities of the high protein bread wheats and durum, and Australia is able to supply an entire range of wheat qualities, from higher protein wheats to their Fair Average Quality, a semi-hard wheat. Both countries have greatly increased their share of the Far Eastern markets during the West Coast strike.

We have learned early in the game that advertising, without adequate distribution, is of no value and can actually be detrimental. Market promotion is, therefore, of little value unless we can be assured that the merchandise can move to its destination when the demand has been created for it. Our work—indeed, the livelihood of U.S. wheat producers—is dependent on a freely moving transportation system. Strikes which tie up transportation means and the ports through which merchandise must move are highly prejudicial to the agricultural producer. Mr. Harry Bridges, president of the International Longshoremen and Warehousemen's Union on the West Coast, himself stated in testimony recently presented before the House and Senate Labor Committees that agricultural interests were prejudiced as a result of the strike.

The West Coast dock strike is now considered to be ended, following the longshoremen's ratification of the agreement reached between the Union and the Pacific Maritime Association. The strike lasted for 134 days, the longest strike of its kind in U.S. history. The disputants finally reached an agreement under the shadow of legislation passed by both the House and the Senate, requiring only the President's signature, to impose an end to the strike. Public pressure had also built up to the extent that the disputants must have been keenly aware of the fact that some form of action would be taken if they did not arrive at a solution themselves.

This was only the second strike in the Pacific Coast ports in 26 years. The East Coast and Gulf ports have been closed by strikes every two or three years, each time the contracts come up for renewal. The East Coast and Gulf Ports strike began this year on October 1, 1971. The Taft-Hartley injunction was invoked on November 27, 1971. It was due to expire on February 14, 1972, but was extended voluntarily for another 30 days by the International Longshoremen's Association, on the verge of a solution which could not have been completed by that time, and under public and Congressional pressure.

The last strike of the East Coast and Gulf ports longshoremen began September 30, 1968. The strike lasted 113 days from the time it began until the last of the ports was reopened on April 13, 1969, exclusive of the 80-day Taft-Hartley injunction which was invoked shortly after the strike began. Wheat exports to areas serviced from these ports registered a drop of over 20% in the 1968/69 marketing year as compared to export figures for the preceding year.

This drop in sales is shown in the following chart, with export figures for the 1967/68 and 1968/69 marketing years;

U.S. WHEAT EXPORTS (ASIAN MARKETS EXCLUDED)[1]

[In thousands of bushels]

	Africa and Near East	Latin America	Europe	Total
1967–68	60,507	112,917	80,203	253,627
1968–69	37,883	89,634	72,632	200,149
Difference				−53,478
Percent decline				−21.1

[1] Inspections for export, USDA "Grain Market News."

Unless something happens to change the pattern, we can look forward to the strong possibility of another strike when the contracts now being negotiated on the East Coast and Gulf ports expire in two or three years, depending on the length of time for which the contracts are written. The wheat producer cannot afford this. He is seeing his own efforts and the efforts of all the others who have worked to build up foreign markets negated by transportation tie-ups which prohibit delivery of the merchandise he is trying to place on the world markets. The wheat producer is exerting great efforts and spending large sums of his own money trying to build up these markets, and anything which impedes the free flow of merchandise is a costly frustration.

When he returned recently from a trip into the major wheat importing countries as part of a five-man group, Great Plains Wheat President Dean Parsons reported that the major marketing problems they encountered was the dock strike. He stated that throughout the trip they noted over and over again the buyers' reluctance to purchase U.S. wheats during the dock strike crisis. "In each country we visited wheat buyers told us they were forced to look to other sources because they did not have sufficient storage capacity to carry them while the U.S. worked out its labor problems," Mr. Parsons reported. He added that some of the flour mills have only enough storage to operate for 20 days and must be assured of a steady flow of supplies. The long dock tie-up has severely shaken their confidence in the U.S. as a dependable supplier.

The wheat producer remains very sympathetic to the desire of the longshoremen to improve their own situation, and their right to strike is a freedom which he too has felt should not be denied them. There should, however, be protection for other sectors of the economy, when their freedom and economic interests are prejudiced through no action or fault of their own.

Legislation covering mediation of strikes would provide such protection. It should also provide a means by which the striking factions themselves can arrive at a solution when other means fail, in instances when solutions cannot be reached within a reasonable period of time. It will also free them of the responsibility of maintaining an action which in the long run can be of benefit to no one. For in the end, when strikes are extended as long as the current West Coast strike, everyone loses.

This latter point has been vividly brought out by statements recently made by the AFL–CIO maritime unions, pointing out that the unions have themselves suffered as a result of the strikes. They point out that part of the problem of the loss of business by American-flag ships to foreign carriers is labor instability. This then represents a real loss also to labor. These unions are suggesting voluntarily to end strikes. Certainly legislation would help in future instances to buttress this argument, for it can serve as an instrument which the union leaders may themselves use when all else fails. The authority of such legislation would provide a means to which no one would have to resort when the union leaders deal as responsibly as they apparently wish.

REPORTS CONCERNING FOREIGN CURRENCIES AND U.S. DOLLARS

Mr. ELLENDER. Mr. President, in accordance with the Mutual Security Act of 1954, as amended, I ask unanimous consent to have printed in the RECORD the reports of several committees of the Senate, certain joint committees, and parliamentary bodies concerning the foreign currencies and U.S. dollars utilized by them in calendar year 1971 in connection with foreign travel.

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

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON AGRICULTURE AND FORESTRY, U.S. SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Jack Miller:											
Venzuela	Bolivars	840	187.89	578.45	128.72			32.50	7.27	1,450.95	323.88

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$323.88
Total	323.88

HERMAN E. TALMADGE,
Chairman, Agriculture and Forestry.

Mar. 17, 1972.

REPORT OF EXPENDITURE OF FOREIGN CURRENICES AND APPROPRIATED FUNDS BY THE COMMITTEE ON APPROPRIATIONS, U.S. SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Senator Gordon Allott:											
Germany	D. mark		39.51		19.75		640.94		6.59		706.79
France	F. franc		41.04		20.52		17.71		6.84		86.11
United Kingdom	Pounds		61.56		30.78		8.92		10.26		111.52
Senator Allen J. Ellender:											
New Zealand	N. Z. dollar							170	200.00	170	200.00
Australia	A. dollar							43	50.00	43	50.00
Ceylon	Rupees							919	150.00	919	150.00
Lebanon	L. pound							630	200.00	630	200.00
France	F. franc							783	150.00	783	150.00
India	Rupees						2,532				2,532.00
Senator Hiram L. Fong:											
Nigeria	Pound					95.67	268.04	4.94	14.00	100.61	282.04
Nigeria	U.S. dollar		14.30						2.40		16.70
Congo	Zaire	13.83	27.67	11.95	23.90	134.13	408.82	35.61	71.24	195.52	531.63
Zambia	Kwacha			4.50	6.30	78.52	11.09	11.00	15.40	94.02	32.79
Tanzania	Shilling	547.19	78.17	41.37	5.91	2,827.44	396.77	756.96	107.99	3,472.96	588.84
Kenya	Shilling	672.00	96.00	49.21	7.03	693.33	97.19	678.79	96.97	2,093.33	297.19
Burundi	Francs					138.88	1.61			138.88	1.61
Burundi	U.S. dollar		20.00		4.40				75.60		100.00
Ethiopia	E. dollar	110.30	44.12	29.25	11.70	386.66	155.85	367.06	147.22	893.27	358.89
Egypt	Pound	12.22	22.00	2.15	3.88	8.85	15.93	31.17	56.12	54.39	97.93
Israel	Pound	210.00	60.00	67.20	19.20	274.65	78.47	169.08	48.31	720.93	205.98
Tunisia	Dinar	30.00	60.00	4.15	8.31			17.95	31.69	52.10	100.00
Botswana	Rand							70.00	10.00	70.00	100.00
Senator Ernest F. Hollings:											
Finland (4.140/1)	Marks	294.75	71.20	119.25	28.80	319	77.01			733.00	177.01
Sweden (5.075/1)	SW kroner	458.00	90.27	196.00	38.62	494.35	97.92	55.82	11.00	1,204.17	237.81
Norway (6.87/1)	N. kroner	950.11	138.30	282.98	41.19	540.56	76.13			1,773.65	255.62
Denmark (7.35/1)	D. kroner	684.87	93.18	358.97	48.84			51.45	7.00	1,095.29	149.02
Italy (616/1)	Lire	147,433.00	239.34	986.51	160.14	106,223.00	172.44	42,386.00	68.81	3,946.71	640.70
Morocco (5.02/1)	Dirhan	274.29	44.68	175.70	35.00	75.30	15.00	139.81	27.85	615.10	122.53
Israel	Pounds		370.44		185.22				61.74		617.40
Germany	D. marks					5,511.23	1,561.25			5,511.23	1,561.25
UAR							20.22		10.26		30.48
Portugal			120.00		60.00				20.00		200.00
Senator Roman L. Hruska:											
Germany	Marks					4,001	1,184.00			4,001	1,184.00
Finland	Markas		90.00		45.00				15.00	624	150.00
Netherlands	Guilders		118.00		59.00	475	134.00		20.00	1,175	331.00
Switzerland	Francs		60.00		30.00	130	32.00		10.00	535	132.00
United Kingdom	Pounds		180.00		90.00	133	321.00		119.00	293	710.00
Austria	Shillings		120.00		60.00	4,610	186.00		20.00	9,574	386.00
Belgium	Francs		90.00		45.00	15,634	324.00		15.00		474.00
Senator Gale W. McGee:											
Nigeria	Pound					95.67	268.04	19.70	56.00	115.37	324.04
Nigeria	U.S. dollar		14.30		2.00				34.93		51.23
Congo	Zaire	13.84	27.67	11.95	23.90	134.13	408.82	71.07	142.17	230.99	602.56
Zambia	Kwacha					78.52	11.09	70.00	100.00	148.52	111.09
Zambia	U.S. dollar		46.00		10.79						56.79
Tanzania	Shilling	547.19	78.17	75.67	10.81	2,827.44	396.77	1,184.10	169.01	4,634.40	654.76
Kenya	Shilling	637.00	91.00	49.21	7.03	693.33	697.19	591.01	1,184.43	1,970.55	279.65
Burundi	Francs					138.88	1.61			138.88	1.61
Burundi	U.S. dollar		20.00		4.40				75.60		100.00
Ethiopia	E. dollar					386.66	155.85	506.61	203.04	893.27	358.89
Ethiopia	U.S. dollar		79.52		17.92						97.44
Egypt	Pound					8.85	15.93	56.66	102.00	65.51	117.93
Egypt	U.S. dollar		40.00		7.85				1.52		49.37
Israel	Pound	192.50	50.00	57.68	16.48	274.65	78.47	187.32	53.52	712.15	198.47
Tunisia	Dinar							52.10	100.00	52.10	100.00
Tunisia	U.S. dollar		70.00		29.55						99.55
Senator Charles H. Percy:											
Belgium	B. Franc	1,285	25.70	1,600	32.00	1,300	26.00	815	16.30	5,000	100.00
Belgium	U.S. dollar						877.00				877.00
John B. Childers:											
Belgium	Franc	6,300	126.00	4,375	87.50	10,744	216.51	302	6.04	2,172	436.05
Netherlands	Guilder					3,208.05	893.61			3,208.05	893.61
Staff Sergeant Leroy E. Cullen (USAF escort):											
Nigeria	Pound					95.67	268.04			95.67	268.04
Congo	Zaire					130.38	401.32	.61	1.24	130.99	402.56
Zambia	Kwacha					78.52	11.09			78.52	11.09
Tanzania	Shilling					2,827.44	396.77	56.96	7.99	2,884.40	404.76
Kenya	Shilling					693.33	97.19			693.33	97.19
Burundi	Francs					138.88	1.61			138.88	1.61
Ethiopia	E. dollar					386.66	155.85	131.61	53.04	518.27	208.89
Egypt	Pound					8.85	15.93	1.11	2.00	9.96	17.93
Israel	Pound					274.65	78.47			274.65	78.47

Name and country	Name of currency	Lodging: Foreign currency	Lodging: U.S. dollar[1] equivalent or U.S. currency	Meals: Foreign currency	Meals: U.S. dollar[1] equivalent or U.S. currency	Transportation: Foreign currency	Transportation: U.S. dollar[1] equivalent or U.S. currency	Miscellaneous: Foreign currency	Miscellaneous: U.S. dollar[1] equivalent or U.S. currency	Total: Foreign currency	Total: U.S. dollar[1] equivalent or U.S. currency
Lt. Col. Robert A. Delmar (USAF escort):											
Nigeria	Pound					95.67	268.04			95.67	268.04
Congo	Zaire					130.38	401.32	.61	1.24	130.99	402.56
Zambia	Kwacha					78.52	11.09			78.52	11.09
Tanzania	Shilling					2,827.44	396.77	56.96	7.99	2,884.40	404.76
Kenya	Shilling					693.33	97.19			693.33	97.19
Burundi	Francs					138.88	1.61			138.88	1.61
Ethiopia	E. dollar					386.66	155.85	131.61	53.04	518.27	208.89
Egypt	Pound					8.85	15.93	1.11	2.00	9.96	17.93
Israel	Pound					274.65	78.47			274.65	78.47
Cpt. Philip R. Reid (USAF medical officer):											
Nigeria	Pound					95.67	268.04			95.67	268.04
Congo	Zaire					130.38	401.32	.61	1.24	130.99	402.56
Zambia	Kwacha					78.52	11.09			78.52	11.09
Tanzania	Shilling					2,827.44	396.77	56.96	7.99	2,884.40	404.76
Kenya	Shilling					693.33	97.19			693.33	97.19
Burndi	Francs					138.88	1.61			138.88	1.61
Ethiopia	E. dollar					386.66	155.85	131.61	53.04	518.27	208.89
Egypt	Pound					8.85	15.93	1.11	2.00	9.96	17.93
Israel	Pound					274.65	78.47			274.65	78.47
Vorley M. Rexroad:											
Nigeria	Pound					95.67	268.04			95.67	268.04
Nigeria	U.S. dollar		29.30		6.10				2.40		37.80
Congo	Zaire	9.33	18.67	13.70	27.40	135.38	411.32	48.61	97.24	207.02	554.63
Zambia	Kwacha	32.14	45.00	13.80	19.33	78.52	11.09	25.47	35.67	149.93	111.09
Tanzania	Shilling	547.19	78.17	41.37	5.91	2,827.44	396.77	798.40	113.91	4,214.40	594.76
Kenya	Shilling	644.00	92.00	50.26	7.18	693.33	97.19	530.74	75.82	1,918.33	272.19
Burundi	Francs					138.88	1.61			138.88	1.61
Burundi	U.S. dollar		10.00		7.27				82.73		100.00
Ethiopia	E. dollar	92.55	37.02	41.75	16.70	386.66	155.85	356.61	143.04	877.57	352.61
Egypt	Pound	16.66	30.00	2.85	5.14	8.85	15.93	26.58	47.86	54.94	98.93
Israel	Pound	175.00	50.00	49.42	14.12	274.65	78.47	147.00	42.00	646.07	184.59
Tunisia	Dinar	25.00	50.00	6.56	13.12			18.44	36.88	52.10	100.00
Michael A. Samuels (State Department):											
Nigeria	Pound					95.67	268.04			95.67	268.04
Congo	Zaire					130.38	401.32	.61	1.24	130.99	402.56
Zambia	Kwacha					78.52	11.09			78.52	11.09
Tanzania	Shilling					2,827.44	396.77	56.96	7.99	2,884.40	404.76
Kenya	Shilling					693.33	97.19			693.33	97.19
Burundi	Francs					138.88	1.61			138.88	1.61
Ethiopia	E. dollar					386.66	155.85	131.61	53.04	518.27	208.89
Egypt	Pound					8.85	15.93	1.11	2.00	9.96	17.93
Israel	Pound					274.65	78.47			274.65	78.47
Ralph E. Vandervort (Peace Corps):											
Nigeria	Pound					95.67	268.04			95.67	268.04
Congo	Zaire					130.38	401.32	.61	1.24	130.99	402.56
Zambia	Kwacha					78.52	11.09			78.52	11.09
Tanzania	Shilling					2,827.44	396.77	56.96	7.99	2,884.40	404.76
Kenya	Shilling					693.33	97.19			693.33	97.19
Burundi	Francs					138.88	1.61			138.88	1.61
Ethiopia	E. dollar					386.66	155.85	131.61	53.04	518.27	208.89
Egypt	Pound					8.85	15.93	1.11	2.00	9.96	17.93
Israel	Pound					274.65	78.47			274.65	78.47
Total			3,498.30		1,460.99		20,849.82		4,089.75		29,897.83

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$28,738.26
Appropriated funds:	
Government Department: Department of Defense	1,159.57
Total	29,897.83

Mar. 11, 1972.

ALLEN J. ELLENDER,
Chairman, Committee on Appropriations.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON ARMED SERVICES, U.S. SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

Name and country	Name of currency	Lodging: Foreign currency	Lodging: U.S. dollar[1] equivalent or U.S. currency	Meals: Foreign currency	Meals: U.S. dollar[1] equivalent or U.S. currency	Transportation: Foreign currency	Transportation: U.S. dollar[1] equivalent or U.S. currency	Miscellaneous: Foreign currency	Miscellaneous: U.S. dollar[1] equivalent or U.S. currency	Total: Foreign currency	Total: U.S. dollar[1] equivalent or U.S. currency
Col. William B. Arnold:											
Hong Kong	Dollars	810.00	134.94	459.40	76.66			92.60	17.60	1,362.00	229.20
Thailand	Bahts	1,800.00	86.46	900.00	43.23	160.00	7.68	263.00	12.63	2,123.00	150.00
Vietnam	Piastres	34,583.00	125.76	34,780.00	126.47			12,137.00	44.13	81,500.00	296.36
Germany	German mark					14,027.33	3,918.04			14,027.33	3,918.04
Laos	Kips	11,272.00	22.37	4,310.00	8.55			3,818.00	7.57	19,400.00	38.49
Senator Lloyd Bentsen:											
Hong Kong	Dollars	600.00	100.00	180.00	31.00	150.10	24.68	5.00	1.44	935.10	157.12
Thailand	Bahts	1,800.00	86.46	900.00	43.23	160.00	7.68	263.00	12.63	3,123.00	150.00
Vietnam	Pastres	13,750.00	50.00	2,500.00	9.09					16,250.00	59.09
Germany	German mark					6,908.87	1,901.48			6,908.87	1,901.48
Senator Harry Byrd:											
Morocco	Dirhams	261.67	51.72	70.59	12.00			62.74	9.59	295.00	73.31
Spain	Pesetas	3,688.00	52.99							3,688.00	52.99
United Kingdom	Pounds	30.78	72.63	6.36	15.00	74.30	178.31	1.89	7.29	113.33	273.23
Belgium	Francs	2,429.00	48.58	899.00	19.42			503.00	8.06	3,831.00	76.02
Germany	German mark					3,595.62	990.53			3,595.62	990.53
Charles J. Conneely:											
Germany	German mark	412.80	129.00	672.00	210.00	12.80	4.00	140.80	44.00	1,238.40	387.00
Italy	Lire	33,735.00	54.15	37,380.00	60.00			9,875.00	15.85	80,990.00	130.00
Spain	Pesetas	3,924.00	65.40	3,240.00	54.00			396.00	6.60	7,560.00	126.00
United Kingdom	Pounds	13.00	32.50	10.40	26.00			7.00	17.50	30.40	76.00
Belgium	Francs	2,700.00	57.45	4,089.00	87.00			1,624.00	34.55	8,413.00	179.00

Footnote at end of table.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON ARMED SERVICES, U.S. SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971—Continued

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Ben J. Gilleas:											
Germany	German mark	412.80	129.00	723.20	226.00	19.20	6.00	179.20	56.00	1,334.40	417.00
Italy	Lire	46,289.00	74.30	37,380.00	60.00	12,047.00	19.34	9,781.00	15.70	105,497.00	169.34
Spain	Pesetas	3,882.00	64.70	3,240.00	54.00	120.00	2.00	678.00	11.30	7,920.00	132.00
United Kingdom	Pounds	13.00	32.50	12.40	31.00	65.23	159.29	7.00	17.50	97.63	240.29
Belgium	Francs	2,700.00	57.45	4,230.00	90.00	188.00	4.00	1,859.00	39.55	8,977.00	191.00
John A. Goldsmith:											
Vietnam	Piastres	17,500	63.64	16,200	58.91			4,550	16.54	38,250	139.09
Laos	Kips	18,660	37.02	4,300	8.53			4,440	8.81	27,400	54.36
Germany	DM					7,118.46	2,016.56			7,118.46	2,016.56
Hong Kong	Dollars	210	34.94	200	33.28			72	12.73	482	80.95
Lt. Col. Thomas McGuire:											
India	Rupees	76	10.00	76	10.00	76	10.00	152	20.00	380	50.00
Hong Kong	Dollars	598	100.00	299	50.00					897	150.00
Japan	Yen	18,000	50.00	9,000	25.00	3,600	10.00	5,400	15.00	36,000	100.00
Vietnam	Piastres	2,750	10.00	5,500	20.00	1,375	5.00	6,585	23.95	16,210	58.95
France	Francs	331.08	60.00	110.36	20.00	55.18	10.00	55.18	10.00	551.80	100.00
Germany	DM	762.3	210.00	163.35	45.00	9,808.94	2,700.47	163.35	45.00	10,897.94	3,000.47
United Kingdom	Pounds	80	196.00	40	98.00	3.96	6.00	.86	2.06	124.82	302.06
Belgium	Francs	2,500	50.00	1,500	30.00	500	10.00	500	10.00	5,000	100.00
Wade Clarke:											
Vietnam	Piastres	29,700	108.00	10,145	36.75			3,735	13.72	43,580	158.47
Hong Kong	Dollars	236.81	39.60	383.31	64.10	69.97	11.70	117.21	19.60	807.30	135.00
Bruma	Kyats	396.14	72.25	369.13	72.24					738.27	144.49
Thailand	Bahts	1,672.24	80.30	1,926.10	92.50	244.41	11.70	593.90	28.50	4,436.65	213.00
United Kingdom	Pounds	14.20	34.80	10.10	26.30	3.30	8.30	6.90	17.60	34.50	87.00
Khmer Republic	Riels	515	9.30	855	15.30			402	7.22	1,722	31.82
India	Rupees	107.13	14.10	205.96	27.10	16,814.10	2,212.38	36.48	4.80	17,163.67	2,258.38
Laos	Kips	11,239	22.20	22,887	45.50			2,024	4.03	36,150	71.73
Brig. Gen. Robert G. Gard:											
Vietnam	Piastres	37,950	138.00	26,950	98.00			14,850	54.00	79,650	290.00
Hong Kong	Dollars	484.5	81.00	311.00	52.00			101.5	17.00	897	150.00
Thailand	Bahts	1,124.53	54.00	687.23	33.00			270.74	13.00	2,082.50	100.00
Maj. Charles Hoff:											
Vietnam	Piastres	30,771	111.89	19,089	69.42					49,860	181.31
Hong Kong	Dollars	469.90	78.58	237.10	39.65					707	118.23
Burma	Kyats	511	100.00	227.27	44.49					738.27	144.49
Thailand	Bahts	2,412.30	115.84	1,561.85	75.00			987.10	47.40	4,961.25	238.24
United Kingdom	Pounds	18.20	45.05	11.20	27.72					29.40	72.77
Khmer Republic	Riels	1,053.15	19.15	825	15.00			575.85	10.47	2,454	44.62
Laos	Kips	14,557	28.88	6,552	13.00			21,891	43.44	43,000	85.32
India	Rupees	328	40.00	82	10.00					410.00	50.00
Park Rinard:											
Vietnam	Piastres	29,700	108.00	15,645	56.75			15,705	57.25	61,050	222.00
Hong Kong	Dollars	236.81	39.60	413.21	69.10	100.30	16.69	246.98	41.30	997.30	166.69
Burma	Kyats	369.14	72.25	369.13	72.24					738.27	144.49
Thailand	Bahts	1,672.24	80.30	2,134.35	102.50	1,240	59.56	1,019.66	50.40	6,066.25	292.76
United Kingdom	Pounds	14.20	34.80	12.10	31.25	17.72	42.92	1.60	3.10	45.62	111.98
Khmer Republic	Riels	515	9.30	1,405	25.30	3,000	54.55	1,383	25.45	6,303	114.60
India	Rupees	107.13	14.10	228.76	30.10	16,814.10	2,212.38	74.11	5.80	17,224.10	2,262.38
Laos	Kips	11,239	22.20	27,927	55.50			22,450	44.55	61,616	122.25
Richard J. Wise:											
Vietnam	Piastres	32,175	117.00	20,500	74.55			5,075	18.45	57,750	210.00
Hong Kong	Dollars	508	85.00	299	50.00	23	3.75	42	7.05	872	145.80
Burma	Kyats	370	72.25	370	72.25					740	144.50
Thailand	Bahts	25,120	121.00	1,450	65.00			140	6.70	26,170	192.70
United Kingdom	Pounds	9	22.17	6	14.85			5.45	13.48	20.45	50.50
Khmer Republic	Riels	1,055	19.30	950	17.30			215	3.76	2,220	40.36
India	Rupees					16,814.10	2,212.38			16,184.10	2,212.38
Laos	Kips	14,868	29.50	11,070	20.50	1,260	2.50	10,652	20.42	37,850	72.92
Sen. William B. Saxbe:											
Pakistan	Rupees			200	40.00	440	88.00	360	72.00	1,000	200.00
India	Rupees	76	10.00	988	130.00	2,082.4	274.00	2,781.6	366.00	5,928	780.00
Hong Kong	Dollars	598	100.00	299	50.00	91.80	15.25			988.80	165.25
Japan	Yen	27,000	75.00	9,000	25.00	30,288	84.13			66,288	184.13
Vietnam	Piastres	2,750	10.00	27,500	100.00	2,750	10.00	8,250	30.00	41,250	150.00
Germany	Deutsche Marks	363	100.00	181.5	50.00	6,988.27	1,925.15	181.5	50.00	7,714.27	2,125.15
Total			4,684.67		3,690.63		21,236.40		1,639.98		31,251.68

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

Mar. 10, 1972.

JOHN C. STENNIS,
Chairman, Committee on Armed Services.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS, U. S. SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency[1]	Foreign currency	U.S. dollar equivalent or U.S. currency[1]	Foreign currency	U.S. dollar equivalent or U.S. currency[1]	Foreign currency	U.S. dollar equivalent or U.S. currency[1]	Foreign currency	U.S. dollar equivalent or U.S. currency[1]
John R. Evans:											
Japan	Yen	16,794	46.65	22,590	62.75			6,480	18.00	45,864	127.40
Korea	Won	9,184	28.55	12,000	37.30			5,600	17.40	26,780	83.25
Thailand	Bahts	640	30.73	500	24.00			430	20.65	1,570	75.38
India	Rupees	239.4	31.50	32.3	4.25			57.0	7.50	328.7	43.25
Israel	Pounds	163.45	46.70	49.87	14.25			43.75	12.50	257.07	73.45
Hong Kong	Hong Kong Dollars	403.20	67.20	174.00	29.00			142.50	23.75	719.70	119.95
Germany	Deutsche marks					7,850.70	2,162.73			7,850.70	2,162.73
Total			251.33		171.55		2,162.73		99.80		2,685.41

Name and country	Name of currency	Lodging: Foreign currency	Lodging: U.S. dollar[1] equivalent or U.S. currency	Meals: Foreign currency	Meals: U.S. dollar[1] equivalent or U.S. currency	Transportation: Foreign currency	Transportation: U.S. dollar[1] equivalent or U.S. currency	Miscellaneous: Foreign currency	Miscellaneous: U.S. dollar[1] equivalent or U.S. currency	Total: Foreign currency	Total: U.S. dollar[1] equivalent or U.S. currency
Dudley L. O'Neal, Jr.:											
Japan	Yen	16,794	46.65	24,660	68.50	19,156	53.21	9,540	26.50	70,150	194.86
Korea	Won	9,184	28.55	11,840	36.80			6,080	18.90	27,104	84.25
Thailand	Bahts	640	30.73	696	33.42			480	23.05	1,816	87.20
India	Rupees	239.40	31.50	72.20	9.50			64.60	8.50	376.20	49.50
Israel	Pounds	163.45	46.70	64.75	18.50	153.60	43.89	65.62	18.75	447.42	127.84
Germany	Deutsche marks					7,850.70	2,162.73			7,850.70	2,162.73
Hong Kong	HK dollars	403.20	67.20	250.15	41.75			135.00	22.50	788.35	131.45
Subtotal			251.33		208.47		2,259.83		118.20		2,837.83
Stephen J. Paradise:											
France	Francs	991.80	180.00	661.20	120.00	467.60	84.51			2,120.60	384.51
Germany	Deutsche marks	612.00	180.00	408.00	120.00	135.20	38.30			1,155.20	338.30
Netherlands	Guilders	412.80	120.00	275.20	80.00	3,171.85	926.09			3,859.85	1,126.09
Belgium	Belgian francs	4,320.00	90.00	2,880.00	60.00	1,161.00	24.04			8,361.00	174.04
Subtotal			570.00		380.00		1,072.94				2,022.94
Senator Wallace F. Bennett:											
Germany	Deutsche marks	697	200.00	174	50.00			174	50.00	1,045	300.00
Peru	Soles	9193.27	212.31			4966.73	114.11			14,160	326.42
Subtotal			412.31		50.00		114.11		50.00		626.42
Senator Adlai E. Stevenson III:											
Hong Kong	HK dollars	371.00	62.04	184,00	30.77	153.05	25.47	15.00	2.51	570.00	120.79
Thailand	Bahts	1308.30	62.82	100.00	4.80			88.95	4.27	1497.25	71.89
Vietnam	Piastres	31,503	114,56	22,100	80.36			2247.00	8.17	55,850	203.09
Japan	Yen	9,092	25.26	4,546	12.63	30,312	90.08	362	1.02	14,000	128.99
Soviet Union	Rubles			40.00	44.44			225.00	250.00	265.00	294.44
Germany	Deutsche marks					6027.08	1782.63			6027.08	1,782.63
Subtotal			264.68		173.00		1898.18		265.97		2,601.83
Thomas J. Wagner:											
Hong Kong	HK dollars	418,10	69.92	207.70	34.72			15	2.51	640.70	107.15
Thailand	Bahts	1,244.20	59.75	100.00	4.80			39.25	1.89	1,383.45	66.44
Vietnam	Piastres	31,525	114,64	17,500	63.64			8,470.00	30.80	57,495	209.08
Japan	Yen	28,168	78.24	3,001	8.34			1,831.00	5.09	33,000	91.67
Soviet Union	Rubles			60.00	66.67			225.00	250.00	285.00	316.67
Germany	Deutsche marks					5,926.62	1,752.92			5,926.62	1,752.92
Subtotal			322.55		178.17		1,752.92		290.29		2,543.93
Carl A. S. Coan:											
Mexico	Pesos	380.00	30.42	563.50	45.11	92.75	7.52	51.25	4.10	1,088.50	87.15
Guatemala	Quetzales	182.25	182.25	82.25	82.25	2.50	2.50	33.00	33.00	300.00	300.00
Switzerland	Francs	414.00	75.00	113.16	20.50	24.84	4.50			522.00	100.00
France	Francs	1,152.00	290.54	618.36	155.96	18.24	4.60	193.88	48.90	1,982.50	500.00
Germany	Deutsche marks					2,589.64	713.54			2,589.64	713.54
Subtotal			578.21		303.82		732.66		86.00		1,700.69
Total			2,650.41		1,465.01		9,993.37		910.26		15,019.05

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

Foreign currency (U.S. dollar equivalent)	$15,019.05
Total	15,019.05

JOHN SPARKMAN,
Chairman, Committee on Banking, Housing and Urban Affairs.

Mar. 13, 1972.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON THE DISTRICT OF COLUMBIA, U.S. SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

Name and country	Name of currency	Lodging: Foreign currency	Lodging: U.S. dollar[1] equivalent or U.S. currency	Meals: Foreign currency	Meals: U.S. dollar[1] equivalent or U.S. currency	Transportation: Foreign currency	Transportation: U.S. dollar[1] equivalent or U.S. currency	Miscellaneous: Foreign currency	Miscellaneous: U.S. dollar[1] equivalent or U.S. currency	Total: Foreign currency	Total: U.S. dollar[1] equivalent or U.S. currency
Thomas F. Eagleton:											
Canada	Dollars		104.00		80.00				16.00		200.00
Netherlands	Guilders					546.42	167.00			546.42	167.00
Total			104.00		80.00		167.00		16.00		367.00

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

THOMAS F. EAGLETON,
Chairman, Committee on the District of Columbia.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON FINANCE, U.S. SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

Name and country	Name of currency	Lodging: Foreign currency	Lodging: U.S. dollar[1] equivalent or U.S. currency	Meals: Foreign currency	Meals: U.S. dollar[1] equivalent or U.S. currency	Transportation: Foreign currency	Transportation: U.S. dollar[1] equivalent or U.S. currency	Miscellaneous: Foreign currency	Miscellaneous: U.S. dollar[1] equivalent or U.S. currency	Total: Foreign currency	Total: U.S. dollar[1] equivalent or U.S. currency
Senator Bennett: France	Guilders					3,113.45	875.06			3,113.45	875.06
	Franc	537.30	97.51	66.70	11.84	1,062.63	192.86			1,666.63	301.40
Subtotal			97.51		11.84		1,067.92				1,176.46

Footnote at end of table.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON FINANCE, U.S. SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971—Continued

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Senator Fannin:	Guilders					3,201.00	934.60			3,201.00	934.60
	Franc	1,104.00	200.00	663.50	120.15	2,415.93	436.64	164.50	29.85	4,347.93	786.64
Subtotal			200.00		120.15		1,371.24		29.85		1,721.24
Senator Hansen: France	Guilders					3,566.00	1,002.25			3,566.00	1,002.25
	Franc	537.30	97.51	567.42	102.98	1,512.55	274.51	56.70	10.29	2,673.97	485.29
Subtotal			97.51		102.98		1,276.76		10.29		1,487.54
Senator Harris:											
Soviet Union	Rubles	55.49	61.04	25.00	27.50			3.64	4.00	84.13	92.54
Romania	Lei	1,382.40	77.58	900.00	50.50			390.60	21.92	2,673.00	150.00
Hungary	Forints	1,866.50	62.22	2,000.00	66.66			2,133.50	71.12	6,000.00	200.00
Czechoslovakia	Crown	922.00	64.25	600.00	41.81			630.50	43.94	2,152.50	150.00
Poland	Zlotys	277.00	4.26	500.00	7.69			2,123.00	32.67	2,900.00	44.62
United Kingdom	Pounds	41.32	99.17							41.32	99.17
Transportation	Marks					4,505.46	$1,231.00			4,505.46	1,231.00
Subtotal			388.52		194.16		1,231.00		173.65		1,967.33
Fred Gipson:											
Soviet Union	Rubles	52.63	57.90	25.00	27.50			3.64	4.00	81.27	89.40
Romania	Lei	1,207.80	67.78	900.00	50.50			565.20	31.72	2,673.00	150.00
Hungary	Forints	1,812.00	60.40	2,000.00	66.66			2,188.00	72.94	6,000.00	200.00
Czechoslovakia	Crown	422.50	29.44	600.00	41.81			1,130.00	78.75	2,152.50	150.00
Poland	Zlotys	277.00	4.26	500.00	7.69			5,023.00	77.28	5,800.00	89.23
United Kingdom	Pounds	30.00	72.00	11.32	27.17					41.32	99.17
Transportation	Marks					4,505.46	$1,231.00			4,505.46	1,231.00
Subtotal			291.78		221.33		1,231.00				2,008.80
C. W. Maynes:											
Soviet Union	Rubles	50.95	56.05	25.00	27.50			3.64	4.00	79.59	87.55
Romania	Lei	1,336.40	75.01	900.00	50.50			436.60	24.49	2,673.00	150.00
Hungary	Forints	2,574.40	85.81	2,000.00	66.66			1,425.60	47.53	6,000.00	200.00
Czechoslovakia	Crown	422.50	29.44	600.00	41.81			1,130.00	78.75	2,152.50	150.00
Poland	Zlotys	277.00	4.26	500.00	7.69			3,673.00	56.50	4,060.00	68.45
United Kingdom	Pound	30.00	72.00	11.32	27.17					41.32	99.17
Transportation	Marks					4,505.46	1,231.00			4,505.46	1,231.00
Subtotal			322.57		221.33		1,231.00		211.27		1,986.17
Senator Long:											
France	Guilders					3,201.00	899.66			3,201.00	899.66
	Franc	1,521.50	277.91	982.38	178.28	1,899.08	344.67	30.31	5.50	443.27	804.92
Subtotal			27.991		178.28		1,244.33		5.50		1,704.58
Robert Best:											
France	Guilders					3,201.00	899.66			3,201.00	899.66
	Franc	671.00	121.77	629.80	113.94	2,396.55	433.14	82.20	14.91	3,779.55	683.76
Total			121.77		113.94		1,332.80		14.91		1,583.42
Senator Abraham Ribicoff:											
United Kingdom	Pound	106.26	255.00	75.01	180.00			29.17	70.00	210.43	505.00
France	Franc	2,282.90	413.57	1,335.84	442.00	1,617.43	293.55	276.00	50.00	5,512.17	999.12
Belgium	Franc			1,250.00	25.00	581.00	11.70	1,250.00	25.00	3,081.00	61.70
Romania	Lei	1,269.90	70.55	720.00	40.00			270.00	15.00	2,259.90	125.55
Hungary	Forints	1,753.20	58.44	1,950.00	95.00	1,715.20	57.17	1,110.00	57.00	6,528.40	267.61
Transportation	Franc					4,025.00	1,121.33			4,025.00	1,121.33
	Mark					3,099.21	853.30			3,099.21	853.30
Total			797.56		582.00		2,337.05		217.00		3,933.61
M. J. Amitay:											
France	Franc	514.00	93.28	761.76	138.00	1,727.95	313.61	375.36	68.00	3,379.07	613.61
Romania	Lei	1,369.00	76.07	720.00	40.00			162.00	9.00	2,251.26	125.07
Hungary	Forint	3,099.70	103.32	3,060.00	102.00			1,050.00	35.00	7,206.90	240.23
Transportation	Guilders					4,088.00	$1,148.96			4,088.00	1,148.96
Total			272.67		280.00		1,462.57				2,127.24

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$119,696.39
Grand total	19,696.39

Mar. 9, 1972.

RUSSELL B. LONG,
Chairman, Committee on Finance.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON GOVERNMENT OPERATIONS, U.S. SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency[1]	Foreign currency	U.S. dollar equivalent or U.S. currency[1]	Foreign currency	U.S. dollar equivalent or U.S. currency[1]	Foreign currency	U.S. dollar equivalent or U.S. currency[1]	Foreign currency	U.S. dollar equivalent or U.S. currency[1]
Laverne J. Duffy:											
Germany	Deutsche Mark	1,183.68	360.00	1,332.00	405.00	227.22	69.00	1,070.64	325.00	3,813.54	1,159.00
Netherlands	Guilders					4,551.55	1,328.92				1,328.92
Subtotal			360.00		405.00		1,397.92		325.00		2,487.92

Name and country	Name of currency	Lodging: Foreign currency	Lodging: U.S. dollar[1] equivalent or U.S. currency	Meals: Foreign currency	Meals: U.S. dollar[1] equivalent or U.S. currency	Transportation: Foreign currency	Transportation: U.S. dollar[1] equivalent or U.S. currency	Miscellaneous: Foreign currency	Miscellaneous: U.S. dollar[1] equivalent or U.S. currency	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency
Walter S. Fialkewicz:											
W. Germany	Deutsche Mark	583	186.75	500	200.62	360	115.00	463	151.75	1906	654.12
France	Franc	918	165.36	1047	188.50	324	58.32	400	38.00	2689	450.18
Belgium	B Franc	3627	85.32	4045	87.20	1515	30.30	500	11.10	9687	213.92
England	Pound			1.5	3.45	4.5	10.34	1.5	3.45	7.50	17.24
Netherlands	Guilders					3298	917.00			3298	917.00
Subtotal			437.43		479.77		1130.96		204.30		2252.46
Subtotal			797.43		884.77		2528.88		529.30		4,740.38
Kenneth A. Guenther:											
Mexico	Pesos	340	27.20	1,150	92.00	260	20.80	125	10.00	1,875	150.00
Costa Rica	Pesos	250	20.00	312.5	25.00	62.5	5.00			625	50.00
Costa Rica	Colon	266	40.00	234.5	35.00	98	15.00	66.5	10.00	665	100.00
Subtotal			87.20		152.00		40.80		20.00		300.00
Albert A. Lakeland:											
Canada	Dollars	101.64	101.64	69.00	69.00	21.00	21.00	58.36	58.36	250.00	250.00
Subtotal			101.64		69.00		21.00		58.36		250.00
Wm. M. Knauf:											
Germany	DM	1,183.68	360.00	2,071.86	630.00	1,639.12	498.00	1,175.69	358.00	6,070.35	1,846.00
Netherlands	Guilders					3,298.00	917.00				917.00
Subtotal			360.00		630.00		1,415.00		358.00		2,763.00
Total			548.84		851.00		1,476.80		436.36		3,313.00

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent), Total	$8,053.38

JOHN L. McCLELLAN,
Chairman, Commission on Government Operations.

February 29, 1972.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, U.S. SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

Name and country	Name of currency	Lodging: Foreign currency	Lodging: U.S. dollar[1] equivalent or U.S. currency	Meals: Foreign currency	Meals: U.S. dollar[1] equivalent or U.S. currency	Transportation: Foreign currency	Transportation: U.S. dollar[1] equivalent or U.S. currency	Miscellaneous: Foreign currency	Miscellaneous: U.S. dollar[1] equivalent or U.S. currency	Total: Foreign currency	Total: U.S. dollar[1] equivalent or U.S. currency
Charles F. Cook:											
Switzerland	Francs	630.00	155.55	664.95	164.18	52.00	12.84	45.50	11.24	1,392.45	343.81
	Francs					259.05	63.49			259.05	63.49
	Guilders					1,770.25	497.54			1,770.25	497.54
Total											904.84
Senator Ted Stevens:											
Japan	Yen	16,290.00	45.25			4,315.00	11.99	1,300.00	3.61	21,905.00	60.85
Vietnam	Piastres	48,750.00	[2] 177.27							48,750.00	177.27
Germany	Deutsche Marks					3,723.53	1,080.45			3,723.53	1,080.45
Total											1,318.57
Merrill W. Englund:											
Switzerland	Francs		350.00		412.00		150.00		120.00		1,032.00
	Guilders						172.20				172.20
Total											1,204.20
Total, Committee on Interior and Insular Affairs			728.07		576.18		1,988.51		134.85		3,427.61

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[2] Including meals (no breakdown).

HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs.

Mar. 10, 1972

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON THE JUDICIARY, U.S. SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

Name and country	Name of currency	Lodging: Foreign currency	Lodging: U.S. dollar[1] equivalent or U.S. currency	Meals: Foreign currency	Meals: U.S. dollar[1] equivalent or U.S. currency	Transportation: Foreign currency	Transportation: U.S. dollar[1] equivalent or U.S. currency	Miscellaneous: Foreign currency	Miscellaneous: U.S. dollar[1] equivalent or U.S. currency	Total: Foreign currency	Total: U.S. dollar[1] equivalent or U.S. currency
deHaan, Dale S.:											
India	Rupees	965.20	127.00	1,003.20	132.00	7,587.02	2,314.08	433.16	56.99	19,988.52	2,630.07
Greece	Drachmas	1,500.00	50.00	1,950.00	65.00			1,050.00	35.00	4,500.00	150.00
Israel	Pounds	535.50	153.00	532.00	152.00	777.25	222.07	152.50	45.00	1,997.25	572.07
Switzerland	Francs	450.74	114.00	470.29	119.00	201.00	49.26	66.47	17.00	1,188.50	299.26
Great Britain	Pounds	29.40	73.00	43.50	108.00			7.66	19.00	80.50	200.00
Total			517.00		576.00		2,585.41		172.99		3,851.40

Footnote at end of table.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON THE JUDICIARY, U.S. SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971—Continued

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Kennedy, Edward:											
India	Rupees			463.60	61.00	18,107.77	2,382.60	296.40	39.00	18,867.77	2,482.60
Lewis, John P.:											
India	Rupees			1,588.40	209.60	16,043.25	2,110.95	1,030.60	135.61	18,662.25	2,445.56
Italy	Lire	13,083.00	21.00	14,952.00	24.00			3,115.00	5.00	31,150.00	50.00
Total			21.00		233.00		2,110.95		140.61		2,505.56
Mesmer, Fred M.:											
France	Franc					2,916.22	528.88			2,916.22	528.88
Germany	Mark	285.52	86.00	312.08	94.00	2,971.48	878.88	66.40	20.00	3,635.48	1,078.88
Ireland	Pound	45.07	112.50	47.07	117.50	65.00	158.61	8.01	20.00	165.15	408.61
Italy	Lira	78,948.00	129.00	86,292.00	141.00			18,360.00	30.00	183,600.00	300.00
Portugal	Escudo	2,568.18	94.00	2,349.60	86.00			546.42	20.00	5,464.20	200.00
Spain	Peseta	7,363.75	107.50	8,048.75	117.50	11,205.00	161.20	1,712.50	25.00	28,330.00	411.20
Switzerland	Franc	508.80	129.00	556.12	141.00	240.00	59.11	118.33	30.00	1,423.25	359.11
United Kingdom	Pound	26.97	67.50	27.59	69.00	63.39	154.69	5.39	13.50	123.34	304.69
Total			725.50		766.00		1,941.37		158.50		3,591.37
Randall, Donald:											
England	Pounds	56.00	140.00	24.00	60.00					80.00	200.00
Germany	Marks	996.00	300.00	365.20	110.00			298.80	90.00	1,660.00	500.00
Belgium	Francs	1,739.00	37.00	1,880.00	40.00			1,081.00	23.00	4,700.00	100.00
France	Francs	496.80	90.00	331.20	60.00					828.00	150.00
Total			567.00		270.00				113.00		950.00
Scrimshaw, Nevin:											
India	Rupees				81.00	15,517.50	2,041.78	244.31	32.16	16,377.50	2,154.84
Tinker, Jerry M.:											
India	Rupees	1,223.60	161.00	1,580.80	208.00	17,587.02	2,314.08	1,577.41	207.58	21,969.02	2,890.66
Greece	Drachmas	3,060.00	52.00	2,010.00	67.00			930.00	31.00	4,500.00	150.00
Israel	Pounds	392.00	112.00	427.00	122.00			196.00	56.00	1,015.00	290.00
Switzerland	Francs	445.74	114.00	430.10	110.00			101.66	26.00	987.50	250.00
United Kingdom	Pounds	33.46	84.00	41.13	102.00	38.16	92.35	5.64	14.00	118.66	292.35
Total			523.00		609.00		2,406.43		334.58		3,873.01

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Foreign currency (U.S. $ equivalent)	$19,408.78
Total	19,408.78

JAMES O. EASTLAND,
Chairman, Committee on the Judiciary

Mar. 21, 1972.

REPORT OF EXPENDITURES OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON LABOR AND PUBLIC WELFARE, U.S. SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Benjamin Palumbo:											
Sweden	Kroner		75.00		60				15.00	759.39	150.00
United Kingdom	Pounds		125.00		100	274.56	669.99		25.00	101.10	250.00
	Pounds					274.56	669.99			274.56	669.99
Dr. John Stubbs:											
United Kingdom	Pounds	200.00	480.00	150.22	360.55			24.77	59.45	362.35	900.00
United Kingdom	Pounds					52.16	443.79			52.16	443.79
Germany	Deutsche marks					1,442.10	426.53				
Dr. R. Glyn Thomas:											
Denmark	Kroner					367.50	50.00			367.50	50.00
Angelique Voutselas:											
Israel	Pounds	201.00	48.00	193.20	46	6,117.36	1,470.80	25.80	6.00	6,697.36	1,570.80
Sweden	Kroner	308.81	61.00	324.01	64			124.61	25.00	757.13	150.00
United Kingdom	Pounds	52.72	131.00	60.71	149	274.56	669.99	7.92	20.00	395.91	969.99
Richard Wise:											
Austria	Schillings	2,164.00	84.00	1,319	54	129	5.00	180	7.00	3,864	150.00
France	Francs	442.00	80.00	287	52	44	8.00	36	6.56	809	146.56
Dr. John Brun:											
Norway	Kroner					547.16	80.46			547.15	80.46
Edward Campbell:											
Austria	Schilling	772.80	30.00	1,932.00	75.00			2,445.20	95.00	5,150.00	200.00
Germany	Deutsche marks					3,468.22	954.91			3,468.22	954.91
Philip S. Caper:											
Denmark	Kroner	804.00	117.00	215.00	32.00	6.00	1.00			1,025.00	150.00
Finland	Markkas	92.50	22.00	75.00	17.00	10.00	4.00	29.60	7.00	207.10	50.00
Norway	Kroner	180.00	26.00	200.00	29.00	8.00	2.00	300.00	43.00	688.00	100.00
Sweden	Kroner	1,330.00	250.00	600.00	116.00	400.00	77.00	704.74	157.00	3,035.04	600.00
Great Britain	Pounds	32.91	81.00	7.50	17.00	10.00	26.00	10.24	26.00	60.65	150.00
Wade P. Clarke:											
Austria	Schilling	5,924.80	230.00	6,568.80	255.00	1,803.20	70.00	6,646.08	258.00	20,942.88	813.00
Great Britain	Pounds	28.00	67.20	32.30	87.50	9.80	23.15	9.30	22.15	83.30	200.00
Sweden	Kroner	279.70	54.10	374.83	72.50	53.25	10.30	196.98	38.10	904.76	175.00
Germany	Deutsche marks					2,532.17	697.23			2,532.17	697.23
Total			877.30		701.00		1,946.05		646.25		4,170.60

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Jay B. Cutler:											
Austria	Schillings	1,820.80	80.00	1,024.20	45.00	227.60	10.00	341.40	15	3,414.00	150.00
France	Francs	552.00	100.00	386.40	70.00	82.80	15.00	8,2.80	15	1,104.00	200.00
Sweden	Kroner	924.25	175.00	494.55	105.00	94.20	20.00	235.50	50	1,748.50	350.00
United Kingdom	Pounds	85.55	225.00	51.33	135.00	9.50	25.00	24.71	65	171.10	450.00
Germany	Marks	314.00	010.00	188.40	60.00	1,972.86	628.30	62.80	20	2,538.06	808.30
Israel	Pounds	1,164.80	280.00	520.00	125.00	9,274.42	2,230.63	187.20	45	11,146.42	2,680.63
Nicholas Edes:											
France	Francs	15.94	88.00	14.49	80.00			5.79	32	1,104.00	200.00
Netherlands	Guilders	17.54	63.00	16.71	60.00			7.52	27	538.78	150.00
Sweden	Kroner	16.27	84.00	17.44	90.00			5.03	26	1,034.00	200.00
United Kingdom	Pounds	66.66	160.00	73.33	176.00			26.66	64	8.36.6	400.00
Germany	Deutsche Marks	19.23	70.00	17.58	65.00			17.58	65	728.00	200.00
Germany	Deutsche Marks					2,262.51	623.10			2,262.51	623.10
Total			1,425.00		1,011.00		3,552.03		424.00		6,412.03
LeRoy Goldman:											
Germany	Deutsche mark					1,442.10	426.53			1,442.10	426.53
Denmark	Krone	184.00	25.00	184.00	25.00	814.00	25.00	184.00	25.00	735.00	100.00
Israel	Pound	525.00	125.00	315.00	75.00	2,099.25	499.82	210.00	50.00	3,149.25	749.82
Sweden	Krona	375.00	75.00	125.00	25.00	125.00	25.00	125.00	25.00	760.00	150.00
United Kingdom	Pound	750.00	300.00	500.00	200.00	803.00	1,958.71	250.00	100.00	1,045.31	2,558.71
Julian Granger:											
United Kingdom	Pound	54.00	129.60	90.22	216.50	31.36	75.60	11.79	28.30	187.37	450.00
Sweden	Krona	370.45	71.80	496.91	96.30	80.50	15.60	85.11	16.30	1,032.97	200.00
Austria	Schilling	1,329.25	51.12	1,549.60	59.60	348.40	13.40	672.88	25.88	3,864.00	150.00
Germany	Deutsche mark	204.93	56.30	249.70	68.60	2,443.52	671.30	44.04	12.10	2,942.19	808.30
Robert Harris:											
France	Franc	352.00	60.00	174.00	38.25					526.00	98.25
Netherlands	Guilder	269.39	75.00	269.39	75.00					538.78	150.00
Sweden	Krona	517.00	100.00	517.00	100.00	1,403.00	271.53			2,437.00	471.53
Total											6,313.14
Robert Harris:											
United Kingdom	Pounds	63.00	157.50	41.3.0	92.50	200.47	481.09			304.62	731.09
Austria	Schillings					3,992.50	154.99			3,992.50	154.99
Germany	Deutsche marks	178.00	42.00	186.00	46.25	2,249.44	619.34			2,613.44	707.59
Senator Harold Hughes:											
Austria	Schillings	2,679.04	104.00	1,004.64	39.00	3,000.00	116.46	1,466.32	57.00	8,150.00	316.46
Germany	Deutsche marks					3,468.21	954.90			3,648.21	954.90
Dr. Sahari Haro:											
Finland	Markkas					202.50	48.89				48.89
Jacob K. Javits:											
Switzerland	Swiss francs			163.60	40.00			40.90	10.00	204.50	50.00
Edward Kennedy:											
Denmark	Kroner					1,320.55	176.17			1,320.55	176.17
Israel	Pounds	205.80	49.00	193.20	46.00	5,264.03	1,254.34	21	5	5,684.03	1,354.34
Sweden	Kroner	308.81	61.00	357.19	71.00	560.29	108.54	91.13	18	1,317.42	258.54
United Kingdom	Pounds	50.86	126.00	48.45	120.00	324.02	790.67	1.79	8	425.12	1,040.67
James B. King:											
Denmark	Kroner	184.00	25.00	184.00	25.00	184.00	25.00	184.00	25	735.00	100.00
Israel	Pound	525.00	125.00	315.00	75.00			210.00	50.00	1,050.00	250.00
Sweden	Krona	375.00	75.00	125.00	25.00	125.00	25.00	125.00	25.00	760.01	150.00
United Kingdom	Pound	113.85	273.24	81.00	194.40			55.46	113.10	250.31	600.00
United Kingdom	Pound					319.75	780.26			319.75	780.26
United Kingdom	Pound					418.80	1,021.96			418.80	1,021.96
United Kingdom	Pound					274.56	669.99			274.56	669.99
United Kingdom	Pound					1,601.05	473.54			1,601.05	473.54
Eugene Mittleman:											
Switzerland	Guilder					2,084.15	563.60			2,084.15	563.60
Switzerland	Sw ss franc	904.65	222.00	815.00	200.00	2,575.60	598.42	114.10	28.00	4,409.35	1,048.42
Dr. Aimo Oja'a:											
Finalnd						202.50	48.89			202.50	48.89
Benjamin Palumbo:											
Israel	Pound									420.00	100.00
Israel	Pound					6,027.00	1,435.00			6,027.00	1,435.00
Richard Wise:											
Sweden	Kroner	537.00	104.00	372.00	72.00	21.00	4.00	104.00	20.00	1,034.00	200.00
United Kingdom	Pounds	65.00	156.00	45.00	108.00	4.10	10.00	10.00	25.20	124.10	299.80
Germany	Marks	44.00	12.00	117.00	32.05			57.00	13.35	218.00	57.40
Germany	Marks					2,209.36	608.30			2,209.36	608.30
Germany	Marks					155.15	42.74			155.15	42.74
Germany	Marks					2,800.00	7.93			28.00	7.93
Dr. Jorgen Worm-Petersen:											
Denmark	Kroner					943.50	126.84			943.50	126.84
Total											36,725.21

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HARRISON WILLIAMS,
Chairman, Committee on Labor and Public Welfare.

Mar. 10, 1972.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON PUBLIC WORKS, UNITED STATES SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31 1972

Name of country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Senator T. F. Eagleton:											
Hong Kong	H.K. dollar	451.350	75.00	601.800	100.00			150.450	25.00	1,203.600	200.00
Viet Nam	Piastres	4,720.0	40.00	11,800.0	100.00			4,397.86	37.27	20,917.86	117.27
Cambodia	Riels			548.80	10.00			2,195.20	40.00	2,744.0	50.00
Subtotal			115.00		210.00				102.27		427.27

Footnote at end of table.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON PUBLIC WORKS, U.S. SENATE, EXPENDED BETWEEN JAN. 1, AND DEC. 31, 1972—Continued

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
L. Stephen Vossmeyer:											
Hong Kong	H.K. dollar	431.350	75.00	601.800	100.00			150.450	25.00	1,203.600	200.00
Viet Nam	Piastres	4,720.0	40.00	11,800.0	100.00			4,397.86	37.27	20,917.86	177.27
Cambodia	Riels	5,664.048	12.10							5,664.048	12.10
Subtotal			127.10		200.00				62.27		389.27
J. B. Huyett, Jr.:											
Germany	Marks	432.00	130.12	192.90	60.00			32.80	9.88	664.0	200.00
Belgium	Franc	1,222.00	26.00	940.00	20.00			188.0	4.00	2,350.00	50.00
France	Franc	496.80	90.60	332.20	60.18					829.00	150.18
Subtotal			246.12		140.18				13.88		400.18
Total			488.22		550.18				178.42		1,216.82

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

Foreign currency (U.S. dollar equivalent)	$1,216.82
Total	1,216.82

JENNINGS RANDOLPH,
Chairman, Committee on Public Works.

Jan. 31, 1972.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON RULES AND ADMINISTRATION, U.S. SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
John F. Haley:											
United Kingdom	Pound	85	204.00	60	144.00			14	33.60	159	381.60
Ireland	Pound	10	24.00	8	19.20			2	4.80	20	48.00
Transportation (air)	Guilder					3,040.45	834.54				834.54
Transportation (ground)	U.K. pound					181.06	438.19				438.19
Total			228.00		163.20		1,272.73		38.40		1,702.33

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$1,702.33
Total	$1,702.33

B. EVERETT JORDAN,
Chairman, Committee on Rules and Administration.

Mar. 7, 1972.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE JOINT COMMITTEE ON ATOMIC ENERGY, U.S. SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
John B. Anderson:											
Austria	Schilling	1,414.60	55.00	902.00	35.00			257.40	10.00	2,574.00	100.00
Belgium	B. francs	3,375.00	67.50	2,875.00	57.50	250.00	5.00	1,000.00	20.00	7,500.00	150.00
Germany	D. marks					5,034.75	[2] 1,322.80			5,034.75	1,322.80
United Kingdom	Pounds	24.78	60.00	12.39	30.00	10.28	24.67	4.13	10.00	51.58	124.67
Edward J. Bauser:											
Belgium	B. francs	1,840.00	36.80	1,200.00	24.00	2,116.00	42.32	660.00	13.20	5,816.00	116.32
Denmark	D. kroner	165.00	22.00	85.00	11.30	90.86	12.12			340.86	45.42
Finland	F. marks	74.75	18.68	104.60	24.14	27.48	6.57	28.75	7.18	235.58	56.57
Netherlands	Guilders					4,735.87	[2] 1,331.05			4,735.87	1,331.05
Portugal	Escudos	2,200.00	77.57	1,500.00	52.57	400.00	14.28	1,584.00	[3] 55.58	5,684.00	200.00
Spain	Pesetas	13,700.00	196.70	7,840.00	113.00	7,520.00	108.30	1,750.00	25.00	30,810.00	443.00
Switzerland	S. francs	473.70	120.42	400.00	100.00	330.00	83.50	116.30	29.08	1,320.00	333.00
Wallace F. Bennett:											
Germany	D. marks					3,163.65	[2] 935.71			3,163.65	935.71
Switzerland	S. francs	475.00	120.00	253.00	64.00	755.00	185.05	64.00	16.00	1,547.00	385.05
Peter H. Dominick:											
Austria	Schilling	1,910.00	79.61	1,771.20	73.80	2,800.00	114.66	400.00	16.66	6,882.00	284.73
Germany	D. marks					3,377.55	[2] 998.98			3,377.55	998.98
James B. Graham:											
Morocco	Dirham	258.78	51.55	160.44	31.96			70.28	14.00	489.50	97.51
South Africa	Rand	96.18	134.65	68.20	95.50			7.14	10.00	171.52	240.15
Congo	Zaire			22.05	45.00			11.76	24.00	33.81	69.00
Germany	D. marks					3,275.70	[2] 901.95			3,275.70	901.95
Kenya	K. shilling	1,367.00	192.00	857.96	120.50	370.60	51.95	199.36	28.00	2,794.92	392.45

Name and country	Name of currency	Lodging: Foreign currency	Lodging: U.S. dollar[1] equivalent or U.S. currency	Meals: Foreign currency	Meals: U.S. dollar[1] equivalent or U.S. currency	Transportation: Foreign currency	Transportation: U.S. dollar[1] equivalent or U.S. currency	Miscellaneous: Foreign currency	Miscellaneous: U.S. dollar[1] equivalent or U.S. currency	Total: Foreign currency	Total: U.S. dollar[1] equivalent or U.S. currency
Orval Hansen:											
Austria	Schilling	1,544.40	60.00	643.50	25.00	257.40	10.00	128.70	5.00	2,754.00	100.00
Belgium	B. francs	2,500.00	50.00	1,000.00	20.00	600.00	12.00	1,000.00	20.00	5,100.00	102.00
Germany	D. marks					4,898.66	[2] 1,377.12			4,898.66	1,377.12
Switzerland	S. francs	930.00	235.00	388.00	98.00	2,818.00	690.69	68.00	17.00	4,204.00	1,040.69
United Kingdom	Pounds	30.00	74.30	10.35	25.70	26.79	64.83			67.14	164.83
Chet Holifield:											
Belgium	B. francs	1,800.00	36.00	1,200.00	24.00	816.00	16.89			3,816.00	76.89
Denmark	D. kroner	165.00	22.00	85.00	11.30	90.86	12.12			340.86	45.42
Finland	F. marks	70.00	17.50	104.60	24.14	27.48	6.57	33.50	8.36	235.58	56.57
Netherlands	Guilders					4,735.88	[2] 1,331.05			4,735.88	1,331.05
Portugal	Escudos	2,400.00	83.71	1,700.00	60.21	1,524.00	53.50	184.00	6.57	5,808.00	203.99
Spain	Pesetas	20,000.00	286.71	6,500.00	94.85	3,520.00	50.64	350.00	5.44	30,370.00	437.64
Switzerland	S. francs	590.00	150.40	400.00	100.00					990.00	250.40
Craig Hosmer:											
Belgium	B. francs	1,890.00	37.80	1,400.00	28.00	1,116.00	22.87	410.00	8.22	4,816.00	96.89
Congo	Zaire			17.420	35.56			12.250	25.00	29.670	60.56
Denmark	D. Kroner	165.00	22.00	85.00	11.30	90.86	12.12			340.86	45.42
Finland	F. marks	103.50	25.86	104.60	24.14	27.48	6.57			235.58	56.57
Germany	Deutsch marks					3,275.70	[2] 901.95			3,275.70	901.95
Kenya	K. shilling	1,399.60	196.50	950.00	133.38	370.60	51.95	142.40	20.12	2,862.60	401.95
Morocco	Dirham	813.20	161.83	466.90	92.91			100.40	20.26	1,380.50	275.00
Netherlands	Guilders					5,228.62	[2] 1,469.54			5,228.62	1,469.54
Portugal	Escudos	2,400.00	85.22	1,800.00	64.28	532.00	18.75	624.00	20.20	5,356.00	188.45
South Africa	Rand	96.36	134.90	69.00	96.60			13.21	18.50	178.57	250.00
Spain	Pesetas	24,000.00	343.85	10,000.00	143.85	4,060.00	58.41	750.00	11.53	38,810.00	557.64
Switzerland	S. francs	640.00	161.00	350.00	89.00					990.00	250.00
George F. Murphy, Jr.:											
Austria	Schilling	1,540.00	60.50	1,125.00	44.84	750.00	31.23	1,181.00	48.43	4,596.00	185.00
Belgium	B. francs	2,300.00	46.00	3,160.00	63.20	2,515.50	50.31	1,786.30	36.00	9,761.80	195.51
Germany	Deutsch marks					7,108.97	[2] 2,029.72			7,108.97	2,029.72
Italy	Lire	56,490.00	90.87	33,470.00	53.36	15,000.00	24.00	13,440.00	23.77	118,400.00	192.00
France	F. francs			120.70	21.89					120.70	21.89
John O. Pastore:											
Austria	Schilling	1,264.00	51.00	1,153.00	46.00	2,457.00	99.62	541.00	23.00	5,415.00	219.62
Belgium	B. francs	1,991.00	39.00	1,778.00	36.00	2,970.00	59.72	750.00	15.00	7,489.00	149.72
Germany	D. marks					6,857.13	[2] 1,960.35			6,857.13	1,960.35
Italy	Lire	50,160.00	79.87	22,670.00	36.26	13,515.00	24.74	9,120.00	14.76	95,465.00	155.73
Melvin Price:											
Germany	D. marks					2,385.23	[2] 705.48			2,385.23	705.48
Switzerland	S. francs	632.00	160.00	333.00	84.00	918.70	223.96	25.00	6.00	1,908.70	473.96
Stuart Symington:											
Austria	Schilling	650.00	25.00	80.00	3.07	100.00	3.84	37.00	1.43	867.00	33.34
Belgium	B. francs	1,195.00	23.90	728.00	14.56	77.00	1.54			2,000.00	40.00
France	F. francs	195.00	34.00	11.03	2.00			27.58	5.00	233.61	41.00
Germany	D. marks					3,482.60	[2] 960.31			3,482.60	960.31
Total			4,027.20		2,485.77		18,481.30		638.29		25,632.56

[1] If foreign currency is used, enter dollar equivalent; if U.S. currency is used, enter amount expended.

[2] Commercial air transportation.

[3] Telephone call to United States of America.

RECAPITULATION

Foreign currency (U.S. dollar equivalent)	$25,632.56
Total	25,632.56

JOHN O. PASTORE,
Chairman, Joint Committee on Atomic Energy.

Date: Mar. 15, 1972.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE JOINT ECONOMIC COMMITTEE, U.S. SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

Name and country	Name of currency	Lodging: Foreign currency	Lodging: U.S. dollar[1] equivalent or U.S. currency	Meals: Foreign currency	Meals: U.S. dollar[1] equivalent or U.S. currency	Transportation: Foreign currency	Transportation: U.S. dollar[1] equivalent or U.S. currency	Miscellaneous: Foreign currency	Miscellaneous: U.S. dollar[1] equivalent or U.S. currency	Total: Foreign currency	Total: U.S. dollar[1] equivalent or U.S. currency
Kenneth A. Guenther:											
Canada	Dollar	76.59	76.59	81.11	81.11	22.30	22.30	20.00	20.00	200.00	200.00
Subtotal			76.59		81.11		22.30		20.00		200.00
Albert A. Kakeland, Jr.:											
Belgium	Franc	3,871	78.00	1,836	37.00	596	12.00	794	16.00	7,097	143.00
France	Franc			82.99	15.00	33.20	6.00	5.53	1.00	121.72	22.00
Hong Kong	Dollar	210.35	35.00	150.25	25.00	90.15	15.00	132.22	22.00	582.97	97.00
Japan	Yen	20,394	56.65	18,000	50.00	6,480	18.00	9,126	25.35	54,000	150.00
Netherlands	Guilder					6,641.35	[2] 1,849.96			6,641.35	1,849.36
United Kingdom	Pound	29.92	72.40	28.51	69.00	12.23	29.60	11.98	29.00	82.64	200.00
Vietnam	Piaster			22,000	80.00	6,875	25.00	12,100	44.00	40,975	149.00
Subtotal			242.05		276.00		1,955.56		137.35		2,610.96
William S. Moorhead:											
Cyprus	Pound	36.96	90.00	18.48	45.00			6.16	15.00	61.60	150.00
France	Franc	165.99	30.00	82.99	15.00			27.67	5.00	276.56	50.00
Greece	Drachma	4,200	140.00	2,550	85.00			750	25.00	7,500	250.00
Lebanon	Pound			16.20	5.00			145.80	45.00	162.00	50.00
Netherlands	Guilder					4,850.63	[2] 1,363.30			4,850.63	1,363.30
Russia	Ruble	252	280.00	189	210.00	126	140.00	63	70.00	630	700.00
United Kingdom	Pound	33.06	80.00	20.66	50.00			8.26	20.00	61.98	150.00
Subtotal			620.00		410.00		1,503.30		180.00		2,713.30
Myer Rashish:											
France	Franc	1,027.67	185.00	527.72	95.00			111.10	20.00	1,666.49	300.00
United Kingdom	Pound	39.26	95.00	18.59	45.00			4.13	10.00	61.98	150.00
Subtotal			280.00		140.00				30.00		450.00

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE JOINT ECONOMIC COMMITTEE, U.S. SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971—Continued

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar [1] equivalent or U.S. currency	Foreign currency	U.S. dollar [1] equivalent or U.S. currency	Foreign currency	U.S. dollar [1] equivalent or U.S. currency	Foreign currency	U.S. dollar [1] equivalent or U.S. currency	Foreign currency	U.S. dollar [1] equivalent or U.S. currency
Henry S. Reuss:											
Austria	Schilling	747	30.00	1,245	50.00			498	20.00	2,490	100.00
Czechoslovakia	Crown	861	60.00	1,435	100.00			574	40.00	2,870	200.00
Germany	Deutsche mark					2,225.28	[2] 612.69			2,225.28	612.69
Hungary	Forint	2,250	75.00	3,750	125.00			1,500	50.00	7,500	250.00
Italy	Lire	77,875	125.00	62,300	100.00			15,575	25.00	155,750	250.00
Romania	Lei	801.90	45.00	1,336.50	75.00			534.60	30.00	2,673	150.00
Subtotal			335.00		450.00		612.69		165.00		1,562.69
Klaus-Dieter Arndt [3]:											
Germany	Deutsche mark	2 days per diem at $25 a day				3,293.50	933.00			3,470	983.00
Subtotal			[4] 50.00				933.00				983.00
Milton Gilbert [3]:											
Switzerland	Franc					3,779	926.23			3,779	926.23
Subtotal							926.23				926.23
Total			1,603.64		1,357.11		5,953.08		532.35		9,446.18

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[2] Round trip transportation purchased by State Department.
[3] Testified before the Subcommittee on Foreign Economic Policy.
[4] Advance by U.S. Embassy—no breakdown furnished the committee.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$9,446.18
Total	9,446.18

WILLIAM PROXMIRE,
Chairman, Joint Economic Committee.

Feb. 18, 1972.

REPORT OF EXPENDITURE OF APPROPRIATED FUNDS BY THE MEXICO-U.S. INTERPARLIAMENTARY GROUP, U.S. SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar [1] equivalent or U.S. currency	Foreign currency	U.S. dollar [1] equivalent or U.S. currency	Foreign currency	U.S. dollar [1] equivalent or U.S. currency	Foreign currency	U.S. dollar [1] equivalent or U.S. currency	Foreign currency	U.S. dollar [1] equivalent or U.S. currency
Mike Mansfield:											
Mexico	Dollar		342.74		72.00				4.60		419.34
George D. Aiken:											
Mexico	Dollar		66.53		34.78				6.45		107.76
Lloyd Bentsen:											
Mexico	Dollar		66.53		57.78		5.10		15.08		144.49
Robert C. Byrd:											
Mexico	Dollar		66.53		43.11		4.60		14.19		128.43
Lawton Chiles:											
Mexico	Dollar		52.41		52.94		3.90		15.05		124.30
Marlow W. Cook:											
Mexico	Dollar		66.53		74.95		4.31		3.23		149.02
Edward J. Gurney:											
Mexico	Dollar		56.45		47.90		4.70		20.30		129.35
Henry M. Jackson:											
Mexico	Dollar		66.53		41.20		5.09		3.54		116.36
Joseph M. Montoya:											
Mexico	Dollar		70.56		63.94		5.20		14.40		154.10
Robert Dockery:											
Mexico	Dollar		66.53		56.04		4.27		14.93		141.77
Pat M. Holt:											
Mexico	Dollar		66.53		55.88		1.60		5.56		129.57
Milrae Jensen:											
Mexico	Dollar		56.45		19.04						75.49
Arthur M. Kuhl:											
Mexico	Dollar		56.45		61.85				2.01		120.31
David Paton:											
Mexico	Dollar		56.45		102.58				9.88		168.91
Elmira Vogtmann:											
Mexico	Dollar		56.45		2.50						58.95
Delegation expenses:											
Official meals and receptions					173.79						173.79
Transportation							323.50				323.50
Miscellaneous									47.07		47.07
Total			1,213.67		960.28		362.27		176.29		2,712.51

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Other Public Law 86-420	$2,712.51
Total	2,712.51

MIKE MANSFIELD,
Chairman, Senate Delegation.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE U.S. GROUP, INTERPARLIAMENTARY UNION, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Gordon Allott:											
Iceland	Krona	5,570	64.18	3,194	36.66	43.04	49.16			13,068	150.00
United Kingdom	Pounds	31.58	78.32	28.90	71.68					60.48	150.00
France	Francs	1,656	301.09	725.35	131.88	124.00	22.41	124.00	22.55	2,629.35	477.93
Birch Bayh:											
United Kingdom	Pounds	31.58	78.32	26.47	65.66			2.43	6.02	60.48	150.00
France	Francs	1,656	301.09	436.60	79.38			582.50	105.91	2,675.10	486.38
Vance Hartke:											
Venezuela	Bolivar	840.00	186.69	360.30	80.06			23.00	5.51	1,223.30	272.26
Iceland	Krona	5,570	64.18	32.18	36.70					8,788	100.88
United Kingdom	Pounds	29.72	71.97					4.90	12.15	33.92	84.12
France	Francs	1,012	184.00	118.70	21.58			107.50	19.55	1,238.20	225.13
Ernest F. Hollings:											
France	Francs	621.00	112.91	871.40	158.44	253.22	45.77	367.50	66.81	2,113.12	383.93
Jacob K. Javits:											
France	Francs	1,188.00	216.82	2,464.30	447.96	1,645.92	300.13	614.00	110.82	5,916.22	1,075.73
Germany	Deutsche mark					2,534.70	749.69			2,534.70	749.69
Len B. Jordan:											
Venezuela	Bolivar	840.00	186.67	333.15	74.03			104.00	39.30	1,277.15	300.00
Iceland	Krona	5,570	64.18	7,453	85.32			45.00	.50	13,068.00	150.00
United Kingdom	Pounds	31.58	78.32	28.90	71.68					60.48	150.00
France	Francs	1,656.00	301.09	645.50	117.39			1.50	.24	2,303.00	418.72
Mike Mansfield:											
France	Francs	1,000.50	181.91	809.50	147.18			1.00	.18	1,811.00	329.27
Lee Metcalf:											
Venezuela	Bolivar	840.00	186.67	1,024.45	227.77	1,050.00	235.00			2,595.30	649.44
Jack Miller:											
Venezuela	Bolivar	840.00	186.67	250.85	55.75			2.50	.55	1,093.35	242.97
Frank Moss:											
Iceland	Krona	5,570	64.18	7,433	85.32			45	.50	13,068	150.00
United Kingdom	Pounds	31.58	78.32	28.90	71.68					60.48	150.00
France	Francs	1,656.00	301.09	351.90	63.80			192.10	35.11	2,200.00	400.00
Hugh Scott:											
Venezuela	Bolivar	840.00	186.67	1,450.25	323.37			994.25	223.13	3,284.50	733.17
France	Francs	2,353.15	427.83	2,071.05	376.56	580.25	104.87	1,201.10	218.39	6,205.55	1,127.65
William B. Saxbe:											
Iceland	Krona	5,570	64.18	6,298	72.04	2,000	22.95	8,001	91.84	21,869	251.01
United Kingdom	Pounds	31.58	78.32	26.16	64.88	20.48	50.79	18.00	44.84	96.22	238.83
France	Francs	1,656.00	301.09	2,261.75	411.22	300.00	51.55	200.50	36.45	4,418.25	800.31
John Sparkman:											
Iceland	Krona	5,570	64.18	7,498	85.82					13,068	150.00
United Kingdom	Pounds	65.58	162.64	65.46	162.20	261.69	633.32	10.14	25.16	402.87	983.32
France	Francs	2,668.00	485.09	1,286.15	233.84	489.00	88.38	122.00	22.18	4,565.15	829.49
Harrison A. Williams, Jr.:											
Venezuela	Francs	255.00	56.91	271.15	60.52			144.15	32.57	670.30	150.00
Milrae Jensen:											
Venezuela	Bolivar	652.00	145.55	788.00	175.90			120.00	26.75	1,560.00	348.20
Iceland	Krona	2,780.00	31.91	4,800.00	55.09			2,090.00	24.00	9,670.00	111.00
United Kingdom	Pounds	15.79	39.16	20.09	48.84	3.22	8.00	11.30	28.00	50.40	124.00
France	Francs	1,012.00	184.00	920.50	167.42			125.00	22.82	2,058.00	374.24
Darrell St. Claire:											
Venezuela	Bolivar	840.00	186.67	423.25	94.05			252.60	56.13	1,515.85	336.85
Iceland	Krona	4,120.00	47.30	3,580.00	41.09					7,700.00	88.39
United Kingdom	Pounds	31.58	78.32							31.58	78.32
France	Francs	1,656.00	301.09	593.00	107.82			269.15	48.93	2,518.15	457.84
Total			6,129.58		4,610.58		2,362.02		1,326.89		14,429.07

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$8,774.55
Appropriated funds: Other 22 U.S.C. 276	5,654.52
Total	14,429.07

EDWARD DERWINSKI,
President and Chairman, U.S. Group.

REPORT OF EXPENDITURE OF APPROPRIATED FUNDS BY SENATE DELEGATION, NORTH ATLANTIC ASSEMBLY, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

Name of country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
John Sparkman: Canada	Dollar		151.50		142.82		68.57		15.61		309.93
Jacob Javits: Canada	Dollar		117.60		59.53				16.92		262.62
Edward M. Kennedy: Canada	Dollar		74.66		53.50				39.75		167.91
William B. Spong: Canada	Dollar		117.60		56.24		49.20		4.50		227.54
Donald G. Henderson: Canada	Dollar		89.25		86.20				.50		175.95
Milrae E. Jensen: Canada	Dollar		89.25		64.45				19.66		173.36
Mark Schneider: Canada	Dollar		31.50		58.85				33.21		123.56
Jo Ann Green: Canada	Dollar		89.25		60.92						150.17
DELEGATION EXPENSES:											
Official meals: Canada	Dollar				1,360.13						1,360.13
Transportation: Canada	Dollar						1,162.06				
Office space, furniture and equipment rental: Canada	Dollar								257.57		257.57
Telephone charges: Canada	Dollar								204.45		204.45
Overtime of Embassy personnel: Canada	Dollar								821.58		821.58
Gratuities: Canada	Dollar								17.00		17.00
Miscellaneous: Canada	Dollar								3.41		3.41
Total			760.61		1,942.64		1,279.83		1,420.16		5,403.24

REPORT OF EXPENDITURE OF APPROPRIATED FUNDS BY SENATE DELEGATION, NORTH ATLANTIC ASSEMBLY, EXPENDED BETWEEN JAN. 1 AND DEC. 1, 1971—Continued

RECAPITULATION

	Amount
public Law 84-689	$5,403.24

JOHN SPARKMAN,
Chairman, Senate Delegation, North Atlantic Assembly

Mar. 3-22, 1972

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY SENATE DELEGATION, BRITISH-AMERICAN PARLIAMENTARY CONFERENCE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

		Lodging		Meals		Transportation		Miscellaneous		Total	
Name of country	Name of currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. curaency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
J.W. Fulbright:											
England	Pound	18.03	43.64	16.47	39.88	76.82	185.92	5.13	12.41	116.45	281.85
Netherlands	Guilder[2]					1,076.75	298.18			1,076.75	298.18
Lawton Chiles: England	Pound			60.37	145.16	3.00	7.20	7.08	17.00	70.45	169.36
Frank Church: England	Pound			69.45	168.80	8.00	19.20	5.00	12.00	82.45	200.00
Robert Packwood:											
England	Pound			10.35	25.02			4.85	11.81	15.20	36.83
Netherlands	Guilder					1,438.10	[2] 404.19			1,438.10	404.19
Hugh Scott: England	Pound			71.13	172.50	351.05	[2] 842.55	7.40	18.00	429.58	1,033.05
William B. Spong, Jr.: England	Pound			24.81	61.75			1.91	4.73	26.72	66.48
Donald G. Henderson: England	Pound			9.45	24.81	1.96	4.70			11.41	29.51
Milrae E. Jensen: England	Pound			12.00	29.04			2.50	6.05	14.50	35.09
Delegation expenses:											
Car and bus hire and driver overtime	Pound					85.91	207.86			85.91	207.86
Official meals	Pound			26.15	63.30					26.15	63.30
Telephone charges								7.02	17.00	7.02	17.00
Gratuities								35.00	84.00	35.00	84.70
Total			43.64		730.26		1,969.80		183.70		2,927.40

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[2] Airline tickets.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$2,927.40

J. W. FULBRIGHT,
Chairman, Senate Delegation British-American Parliamentary Conference.

Mar. 20, 1972.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON FOREIGN RELATIONS, U.S. SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

		Lodging		Meals		Transportation		Miscellaneous		Total	
Name and country	Name of currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Mike Mansfield:											
Finland	Finnmarks	409.88	99.95			323	77.06			733	177.01
Sweden	Kroner	414.90	82.98	92.60	17.02	448.67	88.92			956.17	188.92
Norway	Kroner	927	132.00	103.50	18.00	540.56	76.13			1,571.06	226.13
Denmark	Kroner	691	94.00	44.00	6.00					735	100.00
Italy	Lire			61,100	99.00	54,210	87.15			115,210	186.15
Morrocco	Dirhans	145	29.00	106	21.00	100	20.00			351	70.00
Mexico	Peso	760.00	60.80	848.50	67.88	1,321.50	105.72	95.00	7.60	3,025.00	242.00
Frank Church:											
Germany	Deutsche Marks					1,196.82	329.52			1,196.82	329.52
India	Rupee	319.20	42.00	364.8	48.00	15,306	2,014.00	76	10.00	760	2,114.00
England	Pound			22.00	52.34	52.20	127.13	1.50	3.63	75.70	184.00
U.S.S.R	Ruble	110	122.22	130	144.45	4	4.44	10	11.11	254	282.22
Netherlands	Guilder					3,339.75	938.66			3,339.75	938.66
Stuart Symington:											
Japan	Yen	24,963.00	81.04	34,808.00	113.01			1,835.00	5.95	61,606.00	200.00
Thailand	Baht	1,600.00	78.81	1,809.00	89.11			81.00	3.99	3,490.00	171.91
India	Rupee			180.00	23.68			35.00	4.60	215.00	28.28
Iran	Rial	2,778.00	36.55							2,778.00	36.55
Israel	Pound	455.10	108.35	22.70	5.40	238.32	56.74	12.60	3.00	490.40	173.49
Italy	Lire			15,650.00	26.34	18,466.00	31.09	3,450.00	5.80	19,000.00	63.23
Austria	Schilling	1,180.00	50.21	996.00	42.38			75.00	3.19	2,251.00	95.78
Germany	Dutsche Marks	13.00	4.00	92.00	28.30			10.00	3.07	115.00	35.37
Israel	Pound					8,613.44	2,050.82			8,613.44	2,050.82
Claiborne Pell:											
Switzerland	Franc	289.17	71.40	252.32	62.30	46.98	11.60	19.03	4.70	607.50	150.00
United Kingdom	Pound	13.47	32.70	7.13	17.30	4.45	10.77			25.05	60.77
Netherlands	Guilder					3,735.99	1,090.80			3,735.99	1,090.80
John Sherman Cooper:											
United Kingdom	Pound	29.30	70.90	18.32	44.34	5.92	14.33	7.15	17.30	60.69	146.87
India	Rupee			98.65	12.98	30.40	4.00	22.80	30.00	151.85	46.98
Germany	Deutschemark	424.80	118.00	136.80	38.00	423.20	116.20	144.00	40.00	1,128.80	312.58
Germany	Deutschemark	(Air ticket)				7,338.30	2,020.46			7,338.30	2,020.46
Germany	Deutschemark	(Air ticket)				1,575.82	437.59			1,575.82	437.59
Austria	Schilling	3,726.50	145.00	921.60	36.00			486.40	19.00	5,134.50	200.00
Belgium	Franc	2,525	50.50	1,325	26.50	709	14.68	650	13.00	5,209	104.68
Finland	Finnmark	550	132.21	211.32	50.79	244.02	58.35	56.82	13.66	1,062.16	255.01
France	Franc	1,577.40	286.80	4,977.50	90.50	860.62	155.55	137.50	25.00	7,553	557.85
Netherlands	Guilder	(Air ticket)				1,989.25	580.80			1,989.25	580.80
Israel	Pound	638.40	152	126	30.00	40	9.52	168	40.00	972.40	231.52
Israel	Pound	(Air ticket)				5,967	1,420.60			5,967	1,420.60
Egypt	Pound					10.0	18.00			10.0	18.00
Greece	Drachma			508.00	16.93			1,050.00	35.00	1,558.00	51.93
Austria	Schilling (air ticket)					6,990.00	270.92			6,990.00	270.93

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Jacob Javits:											
Mexico	Pesos			624.50	50.00	1,503.45	120.38	1,336.43	107.00	3,464.38	277.38
Germany	Duetschemarks	(Air ticket)				1,328.68	366.00			1,328.68	366.00
Vietnam	Piasters			14.750	125.00			2,092.14	17.73	39,250	142.73
Hong Kong	Hong Kong dollars	284.40	47.26	200.00	33.23	195.65	32.51	27.60	4.59	707.65	117.59
Japan	Yen	47,173	131.04	6,827	18.96	18,669	51.86			72,669	201.86
France	French francs	181.80	32.96	94.20	17.08	74.00	13.41			350.00	63.45
Belgium	Belgian francs	6,000	120.92	1,500	30.23	5,427	109.37			10,639	260.52
United Kingdom	Pounds	64.30	154.31	18.20	43.68	81.65	195.94			164.15	393.93
Netherlands	Guilders	(Air ticket)				6,641.36	1,849.96			6,641.36	1,849.96
Italy	Lire	118.00	200.00	147,00	250.00	70,752	119.11	6,200	10.58	344,252	579.69
Israel	Pounds	420,00	100.00	210,00	50.00					630,00	150.00
Germany	Marks	327.00	100.00	163.50	50.00					490.50	150.00
Jacob Javits:											
France	Francs	1,070.22	205.42							1,070.22	205.42
United Kingdom	Pounds	98.48	250.00			.98	2.56			101.04	252.56
Israel	Pound	(Air ticket)				4,672.08	1,112.80			4,672.08	1,112.80
Hugh Scott:											
England	Pound	75.31	182.50	90.84	220.36	14.24	34.57	14.25	34.64	194.64	472.07
Finland	French marks	282.00	67.78	318.50	76.58	87.11	20.83	23.50	5.64	711.11	170.83
U.S.S.R.	French marks	1,206.40	290.00	1,206.40	290.00	41.60	10.00	41.60	10.00	2,497.20	600.00
Romania	Lei	1,296.00	72.73	1,377.00	77.27					2,673.00	150.00
Bulgaria	Leva			199.00	99.50			24.00	12.00	223.00	111.55
Denmark	Kroner	885.00	118.00	581.25	77.50	1,815.00	242.13	33.75	4.50	3,315.00	442.10
Netherlands	Guilder	(Air ticket)				3,356.80	943.45			3,356.80	943.43
Japan	Yen					311,670	865.75			311,670	[1] 865.75
Pat M. Holt:											
Italy	Lira	95,880	153.90	91,800	147.35	27,481	44.11	14,570	23.29	229,731	368.75
Mexico	Peso	760.00	60.80	1,605.20	128.42	1,321.70	105.74	117.60	9.41	3804.50	304.37
Brazil	Cruzeiro	1,525	305.00	1,261	252.20	427	85.40	903	180.60	4,116	823.20
Guatamala	Quetzal	216	216.00	209.30	209.30	54.30	54.30	59.70	59.70	539.30	539.30
Dominican Republic	Peso	175.92	175.92	169.08	169.08	10.00	10.00	49.00	49.00	404.00	404.00
Haiti	Gourde	800.00	160.00	233.25	46.65	10.00	2.00	119.75	23.95	1,163.00	232.60
Robert Dockery:											
Brazil	Cruzeiros	2108.28	421.65	1,550	310.00	525.80	105.16	41.75	8.35	4,225.83	845.16
Germany	Deutsche mark (air ticket)					3281.16	903.90			3,281.16	903.90
Arthur Kuhl:											
Japan	Yen	19,587	63.59	12,915	41.93	1.520	4.93	3,680	11.94	37,702	122.39
Korea	Won	31,080	83.77	19,010	51.23			4,100	12.66	54,190	147.66
Thailand	Baht	1,600	78.81	1,783	84.90			336	16.00	3,719	179.71
India	Rupee			105	13.81			30	3.94	135	17.75
Iran	Rial	2,778	36.55	2,596	34.15			170	2.23	5,544	72.93
Israel	Pound	332.65	79.20	166.50	39.64	328.32	56.74	182.95	43.55	920.42	219.13
Italy	Lire	42,000	70.70	31,282	52.66	18,465	31.08	15,125	25.46	106,872	179.70
Austria	Schilling	1,100	46.80	1,795	76.38			116	4.93	3,011	128.11
Germany	Deutsche mark	6.50	2.00	61.60	18.95			14	4.30	82.10	25.25
Israel	Pound (air ticket)					8,613.44	2,050.82			8,613.44	2,050.82
David Keaney:											
Switzerland	Franc	792.35	197.95	788.45	196.97	185.90	46.47	241.80	60.23	2,008.50	501.62
Netherlands	Guilder (air ticket)					3,347.05	940.71			3,347.05	940.71
J. G. Lowenstein:											
France	Francs	242.89	44.00	155.55	28.19	138.59	25.12	33.21	6.00	570.34	103.31
Germany	Deutsche mark	(Air ticket)				1,546.35	425.76			1,546.35	425.76
Germany	Deutsche mark	(Air ticket)				4,377.36	1,205.22			4,377.36	1,205.22
Germany	Deutsche mark	(Air ticket)				8,082.38	2,227.68			8,082.38	2,227.68
Greece	Drachmas	3,060.00	102.00	2,950.00	98.33			2,010.00	67.00	8,020.00	267.33
Hong Kong	HK dollar	381.13	63.00	87.87	14.60	106.95	17.77	75.94	12.00	640.45	107.37
Laos	Kip	81,413.58	162.00	81,278.42	161.71	7,530.00	15.00	22,590.00	45.00	192,812.00	383.71
Belgium	Francs			1,827.98	36.37			312.02	6.00	2,140.00	42.37
Richard Moose:											
Greece	Drachmas	3,180	106.00	2,961	98.73			1,879	62.60	8,020	267.33
France	Francs	283.60	51.21	200.00	36.23			102.65	20.56	586.25	108.00
Germany	Deutsche mark	(Air ticket)				4,535.56	1,162.83			4,535.56	1,162.83
Germany	Deutsche mark	(Air ticket)				7,794.71	2,227.68			7,794.71	2,227.68
Hong Kong	Dollar	420.40	69.86	205.70	35.29					626.10	105.15
Laos	Kip	96,484	190.20	93,874	189.00	11,295	22.50	29,720	58.74	231,373	460.44
Thailand	Bahts	1,045.80	50.11	836.70	40.29					1,882.50	90.40
Cambodia	Riels	3,000	54.66	2,564	36.18			540.88	10.00	5,564	100.84
Francis R. Valeo:											
England	Pound	15.15	37.57	16.90	42.00	9.40	22.75	3.40	8.43	40.25	110.75
Denmark	Kroner	854.50	116.25	615.50	83.75					1,470	200.00
France	Franc	592.90	107.83	232.10	42.17					825	150.00
Italy	Lire	56,610	91.89	61,600	100.00	54,210	87.15	4,600	7.50	177,410	286.54
Morocco	Dirhans	98.67	19.73	62.33	12.02	100	20.00			261.00	51.75
Germany	Deutsche marks	(air ticket)	(air ticket)			1,587.00	469.39				469.39
Gerald C. Hickey:											
Germany	Deutsche marks	(air ticket)	(air ticket)			7,217.15	2,044.52			7,217.15	2,044.52
Don Luce:											
Germany	Deutsche marks	(air ticket)	(air ticket)			5,143.95	1,457.21			5,143.95	1,457.21
Robert Shaplen:											
Hong Kong	Hong Kong dollars	(air ticket)	(air ticket)			11,592.78	1,930.51			11,592.78	1,930.51
D. G. Henderson:											
United Kingdom	Pound	15.15	36.36	32.15	77.16	12.30	29.52	11.80	28.32	71.40	171.36
Poland	Zloties	1,048	16.12	6,102.70	93.89	4,890.00	75.23	1,209.30	18.60	13,250	203.84
Poland	U.S. dollar		15.00						12.00		27.00
Belgium	Belgian franc	4,500.00	90.00	7,590	151.80	100	2.00	1,610.00	32.20	13,800	276.00
France	French franc	472	85.51	620	112.32	64	11.59	74.00	13.41	1,230	222.83
United States	Dollar						30.16		10.00		40.16
Poland	Zloties					70,967	1,091.80			70,967	1,091.80
Finland	Finn-mark	148.90	35.97	133	32.13	334	80.63	17.10	4.13	648	152.86
Sweden	Kroner	250	49.26	170.5	33.60	489.6	96.00	21	4.13	972.1	182.99
Norway	Kroner	269.50	39.23	319	46.43	620.5	87.77	102.00	14.85	1,391	188.28
Denmark	Kroner	360	48.98	237	32.24	23	3.13	15	2.04	635	86.39
Italy	Lire	27,138	44.06	42,790	69.46	63,810	102.73	4,172	6.77	147,510	223.02
Germany	D. Marks	71.4	21.00	181	53.24	20.3	5.97	57.3	16.85	330	97.06
France	New franc	103.5	18.82	121.5	22.09	16	2.91	14	2.55	255	46.37
Morocco	Dirhams	91.17	18.16	140.5	27.92	112	22.42	7.33	1.50	351	70.00
Germany	Deutsche mark (air ticket).					351.73	103.45			351.73	103.45
Total			8,091.76		6,418.60		37,880.33		1,517.10		53,907.79

[1] Local transportation for U.S. delegation to 3d United States-Japan Parliamentary Conference.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON FOREIGN RELATIONS, UNITED STATES SENATE, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971—Continued

RECAPITULATION

Foreign currency (U.S. dollar equivalent)	$53,840.63
Appropriated funds: Other Public Law 84-689	67.16
Total	53,907.79

J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations.

Mar. 27, 1972.

DRUG ABUSE

Mr. SPONG. Mr. President, drug abuse is one of our most pressing domestic problems. As I travel throughout my State of Virginia, I hear concerns about drug use voiced again and again. Yet, some of our most successful programs to combat crime and drug abuse are threatened. They are threatened by a new hard-match requirement which will become applicable to the action grants of the Law Enforcement Assistance Administration—LEAA—this July.

Where previously States have been able to provide equivalent value goods and services in lieu of cash, the amended Safe Streets Act requires that effective July 1, 1972, at least 40 percent of the non-Federal funding be in money. Despite the fact that the Virginia General Assembly added $400,000 to the budget for matching purposes, Virginia still stands to lose $6 million over the next 2 years—$6 million which would be applied to the fight against drug abuse—because of the new requirements.

I believe the hard-match requirement should be delayed for at least a year and have introduced a bill to that effect. Furthermore, on March 21 I wrote the President, who had just made a trip to New York to review efforts to combat drug abuse, regarding this matter. I ask unanimous consent that my letter to the President be printed in the RECORD.

Mr. President, the problem my State is experiencing in meeting the matching fund requirements of the LEAA program is shared by many other States and local communities around the Nation. Recently, Mr. George W. Orr, executive director of the Iowa Crime Commission, undertook a survey of the States to determine which face prospects of reducing or discontinuing participation in the LEAA program. Thirty percent of the States surveyed were pessimistic about being able to continue at present levels of participation, while another 8 percent could go either way. I ask unanimous consent that the Iowa Crime Commission survey and a letter tc Senator MILLER from Mr. Orr be printed in the RECORD.

Furthermore, one of the States not facing an immediate problem—Michigan—strongly supports the bill I introduced, S. 3137. I also ask unanimous consent that a letter to me from Mr. Don P. LeDuc, administrator of the Office of Criminal Justice programs in Michigan, be printed in the RECORD.

Mr. President, my office is only now beginning to hear from local communities which recognize that if their States cut back participation in LEAA programs, all of the subunits of the State will suffer accordingly. This is the case in my own city of Portsmouth. Consequently, I ask that a letter from City Manager A. P. Johnson, Jr., on this subject, also be printed in the RECORD.

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

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C., March 21, 1972.

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

DEAR MR. PRESIDENT: I read with interest of your visit to New York to review various efforts to combat drug abuse. I share your concern over this pressing domestic issue and was pleased to see that you were quoted as saying that we "must have no budget cuts in waging total war" on drug abuse.

I would, however, like to bring to your attention the fact that we are, in effect, bringing about a budget cut by requiring the States, beginning July 1, 1972, to meet new matching requirements under the Law Enforcement Assistance Administration (LEAA) programs.

Where previously States have been able to provide equivalent value goods and services in lieu of cash, the amended Safe Streets Act requires that effective July 1, 1972, at least 40 percent of the non-Federal funding be in money.

As a result of this and other amendments which require the States to assume a greater financial burden in connection with the program, my own State of Virginia stands to lose over the next two years about $6 million in Federal action grants which otherwise would be available to it.

Other States are experiencing similar problems. According to a national survey undertaken for the Association of State Planning Agency Directors by Mr. George W. Orr, executive director of the Iowa Crime Commission, 17 States thus far have indicated they will have to reduce their participation in LEAA drug and crime programs or drop out altogether unless some relief is granted. Those States are Kansas, Alabama, Arizona, California, Colorado, Connecticut, Delaware, Georgia, Indiana, Louisiana, New Mexico, North Dakota, Rhode Island, South Dakota, Utah, West Virginia, and Virginia.

On February 17, I introduced legislation which would delay for one year the so-called hard-match funding requirement imposed on the States by a 1971 amendment to the Safe Streets Act. About that same time, I contacted the LEAA regarding this amendment. To date, I have not heard from them concerning it.

I believe that it is most important that we continue with all means possible our efforts against drug abuse, but I believe that many of these efforts will have to be on the State level and in view of that, depriving the States of much-needed funds for crime and drug activities appears counter-productive.

Consequently, I hope that you will review this matter in the near future and that the Administration can support this urgently needed legislation. I look forward to hearing from you.

Respectfully,

WILLIAM B. SPONG, Jr.

IOWA CRIME COMMISSION,
Des Moines, Iowa, February 28, 1972.

Hon. JACK MILLER,
U.S. Senator,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR MILLER: Attached is a survey the State Planning Agency of the Iowa Crime Commission conducted nationwide, several months ago. The purpose was to determine which of the states would have difficulty in complying with the "buy-in" requirement resulting from the 1970 amendment to the Omnibus Crime Control and Safe Streets Act. As you see, a number of states do not believe that they can continue this important program.

In requiring state contributions Congress evidently felt that state governments had money to appropriate that local governments did not. In truth, state governments now are as sorely pressed as are local governments. In order to appropriate new money, an increase in taxes is generally necessary. This would hardly assist local governments. In Iowa, our once enviable surplus exists no longer. A recent discussion with the State Comptroller indicated that the difference between appropriations and projected revenues is not more than one to one and one-half percent. You must agree that the margin is dangerously small in view of fluctuating economic conditions.

Senator Spong of Virginia is even now attempting to provide some relief to the States from the requirements initiated by the above mentioned amendment to the Safe Streets Act. I am told he does not feel that he would be successful in trying to eliminate or forestall the "buy-in" and has, therefore, asked for relief from the "hard match" requirement applicable in fiscal 1973.

Since the financial conditions of the states may even be more desperate after fiscal year 1973, the Congress must take another look at the Safe Streets Act and realistically align it with the capabilities of states and local governments to continue the program. It is hoped that you will assist Senator Spong in his current effort as well as for possible legislation in the next Session providing lasting relief.

Several suggestions are made. First, Part "B" of the Act has never been adequate to discharge the planning/administrative task required in an ever increasing amount by the federal government. In Iowa our planning grant has risen only 77% while our action grant represents an increase of 2544%. Had we maintained the concept of a block grant without the involvement of the federal government in great detail, we may have been able to carry on. This has not been the case however. The Iowa State Planning Agency is absolutely saturated with the requirement to administer the program statewide, provide comprehensive planning, to audit all accounts, and to evaluate the performance of projects and programs. More Part "B" money must be provided.

The "buy-in" requirement referred to above, originally stemmed from a move by the large cities to require more state involvement in the form of money. A second suggestion is available which would actually reduce the necessity for local matching monies. To be specific, it is recommended Act be matched on the basis of 10% state that all programs entertained under the

or local and 90% federal. Therefore, the cost to the cities or other grantees would be reduced in local matching funds from 18.75% to 10% on the average.

The intent of the Congress to involve states and local governments by virtue of contributions of money is well understood. From our point of view, however, it must be understood by Congress that we have reached the end of the road at state and local levels in our ability to levy more taxes. Therefore, the ever increasing federal involvement in the form of initiating new programs, cannot be accommodated longer unless matching requirements are extremely low or non-existent. No one denies the need for federally sponsored standards and the resultant work required within the states. The federal government, however, should realize that it has long since outstripped state and local government ability to fund programs. We simply cannot abide a continual commitment of state and local resources for new programs which carry the threat of losing our federal tax dollars if we fail to make good our part. This is a very sore point in the Iowa Legislature and the minds of the people of this State.

Your cooperation will be greatly appreciated.

Sincerely,

GEORGE W. ORR,
Executive Director.

FISCAL YEAR 73 BUY IN SURVEY

State	1970 population by millions	Percent State population to total	State has appropriated	State is optimistic	State can go either way	State is pessimistic
Alabama	3.44	1.69				×
Alaska	.30	.15		×		
Arizona	1.77	.87				×
Arkansas	1.92	.95			×	
California	19.95	9.82				×
Colorado	2.20	1.08				×
Connecticut	3.03	1.49				×
Delaware	.54	.27				×
District of Columbia [1]	.76	.42	Not applicable			
Florida	6.78	3.34		×		
Georgia	4.58	2.26				×
Hawaii	.76	.37		×		
Idaho	.71	.35		×		
Illinois	11.11	5.47		×		
Indiana	5.19	2.56				×
Iowa	2.82	1.39		×		
Kansas	2.24	1.10		×		
Kentucky	3.21	1.58	×			
Louisiana	3.64	1.79				×
Maine	.99	.49	×			
Maryland	3.92	1.93		×		
Massachusetts	5.68	2.80			×	
Michigan	8.87	4.37		×		
Minnesota	3.80	1.87	×			
Mississippi	2.21	1.09		×		
Missouri	4.67	2.30			×	
Montana	.69	.34	×			
Nebraska	1.48	.73		×		
Nevada	.48	.24		×		
New Hampshire	.73	.36	×			
New Jersey	7.16	3.53		×		
New Mexico	1.01	.50				×
New York	18.19	8.96		×		
North Carolina	5.08	2.50	×			
North Dakota	.61	.30				×
Ohio	10.65	5.25		×		
Oklahoma	2.55	1.26			×	
Oregon	2.09	1.03		×		
Pennsylvania	11.79	5.80		×		
Rhode Island	.94	.46				×
South Carolina	2.59	1.28		×		
South Dakota	.67	.33				×
Tennessee	3.93	1.93		×		
Texas	11.19	5.51	×			
Utah	1.06	.52				×
Vermont	.45	.22		×		
Virginia	4.65	2.29		×		
Washington	3.41	1.67		×		
West Virginia [2]	1.75	.86				×
Wisconsin	4.42	2.17	×			
Wyoming	.34	.16	×			
Totals	203.00	100.00	9	22	4	15
Percent of 50 States			18	44	8	30
Percent of population			14.98	52.49	7.31	24.80
Percent of 50 States positive or negative [3]			66 positive		34 negative	
Percent positive or negative by States based upon population [3]			71.12 positive		28.46 negative	

[1] The population of D.C. excluded in items 3 and 5.
[2] Constitutional Restriction.
[3] Assuming one-half of "State can go either way" category will fall into positive and one-half into negative.

STATE OF MICHIGAN,
EXECUTIVE OFFICE,
Lansing, Mich., March 15, 1972.

Hon. WILLIAM B. SPONG, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SPONG: I am writing in regard to the legislation which you introduced which would delay implementation of the hard match and buy-in amendments to the Omnibus Crime Control and Safe Streets Act of 1968. As I understand it, your bill would defer imposition of the requirements of the amendments pending complete review of the Omnibus Crime Control and Safe Streets Act. As I understand it, that review would occur during hearings which will examine a reauthorization for the Law Enforcement Assistance Administration and the Act for the next three years.

This legislation is badly needed in my state and in several others, of which I am aware. Although the State of Michigan has always favored some arrangement for support of this Act, our efforts to date to achieve implementation of the buy-in and hard match provisions have been most trying. Michigan is nearing completion of the legislative process required to approve the State's budget. During that process it has become apparent that many questions regarding the buy-in and hard match remain unanswered and that a great deal of money will be committed without full awareness of compliance with LEAA guidelines. Further, I am not convinced that the intent of Congress is being satisfied, either by Congress' own language or the interpretations being offered by the Law Enforcement Assistance Administration.

Implementation of these requirements on a project by project basis presents many difficulties, and seems to overlook substantial State contributions to various law enforcement and criminal justice efforts. Interpretations being offered by the Law Enforcement Assistance Administration, while helpful to the states, seem to present a distorted picture regarding compliance with Congress' intent. I do not believe that LEAA has acted improperly or unwisely in any way, but I do feel that the interpretations and instructions being offered indicate a basic flaw in the structure of the Act.

I strongly endorse your bill and hope that it will be passed. I would appreciate any information which your office might send me regarding its present status and your potential for passage.

I would be happy to furnish you with information regarding the difficulties which have transpired in Michigan, if you would like this information. Your attention to this matter is appreciated, as is your effort to relieve the states of this obligation until such time as the issue is fully explored.

Sincerely,

DON P. LEDUC, *Administrator.*

CITY OF PORTSMOUTH,
Portsmouth, Va., March 7, 1972.

The Honorable WILLIAM B. SPONG, Jr.,
U.S. Senate,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR SPONG: The City of Portsmouth is vitally interested in LEAA funds and wishes to solicit your continued efforts to assure that Virginia receives its planned allocations for FY 1973 and FY 1974. We wish to endorse and support Mr. Richard Harris's position as stated in his letter to you of January 28, 1972.

Portsmouth, like most other municipalities, has just become experienced in planning and using LEAA grant resources to the the point of bringing them to bear on specific crime reduction and control problems. It would be very unfortunate to fail to take advantage of the maximum fund resources available under the Omnibus Crime Control and Safe Streets Act.

With warm personal regards.

Sincerely,

A. P. JOHNSON, Jr.,
City Manager.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

Under the order previously entered, the Chair recognizes the Senator from South Carolina (Mr. HOLLINGS) to call up the Legislative Appropriation Bill.

LEGISLATIVE BRANCH APPROPRIATIONS, 1973

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 13955.

The PRESIDENT pro tempore. The clerk will read the bill by title.

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

A bill (H.R. 13955) making appropriations for the Legislative Branch for the fiscal year ending June 30, 1973, and for other purposes.

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

There being no objection, the Senate proceeded to consider the bill, which

had been reported from the Committee on Appropriations with amendments.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that this measure be the pending matter until finally disposed of.

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

Mr. COTTON. Mr. President, will the Senator yield for 1 second?

Mr. HOLLINGS. I yield.

Mr. COTTON. Mr. President, I should like to take this opportunity to congratulate the distinguished Senator from South Carolina and congratulate the distinguished Chairman of the Appropriations Committee, who is presiding, and call attention to a fact which has not previously been brought to our attention. This is the earliest in any session since March 16, 1962—10 long years—that a regular appropriation bill has been before the Senate. I think that both the chairman of the subcommittee and the chairman of the full committee, as well as all the members of the Appropriations Committee, should be aware of that and should be congratulated on this achievement.

Mr. HOLLINGS. I thank my distinguished colleague from New Hampshire. This 10-year drought could not have ceased without the unceasing loyalty, contributions, and guidance given by the senior minority member upon this Appropriations Subcommittee, the Senator from New Hampshire (Mr. COTTON). He met with me on every occasion. We conducted full hearings, and we so wrote the markup, and his ideas and positions and advices to the committee as a whole were most valuable contributions.

Mr. President, the legislative branch appropriation bill for fiscal year 1973 is now before the Senate. This is the first regular annual appropriation bill for the new fiscal year which begins on July first. Included in the bill are funds for the operation of the Senate, the House of Representatives, the various Joint activities of the Senate and House, the Architect of the Capitol, Botanic Garden, Library of Congress, Government Printing Office, General Accounting Office, and the Cost Accounting Standards Board.

The bill as recommended to the Senate by the committee recommends appropriations in the amount of $514,722,880—and while this is an increase of $87,118,116 above the amounts recommended in the bill by the House of Representatives, I wish to point out that the House did not consider budget estimates in the amount of $85,740,895 relating to the financing of Senate functions.

So obviously, then, there is only a slightly less than $2 million increase over the House amount, because $85 million of the increase is attributable to the Senate Office Buildings and Senate Garage, and for the project to restore the Old Senate Chamber and the Old Supreme Court Chamber in the Capitol.

The committee's report is before each Member, and beginning on page 21 there is a tabulation which shows the appropriations for fiscal year 1972 enacted to date, the budget estimates for fiscal year 1973, the amounts recommended in the House version of the bill, and the recommendations of the Senate committee, together with comparisons. It should be made clear that the figures for fiscal year 1972 do not include increased pay costs which are expected to be included in the second supplemental appropriation bill, 1972, now being processed and scheduled to be before the Senate sometime during the month of April. The amounts recommended by the committee for fiscal year 1973 do include funds to finance these increased pay costs.

Mr. President, I will proceed to an explanation of the significant items in the bill, but will be happy to respond to any questions during the course of this presentation.

The distinguished Senator from Montana (Mr. METCALF), of our Joint Committee on Congressional Operations, desires to comment, and perhaps make motions on the appropriations for the Joint Committee on Congressional Operations that have been reduced by the Senate from the House appropriated amount.

The Secretary of the Senate requested, and the committeee has approved, an additional appropriation of $213,253 to enable the Secretary to carry out his duties under the Federal Election Campaign Act of 1971. This act designated the Secretary of the Senate as one of three supervisory officers responsible for carrying out the functions established in this legislation. These duties are outlined in the report, beginning on page 4, and an itemization of the funds requested to implement this new act is also listed.

Compare that to over $1 million, or $1.4 million, for performing the same functions for the House Members—of course, a larger body—but the appropriations for the General Accounting Office are estimated in the same bill to run at $1.6 million. So I think our distinguished Secretary of the Senate is being on the conservative side, and of course we are ready and anxious to cooperate with this cautious financial approach to this new task.

For the Joint Committees of the Congress and other joint items financed in the bill, a total appropriation of $25,923,220 is recommended. The sums recommended are itemized in the table at the conclusion of the report. However, I will highlight several of them at this point.

The committee recommends the sum of $716,900 for the Joint Economic Committee. This is an increase of $42,710 over the House allowance and the budget estimate. The increase will provide for additional administrative expenses to enable the committee to operate at its current level—that is, for hearings and investigations and the pay increase. We did not want to cut back, but we did refuse this committee's request for some 5 additional employees.

For the Joint Committee on Congressional Operations, the committee effected a reduction of $214,634 below the House bill and approved the sum of $355,000. It was the view of the committee that this joint committee, just recently organized, should proceed at a less accelerated rate of expenditure than has been indicated in its budget presentation after 1 year of operation. This joint committee was established pursuant to the Legislative Reorganization Act of 1970 (Public Law 91–510) and is responsible for the continuing review of the organization and operations of the Congress and making recommendations for improvements thereon.

Mr. METCALF. Mr. President, will my friend from South Carolina yield?

Mr. HOLLINGS. I yield to the chairman of the joint committee.

Mr. METCALF. I am the vice-chairman, not the chairman of the joint committee.

Mr. HOLLINGS. Well, he serves as the Senate leader on that joint committee.

Mr. METCALF. The joint committee, as the distinguished Senator has said, was created by Public Law 91–510 in the last Congress. We held extensive hearings last year on such subject matters as whether we should have a Federal budget for the fiscal year or for the calendar year. We made a report that I think is significant and very interesting and informative to every Member of the Senate and every Member of the Congress. The joint committee, also as directed in the act, was to set up and supervise a placement office for both Senate and House employees. That is section 402(a) of the bill, which states that joint committees shall provide for an office of placement and office management.

Under the very able leadership of the committee chairman, Representative BROOKS of Texas, we went very slowly and proceeded very carefully in establishing this Office of Placement and Office Management, and it was only after a year of studies, surveys, and discussion that it was established. So it has only been established for a few months. Before January 1 of this year, operation of a placement office on Capitol Hill was paid for through appropriations to the Department of Labor. Many Senators and even more Representatives have utilized the Office of Placement and Office Management, which we have already improved considerably, both to give tests for employees whom they seek to hire and also to find employees whom they need.

I call the Senator's attention to the fact that under the law, in even numbered Congresses, the chairman should come from the House of Representatives. So in the 92d Congress, the chairman comes from the House committee, and Representative Brooks, is chairman. Next year, the chairman would come from the Senate side. Certainly it would be most unfortunate that, at a time when the House of Representatives has had the chairman and has had an opportunity to establish this committee, considerably more money has been appropriated, and then, when it reverts over to the Senate side, whoever is going to be chairman—it may be Senator CASE, Senator GRAVEL, Senator CHILES, Senator SCHWEIKER, or I might be the chairman of the committee—that we would be deprived of the opportunity to do what Congress has directed us to do.

A cut of $214,000, despite the committee report, is a cut of 38 percent of our request, as approved by the House. It would prevent the committee from do-

ing what Congress has directed it to do. We have not proceeded at any accelerated or headlong pace. We have proceeded very slowly, and for example, it took a year before we began to operate the office of placement, because we wanted to establish it properly.

I feel, Mr. President, that this is a cut that not only is directed at the Senate and the Senate's opportunity to do a job, but is directed at the efficiency of the joint committee that has been established by law and directed to do something that we can no longer do if $214,000 is cut from our budget.

Mr. HOLLINGS. Mr. President, in response to the statement of the Senator from Montana, who led the way on the Senate floor for legislative reorganization, in fairness it should be pointed out that this matter only came up in normal fashion before the subcommittee markup of the bill in the middle of last week, approximately on Tuesday afternoon, I think it was, and by Friday afternoon we had the full committee markup. The subcommittee at no time requested the Senator from Montana to present any fuller views of this matter.

Mr. METCALF. I relied on the usual procedure and did not appear before the Appropriations Committee to explain the matter.

Mr. HOLLINGS. Well, the Senator had every right to rely on the standard operating procedure, Parkinson's law, that once we got a committee it would continue to grow, and nobody would step in its way, certainly not a legislative committee.

But, of course, the mood and the atmosphere have changed to one of prudence and frugality, and a very harsh look-see is being taken at all these expenditures, particularly legislative expenditures. After all, how can we control the cost of Government if we cannot control ourselves?

So when we got to the Joint Economic Committee, we told the Senator from Wisconsin (Mr. PROXMIRE), "No, you cannot have any additional funds." Our distinguished colleague from Washington (Mr. MAGNUSON), whose committee handles this $30 billion HEW appropriation which has gone completely out of the realm of reason and consideration, by just a fluke, has an outstanding staff, but there are really only two or three; the Chief Counsel, Harley Dirks, does a magnificent job, but he could stand three or four more; and then when we got down to the Senator's committee, he can understand the atmosphere and mood, and when it was said, "What does that committee really do, anyway, how did they get started, and what do they really want?" and then when we looked into it, and saw they were going to give us an administrative manual for congressional officers, the senior members of the committee said, "I don't want an administrative manual; I can run my own office and do not need one."

Then when it was seen that it involved a procedure for employing people, the response was, "We have got enough people already, and we do not need a special committee to tell us how to hire." Then the proposition was made, "Well, they are going to give us an orientation."

"Well," they said, "if you are not oriented by now, particularly on the score of money and dollars, you had better quit."

So we decided we had better cut it. It may be that the House will insist on the full amount, and we are not going to fight it, because I want to be fair to the outstanding job being done; I think the Representative from Texas, Mr. BROOKS, has only responded in a responsible way to carry out the legislative mandate. It is pretty difficult to carry out the job Congress says to do when the funds are cut out from under you. I understand that, but this was the feeling of the committee.

The Senator's distinguished colleague from Montana, the majority leader, supported him openly and convincingly within the full committee markup, but we just went along with holding the line on the employment of these additional clerks. The best thing we thought we could do was hold the line on the employment of these additional staff members.

Mr. COTTON. Mr. President, will the Senator yield for a moment?

Mr. HOLLINGS. I yield.

Mr. COTTON. I would like to add to what my distinguished chairman has just said. There was not any hostility or real opposition to the objective of the new joint committee chaired by the distinguished Senator from Montana.

Mr. METCALF. Mr. President, I am not now the chairman. I am vice-chairman and could be the chairman next year. This year the chairman is Representative JACK BROOKS of Texas.

Mr. COTTON. I understand. As a practical matter, as the distinguished Senator from South Carolina has already mentioned, the thought there was that we were holding back what we considered to be the mushrooming growth of some of these joint committees, growing constantly and reaching out for greater staffs, when the legislative committees of the Senate and the House of Representatives needed those staffs to a greater degree.

I also think the chairman will agree with me that when the amount of this cut was fixed, being practical men who have been dealing with appropriations through the years in committees of conference, we were absolutely certain that whatever cut was made in this bill would certainly be split in two in the conference with the House of Representatives. In fact the House might even do better than that.

So as a practical matter, we realized that in recommending this reduction of $214,631 that only half of that cut could prevail in conference, and perhaps less.

Those are some of the facts of life that the Senator from Montana knows we have to take into consideration. I certainly think every member of our subcommittee and of the full committee, and those who go to conference, will want to see this committee properly taken care of.

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

Mr. HOLLINGS. I yield.

Mr. METCALF. I am delighted to hear the statement of the ranking minority member.

The Joint Committee cannot possibly do the job Congress directed it to do in the 1970 Legislative Reorganization Act with a cut of $214,000.

It seems to me that the bare bones cut, beyond which we would be crippled is slightly more than $100,000.

Perhaps if we could go to conference and split the difference or the House would prevail on part and the Senate would prevail on part, I would not have to offer an amendment. I urge the conferees not only to respect the responsibility of the Senate in the next Congress but also to respect the responsibility given by the legislation to the Joint Committee on Congressional Operations. I urge the conferees to keep in mind that Representative BROOKS has been very careful and very cautious in the expenditure of any money.

I will not offer an amendment, but I assure my colleagues that we must have at least $104,000 in order for the Joint Committee, established in the 1970 act as a permanent committee, to function.

Its purpose is to study—on a continuing basis—congressional organization and operation, and to recommend necessary changes designed to strengthen the Congress.

It is also directed to report periodically on court proceedings of vital interest to the Congress and to maintain a central Office of Placement and Office Management.

As vice chairman of this committee, I am deeply concerned over the action of the Senate Appropriations Committee, which sharply reduced our appropriations for next year. Their figure is $214,634 below the House allowance and our budget request. This is a 38 percent cut. It gives us a budget for fiscal 1973 that is $70,000 less than was appropriated last year.

We have developed the joint committee's schedule of activities and staffing with extreme care over the past year. We have done so to make certain that we did not build up another bureaucracy or provide services which are not clearly useful to members of the Senate and House of Representatives.

We were not—and are not—interested in building an empire.

Nevertheless, consistent with our desire to avoid unnecessary expenditures, the joint committee has maintained a full agenda of activities since January 1971. We have not just spent this time getting organized. We have been—and are now—actively engaged in the work intended to be carried out by this committee under terms of the 1970 act.

Last year, we held extensive hearings on proposals to change the Federal fiscal year. We issued a report on this in November 1971.

In March of this year, we opened hearings on work toward improved executive branch reporting of fiscal and budgetary data, as required by the 1970 act. We intend to devote sustained attention to this important problem.

As part of our continuing study of im-

plementation of the act, we compiled and published, in October 1971, rules adopted by the committees of Congress. We intend to bring this up to date each Congress.

We have issued three reports, advising both Houses of court actions affecting the powers and operations of Congress.

We have a number of studies underway now, ranging from a broad review of the speech or debate clause of the Constitution to a narrowly focused study of automatic data processing applications in legislatures.

These are only a few of the significant activities presently being conducted by our joint committee.

As I noted a moment ago, we have moved carefully on recruitment and employment of staff, to keep our staff level consistent with our workload. We have not hired the full complement of professional and clerical staff authorized in the 1970 act. However, to perform—and complete on a timely basis—the work we now have underway or scheduled, we will require additional professional and clerical staff during fiscal 1973.

Also, on January 1 of this year the joint committee assumed full responsibility for the personnel placement operation which, previously, had been conducted on Capitol Hill by the Department of Labor.

Until January 1, the costs of this operation had been paid out of appropriations to the Labor Department. We now have to pay the full costs for this service, including staff, equipment, and other necessary items.

We already have made significant improvements in the placement operation.

The office is for the first time interviewing job seekers as they come into the office. No one who is looking for work any longer has to make an appointment weeks or months in advance before he can even fill out application forms.

The Office for the first time is thoroughly testing applicants for typing and stenographic positions.

The Office is maintaining useful lists of applicants, so that congressional offices with specific needs can expect to review the papers on all candidates qualified for the job they are attempting to fill.

The joint committee is working to fulfill the important responsibilities assigned it by the 1970 act. We anticipate a need to complete our permanent staff roster next year. We will require additional funds—our estimate for fiscal 1973 is about $125,000 higher than the estimate for the previous year—to operate the Office of Placement and Office Management.

If these funds are not available, if this deep cut is retained, if we do not receive the support necessary to fill out our staff—then the work of our joint committee will be severely limited, if not crippled, next year.

I urge the conferees on both sides of the aisle to consider the level of our activities—and our present staff—and to restore our budget request.

Mr. President, I ask unanimous consent to have printed in the RECORD a somewhat more detailed description of our joint committee's work and staffing over the past year.

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

SUMMARY OF ACTIVITIES—JOINT COMMITTEE ON CONGRESSIONAL OPERATIONS

I. PUBLICATIONS

"Changing the Federal Fiscal Year: Testimony and Analysis." The first report of the Joint Committee on Congressional Operations, November 5, 1971. The report draws conclusions and makes recommendations on proposals to change the Federal fiscal year.

"The Federal Fiscal Year as It Relates to the Congressional Budget Process." Hearings before the Joint Committee. June 14, 16, 17 and 21, 1971. Record of the hearings on changing the fiscal year and appropriations procedures.

"Court Proceedings and Actions of Vital Interest to the Congress." Three editions: Cumulative to October 20, 1971; Cumulative to December 1, 1971; Cumulative to February 21, 1972. These reports are published every three months to advise both Houses of court actions affecting constitutional powers of Congress, powers of congressional committees, congressional access to Executive Branch information, et cetera.

"Rules Adopted by the Committees of Congress." October 27, 1971. The compilation was published as part of a continuing study of implementation of the 1970 Legislative Reorganization Act.

"The Joint Committee on Congressional Operations." January 1, 1972. The report describes the Committee's purpose, jurisdiction and rules, and contains a brief list of major changes in congressional operations over the last decade.

II. HEARINGS

On March 1 the Joint Committee opened hearings on work under way to improve Executive Branch reporting on revenues and expenditures—and to provide for congressional access to the data that goes into budget preparation. The Committee intends to devote sustained attention to congressional access to basic fiscal and budgetary data on Federal programs and activities.

III. OTHER STUDIES

Other studies under way are, first, a broad investigation of litigation affecting the operations of Congress. This includes a review of the history of the Speech or Debate Clause of the Constitution, its establishment, purpose and operation; agents and agencies of the Congress; and an examination and assessment of the impact of the doctrine on congressional operations.

A second study, narrower in scope, is concerned with the history of "legally privileged" relationships—for example, lawyer-client, and doctor-patient—and the few court decisions relating to a privilege, or lack of it, for congressional staff under the privileges afforded Members by the provisions of Article 1, Section 6, of the Constitution. The study will look at the feasibility of establishing by statute a privileged relationship between Members and staff—as has been done at the state level for some other relationships—and extending to staff employees constitutional privilege of immunity from legal action for matters related to legislative duties.

A third study will describe current and prospective automatic data processing applications in Congress. Work on this report is under way, in consultation with staffs of the House and Senate administration committees. Included will be summaries of applications in both the House and Senate, the GAO, the Library of Congress and Government Printing Office. Additionally, the report will summarize results and costs of such applications in the state legislatures. Publication of this material, not presently available, will help coordinate data processing applications in Congress, expediting their development and helping to insure their compatibility.

A fourth study will provide existing plans developed by the General Accounting Office and the Congressional Research Service for upgrading their information capabilities to meet the new requirements intended under the Legislative Reorganization Act. The report will include both organizational changes and budget estimates projected over a five-year period.

IV. OFFICE OF PLACEMENT AND OFFICE MANAGEMENT

The Office of Placement and Office Management, established in Section 406 of the Legislative Reorganization Act of 1970, is now in operation under the supervision of the Joint Committee on Congressional Operations.

Personnel placement services—available on request to members, committees, and officers of the Senate and House of Representatives—include:

(1) interviewing candidates for employment on a walk-in basis,

(2) conducting tests for typing and stenographic positions,

(3) maintaining rosters of eligible candidates by job categories, and

(4) submitting resumes and qualification forms for review by the employing office before scheduling interviews.

The Office is also preparing an administrative manual describing in a single source various supporting services available to members of the House and Senate. Some training functions are also contemplated, with the first to be an orientation program for new Capitol employees.

JOINT COMMITTEE PROFESSIONAL AND CLERICAL STAFF

The following table indicates the authorized and employed staff of the Joint Committee on Congressional Operations:

Authorized professional, 6; clerical 6.
Employed professional, 4; clerical 4.
Vacancies professional, 2; clerical 2.

OFFICE OF PLACEMENT AND OFFICE MANAGEMENT

The Joint Committee on Congressional Operations was directed to establish an Office of Placement and Office Management that, upon request, assists Congressional offices seeking competent personnel with specified qualifications. To accomplish this objective the Placement Office was established on January 3, 1972. The Joint Committee on Congressional Operations is authorized to appoint staff as it deems necessary to carry out this function. The Placement Office is staffed as follows:

1 Acting Chief
4 Placement Officers
2 Clerks

Up to February 28, 1972, the Placement Office had on loan from the District of Columbia Manpower Administration three placement officers and one clerk. All but one placement officer has been returned to the District of Columbia Manpower Administration.

Since its inception, the Placement Office has been interviewing approximately 200 people per week. A great majority of these applicants are tested for clerical skills. The following table will show the volume of work performed by this office during January and February of this year:

Total requests for assistance, 306.
Positions filled: by referral of applicant

from Office of Placement and Office Management, 124.

Other sources, 83.

Requests pending, 99.

An average of six applications were reviewed by Congressional Offices for each vacancy. Over 400 interviews have been scheduled by the Placement Office between applicants and employers.

The Office of Placement and Office Management is further directed to furnish advice and information with respect to office management procedure. To accomplish this, only one staff assistant has been appointed thus far; he has held various discussions with Congressional officials and is in the process of gathering material to publish in an Administrative Manual that we hope to have available for all offices by the end of this year.

Mr. HOLLINGS. We will be fully cognizant of the comments and the position of the distinguished Senator from Montana. I think the Senator feels that the fact that the ranking minority member and I thought that Senator METCALF was the chairman of the committee indicates that at the time we were cutting him, and thereby were cutting ourselves, that there was no intent to do this. This joint committee was headed by the distinguished Representative from Texas (Mr. BROOKS), and we were not cutting because the House Member was the chairman and because he was not doing a job. He is doing an outstanding job.

We are trying to hold back, and we will take cognizance of the comments of the Senator from Montana.

The committee concurs in the House allowance of $21,226,480 to cover official mail costs. This is $2,826,480 more than the $18,400,000 appropriated to cover the estimated costs for fiscal year 1972. The committee noted the Postal Service statement that:

Our long range goal is to develop actual volume data by class of service so that the reimbursement for the Congress will be based, to the extent practicable, on the different classes of mail at prevailing rates.

Since it appears that classification of mail, the establishment of proper conversion factors, and class rate application—all matters involved in the determination of the official mail costs—are under study by the Postal Service, the committee recommends and urges that the Committees on Post Office and Civil Service of the Senate and House of Representatives also study this entire matter with a view to establishing criteria upon which the Postal Service will be paid for congressional mail.

For the various activities under the jurisdiction of the Architect of the Capitol, the committee recommends a total of $26,332,300, plus an additional $771,600 for the Botanic Garden, which is also administered by the Architect of the Capitol.

For salaries, Office of the Architect, the committee recommends $1,171,500. This is $27,000 below the budget estimate and deletes two positions—one general engineer at $15,866 per annum and one architectural draftsman at $11,046 per annum—which had been approved in the House of Representatives.

The committee has approved an appropriation of $75,000 for the contingent fund, which is an increase of $25,000 over the amount which has been available in this fund for many years.

These funds are provided for the purpose of expediting emergency repairs and necessary modifications in those instances where comparatively small sums are involved. All expenditures from the fund must first receive the approval of the chairman of the Senate Committee on Appropriations for those items affecting the Senate and the Speaker of the House of Representatives for those items affecting the House.

Under Capitol buildings, the committee has included the sum of $1,521,000 for the restoration of the Old Senate Chamber and the Old Supreme Court Chamber in the Capitol. As Members will recall, an appropriation of $37,500 was provided in the Legislative Branch Appropriation Act, 1964, to enable the Architect of the Capitol to prepare working drawings, specifications, and estimates of cost for restoration of these two historic Chambers substantially to the condition in which they existed and were furnished when last occupied in 1859 by the U.S. Senate and in 1860 by the Supreme Court of the United States.

The drawings and specifications were completed in 1965 and a budget estimate in the amount of $700,000 was submitted for consideration in connection with the legislative branch apropriation bill, 1966. The Senate approved the proposal at that time, but this did not prevail in conference with the House. On subsequent occasions, the Senate has included funds in several regular and supplemental appropriation bills to accomplish this important restoration work, which likewise failed to survive conference action.

In the years intervening since the initial budget estimate was prepared, escalating costs of labor and materials required submission of revised estimates, first in the amount of $1,209,000 and, more recently, $1,521,000.

Details of current cost estimates are available in the printed hearings but, in summary, the project will proceed in two stages whereby the Old Supreme Court—lower—Chamber will be completed first, followed by restoration of the old Senate—upper—Chamber. It is estimated that the work can be accomplished in approximately 2 years' time, thus insuring that the Chambers will be open to public view by the bicentennial year.

Mr. President, the next subject I wish to discuss concerns resolutions introduced in both the Senate and House relating to the protection of the Capitol complex. Senate Concurrent Resolution 65 has been introduced in the Senate and referred to the Committee on Rules and Administration of the Senate. A companion resolution—House Concurrent Resolution 550—was approved by the House on March 16, 1972. These resolutions direct the Architect of the Capitol to procure and install security apparatus for the protection of the Capitol at a cost of not to exceed $3 million. The two resolutions provide further that the cost of acquisition and installation of such security apparatus shall be paid from the contingent fund of the House of Representatives.

The Senate Committee on Appropriations is not familiar with the details or the merits of the proposal since no request was made for funds and the matter was not presented to the committee. The pending bill, as it passed the House of Representatives, does not contain the $3 million. The Senate committee is of the view that the proposal to finance this expenditure from the contingent fund of the House is irregular. It was the committee's view that if the Congress agrees that such security apparatus should be procured and installed, it should be financed in the regular order from the appropriation, "Capitol Buildings," under the Architect of the Capitol.

The committee has so advised the Senate Committee on Rules and Administration, and further recommends to that committee that if it is favorably inclined toward the installation of this apparatus that Senate Concurrent Resolution 65 be amended to authorize an appropriation. Upon enactment of the authorization, the Committees on Appropriations of the two Houses can then consider the request for an appropriation in a supplemental appropriation bill.

Mr. President, turning now to the amendment inserted by the committee prohibiting the expenditure of funds for the preparation of final plans on the West Front extension proposal:

An appropriation of $2,275,000 under the head, "Extension of the Capitol," was made in the Legislative Branch Appropriation Act for fiscal year 1970. There is a balance in this account, as of March 1, 1972, of $2,020,665. On March 8, 1972, the Commission for Extension of the U.S. Capitol directed the Architect of the Capitol to proceed with the preparation of final plans for extending the west central front in accord with plan 2 heretofore approved by the Commission.

The committee was of the view that no funds should be used for the preparation of final plans until such time as the Congress has specifically approved and appropriated funds for the extension of the west central front. It is estimated that the cost of this project may total $60 million. The funds presently available may be used for preparation of preliminary plans. Should the balance of $2,020,665 be used for the preparation of final plans and should the Congress not approve of extending the west central front in accordance with plan 2, the funds would be wasted. On the other hand, should the final plans be prepared at a cost in excess of $2 million, the argument can be made that the Congress is obligated to proceed further with appropriations of $60 million for the extension.

Under these circumstances, the committee has inserted language in the bill stating that the funds may be used for preliminary plans but prohibits the use of any funds for the preparation of final plans or initiation of construction until the project is specifically approved and appropriated for by the Congress.

For the Senate Office Buildings, the committee recommends an appropriation of $4,932,200, an increase of $173,600 over the fiscal year 1972 appropriations enacted to date. Details with respect to

the items recommended under this head may be found on page 12 of the report.

For the Library of Congress, the committee recommends a total appropriation of $78,576,450, and information concerning the individual line items is available in the report, commencing on page 14.

In the appropriation account, "Salaries and expenses," which supports the Library's basic operations, the committee recommends an appropriation of $36,455,000. This appropriation finances the acquisition and processing of materials, custody, and general services relating to the collections, and general administration of the Library. The sum recommended will finance the 51 additional positions requested for the various activities funded under this appropriation. This is an incerase of 30 additional positions over the House allowance of 21, urgently requested by the Librarian of Congress.

For the Congressional Research Service, the committee recommends concurrence in the House allowance of $9,155,000, which is a reduction of $650,000 below the budget estimate. The sum recommended will provide for an additional 86 positions, for a total complement of 524 in the Congressional Research Service. Sufficient funds are included in the recommendation to establish the information center in the Senate Office Building proposed by the Library of Congress.

For furniture and furnishings, the committee recommends concurrence in the House allowance of $4,435,300, of which $4 million is earmarked for the purchase and supply of furniture, book stacks, shelving, furnishings, and related costs necessary for the initial outfitting of the James Madison Memorial Library Building. The completion of the building is scheduled for February 1975, and to facilitate occupancy as soon as possible thereafter, furnishings and equipment must be contracted for prior to July 1, 1974. The item requiring the longest leadtime is the specialized compact bookshelving proposed for the building.

For the Government Printing Office, the committee recommends an appropriation of $46,500,000 for Congressional Printing and Binding and $17,239,900 for the Office of the Superintendent of Documents.

The committee has included in the bill $97 million for salaries and expenses of the General Accounting Office. This is $1,180,000 above the amount recommended by the House of Representatives, and will provide the full complement of the 238 additional positions requested by the Comptroller General. Included in the sum recommended is $1,600,000 for GAO responsibilities in connection with the recently enacted Federal Election Campaign Act—Public Law 92-225—which has imposed major new duties on the GAO.

That completes my statement, Mr. President, and I ask unanimous consent that the committee amendments be agreed to en bloc, and that the bill as thus amended be regarded for the purpose of amendment as original text, provided that no point of order shall be considered to have been waived by reason of agreement to this order.

The PRESIDING OFFICER (Mr. McGEE). Without objection, it is so ordered, and the committee amendments are considered and agreed to.

The amendments, agreed to en bloc, are as follows:

On page 2, line 1, insert:

SENATE

On page 2, after line 1, insert:

COMPENSATION AND MILEAGE OF THE VICE PRESIDENT AND SENATORS AND EXPENSE ALLOWANCES OF THE VICE PRESIDENT AND LEADERS OF THE SENATE

COMPENSATION AND MILEAGE OF THE VICE PRESIDENT AND SENATORS

For compensation and mileage of the Vice President and Senators of the United States, $4,778,340.

On page 2, after line 9, insert:

EXPENSE ALLOWANCES OF THE VICE PRESIDENT AND MAJORITY AND MINORITY LEADERS

For expense allowance of the Vice President, $10,000; Majority Leader of the Senate, $3,000; and Minority Leader of the Senate, $3,000; in all, $16,000.

On page 2, after line 14, insert:

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, clerks to Senators, and others as authorized by law, including agency contributions and longevity compensation as authorized, which shall be paid from this appropriation without regard to the below limitations, as follows:

On page 2, after line 20, insert:

OFFICE OF THE VICE PRESIDENT

For clerical assistance to the Vice President, $430,200.

At the top of page 3, insert:

OFFICE OF THE PRESIDENT PRO TEMPORE

For office of the President pro tempore, $54,130: *Provided*, That effective July 1, 1972, the Comptroller may appoint and fix the compensation of an auditor at not to exceed $18,130 per annum in lieu of a secretary at not to exceed $15,281 per annum.

On page 3, after line 6, insert:

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For offices of the Majority and Minority Leaders, $206,165.

On page 3, after line 9, insert:

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For offices of the Majority and Minority Whips, $104,640.

On page 3, after line 12, insert:

OFFICE OF THE CHAPLAIN

For office of the Chaplain, $18,650.

On page 3, after line 14, insert:

OFFICE OF THE SECRETARY

For office of the Secretary, $2,244,230, including $99,974 required for the purpose specified and authorized by section 74b of title 2, United States Code: *Provided*, That effective July 1, 1972, the Secretary may appoint and fix the compensation of a third assistant parliamentarian at not to exceed $19,684 per annum, and a messenger at not to exceed $9,583 per annum.

On page 4, after line 2, insert:

COMMITTEE EMPLOYEES

For professional and clerical assistance to standing committees and the Select Committee on Small Business, $7,696,705.

On page 4, after line 6, insert:

CONFERENCE COMMITTEES

For clerical assistance to the Conference of the Majority, at rates of compensation to be fixed by the chairman of said committee, $153,070.

For clerical assistance to the Conference of the Minority, at rates of compensation to be fixed by the chairman of said committee, $153,070.

On page 4, after line 13, insert:

ADMINISTRATIVE AND CLERICAL ASSISTANTS TO SENATORS

For administrative and clerical assistants to Senators, $34,264,925.

On page 4, after line 17, insert:

OFFICE OF SERGEANT AT ARMS AND DOORKEEPER

For office of Sergeant at Arms and Doorkeeper, $8,633,250.

On page 4, after line 20, insert:

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For offices of the Secretary for the Majority and the Secretary for the Minority, $248,120.

At the top of page 5, insert:

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the office of the Legislative Counsel of the Senate, $473,810.

On page 5, after line 4, insert:

CONTINGENT EXPENSES OF THE SENATE

SENATE POLICY COMMITTEES

For salaries and expenses of the Majority Policy Committee and the Minority Policy Committee, $309,770 for each such Committee; in all, $619,540.

On page 5, after line 9, insert:

AUTOMOBILES AND MAINTENANCE

For purchase, lease, exchange, maintenance, and operation of vehicles, one for the Vice President, one for the President pro tempore, one for the Majority Leader, one for the Minority Leader, one for the Majority Whip, one for the Minority Whip, for carrying the mails, and for official use of the offices of the Secretary and Sergeant at Arms, $36,000.

On page 5, after line 17, insert:

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, including $511,460 for the Committee on Appropriations, to be available also for the purposes mentioned in Senate Resolution Numbered 193, agreed to October 14, 1943, $11,848,545.

At the top of page 6, insert:

FOLDING DOCUMENTS

For the employment of personnel for folding speeches and pamphlets at a gross rate of not exceeding $3.34 per hour per person, $74,475.

On page 6, after line 4, insert:

MISCELLANEOUS ITEMS

For miscellaneous items, $6,532,150.

On page 6, after line 6, insert:

POSTAGE STAMPS

For postage stamps for the Offices of the Secretaries for the Majority and Minority,

$320; and for air mail and special delivery stamps for the Office of the Secretary, $610; Office of the Sergeant at Arms, $240; Comptroller, $100; Senators and the President of the Senate, as authorized by law, $137,355; in all, $138,625.

On page 6, after line 13, insert:

STATIONERY (REVOLVING FUND)

For stationery for Senators and the President of the Senate $385,800; and for stationery for committees and officers of the Senate, $17,200; in all, $403,000.

On page 6, after line 17, insert:

ADMINISTRATIVE PROVISIONS

The second sentence of section 4 of the joint resolution entitled "Joint Resolution transferring the management of the Senate Restaurants to the Architect of the Capitol, and for other purposes", approved July 6, 1961, as amended (40 U.S.C. 174j–4), is amended (1) by striking out "1972" and inserting in lieu thereof "1973", and (2) by striking out "specifically for such restaurants as a" and inserting in lieu thereof a comma and the following: "which shall be part of a".

Effective July 1, 1972, the last paragraph under the heading "Administrative Provisions" in the appropriations for the Senate under the Legislative Branch Appropriation Act, 1971 (2 U.S.C. 46d–5), is repealed.

For the purpose of carrying out his duties under the Federal Election Campaign Act of 1971, the Secretary of the Senate is authorized, from and after July 1, 1972, (1) to procure technical support services, (2) to procure the temporary or intermittent services of individual technicians, experts, or consultants, or organizations thereof, in the same manner and under the same conditions, to the extent applicable, as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946, (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency, and (4) to incur official travel expenses. Payments to carry out the provisions of this paragraph shall be made from funds included in the appropriation "Miscellaneous Items" under the heading "Contingent Expenses of the Senate" upon vouchers approved by the Secretary of the Senate. All sums received by the Secretary under authority of the Federal Election Campaign Act of 1971 shall be covered into the Treasury as miscellaneous receipts.

On pages 15, line 8, after the word "Committee", strike out "$674,190" and insert "$716,900".

On page 15, line 26, after the word "Management", strike out "$569,634" and insert "$355,000".

On page 21, line 13, after the word "law", strike out "$1,198,500" and insert "$1,171,500".

On page 21, after line 24, strike out:

For necessary expenditures for the Capitol Building and electrical substations of the Senate and House Office Buildings, under the jurisdiction of the Architect of the Capitol, including improvements, maintenance, repair, equipment, supplies, material, fuel, oil, waste, and appurtenances; furnishings and office equipment; special and protective clothing for workmen; uniforms or allowances therefor as authorized by law (5 U.S.C. 5901, 5902; personal and other services; cleaning and repairing works of art, without regard to section 3709 of the Revised Statutes, as amended; purchase or exchange, maintenance and operation of a passenger motor vehicle; purchase of necessary reference books and periodicals; for expenses of attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, $2,852,900, of which $50,000 shall remain available until expended: *Provided*, That there is hereby authorized to be established and maintained in an amount not to exceed $100, a petty cash fund for small purchases necessary for care and operation of the buildings and office administration, which shall be reimbursed by vouchers properly chargeable to this and successor appropriations.

And, in lieu thereof, insert:

For necessary expenditures for the Capitol Building and electrical substations of the Senate and House Office Buildings, under the jurisdiction of the Architect of the Capitol, including improvements, maintenance, repair, equipment, supplies, material, fuel, oil, waste, and appurtenances; furnishings and office equipment; special and protective clothing for workmen; uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902): personal and other services; cleaning and repairing works of art, without regard to section 3709 of the Revised Statutes, as amended; purchase or exchange, maintenance and operation of a passenger motor vehicle; purchase of necessary reference books and periodicals; for expenses of attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, $4,411,000, of which $1,521,000 shall remain available until June 30, 1974, to enable the Architect of the Capitol, under the direction of the Commission on Art and Antiquities of the United States Senate established by S. Res. 382, 90th Congress, agreed to October 1, 1968, to make such expenditures as may be necessary, without regard to section 3709 of the Revised Statutes, as amended, to restore the Old Senate Chamber on the principal floor of the Capitol and the Old Supreme Court Chamber on the ground floor of the Capitol substantially to the condition in which these chambers existed when last occupied in 1859 and 1860, respectively, by the United States Senate and the United States Supreme Court, including expenditures for procurement, restoration, and repair of furniture and furnishings for these chambers: *Provided*, That there is hereby authorized to be established and maintained, in an amount not to exceed $100, a petty cash fund for small purchases necessary for care and operation of the buildings and office administration, which shall be reimbursed by vouchers properly chargeable to this and successor appropriations.

The sum of $74,000 of the $470,000 made available until expended under the heading "Senate Office Buildings" in the Legislative Branch Appropriation Act, 1968, is hereby rescinded.

The unobligated balances on June 30, 1972 in the following appropriation accounts, now available until expended, shall cease to be available for obligation on June 30, 1973:

Senate Office Buildings (excluding the $74,000 rescinded); Extension of Additional Senate Office Building Site; Structural and Mechanical Care, Library Buildings and Grounds; John W. McCormack Residential Page School.

At the top of page 25, insert:

EXTENSION OF THE CAPITOL

Funds available under this appropriation may be used for the preparation of preliminary plans for the extension of the west central front: *Provided, however*, That no funds may be used for the preparation of the final plans or initiation of construction of said project until specifically approved and appropriated therefor by the Congress.

On page 25, after line 19, insert:

SENATE OFFICE BUILDINGS

For maintenance, miscellaneous items and supplies, including furniture, furnishings, and equipment, and for labor and material incident thereto, and repairs thereof; for purchase of waterproof wearing apparel, and for personal and other services; including eight attendants at a gross annual rate of $7,695 for the period January 9, 1972 to June 30, 1972 and whose salary rates shall be fixed on and after July 1, 1972 by the Architect of the Capitol without regard to Chapter 51 and Subchapters III and IV of Chapter 53 of Title 5, United States Code and shall thereafter be adjusted in accordance with 5 U.S.C. 5307; for the care and operation of the Senate Office Buildings; including the subway and subway transportation systems connecting the Senate Office Buildings with the Capitol; uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902), prevention and eradication of insect and other pests without regard to section 3709 of the Revised Statutes as amended; to be expended under the control and supervision of the Architect of the Capitol; in all, $4,932,200.

On page 26, after line 14, insert:

SENATE GARAGE

For maintenance, repairs, alterations, personal and other services, and all other necessary expenses, $89,100.

On page 27, line 25, after the word "services", strike out "$1,516,400" and insert "$1,531,400".

On page 29, line 4, after the word "Board", strike out "$36,040,000" and insert "$36,455,000".

At the top of page 35, strike out:

Hereafter, appropriations for authorized printing and binding for the Congress shall not be available under the authority of the Act of July 30, 1947 (1 U.S.C. 211) for the printing, publication, and distribution of more than two copies of new editions of the Code of Laws of the United States and of the Code of the District of Columbia for each Member of the Senate and House of Representatives.

On page 37, line 16, after "(Public Law 87–195, 22 U.S.C. 2396 (b)", strike out "$95,820,000" and insert "$97,000,000".

Mr. MANSFIELD. Mr. President, will the distinguished Senator from South Carolina yield?

Mr. HOLLINGS. I yield.

Mr. MANSFIELD. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 25, strike out beginning on line 2 all language through line 7 and insert the following:

"Funds available under this appropriation may be used for the preparation of plans for the extension of the West Central Front: *provided however*, That no funds may be used for construction of said project until specifically approved and appropriated therefor by the Congress.

Mr. MANSFIELD. Mr. President, I voted for the amendment contained on page 25 of the bill when the Appropriations Committee met last Friday. I must admit, in all candor, that I did so under a misapprehension and, therefore, I stand corrected for my misunderstanding; but

as a member of the commission for the extension of the U.S. Capitol, created by Congress and on which certain responsibilities were imposed, I attended my first meeting of that commission earlier this week for 2 hours, along with the Vice President of the United States, the Speaker of the House, the minority leader of the Senate, the minority leader of the House, the majority leader of the House, and the Architect of the Capitol, I listened to the arguments advanced by the Architect as to why he thought, in his judgment, we should go ahead with plans for the West Front.

He made some cogent arguments and I find that the agreement to which I was a party in the Appropriations Committee last Friday afternoon really accomplishes nothing, because it means nothing. I was under the impression, or at least I thought I was, that what we were doing was going ahead with funds for the plans, not for the appropriation of funds for the construction of any extension which, as a matter of fact, would have to come again before Congress, anyway.

But, Mr. President, not to take up too much of the time of the Senate, I ask unanimous consent at this time that a memorandum to the members of the commission for the extension of the U.S. Capitol, under date of March 6, 1972, and recommendations signed by all seven members of the commission for the extension of the U.S. Capitol dated March 6, 1972, be printed in the RECORD at this point.

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

COMMISSION FOR EXTENSION,
OF THE U.S. CAPITOL,
March 8, 1972.

Whereas Public Law 91–145, approved December 12, 1969, provides:

EXTENSION OF THE CAPITOL

For an additional amount for "Extension of the Capitol", $2,275,000, to be expended under the direction of the Commission for Extension of the United States Capitol as authorized by law: *Provided,* That such portion of the foregoing appropriation as may be necessary shall be used for emergency shoring and repairs of, and related work on, the west central front of the Capitol: *Provided further,* That not to exceed $250,000 of the foregoing appropriation shall be used for the employment of independent nongovernmental engineering and other necessary services for studying and reporting (within six months after the date of the employment contract) on the feasibility and cost of restoring such west central front under such terms and conditions as the Commission may determine: *Provided, however,* That pending the completion and consideration of such study and report, no further work toward extension of such west central front shall be carried on: *Provided further,* That after submission of such study and report and consideration thereof by the Commission, the Commission shall direct the preparation of final plans for extending such west central front in accord with Plan 2 (which said Commission has approved), unless such restoration study report establishes to the satisfaction of the Commission:

(1) That through restoration, such west central front can, without undue hazard to safety of the structure and persons, be made safe, sound, durable, and beautiful for the foreseeable future;

(2) That restoration can be accomplished with no more vacation of west central front space in the building proper (excluding the terrace structure) than would be required by the proposed extension Plan 2;

(3) That the method or methods of accomplishing restoration can be so described or specified as to form the basis for performance of the restoration work by competitive, lumpsum, fixed price construction bid or bids;

(4) That the cost of restoration would not exceed $15,000,000; and

(5) That the time schedule for accomplishing the restoration work will not exceed that heretofore projected for accomplishing the Plan 2 extension work: *Provided further,* That after consideration of the restoration study report, if the Commission concludes that all five of the conditions hereinbefore specified are met, the Commission shall then make recommendations to the Congress on the question of whether to extend or restore the west central front of the Capitol.

Whereas, the restoration feasibility and cost study and report of Praeger-Kavanagh-Waterbury, Consulting Engineers-Architects, made pursuant to Public Law 91–145, was considered by the Commission at its meeting of March 8, 1972, in Room EF–100 of the Capitol; and

Whereas, the Commission established to its satisfaction that all five of the conditions specified in Public Law 91–145, relating to restoration, cannot be met: Now, therefore, be it resolved,

That the Architect of the Capitol is hereby directed to proceed with the preparation of final plans for extending the west central front in accord with Plan 2 heretofore approved by the Commission.

CARL ALBERT,
Speaker of the House of Representatives, Chairman;
HALE BOGGS,
Majority Leader of the House;
GERALD R. FORD,
Minority Leader of the House,
SPIRO T. AGNEW,
President of the Senate;
MIKE MANSFIELD,
Majority Leader of the Senate;
HUGH SCOTT,
Minority Leader of the Senate;
GEORGE M. WHITE,
Architect of the Capitol.

WASHINGTON, D.C.,
March 6, 1972.

MEMORANDUM TO THE MEMBERS OF THE COMMISSION FOR EXTENSION OF THE U.S. CAPITOL

The primary purpose of this meeting is the consideration by the Commission of the January, 1971 report of the firm of Praeger-Kavanagh-Waterbury, Consulting Engineers and Architects, relating to the feasibility and cost of the restoration of the West Central Front of the Capitol, as proposed in such report.

Under the prevailing statute providing for this report, the Commission is charged with the responsibility of establishing to its satisfaction whether the five conditions specified in the law are met.

If the Commission determines that the five conditions are *not* met, then the law provides that the Commission shall direct the preparation of final plans for extending the West Central Front in accord with Plan 2 which the Commission has heretofore approved.

If the Commission concludes that the five conditions *are* met, then the law provides that the Commission shall make recommendations to the Congress on the question of whether to extend or restore the front.

LAW RELATING TO THESE DETERMINATIONS

In the Legislative Branch Appropriation Act, 1970, (Public Law 91–145), the Congress simultaneously appropriated $2,000,000 for preparation of final contract drawings and specifications for carrying out Plan 2 for extension of the West Central Front of the Capitol and $250,000 for engineering and other necessary services for studying and reporting on the feasibility and cost of restoring the front.

The law provided that pending the completion and consideration of the restoration study and report, no further work toward extension was to be undertaken.

The law also contained the following provisions which are pertinent to your consideration today:

"* * * That after submission of such study and report and consideration thereof by the Commission, the Commission shall direct the preparation of final plans for extending such west central front in accord with Plan 2 (which said Commission has approved), unless such restoration study report establishes to the satisfaction of the Commission:

"(1) That through restoration, such west central front can, without undue hazard to safety of the structure and persons, be made safe, sound, durable, and beautiful for the foreseeable future;

"(2) That restoration can be accomplished with no more vacation of west central front space in the building proper (excluding the terrace structure) than would be required by the proposed extension Plan 2;

"(3) That the method or methods of accomplishing restoration can be so described or specified as to form the basis for performance of the restoration work by competitive, lumpsum, fixed price construction bid or bids;

"(4) That the cost of restoration would not exceed $15,000,000; and

"(5) That the time schedule for accomplishing the restoration work will not exceed that heretofore projected for accomplishing the Plan 2 extension work: *Provided further,* That after consideration of the restoration study report, if the Commission concludes that all five of the conditions hereinbefore specified are met, the Commission shall then make recommendations to the Congress on the question of whether to extend or restore the west central front of the Capitol."

Upon direction of the Commission for Extension of the United States Capitol, after exhaustive study, the engineering contract for the restoration study was awarded to Praeger-Kavanagh-Waterbury, Engineers-Architects of New York City, on July 1, 1970.

The Praeger report was received at the end of December, 1970, and was forwarded immediately to all Members of the Commission and released to the press and others interested.

STATEMENT OF THE ARCHITECT OF THE CAPITOL RELATING TO HIS STUDY OF THE WEST FRONT PROBLEM

Early last year, as the newly appointed Architect of the Capitol, and in anticipation that the Commission in Charge, before reaching a conclusion on the matter, would seek my professional judgment in assisting them to evaluate the Praeger report, I began a detailed professional review of all available information relating to the history and development of the West Central Front proposals.

Among the activities in which I engaged during the review are the following:

1. A careful and diligent open-minded study of the Praeger report.

2. A physical examination of both the interior and the exterior of the original west walls.

3. A careful review of testimony given over a period of many years before various House and Senate Committees concerned with the proposals for the extension of the West Front of the Capitol, and before the Commission for Extension of the United States Capitol.

4. A reading and review of the record of the floor debates in both the Senate and the House that led to the various actions of the Congress.

5. A review of the legislation, committee reports, and other documents on the subject.

6. Study of the Mueser, Rutledge, Went-

worth & Johnston engineering report of 1957.

7. Study of the 1964 engineering report of The Thompson & Lichtner Co., Inc.

8. A study of the various reports of the former Architect of the Capitol, as well as reports made to him by the Associate Architects for the Extension Project.

9. Meetings and discussions of the various past studies, and of the Praeger report, with the staff of the Architect of the Capitol.

10. Requested and received advice and counsel from the American Institute of Architects which responded by appointing a new Task Force to re-examine the AIA position. We engaged in several conferences and a written report from the Task Force was received.

11. Asked three prominent general contractors, an officer and members of the AGC, for their opinion with regard to estimates of cost as outlined in the Praeger report and the feasibility of obtaining competitive lumpsum bids.

12. Conversed at some length with Mr. E. H. Praeger himself in order that I might obtain verbal clarification of a number of what I considered to be ambiguous or contradicting portions of the written report.

13. Conferred with the Advisory Architects, Consulting Engineers, and others.

14. Conferred with other individuals who have maintained a long interest in the Capitol, including Senators, Congressmen, and design professionals.

15. Spoke with a British stone preservation expert who inspected the Capitol, and then read several of his papers regarding the deterioration of stone generally and in England in particular.

16. Inspected, at no cost to the Government, several European restoration projects.

17. Personally examined the space needs of the House of Representatives and, to some degree, the space needs of the Senate. Have explored all areas on the House Side of the Capitol, from the basement through the attic, and many of the Senate areas. Several discussions have been held with Senator Jordan about my proceeding with a full space study of Senate facilities and he has now approved my proceeding with that study.

18. Examined and studied the matter of how the Congress uses the building, how the public (visitors) also uses the building, and further, how their respective and simultaneous needs must be considered.

19. Spent untold hours in review of the various data and in the reading of articles by many persons concerned with preservation, planning, the history of the Capitol, and in the re-examination of the Praeger report.

PROFESSIONAL JUDGMENTS OF THE ARCHITECT

After these many months of study and investigation, I am prepared to offer the following professional judgments, which for the purposes of this brief presentation have been necessarily simplified:

1. The structural adequacy of the west wall is, in fact, indeterminate. As many experts will declare that it is stable as will say that it is unstable. But even those who support the position of stability admit to the indeterminacy of the loading computations, and, therefore, say that the wall should be strengthened as an insurance against the probability of a possible failure. Thus, although there appears to be no imminent danger of an immediate collapse, there may well be concentrations of forces that have accumulated through structural and other changes over the years and that could, under certain circumstances, be triggered and released. There appears, then, to be no basic disagreement regarding the need to strengthen, and thus stabilize the wall in some fashion. Further, there appears to be no disagreement that this goal may be achieved in at least two ways, one of which is through restoration, or a strengthening of the wall in situ, and another of which is through an extension of the building itself, which will, in effect, buttress and thus strengthen the wall.

2. There appears to be no disagreement with regard to the exterior appearance of the proposed extension, nor any disagreement with regard to the total appearance of the Capitol that would result.

3. That human characteristic which manifests itself in our desire to save and preserve at least some of our heritage, whether it be personal, national, or international, finds a high degree of intensity in some, and it may then be expressed in the feeling that preservation is a primary goal in and of itself. I submit that the intensity with which that desire exists in the spectrum of people's feelings must, in this instance, be weighed against some of the physical needs of the Congress that must be met. If the Congress, for example, were to commission the design of a new legislative complex, the designers would undoubtedly need to assist in the writing of a program which would describe the physical needs of the Congress in the transaction of its daily business. The configuration of the building or buildings would arise from a study of these needs. In this existing legislative building, viz, the Capitol, these needs have changed and expanded over the years, and, indeed, are continuing to do so. It is apparent that complex problems such as these are not generally capable of simple solutions. Recognizing that it may thus be an oversimplification to so state, it is nevertheless my opinion that the Congress must weigh the sentiment of preservation against its physical needs, taking into account the various alternative methods of providing needed space in close proximity to the legislative chambers.

4. The argument can be made that the fact that the West Front contains the last remaining exposed original wall, is indicative of the past life and hence the growth of this living, working symbol of democracy and freedom that is the Capitol. Sometime, of course, acceleration in the growth of our Nation may diminish and perhaps that point is already in sight. It has therefore been suggested that the existing physical outline of the Capitol be considered inviolate at its present location. Somewhere that position must surely be taken, but it appears that it is not necessarily valid to presume that it cannot be taken at some other location, such as, for example, that of the proposed extension.

5. The final cost of the proposed restoration appears to be indeterminate. Most experts feel that the cost will certainly be more than $15,000,000, notwithstanding the written statement in the Praeger report. The requirements of items 3 and 4 of Public Law 91–145, previously quoted, indicated that a lumpsum contract for restoration of not more than $15,000,000 must be capable of being obtained. I interpret these two items, taken together, as meaning that the Congress has set a fixed, limited, i.e., maximum, cost of $15,000,000 as one of the criteria for the feasibility of restoration. Experience in the construction of buildings indicates that a lumpsum contract, in and of itself, is not an assurance that the designated sum will indeed be the final cost. It is my considered professional opinion, based upon my recent investigations as outlined above, that the restoration, as proposed, cannot be accomplished for a total final cost of $15,000,000. In that connection, it is important to recognize that even though the cost per square foot of an extension might appear to be high because of the particular kind of construction that would be necessary, any expenditure for restoration, because no space would be added, would result in what mathematically results in an infinite cost per square foot.

It is, further, worthy of note that there is no disagreement among the advocates of the various positions that restoration work generally, and the West Front of the Capitol in particular, should, because of its specialized nature, be accomplished through the medium of a cost plus a fixed fee contract rather than through a lumpsum agreement obtained on a competitive bid basis.

Although the specifics of the other three provisions of Public Law 91–145 can generally be said to be capable of being met, with the obvious possibility for disagreement regarding what is "safe, sound, durable, and beautiful for the foreseeable future," I believe that it would be inappropriate to presume that the cost limitation can or could be met.

SUMMARY

Summarizing, then, I submit the following judgments: (a) although it is relatively stable, the west wall needs repair and strengthening; (b) the restoration method of strengthening the wall cannot be accomplished for a guaranteed cost limit of $15,000,000; (c) the Congress must weigh and decide upon the relative importance and the appropriate methods of providing for its space needs in the Capitol, as compared with the admittedly highly desirable goal of preserving the exposed physical wall.

Additional information will be available at the meeting of the Commission.

GEORGE M. WHITE,
Architect of the Capitol.

Mr. MANSFIELD. Mr. President, may I point out that the Commission has done precisely what Congress mandated it to do in the Legislative Branch Appropriations Act of 1970. The charge that we have done otherwise, as has been enunciated by certain Members in the other body, is absolutely incorrect and absolutely without foundation.

Five conditions were spelled out in the Legislative Branch Appropriations Act of 1970, which restoration must meet in order to be considered by the Commission. If all of these questions were not met to the satisfaction of the Commission, then the law said the Commission shall direct the preparation of final plans for the extension as already approved by the commission. This is exactly what the Commission has done, and done unanimously.

Before the meeting of March 8, 1972, the Commission had received from the Architect of the Capitol the restoration report, the Architect's comments on the report and on his effort going back over a period of more than a year, and his professional judgments relating to the west front problem. At the meeting, we had available the preliminary plans and estimates of cost for the extension, and all the background information, including hearings, debate on the floor, committee reports, and so forth, during the last several years on this question.

Near the close of the Commission's discussion, Representative FORD read aloud each of the five conditions specified in the law and asked Architect White to comment on each one. The following resulted:

1. That through restoration, such west central front can, without undue hazard to safety of the structure and persons, be made safe, sound, durable, and beautiful for the foreseeable future.

Mr. White stated that the wall can be made relatively safe and sound. However, he said, there is grave doubt that it can be made durable and beautiful except with continued and substantial maintenance.

Representative FORD then read the next condition:

2. That restoration can be accomplished with no more vacation of west central front space in the building proper (excluding the terrace structure) than would be required by the proposed extension plan 2.

Mr. White said that this was a true statement.

Representative FORD then read the following conditions:

3. That the method or methods of accomplishing restoration can be so described or specified as to form the basis for perfomance of the restoration work by competitive, lump sum fixed price construction bid or bids.

4. That the cost of restoration would not exceed $15 million.

Mr. White stated that conditions 3 and 4, taken together, cannot, in his opinion, be met.

Representative FORD then read condition 5:

5. That the time schedule for accomplishing the restoration work will not exceed that heretofore projected for accomplishing the plan to extension work: Provided further, That after consideration of the restoration report, if the commission concludes that all five of the conditions hereinbefore specified are met, the commission shall then make recommendations to the Congress on the question of whether to extend or restore the West Central Front of the Capitol.

Mr. White stated that condition 5 can be met.

Mr. White then gave us the analysis which he had arrived at after some thought and since assuming his position as Architect of the Capitol. And incidentally if he is not the first architect in a real sense of the Capitol, he is one of the very few. As I have said, he has made a number of investigations, surveys, and inquiries. He is a man who is honest in his outlook, and I am sorry to note that some Members, at least in the other body, have already started up the cry that he should resign his position because he does not agree with what they advocate about the west central front.

I can only say that Mr. White is a qualified architect and a former president of the American Institute of Architects. He is a man with a very high reputation. His integrity and his interest in this symbol of liberty, this Capitol of the Nation, which does not belong to the Members of the House or Senate, but to all people, is not subject to question. He is a man in whom the commission has the utmost confidence.

He was questioned quite closely for 2 hours. On the basis of his recommendations and on the basis of his answers to our questions, the Commission unanimously recommended that the plan go ahead, but also said that before any construction would be undertaken, that it would be subject to the will of the House and Senate Appropriations Committees, as well as their parent bodies.

What the Commission advocated has been stipulated under the laws of Congress and agreed to by both Houses.

I urge that the Senate give most serious consideration to backing up the Commission in what it did unanimously and in allowing the plans to go ahead, seeking to bring about, if the Senate and House agree, at an appropriate time, construction which is badly needed.

All we have to do now is to go out to the west front and see those 8-by-8 beams that are holding up the building.

There are some Members of this body, and perhaps I was included among them, who had questions concerning the extension of the east front. Certainly we have been satisfied, if not more than satisfied, with the architectural beauty which has enhanced the Capitol of the Nation on that side. The same can be done to the west central front, and if so the Capitol will be enhanced considerably, the building will be in a more central position, and the classical and architectural aspects of this building will, in my opinion, be enhanced considerably.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement on the action taken by the members of the Commission, representing both the House and Senate, relative to the west front of the Capitol, as well as remarks in the House by the distinguished Representative from Iowa (Mr. SCHWENGEL).

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

Mr. SCHWENGEL. Mr. Chairman, I hope there is no one here who may seriously question my interest in and my concern for the preservation of the Capitol. Few, I believe, and I confess humbly, surpass my interest in the history and the heritage of this great monument, our Capitol.

I will begin by suggesting to you and telling you, as many of you already know, that originally as a historian, I was opposed to both the East Front and the West Front extensions. But because of my growing interest, I researched this question and I have studied it in depth. The original plans were considered. The needs were noted. I have changed my mind. I was wrong and I have said so at different times on the floor of the House.

One of our troubles around here is that an institution for publicity in this area insists on only publishing one side of the story. On March 8 and 9, I took the floor and discussed this matter and commented on the decision of the Commission. This organization for publicity was made known of this, but not one line was in the paper. But, the opposition was there.

So I invite now, Mr. Chairman, the publicity facilities here, and one in particular, to pay attention to another side and to note what other people have said who are competent and who are interested and who are just as dedicated and concerned about this.

Now having commented on that, let me talk about change. My colleagues, there have been many changes in this Capitol Building. It is not a status quo-building just as this Nation is not a status quo institution.

We had the original design—and the first dome was a low dome. Then wisely and because the Congress needed more space, in 1850 a move was made to expand the Capitol and the result is this room—with one comparable to it on the Senate side.

Then it was noted that there was something wrong with that low dome and that it was out of proporttion. So it was recommended that we put a dome on like you see on the Capitol.

Then there was the question of need for balance on the west front and the terrace idea was conceived and an extension was conceived at that time.

In 1904 this Congress, looking forward to that extension part of the project to develop some bronze doors and there are three magnificent bronge doors on the east front now and they tell a magnificent story of our early history.

There is another set of doors which will be on display soon that will be designed for the west front, but because something happened we never could get on with this business. Every time it was up, there was somebody on the House floor opposing it. Even when we changed from gas light to electric light, some of the wise men in the Congress on the House and Senate side both commented: Well, what is the matter with the gas light? This electric business is just a fad and it is dangerous and we should not do it.

There was debate about the dome. So change has been a tradition and the status quo has not been the tradition.

Now as to the hideaways—I have been, I think, and every man can if he wants to, get into every room in this building. Some are not convenient to get into—you have to go through a manhole to explore the area where they dug there one time.

Mr. JACOBS. Mr. Chairman, will the gentleman yield?

Mr. SCHWENGEL. I yield to the gentleman.

Mr. JACOBS. I would like to see the gentleman get into the room where this committee met, the Appropriations Committee. I understand that no Members of Congress except members of the committee were admitted while the hearings were going on.

Mr. SCHWENGEL. I knew about those hearings. But I happen to trust those people very much. They are our representatives.

While we are commenting on that, I will say I have been able to find it and I have gone there and no discourtesy was shown. I found out what took place there. There was an honest evaluation of the facts that they were acting in accordance with the wishes of the Congress.

Mr. JACOBS. Mr. Chairman, will the gentleman yield?

Mr. SCHWENGEL. Yes, I yield to the gentleman from Indiana.

Mr. JACOBS. Does the gentleman take the position that hearings on the expenditure of public money should be closed, that that is perfectly all right, and that we should just trust the members of the committee?

Mr. SCHWENGEL. I do not endorse that, of course, but that is not the question.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. SCHWENGEL. I yield to the gentleman from Colorado.

Mr. EVANS of Colorado. The committee was glad to receive all Members who expressed an interest in coming to the committee, and all such Members did come and were heard.

Mr. JACOBS. Mr. Chairman, will the gentleman yield further?

Mr. SCHWENGEL. I yield to the gentleman from Indiana.

Mr. JACOBS. That is not an answer to my question. The question is whether Members can attend, not as witnesses, but to observe other witnesses. I would like the committee to state whether that would be permitted.

Mr. SCHWENGEL. Under the provisions of Congress, as the act was passed originally, the amendment called for a study and report, that the Commission would make the judgments, they did so, and they reported. When this happened, I went down here to see what happened. As far as I was concerned, they were very courteous.

I know what has taken place. I have every confidence in the judgment of these people, and I have confidence, I will say, in the new Architect. He is a qualified architect, and to question his integrity when he comes here is just not fair. I do not believe these kinds of people are affected by politics and political pressures. He could make a lot more money than he is getting, I believe, in private practice. So why should he worry about a job? Why should he not represent the best interests of the people?

Someone mentioned Campioli. He was one of the great architects of all time. He was

hired by the Rockefeller Foundation and developed the Williamsburg layout there. This man is a traditionalist. Originally, like myself, he was opposed to both the east front and the west front extensions. But he was wise enough to recognize the facts and he changed his mind.

Now, I am not worried about hideaways. Any Member of the Congress can get into any room in the Capitol he wants to get into, and that includes those rooms that are used by Members on the other side. Of course, there are not nearly so many over here. Percentagewise, more of the Members on the other side can be taken care of.

Let me tell you about a great need here, my friends. The dome section of the Capitol, to me, is holy ground. That is the center of this building. That is where a lot of important events have taken place. That is where our great statesmen have lain in state. That is the reception center. I am ashamed of it.

I do not like something else. When a carload of people come here from Iowa, Texas, Indiana, New York, or elsewhere, some of whom are 65 years of age and older, they have to park a block and a half away, walk, climb 47 steps, and there is not even a restroom anywhere in the area. There is no place to sit down and relax. But there will be if we have an extension. We will have a nice driveway up the west front. They can walk 14 steps, get on a moving platform, and move into the reception center and begin their tour at that point. What is wrong with that? Nothing, of course.

Mr. CASEY of Texas. Mr. Chairman, will the gentleman yield?

Mr. SCHWENGEL. I am glad to yield to the gentleman from Texas.

Mr. CASEY of Texas. I want to commend the gentleman for his activities in seeing that the Capitol becomes what it should be, a thing of beauty. If Members will look around, they will see that little by little we are accomplishing some of the things that need to be done. They will notice that our old Chambers are starting to get a little cleaning. Our committee has helped in getting junk off the balcony. I think by the time the centennial arrives and we have our celebration, we will have more pride in this building.

Mr. SCHWENGEL. Mr. Chairman, I now want to comment for the RECORD on the following questions:

First. Statements relating to Congressman STRATTON's remarks on the floor March 16, 1972; the action of the Commission March 8, 1972; and the restoration and other reports.

Second. Resolution of the Commission March 8, 1972, containing the Commission's decision and the law relating to the restoration study and the extension of the Capitol.

Third. Law authorizing the extension of the central portion of the Capitol—east and west fronts—under direction of the Commission created therein.

Fourth. Editorial from the Evening Star, March 10, 1972.

Fifth. Memorandum from the Architect to the Commission, March 6, 1972.

Sixth. Background of George M. White, Architect of the Capitol.

The material referred to follows:

NOTES ON WEST FRONT ON THE CAPITOL

(If Congressman Stratton tries to stop planning through amendment or other device on the Legislative Branch Appropriation Bill, 1973)

1. Stratton stated in his speech on the floor of the House, March 1972, that he had introduced three separate bills to accomplish his objectives. These bills were referred to the Committee on Public Works. Why is he now attempting to circumvent the regular legislative processes through an appropriation bill?

2. The House debated the West Front problem fully on September 19, 1969, and agreed to appropriate $2,000,000 for the final planning of the extension. Mr. Stratton's amendment to stop this was defeated by the House (vol. 115, pt. 19, p. 26389).

As far as the House was concerned, we could have proceeded then, more than 2 years ago, with the extension, which would have saved the escalation that has resulted in the meantime—some $10,000,000 to $15,000,000.

It was only after the insistence of some members of the other body that the provision for a so-called restoration study was agreed to in conference and the extension was postponed until the restoration study could be received and studied.

Any escalation of the cost of the extension, therefore, can be laid at the doorstep of the restorationist. It is not the fault of the Commission or the Architect of the Capitol.

3. The Commission composed of the Speaker, the Majority Leader and the Minority Leader on this side; the President of the Senate, the Majority Leader, and the Minority leader on the Senate side; and the Architect of the Capitol, is about as representative of the Membership of the Congress as anyone could hope for. Yet, the gentleman from New York (Mr. Stratton) would characterize the Commission as some kind of a monster who goes about making arbitrary decisions. He even wants the Commission abolished. Well, I think we can all draw our own conclusions from such explosive oratory. If he can't have his way, then all is wrong.

4. The Commission has done precisely what the Congress mandated in the Legislative Branch Appropriation Act of 1970. The charge that we have done otherwise is absolute nonsense.

Five conditions were spelled out in the Legislative Branch Appropriation Act, 1970, which restoration must meet in order to be considered by the Commission. If *all* those considered were not met to the satisfaction of the Commission, then the law said the Commission shall direct the preparation of final plans for the extension as already approved by the Commission. This is exactly what the Commission has done.

5. Before our meeting of March 8, 1972, the Commission had received from the Architect of the Capitol the restoration report, the Architect's comments on the report and on his effort going back over a period of more than a year, and his professional judgments relating to the west front problem. At the meeting, we had available the Preliminary Plans and estimates of cost for the extension, and all the background information, including hearings, debate on the floor, committee reports, etc., during the last several years on this question.

Near the close of the Commission's discussion, Congressman Ford, read aloud each of the 5 conditions specified by the law and asked Architect White to comment on each one. The following resulted:

"(1) That through restoration, such west central front can, without undue hazard to safety of the structure and persons, be made safe, sound, durable, and beautiful for the foreseeable future;"

Mr. White stated that the wall can be made relatively safe and sound. However, he said, there is grave doubt that it can be made durable and beautiful except with continued and substantial maintenance.

Representative Ford then read the next condition:

"(2) That restoration can be accomplished with no more vacation of west central front space in the building proper (excluding the terrace structure) than would be required by the proposed extension Plan 2".

Mr. White said that this was a true statement.

Representative Ford then read the following conditions:

"(3) That the method or methods of accomplishing restoration can be so described or specified as to form the basis for performance of the restoration work by competitive, lumpsum, fixed price construction bid or bids;

"(4) That the cost of restoration would not exceed $15,000,000;"

Mr. White stated that conditions 3 and 4, taken together, cannot, in his opinion, be said to be capable of attainment.

Representative Ford then read condition (5):

"That the time schedule for accomplishing the restoration work will not exceed that heretofore projected for accomplishing the Plan 2 extension work: Provided further, That after consideration of the restoration report, if the Commission concludes that all five of the conditions hereinbefore specified are met, the Commission shall then make recommendations to the Congress on the question of whether to extend or restore the west central front of the Capitol."

Mr. White stated that condition (5) can be met.

Mr. White said that after a great deal of study and soul-searching, he concluded that he should not think in terms of "preservation" or "extension", but he should think in terms of what would best serve the people of the Nation. The building has a tremendous meaning for the people because it is to them a symbol of democracy and a Temple of Liberty. He said that the great mass of the people who view the Capitol see it as a beautiful scene and are unconcerned with the theoretical priorities of importance of various exterior features. Their money, he concluded, would be best spent by proceeding with the extension rather than trying to save the one remaining old wall.

Mr. White was asked if he had complete jurisdiction of the building and full responsibility for it, would he restore it or extend? He said without hesitation that he would extend the old west central front.

6. George M. White, Architect of the Capitol: Mr. White was highly recommended to the President for appointment in his present position by the American Institute of Architects. He is a professional engineer, a professional architect, as well as a member of the bar. When he was appointed as Architect of the Capitol, he was an officer of the AIA. His leanings were toward restoration as a result of his association with the AIA. After studying the west front problem for more than a year and after his experience as Architect of the Capitol, he felt compelled in the interest of sound judgment and good planning to recommend the extension, rather than the so-called restoration.

7. Mr. Stratton mentions the cost of the restoration study, of approximately $245,000. It should be remembered that the Congress also spent some $266,000 for the extension study, preliminary plans and estimates of cost, which were also before the Commission when its decision was made and which have been before the Congress since 1967. Every Member of the Congress was sent a copy by former Speaker McCormack.

8. Mr. Stratton says the Commission's action was wrong "no matter what the 1970 appropriation bill may say." The gentleman is well known as a "law and order" man. Why then would he expect the Commission to ignore the very precise provisions of the law?

9. Mr. Stratton says the restoration report "totally demolished all the contentions that had underlain the long pressure for the West Front extension."

Mr. White, a professional architect and engineer says that is not true. He says "The structural adequacy of the west wall is, in fact, indeterminate. As many experts will declare that it is stable as will say that it is unstable. But even those who support the position of stability admit to the inde-

terminacy of the loading computations and, therefore, say that the wall should be strengthened as an insurance against the probability of a possible failure." Even the restoration report recommends structural restoration.

10. Mr. Stratton seeks to prove that all five conditions are met by the restoration study. Even those who prepared the restoration did not believe this was true. Example:

In the transmitttal letter accompanying the restoration, it is stated:

"The restoration can be accomplished within the general guidelines set forth by Congress as a directive to the Commission for Extension of the Capitol."

Page IV of the report under "Findings" it is stated

"Restoration methods can be specified to form a basis for performance of the work by competitive lump sum construction bids."

Page 15 of the report:

"A cost plus contract with an 'upset price' seems more realistic and could be obtained on a competitive basis."

Commenting on the first quotation: The Congress enacted five specifics—not general guidelines.

Commenting on the second quotation: Nowhere in the report is there an explanation of how this can be accomplished. Just a bare statement.

Commenting on the third quotation: This is, in effect, an admission that those responsible for the restoration agree that a lump sum bid procedure cannot be utilized—they recommend a cost plus procedure for the restoration work

11. Mr. Stratton admits that the cost of restoration could go over the $15,000,000 limit established by the Congress, but he attributes this to escalation. The restoration report in explaining the cost estimates (page 15) says: "Unit costs include an escalation factor."

12. Mr. Stratton does not like what the Commission has done. Well, that is no surprise. And we respect his right to differ, but in so doing he should look at *all* the facts, and not just those that suit his purpose. The decision on the West Front was made and should have been made on the facts, the evidence, and sound judgment—not upon intemperate, wild and misleading statements such as we have read of late in the Congressional Record and in at least one local newspaper.

13. The decision of the Commission was a wise, thoughtful, and reasonable decision. It was made in an atmosphere of calm study and consideration, with each Member of the Commission taking part and expressing his views. Still, there was a unanimous vote in favor of going ahead with the extension.

14. Hideaways—Mr. Stratton says there is no reason to extend the building except to have "secret hideaways" in the Capitol. When the East Front was extended, the House portion was put to use for official business of the House—there are no hideaways in that extension. Why should he try to mislead the public and his colleagues into thinking the West Front extension would be given over for hideaways for House Members?

ADDITIONAL RESPONSES TO STRATTON'S REMARKS

1. Remarks have been made by Stratton concerning the proposed extension transforming the Capitol into a super Howard Johnson's, inferring that the appearance of the building would change and that the interior would provide services of that nature. Such demagoguery obscures the facts and speaks only to the emotions. A model of the extended building has been in Statuary Hall for several years. Can anyone see *any* Howard Johnson appearance in that design? The old plan to provide visitors' facilities in the Capitol has long since been abandoned in favor of the new Visitor Center in Union Station. The exterior of the extension will be a faithful continuation of the classical design of the Capitol with which everyone is familiar. The renderings of the Associate Architects' proposal are and have been available for everyone to see and clearly indicate the enhancement of the magnificent appearances of the building.

2. Remarks by Stratton and Randall regarding the Washington Post editorial state their agreement that the editorial was "well reasoned and reach valid conclusions." On the contrary, the editorial was intemperate, emotional, inflammatory and largely nonfactual.

The editorial characterizes the Commission's unanimous decisions as "an arrogant maneuver of dubious legality." Even Mr. Stratton admits the legality of the decision when he says, "It is true that the provisions of Public Law 91–145 do not require the Commission to justify their decision or to make any report to anybody."

The editorial criticizes the design itself, when even the American Institute of Architects in their testimony stated that the design was not in question. To the contrary, some of the most respected designers of classical architecture in the Nation have viewed the proposed design as an improvement to the West Central Front.

The editorial states that "William Thornton's softly elegant sandstone facade is the only visible link to the Capitol's beginnings." What sandstone? The original sandstone has been covered with layer upon layer of gray paint since 1819. Plate #1 in the Praeger report clearly shows the cracked, messy and miserable appearance of the so-called elegant stone once the paint is removed.

The editorial says that the Olmstead terraces will be ruined. Not so. In fact, changes to them will hardly be noticeable and, instead, they will become more beautiful and broader in vista than they are now. Even the American Society of Landscape Architects (and Olmstead was a Landscape Architect) reviewed the plan and had no objection to it. The perspective of the dome will be enhanced by the design strength of the new pediment that will be incorporated over the extended portico.

So, it is rather obvious that the last vestige of objectivity was wrung from the editorial policy of the Post in this instance.

3. Mr. Randall remarks that "As I recall, all the Architects of America were against this change and all the historians were against it." That is a blatant exaggeration to say the very least. A substantial number of highly respected and nationally prominent architects have testified and expressed themselves in favor of the extension. The official position of the American Institute of Architects is by no means representative of *all* of the architects in the *Institute* membership, and certainly doesn't represent even the majority opinion of all of the *registered* architects in America.

It is also interesting to note that the Architect of the Capitol was a Vice-President and Member of the Board of Directors of the American Institute of Architects and he also opposed the extension until he became aware of all of the facts involved, and he has now changed his position and supports extension.

4. Stratton remarks that the Praeger report confirms that the Capitol is not going to collapse. *Not true.* The Praeger report clearly says that *in their opinion* collapse is not *imminent, but* because of the indeterminacy of the loading forces, no one can be certain of that, and therefore the wall should be strengthened and repaired. The Praeger report does *not* say there is no danger.

5. Stratton says the report states that "We can fix it up so that the cracks are gone." *Not true.* The report states clearly that the wall will continue to crack even after their recommended procedures.

6. Stratton says the existing bracing is a "public relations gimmick." *Not true.* The visible bracing is primarily at the portico and the Praeger report agrees with the necessity for the bracing to prevent the collapse of the portico. The portico is *not* the wall.

7. Detailed study indicates a thicket of unknowns that can never be adequately penetrated. An attempt to restore the wall will lead to endless maintenance and repair at no predictable cost limitation, as indicated by the Praeger report itself in its factual portions.

COMMENTS ON THE WEST FRONT OF THE CAPITOL DISCUSSION

There are some basic facts about which there is no substantive or actual disagreement.

Fact No. 1: The wall must be strengthened in some way, either by an attempt to do so in its present position or by a positive method of buttressing through additional laterally placed walls that will be part of an extension. Prior information *and* the Prager report substantiate this.

Fact No. 2: The existing wall, if an extension is provided, will *not* be disturbed. It will remain in place and continue to be partially exposed on the interior as is the old East Front original wall.

Fact No. 3: The design of the extension is a virtual reproduction of the existing appearance, is *not* a point of contention by architects, and, if anything, is viewed by experts in classical architectural design as an improvement and an enhancement of the basic appearance of the Capitol from the west. This results from the original design having been related to the old, small, low dome, rather than the existing dome which was added in 1865.

Fact No. 4: The proposed extension will reproduce the existing classical details at all points where it can be done, as was done on the East Front, in order to recreate the original design insofar as possible.

Fact No. 5: The existing terraces will be disturbed only in part and will be extended in accordance with the extension of the wall itself, and, again will reproduce the existing design insofar as possible.

Fact No. 6: The wall in question totals only 20% of the total exposed existing walls of the Capitol; thus 80% of the exterior of the building will not be disturbed in any way.

POSITIONS

The *building* itself—the Temple of Liberty—is the shrine to the American people and a symbol of freedom and democracy throughout the world. The dome, the wings, the steps on the East Front, the general appearance of the building as a unified whole, form the shrine that lives in the minds of people everywhere. The 20% of the exterior wall is *not* the shrine but is being made to appear so on the part of those whose sentiment brings them to believe that any disturbance to the building at all is a disturbance to the shrine. History tells an opposite story. There have been 15 separate and distinct changes to the bulk of the Capitol and countless changes and alterations, numbering into the hundreds, on the interior of the building. (See the attached list.) The history of the building has been one of continuous change and growth as the Nation has changed and grown and the needs of the Congress have similarly changed and grown.

At one time in the history of the Nation this single building housed the Supreme Court, the Library of Congress, and all of the offices of all of the Senators and all of the Congressmen. The space demands gradually forced the removal of the Supreme Court in 1935, the Library of Congress in 1898, and the working offices of the Senate and the House into buildings which now form the Capitol Hill complex. There remains in the building especially on the House side, the dire need for space in proximity to the legislative chambers for those supportive

functions of the legislative process that are a necessary part of the legislative process. Not only do the separate branches of the legislature require supportive offices of their own, but the legislative process has evolved an increasing number of joint conferences and other joint Senate-House activities which are requiring increasing volumes of space close to the legislative chambers. These space requirements are increasing year by year.

The Praeger report contains a number of ambiguities which are resolved in favor of strengthening the existing wall in its present location instead of buttressing with the walls of an extension. There is no doubt that the wall can be strengthened in some fashion in that way. The body and substance of the report do not substantiate some of the opinions which are presented in the form of conclusions to the report. A great many ambiguities are apparent as one reads the details and supportive information in the report itself. These unknowns and ambiguities can lead to a quicksand of entrapment in terms of the final possible cost of restoring the wall in place.

A real question exists as to whether an expenditure of $20 to $30 million to repair the wall and get no usable space in return is a valid expenditure of the taxpayers' money. The differential between the cost of $20 to $30 million and the cost of the extension, which is estimated at $50 to $60 million, will result in the creation of 270,000 gross square feet of space so that the citizens of this Nation will receive something tangible in return for the expenditure of their funds. We must concern ourselves primarily with what will best serve the people of this Nation. The needs of their elected representatives to enable them to properly conduct the legislative process will be served through the expenditure of public funds to provide necessary space. The people will not be served through an expenditure of 20 or 30 millions of dollars which will result in a repaired, patched, painted wall in the Capitol of the greatest Nation on earth.

If we were discussing the building as a whole, the people undoubtedly would want funds to be spent for the preservation of this Shrine of Democracy. But we are not talking here about the *building* as a whole. We are talking merely about a piece of wall. That kind of sentiment for this living, working building, which is part museum and visited by millions of Americans every year, and yet is an active legislative business building, must be placed on the scales against the tremendous need of the legislature for additional space. Our space needs will not diminish. They will increase as the population increases. We will need space in many ways, one of the most important of which is space in proximity to the legislative chambers.

The need for continued repair and maintenance to the wall, if it remains in place as an exterior wall of the building, is indicated by the Praeger engineering report. The report states: "If the wall voids were filled, exterior cracking would be inhibited by transfer of stress to interior portions of the wall. Generally, however, *cracking will continue to occur* as the wall adjusts to temperature change." The report then recommends a series of control joints which, in theory, are supposed, but not guaranteed, to control the locations of the cracks. The report then says "With these measures *future cracking should occur at a much reduced rate.*" This is an example of numerous places in the report where an opinion is expressed which leaves the decisionmakers to live with the result in the event that the opinion is not borne out by future experience.

It will be noted that the report does not say future cracking *will not* occur, nor does it say that future cracking *will be* reduced. It merely says future cracking *should* occur at a much reduced rate.

The question of condensation on the interior wall is examined in only a very cursory fashion in the report and leaves a great measure of doubt as to the future needs for maintenance and repairs as interior plaster may become damaged from moisture. The appendix to the recent AIA report indicates a similar concern for this problem.

Continuous painting of the wall forever into the future is recommended by the report, not only as a preservative method but also to cover the blemishes that will occur in the wall as a result of the repair process that the report recommends. The report says, "Effective gouting will require relatively close spacing of drill holes vertically and horizontally in the upper walls." These holes are recommended to be drilled every three feet in both directions. "This would increase the need for the replacement stone required to obtain an unflawed surface, possibly in excess of that available in the East Front storage piles. For Scheme 2 this would mean either some proportion of *artificial replacement stone,* or toleration of a pock-marked appearance on a fairly regular grid. Under Scheme 1 this would be of no concern, since patch marks would be painted over."

The report also says, "Future damage by intrusion of moisture or paint can be *controlled* by the application of a stone preservative and joint sealer, *a procedure which should be applied at regular intervals.*"

The report thus indicates that the restoration will, at the very best, be a patchwork process with a result that requires continuous maintenance and painting in order for the appearance to approach the level of being satisfactory.

This is further indicated in the report by the statement that the removal of the existing paint, some of which is an eighth of an inch in thickness, cannot be accomplished without damage to the existing stone. "The experience gained by the test removal of paint, performed as part of this study, indicates that it will not be possible to completely remove the paint and paint stain without some damage to the stone."

The report contains several gratuitous opinions of a non-engineering nature, which indicate a bias that raises the question of credibility with regard to the report's conclusions, especially since the broad conclusions do not appear to follow the weight of the evidence in the body of the report.

The following quotations are examples: "Some stones are so far eroded that they should be replaced but others, less seriously deteriorated, *may be tolerated as an expected sign of age.* . . . The Capitol is 150 years old and should give an impression of venerable age, not a crisp newness that denies its historical background." Neither of these are opinions in areas in which the engineering firm holds itself out to be competent. They appear to be added in order to rationalize some preconceived notions.

The body of the report states, "A cost plus contract with an 'upset price' seems more realistic and could be obtained on a competitive basis." Thus, although the report concludes that a competitive lumpsum fixed price construction bid or bids *can* be obtained, it nevertheless recommends that the work should *not* be accomplished on that basis.

The entire question of cost is thus left wide open. Even the AIA report says, "It would be impossible for anyone at this stage of study to guarantee a total restoration cost." The AIA report also says, "The Task Force recognizes that the work could be done on a competitive, lumpsum, fixed price construction bid or bids but we feel that competitive bidding for a fixed profit and overhead *with the work being done on a cost basis* should be strongly considered in the same way the White House restoration was accomplished."

The appendix to the AIA report makes the following statement in commenting on the Praeger report: "There is discussion of the thermal effect of solidification of the wall resulting from the infilling of the present cavity. This phenomenon is not discussed in great detail other than to conclude that there is to be predicted a 10% net increase in heat gain or heat loss in the solidified wall. The effect of this change in the internal structure of walls of such comparatively great mass bears closer investigation. It is probable that it will require an interval of time, perhaps 18 months to 2 years, for the long stabilized thermal and hydro balance within the walls to become re-established, responsive to modifications resulting from the filling of the voids and the possible modification in the reverse permeability or breathing property of the wall."

In further comments, the appendix to the AIA report states, "It is difficult to accept the categorical statement that 'condensation in the wall will not occur during the summer'. The computations on Figure 22 do not appear to indicate a recognition of the lag in change of the ambient humidity and temperature of the internal wall volume and it is possibly questionable whether the conclusions shown thereon are valid without further experimental documentation."

Thus, we find that even those who support the Praeger report find serious difficulties in accepting it in toto. If one examines the report *objectively* and one recognizes the responsibility of having to face the future with the possibilities of future difficulties and additional repairs and, thus, additional costs, in the saving of the wall, then one must conclude that these factors will lead the Congress into a thicket of unending difficulties with the wall if it should decide to try to save it. That circumstance, coupled with the dire need for space, will bring any dispassionate, reasonable man to the conclusion that all *extension* to the United States Capitol will best serve the people of this Nation.

1. Original North Wing:
Begun 1793—completed 1800.
Senate occupied from 1800–1859.
House occupied 1800–1801, 1804–1807.
Supreme Court occupied 1801–1935.
Library of Congress occupied 1800–1824.

2. 2-story Senate Chamber converted to separate stories with Supreme Court occupying lower chamber from 1810–1860.

3. Temporary structure at location of Statuary Hall occupied by House from 1801–1804.

4. South Wing completed in 1807. Occupied by House 1807–1857.

5. Both North and South Wings (and 1-story wooden connecting passageway) burned in 1814 and reconstruction was completed in 1819.

6. Central Section begun in 1818 and completed in 1829. Library of Congress occupied 2 stories of West Central Front 1824–1897. Altered to provide office spaces after 1897.

7. Present Senate and House Wings begun in 1851 and completed in 1859.

8. Old low dome replaced from 1856–1865.

9. West Central section reconstructed following a fire in 1851.

10. Terraces on North, South and West added 1884–1892.

11. Gas explosion in old North Wing required reconstruction in 1898.

12. Original wood roof construction replaced with steel and concrete in 1902.

13. Cast iron and glass skylights over both Chambers from 1857–1949 replaced from 1949–1951.

14. East Front extension constructed 1958–1962.

15. Interior alterations and changes 1958–1972.

COMMISSION FOR EXTENSION OF THE U.S. CAPITOL—MARCH 8, 1972

Whereas Public Law 91–145, approved December 12, 1969, provides:

EXTENSION OF THE CAPITOL

For an additional amount for "Extension of the Capitol", $2,275,000, to be expended under the direction of the Commission for Extension of the United States Capitol as authorized by law: *Provided*, That such portion of the foregoing appropriation as may be necessary shall be used for emergency shoring and repairs of, and related work on, the west central front of the Capitol: *Provided further*, That not to exceed $250,000 of the foregoing appropriation shall be used for the employment of independent nongovernmental engineering and other necessary services for studying and reporting (within six months after the date of the employment contract) on the feasibility and cost of restoring such west central front under such terms and conditions as the Commission may determine: *Provided, however*, That pending the completion and consideration of such study and report, no further work toward extension of such west central front shall be carried on: *Provided further*, That after submission of such study and report and consideration thereof by the Commission, the Commission shall direct the preparation of final plans for extending such west central front in accord with Plan 2 (which said Commission has approved), unless such restoration study report establishes to the satisfaction of the Commission:

(1) That through restoration, such west central front can, without undue hazard to safety of the structure and persons, be made safe, sound, durable, and beautiful for the foreseeable future;

(2) That restoration can be accomplished with no more vacation of west central front space in the building proper (excluding the terrace structure) than would be required by the proposed extension Plan 2;

(3) That the method or methods of accomplishing restoration can be so described or specified as to form the basis for performance of the restoration work by competitive, lumpsum, fixed price construction bid or bids;

(4) That the cost of restoration would not exceed $15,000,000; and

(5) That the time schedule for accomplishing the restoration work will not exceed that heretofore projected for accomplishing the Plan 2 extension work: *Provided further*, That after consideration of the restoration study report, if the Commission concludes that all five of the conditions hereinbefore specified are met, the Commission shall then make recommendations to the Congress on the question of whether to extend or restore the west central front of the Capitol.

Whereas, the restoration feasibility and cost study and report of Praeger-Kavanagh-Waterbury, Consulting Engineers-Architects, made pursuant to Public Law 91–145, was considered by the Commission at its meeting of March 8, 1972, in Room EF–100 of the Capitol; and

Whereas, the Commission established to its satisfaction that all five of the conditions specified in Public Law 91–145, relating to restoration, cannot be met: Now, therefore, be it resolved,

That the Architect of the Capitol is hereby directed to proceed with the preparation of final plans for extending the west central front in accord with Plan 2 heretofore approved by the Commission.

CARL ALBERT, Speaker of the House of Representatives, Chairman; HALE BOGGS, Majority Leader of the House; GERALD R. FORD, Minority Leader of the House; SPIRO T. AGNEW, President of the Senate; MIKE MANSFIELD, Majority Leader of the Senate; HUGH SCOTT, Minority Leader of the Senate; GEORGE M. WHITE, Architect of the Capitol.

LEGISLATION GOVERNING EXTENSION OF THE CAPITOL PROJECT

(Public Law 242, 84th Congress, as amended by Public Law 406, 84th Congress, Public Law 88–248, 88th Congress and Public Law 91–77, 91st Congress)

Extension of the Capitol: The Architect of the Capitol is hereby authorized, under the direction of a Commission for Extension of the United States Capitol, to be composed of the President of the Senate, the Speaker of the House of Representatives, the majority leader of the Senate, the majority leader of the House of Representatives, the minority leader of the Senate, the minority leader of the House of Representatives, and the Architect of the Capitol, to provide for the extension, reconstruction, and replacement of the central portion of the United States Capitol in substantial accordance with scheme B of the architectural plan submitted by a joint commission of Congress and reported on March 3, 1905 (House Document numbered 385, Fifty-eighth Congress), but with such modifications and additions, including provisions for restaurant facilities, and such other facilities in the Capitol Grounds, together with utilities, equipment, approaches, and other appurtenant or necessary items, as may be approved by said Commission, and for such purposes there is hereby appropriated $5,000,000, to remain available until expended, and there are hereby authorized to be appropriated such additional sums as may be determined by said Commission to be required for the purposes hereof: *Provided*, That the Architect of the Capitol under the direction of said Commission and without regard to the provisions of section 3709 of the Revised Statutes, as amended, is authorized to enter into contracts and to make such other expenditures, including expenditures for personal and other services, as may be necessary to carry out the purposes of this Act and, prior to any appropriations being provided for extension, reconstruction, and replacement of the west central portion of the United States Capitol, to obligate such sums as may be necessary for the employment of nongovernmental engineering and other necessary services and for test borings and other necessary incidental items required to make a survey, study and examination of the structural condition of such west central portion, to make reports of findings, and to make recommendations with respect to such remedial measures as may be deemed necessary, including the feasibility of corrective measures in conjunction with extension of such west central portion."

[From the Washington Star, Mar. 10, 1972]

WHITE'S RIGHT VOTE

When the late J. George Stewart was the non-architect Architect of the Capitol, that anachronism was widely blamed for Stewart's persistent campaign to extend the west side of the U.S. Capitol rather than patch up its eroded surface.

"Fire Stewart!" was the battle cry in those days, the argument being that no real architect would for a moment support such a project.

Thus, upon Stewart's death in 1970, his replacement predictably turned out to be an impeccably credentialed professional. George M. White, the new man, was not only a respected former vice president of the American Institute of Architects, he had personally shared—before taking on the new job—that outfit's objections to any alteration in the dimensions of the Capitol. So what's happened?

Well, after more than a year's day-to-day exposure to the needs and realities of the Capitol, Architect White joined the House and Senate leadership this week in voting unanimously to proceed with an addition that will reproduce precisely the architectural features of the present worn-out west front and provide, in the process, a lot of space for some essential facilities the Capitol now lacks.

And, also predictably, a few strident voices now are calling for White's resignation. But most of the steam by now has gone out of this tired old refrain, and it's high time. White's decision was not, as the charge goes, a cave-in to political pressures. It springs from a wealth of exposure to facts he did not have a year ago, and which most of his critics still do not have.

Among the things he came to realize, White says, was that "the Capitol is not a museum." Indeed it is not. It is the workshop of Congress. As such, the Capitol's entire history during the past century and a half has been one of constant change and growth, accommodating to Congress' changing needs and paralleling—if one chooses to look at it that way—the growth of the nation itself.

The marvel is that this sequence of changes—some, in the earlier days, involving drastic architectural modification—invariably has added to rather than detracted from the allure and symbolic magnificence of the beloved old building, while keeping pace with Congress' urgent space requirements.

That tradition was scrupulously upheld in the controversial extension of the Capitol's east front a dozen or so years ago. It will be, as well, by the project on the west which White rightly endorsed this week.

THE ARCHITECT OF THE CAPITOL,
Washington, D.C., March 6, 1972.

Memorandum to the members of the Commission for Extension of the U.S. Capitol:

The primary purpose of this meeting is the consideration by the Commission of the January, 1971 report of the firm of Praeger-Kavanagh-Waterbury, Consulting Engineers and Architects, relating to the feasibility and cost of the restoration of the West Central Front of the Capitol, as proposed in such report.

Under the prevailing statute providing for this report, the Commission is charged with the responsibility of establishing to its satisfaction whether the five conditions specified in the law are met.

If the Commission determines that the five conditions are *not* met, then the law provides that the Commission shall direct the preparation of final plans for extending the West Central Front in accord with Plan 2 which the Commission has heretofore approved.

If the Commission concludes that the five conditions *are* met, then the law provides that the Commission shall make recommendations to the Congress on the question of whether to extend or restore the front.

LAW RELATING TO THESE DETERMINATIONS

In the Legislative Branch Appropriation Act, 1970, (Public Law 91–145), the Congress simultaneously appropriated $2,000,000 for preparation of final contract drawings and specifications for carrying out Plan 2 for extension of the West Central Front of the Capitol and $250,000 for engineering and other necessary services for studying and reporting on the feasibility and cost of restoring the front.

The law provided that pending the completion and consideration of the restoration study and report, no further work toward extension was to be undertaken.

The law also contained the following provisions which are pertinent to your consideration today:

"That after submission of such study and report and consideration thereof by the Commission, the Commission shall direct the preparation of final plans for extending such west central front in accord with Plan 2

(which said Commission has approved), unless such restoration study report establishes to the satisfaction of the Commission:

"(1) That through restoration, such west central front can, without undue hazard to safety of the structure and persons, be made safe, sound, durable, and beautiful for the foreseeable future;

"(2) That restoration can be accomplished with no more vacation of west central front space in the building proper (excluding the terrace structure) than would be required by the proposed extension Plan 2;

"(3) That the method or methods of accomplishing restoration can be so described or specified as to form the basis for performance of the restoration work by competitive, lump sum, fixed price construction bid or bids;

"(4) That the cost of restoration would not exceed $15,000,000; and

"(5) That the time schedule for accomplishing the restoration work will not exceed that heretofore projected for accomplishing the Plan 2 extension work: *Provided further*, That after consideration of the restoration study report, if the Commission concludes that all five of the conditions hereinbefore specified are met, the Commission shall then make recommendations to the Congress on the question of whether to extend or restore the west central front of the Capitol."

Upon direction of the Commission for Extension of the United States Capitol, after exhaustive study, the engineering contract for the restoration study was awarded to Praeger-Kavanagh-Waterbury, Engineers-Architects of New York City, on July 1, 1970.

The Praeger report was received at the end of December, 1970, and was forwarded immediately to all Members of the Commission and released to the press and others interested.

STATEMENT OF THE ARCHITECT OF THE CAPITOL RELATING TO HIS STUDY OF THE WEST FRONT PROBLEM

Early last year, as the newly appointed Architect of the Capitol, and in anticipation that the Commission in Charge, before reaching a conclusion on the matter, would seek my professional judgment in assisting them to evaluate the Praeger report, I began a detailed professional review of all available information relating to the history and development of the West Central Front proposals.

Among the activities in which I engaged during the review are the following:

1. A careful and diligent open-minded study of the Praeger report.

2. A physical examination of both the interior and the exterior of the original west walls.

3. A careful review of testimony given over a period of many years before various House and Senate Committees concerned with the proposals for the extension of the West Front of the Capitol, and before the Commission for Extension of the United States Capitol.

4. A reading and review of the record of the floor debates in both the Senate and the House that led to the various actions of the Congress.

5. A review of the legislation, committee reports, and other documents on the subject.

6. Study of the Mueser, Rutledge, Wentworth & Johnston engineering report of 1957.

7. Study of the 1964 engineering report of The Thompson & Lichtner Co., Inc.

8. A study of the various reports of the former Architect of the Capitol, as well as reports made to him by the Associate Architects for the Extension Project.

9. Meetings and discussions of the various past studies, and of the Praeger report, with the staff of the Architect of the Capitol.

10. Requested and received advice and counsel from the American Institute of Architects which responded by appointing a new Task Force to re-examine the AIA position. We engaged in several conferences and a written report from the Task Force was received.

11. Asked three prominent general contractors, an officer and members of the AGC, for their opinion with regard to estimates of cost as outlined in the Praeger report and the feasibility of obtaining competitive, lumpsum bids.

12. Conversed at some length with Mr. E. H. Praeger himself in order that I might obtain verbal clarification of a number of what I considered to be ambiguous or contradicting portions of the written report.

13. Conferred with the Advisory Architects, Consulting Engineers, and others.

14. Conferred with other individuals who have maintained a long interest in the Capitol, including Senators, Congressmen, and design professionals.

15. Spoke with a British stone preservation expert who inspected the Capitol, and then read several of his papers regarding the deterioration of stone generally and in England in particular.

16. Inspected, at no cost to the Government, several European restoration projects.

17. Personally examined the space needs of the House of Representatives and, to some degree, the space needs of the Senate. Have explored all areas on the House Side of the Capitol, from the basement through the attic, and many of the Senate areas. Several discussions have been held with Senator Jordan about my proceeding with a full space study of Senate facilities and he has now approved my proceeding with that study.

18. Examined and studied the matter of how the Congress uses the building, how the public (visitors) also uses the building, and further, how their respective and simultaneous needs must be considered.

19. Spent untold hours in review of the various data and in the reading of articles by many persons concerned with preservation, planning, the history of the Capitol, and in the re-examination of the Praeger report.

PROFESSIONAL JUDGMENTS OF THE ARCHITECT

After these many months of study and investigation, I am prepared to offer the following professional judgments, which for the purposes of this brief presentation have been necessarily simplified:

1. The structural adequacy of the west wall is, in fact, indeterminate. As many experts will declare that it is stable as will say that it is unstable. But even those who support the position of stability admit to the indeterminancy of the loading computations, and, therefore, say that the wall should be strengthened as an insurance against the probability of a possible failure. Thus, although there appears to be no imminent danger of an immediate collapse, there may well be concentrations of forces that have accumulated through structural and other changes over the years and that could, under certain circumstances, be triggered and released. There appears, then, to be no basic disagreement regarding the need to strengthen, and thus stabilize the wall in some fashion. Further, there appears to be no disagreement that this goal may be achieved in at least two ways, one of which is through restoration, or a strengthening of the wall in situ, and another of which is through an extension of the buildings itself, which will in effect, buttress and thus strengthen the wall.

2. There appears to be no disagreement with regard to the exterior appearance of the proposed extension, nor any disagreement with regard to the total appearance of the Capitol that would result.

3. That human characteristic which manifests itself in our desire to save and preserve at least some of our heritage, whether it be personal, national, or international finds a high degree of intensity in some, and it may then be expressed in the feeling that preservation is a primary goal in and of itself. I submit that the intensity with which that desire exists in the spectrum of people's feelings must, in this instance, be weighed against some of the physical needs of the Congress that must be met. If the Congress, for example, were to commission the design of a new legislative complex, the designers would undoubtedly need to assist in the writing of a program which would describe the physical needs of the Congress in the transaction of its daily business. The configuration of the building or buildings would arise from a study of these needs. In this existing legislative building, viz., the Capitol, these needs have changed and expanded over the years, and, indeed, are continuing to do so.

It is apparent that complex problems such as these are not generally capable of simple solutions. Recognizing that it may thus be an oversimplification to so state, it is nevertheless my opinion that the Congress must weigh the sentiment of preservation against its physical needs, taking into account the various alternate methods of providing needed space in close proximity to the legislative chambers.

4. The argument can be made that the fact that the West Front contains the last remaining exposed original wall, is indicative of the past life and hence the growth of this living, working symbol of democracy and freedom that is the capitol. Sometime, of course, acceleration in the growth of our Nation may diminish and perhaps that point is already in sight. It has therefore been suggested that the existing physical outline of the Capitol be considered inviolate at its present location. Somewhere that position must surely be taken, but it appears that it is not necessarily valid to presume that it cannot be taken at some other location, such as, for example, that of the proposed extension.

5. The final cost of the proposed restoration appears to be indeterminate. Most experts feel that the cost will certainly be more than $15,000,000, notwithstanding the written statement in the Praeger report. The requirements of items 3 and 4 of Public Law 91–145, previously quoted, indicated that a lumpsum contract for restoration of not more than $15,000,000 must be capable of being obtained. I interpret these two items, taken together, as meaning that the Congress has set a fixed, limited, i.e., maximum, cost of $15,000,000 as one of the criteria for the feasibility of restoration. Experience in the construction of buildings indicates that a lumpsum contract, in and of itself, is not an assurance that the designated sum will indeed be the final cost. It is my considered professional opinion, based upon my recent investigations as outlined above, that the restoration, as proposed, cannot be accomplished for a total final cost of $15,000,000. In that connection, it is important to recognize that even though the cost per square foot of an extension might appear to be high because of the particular kind of construction that would be necessary, any expenditure for restoration, because no space would be added, would result in what mathematically results in an infinite cost per square foot.

It is further, worthy of note that there is no disagreement among the advocates of the various positions that restoration work generally, and the West Front of the Capitol in particular, should, because of its specialized nature, be accomplished through the medium of a cost plus fixed fee contract rather than through a lumpsum agreement obtained on a competitive bid basis.

Although the specifics of the other three provisions of Public Law 91–145 can gen-

erally be said to be capable of being met, with the obvious possibility for disagreement regarding what is "safe, sound, durable, and beautiful for the foreseeable future", I believe that it would be inappropriate to presume that the cost limitation can or could be met.

SUMMARY

Summarizing, then, I submit the following judgments: (a) although it is relatively stable, the west wall needs repair and strengthening; (b) the restoration method of strengthening the wall cannot be accomplished for a guaranteed cost limit of $15,000,000; (c) the Congress must weigh and decide upon the relative importance and the appropriate methods of providing for its space needs in the Capitol, as compared with the admittedly highly desirable goal of preserving the exposed physical wall.

Additional information will be available at the meeting of the Commission.

GEORGE M. WHITE,
Architect of the Capitol.

GEORGE M. WHITE

Born in Cleveland, Ohio, November 1, 1920. Four children: Stephanie 19, Jocelyn 18, Geoffrey 17, and Pamela 14. Holds the degrees of Master of Science and Bachelor of Science from the Massachusetts Institute of Technology (1941). Master of Business Administration from the Graduate School of Business of Harvard University (1948); Bachelor of Laws from Case Western Reserve (1959). He is a Registered Architect in Ohio, a Registered Professional Engineer in Ohio and Massachusetts, a member of the Ohio Bar, and certified by the National Council of Architectural Registration Boards, and the National Council of State Boards of Engineering Examiners.

A former electronics design engineer and assistant division manager, Electronics Dept., General Electric Company (1946), he has practiced as an architect and as a consulting engineer since 1948.

Former member of the Faculty in Physics and in Architecture at Case Western Reserve University.

A Fellow of the American Institute of Architects, he is a former A.I.A. Vice President and Board Member; Member and former Chairman of the A.I.A. Documents Board and Insurance Committee; Chairman of A.I.A. Task Forces on Structure, on Professional Liability Insurance, and on Labor Liaison; member of the National Panel of Arbitrators of the American Arbitration Association, the National Society of Professional Engineers, the American Bar Association, and the Bar of the Supreme Court of the United States. Awarded the Gold Medal of the Architect's Society of Ohio.

Author of numerous articles on Professional Liability, Professional Corporations, and Construction Law.

President, Director, and Trustee of several real estate development organizations; President of Whitecliff Inc., a 100 bed extended care facility; Chairman of the Board of Merriman Holbrook, Inc., a marine hardware manufacturer.

Appointed Architect of the Capitol in January 1971.

Mr. Chairman, the following is the essence of a letter to the editor that provides in part the answers to some questions raised by the Washington Post.

To the Editor of the Washington Post:

It seems to me that your editorial "Obstinate Vandalism on Capitol Hill" is most unfortunate, inaccurate, and highly misleading. The editorial appears calculated only to inflame—not to inform. It is the same old refrain such as experienced in former years. One must conclude that all objectivity has been wrung from your editorial policy on the West Front matter. The editorial reflects a closed mind—"None so blind as those who will not see".

It is amazing that you characterize the Commission's unanimous decision as "an arrogant maneuver of dubious legality". One assumes that your editorial writer is capable of reading and understanding the very clear language of the governing statute—language which I might say was inserted at the request of those sponsoring restoration:

"That after submission of such (restoration) study and report and consideration thereof by the Commission, the Commission *shall direct* the preparation of final plans for extending such west central front in accord with Plan 2 (which said Commission has approved), *unless* such restoration study report establishes to the satisfaction of the Commission: (1) That * * * " (emphasis supplied)

and then the five well-publicized conditions to be met by restoration are stated in the law.

The entire membership of the Commission met on March 8, 1972, considered the report, and established to its satisfaction that all of the five conditions specified could not be met. It therefore unanimously directed the Architect of the Capitol to proceed with the preparation of final plans for the extension, precisely as mandated by the statute. When a Commission of Congress carries out the responsibilities placed upon it by Act of Congress, how can any fair and reasonable editor charge arrogance and dubious legality?

Your criticism of the design of the approved extension is indicative of your frantic state of mind insofar as this project is concerned. Even the various groups from the American Institute of Architect who have reviewed the plans have had no objection to the design. The American Registered Architect's Society has endorsed the design.

How long will you continue to mislead your readers by such worn out and inaccurate statements as the extenders would "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 beginning * * *." This makes me chuckle just a bit. I am sure your writer knows (or he should know) that Dr. Thornton's "softly elegant standstone" has not been seen for over 160 years. What one sees is the old cracked stones, patched up over the years, and buried under numerous coats of grey paint—yes, paint, not softly elegant sandstone. Dr. Thornton's work (as changed by Architects Bulfinch and Latrobe) have not been seen for many generations. If you wish to see how "elegant" this old sandstone is, I invite you to examine Plate 1 in the restoration report, showing the messy and miserable appearance of the old stone once the paint is removed.

The Olmstead terraces will be ruined? Not at all, in fact, changes to them will hardly be noticeable and they will become even more expensive and more beautiful with the magnificent new front as a backdrop. The American Society of Landscape Architects should know about such things. They reviewed the plans and had no objections. In fact, they assisted the Architect by making several helpful suggestions.

The perspective of the dome, far from being hurt, will be enhanced by the new front with its central pediment.

Relative to the five conditions which the restoration study was required to meet: although the restoration report contains a passing, general statement "Further, the restoration can be accomplished within the guidelines set forth by Congress", the same report contained the following qualification in another part of the report:

"The third Commission condition stipulates that 'restoration can be so described or specified as to form the basis for performance of the restoration work by competitive bid or bids'. A cost plus contract with an 'upset price' seems more realistic and could be obtained on a competitive basis."

This language indicates that even those who prepared the restoration report did not believe a competitive lumpsum contract was feasible, although they, in effect, had previously stated otherwise in their general statement. We all know that the only meaningful competition on a cost-plus-a-fixed-fee contract is on the fixed fee itself (perhaps 10% of the contract) and even that figure is usually subject to adjustment if unknowns are encountered.

Since the Commission's decision, I have had the opportunity to discuss the five conditions with George White, the Architect of the Capitol, who is an eminently qualified architect and engineer. He advised me that, in his professional judgment (after studying the project for over a year), the two requirements relating to the cost and lumpsum bid features could not be met and he also doubts that the requirement relating to safety, soundness, durability and beauty could be met to any great degree. Therefore, it is his judgment that only two out of five conditions could probably be met.

But he also informs me that his recommendation in favor of extension was founded on a much broader basis than the five conditions. That basis is "what solution would best serve the people of the United States", and on that question, he felt compelled by sound planning and good judgment to vote in favor of extension.

You conclude that the crumbling west wall is now proven to be a myth by the restoration report. If that is so, then why does the restoration report state that "a structural restoration program is required"? If the poor condition of the west wall is a myth, why spend more than $15,000,000 on it?

I sincerely believe the Commission and the Architect have made the right decision and I would express the hope that you would now appreciate and respect that decision although you previously espoused restoration. I have noted with much satisfaction the editorial favorable to the extension in the Washington Evening Star and I invite you to join us in carrying forward the now approved extension.

A unanimous decision of the Leaders of the Congress, from both the Senate and House and from both sides of the aisles, plus the Vice President and the Architect of the Capitol, deserves support—not condemnation.

FRED SCHWENGEL,
Member of Congress.

Mr. MANSFIELD. Mr. President, I make this request because no one is more interested in the preservation of the historical aspects of the Capitol than Representative SCHWENGEL. No one has devoted more time, no one has worked more diligently and conscientiously, and no one in either body knows more about this particular question than does this particular Representative.

I have asked unanimous consent that these remarks be printed in the RECORD only for the purpose of setting the record straight and getting away from the emotionalism which has surrounded this proposed project which, in my opinion, is very much needed to round out the format and retain the classical grace which the Capitol should have for the people of the United States of America.

Mr. HANSEN. Mr. President, I rise simply to join my distinguished colleague, the majority leader, in expressing and sharing the hope and desire that action may quickly be taken on what now is the pending business.

I agree completely with what the distinguished majority leader has said. It would seem to me that the time for emotionalism has long since passed and the time for action is now. I therefore hope that Congress will face up to its responsibilities and its duties.

Mr. SCOTT. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I yield.

Mr. SCOTT. Mr. President, since I am a member of the Commission, I, too, join in all that the majority leader has said.

The Capitol has been altered or changed at least 14 times since its construction. There is no reason why it should not be improved or beautified. It lacks a pediment, for example, on the west side. Anyone who has an eye for form would see at once that something is needed. Of course, something has to be done, whether we restore it or extend it. However, for the time being if the committee were to limit these funds to the development of preliminary plans, it would have no meaning at all, because this has already been accomplished.

Mr. MANSFIELD. Mr. President, I did not know that at the time of the hearings on appropriations.

Mr. SCOTT. Mr. President, I appreciate the comment of the majority leader. However, the reason for the joint amendment offered by the distinguished majority leader and myself is simply to submit the available funds to be used for the completion of plans.

This would allow the action of the Commission to be ratified by the two Houses of Congress.

The Commission has given much more time to this collectively than individual Senators and Members of the House of Representatives have been able to give to it. Therefore, we ask only that the funds be available for the preparation of plans, provided, however, that no funds may be used for the construction of such project until specifically approved and appropriated therefor by the Congress.

Therefore, I would hope that the amendment could be accepted.

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

Mr. HOLLINGS. Mr. President, I yield to the distinguished minority member of our subcommittee.

Mr. COTTON. Mr. President, the only reason I asked for time is that I have to leave the Chamber for an important meeting at half past 11. I wanted to get in a word before our distinguished chairman answers the majority and minority leaders.

I am speaking only for myself, but I think I voice the opinions of a number of the members of the Appropriations Committee, that the point involved here is not any lack of confidence in the decision of the commission or the Architect of the Capitol with respect to the extension of the West Front. I think the commission is absolutely right. I thought so from the beginning. I agree with the Architect, I think the West Front should be extended.

But the reason this matter of preliminary plans rather than final plans is involved in this language is that the use of the added space concerns some of us. It is my understanding that part of it might be used or is planned to be used for another public restaurant. Another public restaurant in the Capitol will undoubtedly bring into the Capitol many more people to eat. It is perfectly true that this Capitol is not our property, but it is the property of the people. But on the other hand our experience with our public restaurants has not been very good. The cafeterias over in the New Senate Office Building are ample in space to take care of the many members of the public who visit us, but they have gotten such a reputation as to the quality of food and everything else that the situation needs attention.

Any new space which we may provide by extension of the west front—and I support that extension—should be largely confined to helping Congress do its work.

As far as I am concerned that is the only reason any distinction should be made between preliminary and final plans.

Mr. MANSFIELD. As a new member of the commission I do not know what has been done under the heading "preliminary planning," but I am sure I speak for the distinguished minority leader as well as myself when I say we will be most happy to bring this matter to the attention of the commission and point out that the need evidently is for more space rather than eating facilities and the like. We would be most pleased to have the recommendations as to what this particular subcommittee thinks should be done because it has legislative and appropriation authority over the request pending.

But I cannot speak any more definitely because I just do not know what has been done under preliminary plans, except the term "preliminary" in the bill reported from committee is of no significance because there is no more preliminary planning to be done.

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

The PRESIDING OFFICER. The Senator from Montana has the floor.

Mr. MANSFIELD. Mr. President, I yield to the chairman of the subcommittee.

Mr. HOLLINGS. I yield to the Senator from Pennsylvania.

Mr. SCOTT. I shall need only one-half minute. The extension provides for 232 rooms.

Mr. COTTON. I have spoken my piece. I want to make plain as far as I am concerned this language was not to reopen the question between the restoration or extension because I consider that settled. In fact I would note that the committee's own language on page 25 reads:

> Funds available under this appropriation may be used for the preparation of preliminary plans for the extension of the west central front, etc.

By those words "plans for the extension of the west central front" we have settled the issue of extension or restoration. However, the committee is concerned about this matter of using the added space in such a manner as to enable Congress to do its work better and not to get ourselves into another restaurant business with all of the difficulties of handling the large amounts of people that would be attracted to such a facility.

I thank the chairman for letting me express my thoughts.

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

Mr. HOLLINGS. I yield to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from Montana has the floor.

Mr. MANSFIELD. Mr. President, if I may, I yield the floor to the chairman of the subcommittee.

Mr. HOLLINGS. Mr. President, I yield to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. YOUNG. Mr. President, I have listened to the arguments both pro and con for at least 10 years in connection with the rebuilding of the west front of the Capitol. I was convinced long ago it was necessary that we take this course recommended by the Capitol Building Commission.

In committee I was convinced this amendment that the committee adopted would permit us to go forward, but if the Capitol Building Commission and the majority leader and the minority leader feel they have already accomplished the preliminary plans I, for one, would be inclined to go along with them and defeat this committee amendment.

Mr. SCOTT. I thank the distinguished Senator. I believe we are speaking also for Members of the other body who are on the Commission. Their understanding is similar to ours.

Mr. MANSFIELD. Yes. It was a unique experience for many of us, and it was an experience for me because I had never been on the Commission before.

Mr. HOLLINGS. I wish to ask conjunctively the distinguished minority leader and the distinguished majority leader whether in the proposed amendment where it reads "No funds may be used for construction of said project until specifically approved and appropriated therefor by the Congress" contemplates they must have further approval before any further construction commences?

Mr. MANSFIELD. The Senator is correct.

Mr. SCOTT. That is my understanding, also.

Mr. HOLLINGS. And under approval there would be public hearings.

Mr. MANSFIELD. Fine; that would be all right as far as the joint leadership is concerned. We would be most happy to recommend and we feel sure that our colleagues on the Commission would agree to public hearings. If it were decided, I would hope there would be public hearings before the committee of the distinguished Senator which has control of the measure now pending.

Mr. SCOTT. I think that should be done.

Mr. MANSFIELD. I would favor it.

Mr. HOLLINGS. I appreciate that. At least we have that part of the record clear and we have made that much progress.

I shall speak to the particular amend-

ment, which I oppose for various reasons, but first I wanted to make that clear because there are two things involved. One thing is the matter of whether or not you agree to the extension. That is the first proposition. The other proposition, which is even more important to me, whether approved or disapproved, is that we proceed to a decision in an accepted procedural fashion whereby everyone has the opportunity to express his position to have it heard and aired, and whereby Congress knows what is occurring and is not snookered into positions by this language. We cannot allow closed meetings to take away the right of the public to be heard, and the right of Senators standing in the well to be counted on this score.

We have just experienced a dialog between the minority leader and the majority leader and myself as the chairman of the subcommittee. Apparently, with the use of the language "final planning going ahead" we would be faced thereafter with having it said, "You already approved. You gave the commission authority. The commission acted on authority and the final plans were approved by Congress."

So we are only talking about amount. Whether we have a $50 million, $60 million, $130 million, or $140 million extension we are back to having approval before we have any construction.

Mr. MANSFIELD. Mr. President, if the Senator will yield, I agree with what the distinguished chairman of the committee has just said. There should be public hearings, and the mere fact that the planning is going ahead does not mean construction is going to proceed as a matter of course.

I recommend, and I know the minority leader would, too, that hearings would have to be held; that the fact that further planning was to be undertaken would not imply that on that basis construction would go ahead; and I would be the first to make certain the witnesses of all persuasions appeared before the Senator's committee to justify any proposal made.

Mr. HOLLINGS. I thank the distinguished majority leader.

Now, the difference between "preliminary" and "final": If the distinguished Presiding Officer was present at those very hearings, he has been so experienced in Government as to know what is what and who is who, and if you want to see a moving target, all you have to do is be at the discussion of the so-called plans, whether or not they were preliminary and whether or not they were finalized or whether they have proceeded to a point where we knew what we were voting.

The distinguished Senator from Maine said, "Is there going to be a cafeteria?" We took the word from the Commission and said "Yes, ma'am." Someone slipped her a note and the answer was "No, ma'am." All you have to do is object to a particular facet as a Senator, and that architectural report changes on the spot. If you object to a window, the Architect says, "No, we are not going to have windows." If you object to a bathroom, the Architect says, "No, we are not going to have a bathroom." All we wanted to do was obtain a report. That is what we are talking about—preliminary plans to find out specifically about bunches of restaurants, committee rooms, bathrooms, lounges, tourist spots, sale of trinkets, Disneyland East—or are we going to maintain the Capitol for use as a capitol?

These things came out. This preliminary plan is the thing I wanted them to go ahead on, because, as chairman of the subcommittee, that is what should guide this particular appropriation. I can tell you, Mr. President, no one has presented that plan, and I can say here that this is a preliminary plan as to numbers of rooms, designation of the rooms, how they are going to be generally prepared, and things like that. Then when we get to the specific plans, and specifications to go to the Architect and design drawings, that is where the very expensive plans are. But we thought there ought to be a general meeting of the minds first. Whether we prevail or are defeated is another question, but at least I would have had a chance to know, and that is key. When this matter was first raised in the legislative subcommittee I was told, "Forget it. It has already been agreed to and you no longer have discretion. They have appointed a commission, and the commission has acted under the law and we are going ahead with the extension of the Capitol."

Of course, all of us know the distinguished majority leader as one who is completely honest, so I do not question the misunderstanding he had, but the matter of preliminary and final plans was discussed. I was the one who raised an amendment and had the opposition of the ranking minority member, (Mr. COTTON) and of the senior minority member on the committee (Mr. YOUNG).

Practically the entire committee was in the room last Friday afternoon. I kept pressing the point. That was very important. Did this commission understand its authority to be one of final authority? When they acted, was it to plan? When they acted on construction, there was construction and a contract was agreed to? I was trying to point out in the committee during Friday afternoon in the markup, that if I were a lawyer for the construction company, I would say "Look, as a lawyer, I still do not see authority for it." Then we know they receded from the proposition of final and they agreed on preliminary plans, and in the committee report, on page 11, inserted as of Friday, this is the language:

> Under these circumstances, the Committee has inserted language in the bill stating that the funds may be used for preliminary plans for the extension but prohibits the use of any funds for the preparation of final plans or initiation of construction until the project is specifically approved and appropriated therefor by the Congress. The language included in the bill by the committee reads as follows—

and we inserted that language in it.

I would like to have been more fully prepared this morning to have a statement, chapter and verse, completely checked and double checked, on this particular occasion, because this particular endeavor by the Congress has a rather hazy record, and there are some misunderstandings. I am the first to say I do not have complete understanding, but from my best study of trying to prepare and present the proposition objectively to my colleagues, I went back and found that in 1955 the Commission was in authority, and that was authority at that particular time for the east front. There is a question whether in that particular authority it extended to the west front. Some Senators say, No; the easy front. In the extension authority back in 1955, in the establishment of the Commission, it referred to the east front, never the west front, but on the other side of the Capitol they have said that it had authority over the west front.

I did not boil this down to before 1964, because at that time, in 1964, Senator Monroney, then chairman of the subcommittee, raised the question and, by action on the floor of the Senate, concurred in by the House, the authority for final contract was taken—it was withdrawn, if you please, from this particular Commission.

I maintain, and certainly it has been maintained by men of good conscience on the House side, that the Commission is acting as if that authority was never withdrawn, that they do have final authority, that they can act finally. This is where, for example, Representative STRATTON raised a colloquy on the floor only as a rearguard action, because under the rules of the House, they do not discuss it fully. The procedures of the Senate allow us to discuss it at this time, and I appreciate the opportunity.

The question: Has the Commission done precisely what the Congress has asked it to do? I say no. I say no not because Members surreptitiously, in a sense, or dishonestly, went about their duties, but because we only have to look at the undisputed facts to find out that these sensitive questions were raised. The Senator from Wisconsin again later, after the Senator from Oklahoma headed up the subcommittee, as chairman of the Legislative Appropriation Subcommittee, raised it. The chairman on behalf of the Senate comes up with the same view. This is in the public interest.

Every time, we get mislead and the issues clouded in the confusion of the rules and the language about finality. Somehow, this is an assignment for new Members. Certainly we do not want to contest actions taken by the Vice President, the Speaker, the majority leaders of both Houses, the Architect of the Capitol. Who are you? What do you know about architecture and the historical heritage and the wishes of the people? The leaders have spoken.

I say they have not done what the Commission charged them to do because, under those circumstances, at the particular time the Senator from Wisconsin raised the point, he said:

> Now, all this has not been considered.

There is all this word going around that if you really start renovating and repairing the west front, not extending it, then you are opening Pandora's box. The whole thing will come apart. It cannot be done. This building is about to

fall on your heads. Do not start tinkering around here and say we are trying to close a crack or repair a piece of the face stone, because if you do, the building will fall.

So, question one: Is it safe to go about even repairing it?

Question two: Look, if you start repairing it, what about the offices around? You have people around there. What about their safety? Somebody is going to get hurt. You cannot start repairing, but go ahead with the extension of the building.

All these contentions were made pursuant to the drive to have it extended, but when they got to the renovation they said his is unsafe to the occupants. You are going to shake up the legislative committees and the occupants are going to have something fall on their heads, the first thing, like excavating a tunnel for the highway system. How are you going to explain that?

Then they said, "Well, if it is not unsafe, there is the other question: Can they carry out their duties?" That was another question.

They really got to several other questions, too, mainly on cause. Can you imagine Representatives and Senators standing around, with no preliminary plans and no idea whatever other than a few words from different architectural groups, and saying: "Can it be done for under $15 million, renovation and repair? We want to know whether or not that condition can be adhered to."

Then, of course, if it exceeded that, the question was: Did not the cost of renovation and repair of the Capitol exceed the actual cost of extension, so that we would really pay more to renovate than to go ahead and get the Disneyland East and the restaurants and the various other rooms for everybody who is now so crowded?

As to all that it was determined that a study should be undertaken, an outstanding firm was retained, conducted a study on restoration and we now have the Praeger Report—it has a fuller designation than that—Praeger, Kavanaugh, and Waterbury, of New York City. Here is a big report, prepared at a cost of $245,000. The report is entitled "Restoration of the West Central Front, Feasibility and Cost Study, January 1971," actually furnished Congress in December of 1970.

Public Law 91–145, approved in December 1969 had provided:

EXTENSION OF THE CAPITOL

For an additional amount for "Extension of the Capitol", $2,275,000, to be expended under the direction of the Commission for Extension of the United States Capitol as authorized by law: *Provided*, That such portion of the foregoing appropriation as may be necessary shall be used for emergency shoring and repairs of, and related work on, the west central front of the Capitol: *Provided further*, That not to exceed $250,000 of the foregoing appropriations shall be used for the employment of independent nongovernmental engineering and other necessary services for studying and reporting (within six months after the date of the employment contract) on the feasibility and cost of restoring such west central front under such terms and conditions as the Commission may determine: *Provided, however*, That pending the completion and consideration of such study and report, no further work toward extension of such west central front shall be carried on: *Provided further*, That after submission of such study and report and consideration thereof by the Commission, the Commission shall direct the preparation of final plans for extending such west central front in accord with Plan 2 (which said Commission has approved), unless such restoration study report establishes to the satisfaction of the Commission:

(1) That through restoration, such west central front can, without undue hazard to safety of the structure and persons, be made safe, sound, durable, and beautiful for the foreseeable future;

(2) That restoration can be accomplished with no more vacation of west central front space in the building proper (excluding the terrace structure) than would be required by the proposed extension Plan 2.

(3) That the method or methods of accomplishing restoration can be so described or specified as to form the basis for performance of the restoration work by competitive, lumpsum, fixed price construction bid or bids;

(4) That the cost of restoration would not exceed $15,000,000; and

(5) That the time schedule for accomplishing the restoration work will not exceed that heretofore projected for accomplishing the Plan 2 extension work: *Provided further*, That after consideration of the restoration study report, if the Commission concludes that all five of the conditions hereinbefore specified are met, the Commission shall then make recommendations to the Congress on the question of whether to extend or restore the west central front of the Capitol.

Now, the Praeger report stated that the five conditions could be met. No, you commissioners, you have not done your duty under the direction of Congress, because the language—while it is not the best ever drawn, was the best language at that particular time, said—"after the submission of such study and report and consideration thereof by the Commission, the Commission shall direct the preparation of final plans for extending such west central front in accord with plan 2, unless such restoration study report establishes to the satisfaction of the Commission" that these five conditions can be met.

Obviously, the Vice President and the Capitol extension commissioners felt that the five conditions could not be met, and therefore, in responding to that directive, "shall be directed to proceed with the preparation of final plans," as the majority leader has pointed out, they have given the go ahead.

But that has to be taken in the context of the report itself, the timing of the report, and what else occurred. And it is here where members of good heart and intent feel that somehow they have been outmaneuvered, because the report said the five conditions could be met.

In December of 1970 it said that the five conditions could be met, and specifically on the one that is now differed upon by the Commission, the $15 million, it said at that particular time it could be done for $13.7 million, which came within the $15 million.

So what happened? This is a smart Commission. They are men of good judgment and prudence, and they are men of progress, and they know. With their progress goes the economy; it progresses, too. It inflates. And they knew that whereas they could, under the Commission report which was asked for by Congress, say in December 1971, "Oh, yes, the five conditions could be met then," they could also say to themselves, "But do not worry; just let things be. It will inflate by the time we meet again. And by then you could not get anybody to say that anything could be done on that west front for $15 million." And sure enough they ignored the rest of it. They said nothing to Congress. They never in that whole year said one word to me or any other member of the Appropriations Committee. In the meantime prices have gone up and we are now faced with the uncertainty of whether or not restoration can still be done for $15 million.

The majority leader just joined the Commission. He is acting in good faith, but they ignored such things as what? When my distinguished friend from Montana talks about that president of the American Institute of Architects, I would take it that he respects the reputation of American Institute of Architects. Well the Commission must not, because the American Institute of Architects, Mr. President, came to the Capitol in May of last year, and they went over it thoroughly. They spent 2 days. They studied the report, they met with their former president, Architect White. They met with the Assistant Architect. They met within a task force.

Mr. President, I shall not burden the Senate with it at this particular moment, but I ask unanimous consent that the "Report of the American Institute of Architects on the West-Central Front of the U.S. Capitol," with the resolutions thereon, dated September 22, 1972—this crowd goes fast, too, but it should obviously be September 1971—be printed in its entirety in the RECORD.

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

THE WEST CENTRAL FRONT OF THE U.S. CAPITOL

(By the American Institute of Architects)

Resolutions passed at AIA Board Meeting, September 22, 1972.

Resolved, That the AIA accepts the Task Force report on the West Front of the Capitol, endorses and supports its findings and recommendations, and directs that this report be promulgated as reaffirmation of existing AIA policy; and, be it further

Resolved, That the AIA Board express its appreciation to the members of the Task Force and the Architect of the Capitol for their cooperation.

REPORT OF THE 1971 AMERICAN INSTITUTE OF ARCHITECTS TASK FORCE ON THE WEST FRONT OF THE U.S. CAPITOL, SEPTEMBER 1, 1971

In response to a request from George M. White, FAIA, Architect of the Capitol . . . "to have The American Institute of Architects review the information and circumstances involved in the proposed extension of the West Front of the United States Capitol", the President of The American Institute of Architects, Robert F. Hastings, FAIA, appointed a review Task Force.

The AIA members appointed by President Hastings to this Task Force were: Milton L. Grigg, FAIA, Chairman; William W. Caudill, FAIA; Leon Chatelain, Jr., FAIA; Francis D.

Lethbridge, FAIA; Harry M. Weese, FAIA; and Maurice Payne, AIA, Staff.

They were directed by President Hastings, "to examine AIA's position on the West Front of the Capitol now that the engineering report (the Praeger Report) has been submitted."

The full Task Force met at AIA Headquarters in Washington, D.C. on May 26 & 27, 1971, to review background material previously distributed including the Praeger-Kavanaugh-Waterbury report on "Feasibility and Cost Study for Restoration of the West Central Front of the United States Capitol". Architect White, Assistant Architect of the Capitol Mario E. Campioli, AIA, and Philip L. Roof, Executive Assistant to the Capitol Architect, met for a period of time with the Task Force and were the gracious hosts for a general tour of the Capitol building by the Task Force on the afternoon of May 26th.

Subsequent detailed inspections of the Capitol and informal meetings with the Capitol Architect were held.

RESTORE THE WEST CENTRAL FRONT OF THE U.S. CAPITOL

Having studied and analyzed the report by Praeger-Kavanaugh-Waterbury on "Feasibility and Cost Study—Restoration of the West Central Front—United States Capitol—January 1971," the AIA Task Force is unanimous in endorsement of the method of analysis, the general findings and the conclusions of the report. It offers conclusive evidence to sustain the Institute's resolution for, and belief in the practicality of restoration of the West Front in situ.

It is our opinion that the proposed restoration as recommended by the Praeger Report fulfills the five conditions for restoration as set down by Congress in Public Law 91–145:

1. That the restoration can, without undue hazard, be made safe, sound, durable and beautiful for the foreseeable future.

2. That restoration can be accomplished with no more vacation of the west central space than would be required by any extension plan.

3. The Praeger Report provides proper methods of restoration. The Task Force recognizes that the work could be done on a competitive, lump sum, fixed price construction bid or bids but we feel that competitive bidding for a fixed profit and overhead with the work being done on a cost basis should be strongly considered in the same way the White House restoration was accomplished.

4. It would be impossible for anyone at this stage of study to guarantee a total restoration cost. However, the Task Force felt that the Praeger Report methods and budget allowed adequate contingency.

5. The Task Force is certain that the restoration work would not exceed the projected time estimated for accomplishing the extension plan.

This Task Force recommends that the present perimeter facades of the Capitol building be declared inviolable and the surrounding grounds, bounded by First Streets, East and West, and Independence and Constitution Avenues, be declared open space, devoid of significant structures protruding above present grade levels. Extant mature tree groupings in these surrounding grounds also shoud be declared inviolable and subsurface development be encouraged but confined to areas now either in grass, paving or shrubbery.

Prepare a comprehensive plan for long range development of the properties under the jurisdiction of the Architect of the Capitol and the surrounding areas.

The Task Force observed, that the present space usage in the Capitol is crowded, misused, or underused; that many functions now located in the Capitol have questionable need or being there; and some functions are duplicated. The Task Force was made aware of the need for additional space by Members of the House of Representatives, especially space adjacent to the House Chamber.

Present preliminary findings of the Architect of the Capitol, following a space need study of the House of Representatives, would seem to indicate that any proposed future extension of the Capitol will not begin to meet present, least of all projected, space needs.

The Task Force reaffirms the AIA's historic position that Master Planning of the Capitol must be undertaken if impetuous action by the Congress is to be avoided.

This planning should include 1) an inventory space utilization of present buildings; 2) an analysis of floor area ration within the confines of the present Capitol area; 3) a study of possible new land acquisition; 4) a study with particular reference to below surface development capability, categories of use, and environmental factors.

Consideration must be given to the displacing of routine services or lower priority functions now occupying space in the Capitol to new locations.

With the realization of the Metro system, the Visitor's Center at Union Station and the emergence of new people-mover systems, all parking should be remoted and the Capitol's surrounding grounds cleared of all but official business cars. New systems of shuttles, horizontal elevators and even a Metro branch should be considered. They could provide fast, automatic, safe and frequent service between all of the buildings in the Capitol complex and would make ready proximity a question of time rather than distance.

It is the recommendation of the Task Force that the Architect of the Capitol could and should request the counsel and guidance of leading architects and other design professionals. Since the future of our Capitol is of deep concern to all Americans, their gratuitous participation in the development of a comprehensive plan can be expected.

TASK FORCE OBSERVATIONS ON THE PRAEGER REPORT

Settlement

(1) Soil pressures are such that there is a 2-to-1 factor of safety.

(2) Further settlement can be expected over the next 150 years, but in order of the ½ inch of the past, which occurred at the outset.

(3) There has been no evidence of differential settlement.

Cracking

(1) Thermal movement and frost action over the years, as between the interior rubble wall and the sandstone face, has caused local failure of cut stone creating a natural pattern of vertical cracks from top to bottom approximately 30 feet apart.

This is a natural phenomenon which designed control joints obviate. The report recommends making control joints of the existing pattern of cracks. There is no reporting of settlement cracking nor out-of-plumb walls.

Erosion and spalling

(1) Sandstone weathers well when laid on bed faces for natural drainage of trapped moisture from within the wall. Improper stone cutting in some cases, but more important, the use of oil paint over the years, has trapped moisture and contributed to surface spalling. The effect is superficial and akin to accelerated weathering. Modern paints which allow the wall to breathe obviate this. The aesthetic effect is that of time making its mark. No attempt should be made to deny these minor inroads of time.

(2) Significant deterioration was noted on marble surfaces on the Olmsted terraces—a condition that should "flash a warning" whenever future consideration is given to wearability of various stone surfaces.

Loose or cracked stones

(1) Certain stones, voussoris, flat arches, quois, and cornice members are in need of affixing to the backup masonry. They are visible and can be treated with modern rock bolting techniques and post tensioning.

Wall strength

(1) The facing stone is bonded to the rubble wall with alternate courses, making a physical bond uniting the wall in a series of vertical shafts separated by the aforementioned natural control joints. These walls are over 4 feet thick at the foundations. They are not overstressed, taking 236 p.s.i. maximum loading with the stone itself capable of 6,000 in the case of sandstone and 14,000 for rubble fieldstone. The lime mortar is the limiting factor, but there is no reporting of vertical displacement or cracking of interior walls. It is proposed that a grout injection to fill voids in the mortar matrix and bond the exterior wall to the interior would add strength.

After paint removal and patching and further measurements, it may prove that grout injection could be limited to the lowest story or localized or could be eliminated altogether. It is not clear that so-called solidification of the wall is called for, but this task force defers to the judgment of the Praeger report.

(2) On page 10, near the conclusion of the portion of the report on the experimental wall grouting, amplification and clarification would seem desirable. The type of epoxy as a final bonding material is questioned and should be clarified to the extent that description is not found with respect to the viscosity of the material proposed. Elsewhere, it is reported that various formulations seem to be identified. Furthermore, experience elsewhere indicates that ferrous metals and certain epoxy compounds are not mutually compatible and that deterioration may occur in both materials through chemical action; hence, use of iron reinforcing rods should be evaluated.

(3) There is discussion of the thermal effect of solidification of the wall resulting from the infilling of the present cavity. This phenomenon is not discussed in great detail other than to conclude that there is to be predicted a 10% net increase in heat gain or heat loss in the solidified wall. The effect of this change in the internal structure of walls of such comparatively great mass bears closer investigation.

It is probable that it will require an interval of time, perhaps 18 months to 2 years, for the long stabilized thermal and hydro balance within the walls to become re-established, responsive to modifications resulting from the filling of the voids and the possible modification in the reverse permeability or breathing property of the wall.

Moisture

(1) It is difficult to accept the categorical statement that "condensation in the wall will not occur during the summer". The computations on Figure 22 do not appear to indicate a recognition of the lag in change of the ambient humidity and temperature of the internal wall volume and it is possibly questionable whether the conclusions shown thereon are valid without further experimental documentation.

(2) The Praeger Report does not contain a bibliography, therefore the following paper may have been available to the authors. Reference is made to *Consolidation des Monuments D'Architecture par injection dans les Maconneries*, Moscau N. Zvorikine. From this, it is seen that the Russian experiences indicate that the epoxy infilling should not be impermeable to moisture; therefore, the formulation of the material ultimately used should be investigated in light of these reported results.

It was found that the dilution of the epoxy with a solvent helped to provide better

penetration and greater adhesion and, at the same time, did not produce a mass incapable of "breathing". In the same connection, we were informed by Dr. R. M. Organ, Chief, Conservation—Analytical Laboratory, Smithsonian Institution, that Savestone is an excellent material, particularly if the manufacturers are at this time employing the Lewin Sayre patents. Acrylic plastic compounds have elsewhere been found to be very deleterious in these uses and should be avoided.

The Report suggests quite discouraging results from the several experimental methods of removing the old paint from the stone. From other sources, it has been found that the Methylene Chloride paint remover which was used, while not formulated for removal from stone surfaces, actually can be made very effective when combined with a neutral jelly to create an emulsion, keeping the mixture moist for a longer period. (Actually, in the results cited, the coated stone surfaces were covered with aluminum foil to prevent accelerated evaporation.) The latter expedient might increase the effectiveness of the gel remover reported.

In this connection, it is somewhat surprising to find that the report does not cover the matter of vapor transmission more positively. It would seem desirable to investigate the advantages of providing a vapor barrier back of the plaster on exterior wall surfaces. It is possible that this will alleviate the tendency for plaster fatigue through thermal and moisture changes as well as more effectively stabilizing the moisture content of the interior of the interior of the wall volume. This vapor barrier, if found to be necessary, could be of the framed-in-place variety, thus avoiding extensive replastering.

(3) Apparently, the authors of the Report have not found conditions to indicate the desirability of horizontal moisture barriers in the base of the walls to offset the capillary action often found in walls of this mass and porous character.

Performance Design

(1) The Praeger Report analyzes the structure and loadings of the West Front portion of the Capitol building and proves they are within the parameters of sound practice. The effects of static and dynamic loadings and soil pressures due to dead load, live load, wind and seismic forces, and sonic booms have been given complete attention and analysis.

Painting

(1) The continued use of oil paint in many applications 15 to 105 mils thick has caused accelerated but not severe weathering. Modern breathing paints will obviate this difficulty.

The Capitol is made of three materials: yellowish sandstone (original wings), Walter's marble House and Senate extended wings, marble East Front extension and the cast iron dome. White paint on the sandstone and dome is used to unify the ensemble. This has been the style for more than 100 years. The White House is painted stone. London abounds in painted stone. The tradition of painting should continue.

Mr. HOLLINGS. I shall have to hold this just a minute.

What did they find? They found—not with those driving for new office space, not with those driving for the public to have new cafeterias, not with those driving for a place to bring over their own special groups for special lunches, not with those driving for special rooms with curtains, running water, and everything else, so we can all lounge around—they found that the five conditions could be met, and they found that in September.

The commission has not said anything about their finding, and that was not reported to Congress when it was turned over to them, nor was it reported to my committee. We had to search that out.

What did the Architect say? The Architect opposed the extension, just as I am opposing it now, until he became Architect. Then, of course, to be a good architect, he did not have to sublimate any of his architectural intellectuality or ethics or anything else of that kind. He said:

That's a matter of judgment. I still think like I did before on that score. I have not changed my mind, but you folks over here are the bosses of the need for any office space.

So when I brought it up with him originally, I think it was—last spring, because I think the distinguished George White, the Architect, came on board about January—he said:

I have not had time to read it.

I said, "Read it and study it," and later on, when he again appeared before the subcommittee, he said the cost was "indeterminate," that he could not say one way or the other. He said that he had sought expert advice from the outside, and any time you would ask anybody, including me, as an expert from the outside, about the cost of congressional construction, I can tell you, "just treble it if you want a commonsense answer," because anything you think is reasonable, this crowd over here is going to bollix it up. Look at the Rayburn Building. Look at the Senate Office Building. What has happened? If we were to go after the Pentagon the same way, we would put them out of business. Or if we only treated ourselves on that score the same way we treat the Pentagon experts when we inquire about the cost, no one would say under oath, "under $15 million." And how could they, if they had not taken off all these stones and everything like that? The best the Architect can say, to go along with the Commission's report, is that it is indeterminate. That is his answer: Indeterminate.

So they did not put out any preliminary plans. In fact, as we have been gleaning it, searching and trying to find out who is who and what is what, and where are the rooms, Mr. President, do you know that the chairman of the Rules Committee does not know, either? If you want to talk about top secrets, whoever is in charge of where the rooms are, and who they are assigned to, they ought to give him that job over in the Pentagon or put him in charge of the CIA, because when I asked my distinguished friend from North Carolina (Mr. JORDAN), he said:

We are making a survey now. We never have known what all the rooms are and what they are about and we would like to know. We would like to know so that we can give an intelligent answer.

During its tour and study of the Capitol, we do know that AIA task force observed that the present space usage in the Capitol is "crowded, misused, and underused." And I believe it.

Why should the Senate disbursing office be in the Capitol, when the House has its disbursing office in the Cannon Building? Why should we have the Democratic Senatorial Photo Lab in the Nation's Capitol? Is that so highly important for the Nation's Capitol? Wait until the people find out about that, when we are talking about more room around here. I want to see how many Members attend the hearings we are going to have and plead on the record for the extension of the Capitol.

The Office of Contracts and the Flag Department can be put elsewhere.

The Airline Ticket Office, why should it be in the Capitol?

The House Airline Ticket Office is in the Longworth Building. I say to the Senator from Michigan, why not put ours in the Senate Office Building?

Barber shops, repair shop, sheetmetal shop, carpenters' shop, plumbers' shop—if we really needed the room, all these could be placed elsewhere. We have not employed the room, and all of us know that we have not done so.

I say to the Senator from North Dakota that with some 160,000 square feet at $60 million, that is $368 a square foot. Using the gross amount, they use the figure of $166, but since the proponents of extension want usable space, we must look at the net amount of square footage for space, and here we are paying $368 a square foot.

Go to North Carolina and North Dakota and tell the people that. They will not agree with us. They will not elect us on that kind of record, when they know that we can get additional room elsewhere much more cheaply—and they should not.

My staff eats in the New Senate Office Building, so why cannot the visitors do likewise? Why create people pollution? We have only one Nation's Capitol. Add all the extra rooms, and bring in the board of architects for a luncheon, and there will be a luncheon for another special group, and I will have a special luncheon for the crab catchers in South Carolina. The crab catchers are going to come to the Capitol, and I want to impress them, so I am going to bring them into the ornate $368 a square foot private room and feed them and show them how I am running the Government up here.

Then they will all start corralling around, making all these meetings and special luncheons and everything else. Then, as they leave my crab luncheon, I will say, "Do you not want to go over and see Senator Pastore, from Rhode Island? He is a great orator." And the Senator from North Dakota will say, "You ought to see the majority leader, who is engaged in colloquy with him." So everyone leaves the luncheons and they come here, and you have added 3,500 people in the one hall. It is difficult to get around now. I have big enough competition with my senior colleague to get the school groups and special friends into the White House. I would then be competing to see if I can get class 3B of a Mitchell school into the cafeteria.

So you deface the Capitol and extend the taxpayers' money at $368 a square foot, and you have gone beyond the express intent of Congress.

The five conditions were met. There were no final plans to be approved if

those conditions could be met, and the report said they could be met.

The commission did not play fair with Congress, to have a closed meeting on March 8, and they never said a word from December 7 until March 8 and did not say anything then, until they had met; and they said that by now inflation has corrected the report and no one can say—including our Architect, who used the word "indiscriminate"—that we can do it for under $15 million. That gives us carte blanche authority: final plans, final construction; and that is the way it had been understood, and that is the way they offer the amendment.

It was because of this that the language was agreed upon unanimously in the full committee, and the Senator from Montana says now he misunderstood. But the language was hammered out among us all so that there would be no misunderstanding. We said that funds available under this appropriation may be used for the preparation of preliminary plans so we would all know, once and for all, whether there were cafeterias, how much room there was and for what it was going to be designated, because they could not now tell us.

One report was that there were rooms for cafeterias and another was that there were not. There were private dining rooms, and one Member objected to that, and another Member objected to another usage.

We wanted to fix preliminary plans before we started paying in the millions for architectural and engineering drawings and specifications. We said,

> Give us the preliminary plans for the extension of the West Central Front, provided, however, that no funds may be used for the preparation of the final plans for initiation of construction of said project until specifically approved and appropriated therefor by Congress.

I submit, Mr. President, that that is the orderly way to go about doing the business of Congress. I do not like to take the vote from the State of South Carolina or the State of North Dakota or any other State and vest it in one of these commissions that goes ahead and spends all this money, and then somebody comes along and says, "Look, you wasted all the funds. You have no sense of historic propriety. You have a cultural commission but you can easily get more rooms for committees and others to meet."

Why should the Vice President have two offices here? Give him one office, one of the most beautiful—but why two?

The Disbursing Office of the House is in the Cannon Building. The Democratic Senatorial Campaign Photolab can be moved. The Contracts Office and the Flag Department can be put elsewhere. The airline ticket office on the House side is in the Longworth Building, as are the railroad ticket office, the barber shop, and the repair shop.

We have room, if we want to go about this judiciously. Everyone knows what is happening. I contend that we have not done so until this time.

It is not a matter of questioning the qualifications of the Architect. I am the first to agree that this is a distinguished and dedicated gentleman, and he has been very responsive to our subcommittee.

The American Institute of Architects has proposed this. They said the five conditions could be met, which was a congressional mandate for not going ahead with extension.

They waited for inflation, for a year and half, and now want to go ahead. We put in the language so there would not be a misunderstanding and it would not be left in a never-never land. We are not voting finally on whether or not we approve it. We are voting finally on whether or not we can approve it, and whether or not we ought to have a chance to approve it.

You can both have hearings, you can both look at the plans, and you can both see a cafeteria there or a senatorial office or see a committee room, and we are looking at the same thing. It appears to me that we have not seen it together. This really goes to the procedural integrity of Congress itself, particularly the Senate. We wanted to put in there no final plans, no construction, until there is a hearing and it is appropriated for by Congress. The people cannot expect less.

I would oppose the amendment.

We are not on limited time. I shall be glad to try to answer any questions, if I can.

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

Mr. HOLLINGS. I yield.

Mr. YOUNG. I listened with a great deal of interest to the Senator's speech, but I have to disagree with him on several issues.

For example, when the White House was restored and remodeled, it had to be done. Otherwise, the walls probably would have fallen. It was unsafe. We could have built a new White House for one-third or one-fifth the cost. Perhaps it would have been cheaper to have made a museum out of the Capitol, because we could have built a new one, and a better one, at one-fifth the cost that keeping this one will cost. So the Senator's figure which he uses, of $268 per square foot, I do not believe is really comparable.

The Senator mentioned that we have a carpenter shop. Yes, we do have one, but it is in the cellar, and I do not believe that any Senator wants to have an office in the cellar.

It is true we also have a barber shop. Senators do not have time to go uptown to get haircuts. The office buildings are completely occupied. Most Senators are crying for more office space. I do not know how we would want to put it over there.

Some Senators want to bring in more interns this summer. We turned down an amendment to bring a whole flock of new interns at $300 a month here this summer. There is no room for them. So while I think there is considerable good sense to what the Senator says, as I have listened to him, and we have been on this problem for 10 years now as to whether we should restore the west front, reinforce it, or build a new one, but the time for decision must come some time, because each year we delay it will cost more money to get the job we want done.

Mr. HOLLINGS. If I may respond to my good friend from North Dakota, during the time the 10-year discussions were going on, everyone was shooting from the hip, and we did not know. We had no one comprehensively studying it or architecturally studying this particular question. It is certain they said that the west front was in imminent danger of collapsing, that it would soon come tumbling down around our heads. It was charged in five specific points here, that the funds for extension could not be released unless restoration could not be carried out without undue hazard to the structure and to persons, and that the wall could not be made safe, sound, and durable. But they said restoration could not be done.

The Praeger study reported that the west central front can be made safe, sound, and durable for the foreseeable future without impairing its inherent beauty and without hazard to the safety of the structure and to persons by cleaning the walls, restructuring it and grouting and restoring the appearance, and by repainting. There you go. They said it can be done.

A man can differ as to the usage of space. We had that discussion. In fact, in our discussion, we found that our barbers are going out of business, because their customers now go uptown to get their haircuts, because of the new hair styles. They do not like the old ways in barbershops any more. So the barbers here are going broke in the Old Senate Office Building. We have to increase their pay under this bill so that they can retire with a little more money.

So the barbers here have a real problem, because everyone is running uptown to get his hair cut in the new styles. They have to get with the new ways or go out of business.

Mr. MANSFIELD. Mr. President, will the Senator from South Carolina yield?

Mr. HOLLINGS. In 1 second I will be glad to yield to the Senator from Rhode Island and to the Senator from Montana, but offices in the cellar are not only desired and sought after, but are occupied there by distinguished senior Members of his Senate. They like those offices in the cellar and they brag about them.

I yield now to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, I quite agree with the distinguished Senator from North Dakota (Mr. YOUNG) that there is a great deal of logic in what the distinguished Senator from South Carolina (Mr. HOLLINGS) has said.

I remember that in my parish we used to celebrate mass in the school auditorium. One day the pastor came to me and said, "We are going to build a new church." Knowing, of course, that money was a little tight, he suggested that a debt-free church be built. He showed me the plans. I said to him: "Father, this will not do. These plans for the church are plans for just today and tomorrow. We would be just temporizing. You have to begin thinking of what the situation will be in this parish, not today or tomorrow, but at least 15 or 20 years from now."

The Senator will remember that when we decided to do something about the east front of the Capitol, there was a

tremendous furor. There was remonstrance, I believe, even from the National Association of Architects. I think that decision was one of the best we ever made because the East Front of the Capitol now is much more beautiful than it was before. Instead of having to look at that brownstone, or whatever it was, now it is a granite and marble front and a really beautiful edifice that meets the eye.

We must realize that the Capitol of the United States is the citadel of this country, the cynosure of our people. I suppose we could demolish the building completely then rebuild it and make it more purely utilitarian for a great deal less money.

As the Senator from North Dakota (Mr. YOUNG) brought out, there is only one White House, and it cost us $5 million to reconstruct it. It was actually falling apart. President Truman had to live in the Blair House while they were repairing it, but he had the foresight and the courage to look to the future. We spent $5 million to repair that edifice and I feel it is one of the best investments we ever made.

I do not believe that we should involve ourselves in an emotional argument about the taxpayers of North Dakota or the taxpayers of Rhode Island having to pay for this. I think we have to be pretty careful about the taxpayers' money whatever the project. If it is true that we need plans that we do not have, then we should develop adequate, appropriate plans, because we surely should know what we are doing. But, fundamentally, I see nothing wrong with students from the Hamilton High School coming to visit the Capitol of the United States—there is only one Capitol of the United States. It is their Capitol and that they should have lunch while they are here seems sensible and reasonable. I do not see any waste of money there.

As a matter of fact, if this Nation can spend $101 billion in Vietnam, with all that money going right down the drain, if this Nation can spend $101 billion in Vietnam, and if this Nation can spend, at the request of the President, $3 billion for foreign aid, certainly we can spend some money to expand the west front of our Capitol.

All we have to do is to take a look at that west front. It is a disfigured disgrace. That front is now jacked up with piles and what-have-you. It has a forbidding appearance. Indeed, there is a sign reading "No Admittance Beyond This Point." They believe the stone is disintegrating—ready to fall down—and likely to injure the too curious visitor.

I am not being critical of the Senator from South Carolina, because I know how he feels about this—but whatever we do, let us not do it for next week or the week after. I hope that this Republic will last for eternity plus 1 more day, and that the Capitol Building that we will have in these United States will be a Capitol of the United States that, 100 years from now, will be as adequate.

So, let us not temporize. Perhaps we cannot plan for eternity, but we can plan for posterity.

Let us do that.

Growth toward perfection has been the history of this Capitol. We have grown in our pride of it. And when I say "we," I mean the continuity of this Government—of, by, and for the people.

When this building was first constructed, there was no Senate wing and there was no House wing. We had to add these wings. That cost us a lot of money. We spent a lot more money in decorating the inside of the building with frescoes and other fine arts, especially the work of Constantino Brumidi. I do not believe that all of that was a waste of money. I believe that we should look at all expenditures very carefully.

But we hear people say, "You cannot spend all this money for the Capitol." My goodness, gracious, on the exchange program, we spend millions of dollars to do what? To have many students from other countries come here and get an eyeful and a heartful of America so that they can take the good story of America back home with them. But now are we to say that when some high school students board a bus in New Jersey, Rhode Island, or South Carolina, and come to the Capitol of the United States, are we going to say to them, "If you want a sandwich, go downtown and get it elsewhere, because there is no room here."

Mr. President, did you ever go down to the cafeteria on B floor of the new Senate Office Building and see these people all lined up and willing to wait for hours to get into the cafeteria? Is it not good to see that? Is it not good for this country? Is it not good to feel that when they come here, they cannot only explore the building, but if need be, they can also go to a cafeteria and have a glass of milk and a hamburger? There is nothing wrong with that. It is good to see our people coming to Washington to see their Capitol. It is even better when we refresh them personally as well as patriotically.

Now I do not believe anybody should be ridiculed for saying he does not want to waste the taxpayers' money, but I regret that that is what this whole discussion has disintegrated into.

Mr. MANSFIELD. Mr. President, will the Senator from South Carolina yield?

Mr. HOLLINGS. First, I want to explain my comments on this point, if you please; then I shall be glad to yield to the Senator from Montana. In this colloquy, we have gotten ourselves into an emotional appeal by saying that if we have money to spend for Vietnam, if we have enough to spend for foreign aid, we have enough to spend for the Capitol. That is making an emotional appeal. I am making an appeal for the Capitol.

My good friend from Rhode Island says we are going to deny funds for the Capitol; that if we have enough for Vietnam, if we have enough for foreign aid, we ought to have enough for the Capitol.

But this is my argument. I want the Capitol to be renovated.

The Architect's task force report says it is not necessary to have the buttresses to keep the wall strong and keep it from falling down. I want to keep the Capitol as it is, as it was.

I want the children to see this building. The Senator from Rhode Island is not going to put me in the position of making children go hungry; of saying that they cannot go down and get a peanut butter sandwich.

I am for children coming to see the Capitol; and they can do that in an orderly fashion at this time. Actually, thousands upon thousands are coming here to see the Capitol, so that they can appreciate it. To put in more cafeterias would be doing a disservice to them by creating traffic jams.

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

Mr. HOLLINGS. Not at this moment. I want to finish this point.

The next thing, it is said, we will be making children go hungry. But by putting in cafeterias, we will create such traffic jams that we will be hiding the Capitol, and the children will not be able to see it. I am for setting up cafeterias to serve our visitors, just put them somewhere near the Capitol, not in it.

At present, entire classes come through the Capitol. But how many classes go to see the White House? The classes get there in the morning, and after waiting a long time they are quickly driven through a few rooms, because there are just so many people who can be admitted, and there is just so much time.

Why not put a restaurant in the White House, so that the people will not have to go downtown?

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

Mr. HOLLINGS. Not just yet.

Why not put a restaurant at the Taft Memorial, so that the people can go in and eat?

I am for feeding the hungry, but not in the Nation's Capitol.

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

Mr. HOLLINGS. I yield.

Mr. PASTORE. I did not inject myself into this debate. I came into the Chamber and sat right here and listened to the Senator from South Carolina. I heard the Senator mention the name of the Senator from Rhode Island.

The Senator from South Carolina mentioned that. Then I heard him say something about the children from Hamilton High School. The Senator mentioned it. I did not make it up. He is the one who mentioned it. He started it for some reason. He thought he would like to address questions to the Senator from Rhode Island. The Senator knows the Senator from Rhode Island.

I did not accuse the Senator of letting anyone go hungry.

All I am asking the Senator is this question: Is it a matter of money that bothers the Senator? Is it money that bothers him? All I can say to him is that if this great country of ours can spend all this money in Vietnam, why should we be worried about the miniscule amount we would spend to make the Capitol a delightful place for the children of our country to come and visit. Does the Senator think that is emotional?

Mr. HOLLINGS. I think it is a delightful place to come to. That is what I thought when I came to it.

Mr. PASTORE. Positively; and every time I look at the dome, I get new in-

spiration. I will never forget when I got off the train coming down to Washington the first time. I got off the train, walked out of the station, and my eyes rose to the Capitol dome, I got goosebumps all over my body. I still get goosebumps when I look at the Capitol. And as Senators enjoy the Capitol the more because they can dine here, then if it gets to the hour of 15 minutes after 12, what is wrong if there is a little place where visitors can get a hamburger?

Mr. HOLLINGS. Nothing, I am for that.

Mr. PASTORE. There are no hamburger stands around here.

Mr. HOLLINGS. No, and we ought to have something.

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

Mr. HOLLINGS. I will yield.

Mr. MANSFIELD. Mr. President, there is supposed to be a matter of $2 million for plans. That is not for a building structure. We are getting away from the question at hand.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HOLLINGS. Mr. President, I said at the very beginning of the discussion that we unanimously agreed on this in the Appropriations Committee on Friday. I thought the matter would not be the subject of controversy. Otherwise, as the chairman of the subcommittee, I would have prepared myself more entirely on the architectural niceties of this edifice.

It is not money for pollution. It is money for office space, for more space. It is the architectural design for the Capitol.

A gentleman by the name of Mr. Olmstead, one of the outstanding architects in our history, studied this matter. I want to see that the Capitol does not look like the beanie on a freshman's head after the construction is done. That is the reason I oppose this.

If the distinguished majority leader wants to bring it back to the original thinking, we agreed that preliminary plans would be made. His amendment is to go ahead with final plans.

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

Mr. HOLLINGS. I yield.

Mr. MANSFIELD. Mr. President, I think I admitted to the Senate that I was under a misapprehension. I have no one to blame for what I did except myself. I was not aware that the preliminary plans had already been completed.

May I say that, for someone who was unprepared to speak on this subject, the distinguished Senator from South Carolina was very, very well prepared.

What we are asking now is that we uphold the action taken by the Commission under the law passed by Congress, and that is to allow funds to be used for the purpose of finalizing the plans.

After that, it is not the intention of the Commission to go ahead and order the construction as a result of this finalization, because in my opinion we have not got the authority. It would be up to the subcommittee of the Senator from South Carolina in this body and the counterpart in the House, along with the ranking minority members, to undertake this responsibility.

Are we going to go this far and stop? I would have no compunction in going back to my State of Montana and telling my people how much I was going to spend. And no one knows what the figure is yet, because on the basis of the plans, it cannot be figured out as to what the actual costs will be on a square-foot basis.

This is something which has to do with the citadel of this country, the symbol of this land. It is not a case of a small dome. It is the case of symmetry. It is a case of planning for something which we think needs to be done and should be done. And if anything is recommended, the distinguished chairman and the ranking members of the committee can be assured on my word that any plans will be brought before their subcommittee and the full committee for final approval and that the Commission as such will not have the final say as to what shall be done.

So I think the record should be kept pretty clear. We should sweep away all the side plans, all openings and angles, and get down to what is at stake. Does the Senate want to appropriate money for looking into the possibilities of beautifying this citadel, which is not just for us but for all the people of this Nation? It is that simple. I apologize publicly and privately for not being on my toes Friday. What the Senator said is correct. It was unanimously reported out as it is before the Senate today. The fault is mine, but certainly the intent is to correct the fault at this time.

Mr. HOLLINGS. No one is trying to win a point or an argument or to prove someone right or wrong. We are back to the crux of the matter: final plans versus preliminary plans. The Senator from Montana understands the characterization of the plans as final. Final plans encompasses final preparation and evacuation of offices.

Mr. MANSFIELD. It would be subject to the approval of the Appropriations Committee.

Mr. HOLLINGS. Now, we have the crux of it. How do I get approval later if I tell them now to go ahead with final plans?

Mr. MANSFIELD. Not the Senator, but the Senate or Congress tells them to go ahead. They have to go before the Senator's committee for approval or disapproval. The Senator's subcommittee and then the full Committee on Appropriations in both Houses.

Mr. HOLLINGS. Do they go before our committee before they evacuate the offices and prepare the ground?

Mr. MANSFIELD. I would so recommend to the commission if the Senator would like me to.

Mr. HOLLINGS. I rely on my distinguished leader, of course, but whether or not the Vice President will do so and other members of the Commission is another question. Therein I cannot see where the Senator from Montana and I are differing. I think we are both asking for preliminary plans.

Mr. MANSFIELD. No; the preliminary plans are through.

Mr. HOLLINGS. No; they are not. There is a difference in fact there. We asked for preliminary plans Friday. They come and say they are. But when we ask about it, they say, "No; they are not." They keep changing the designation and what encompasses extension of the Capitol, how many rooms there are, the uses thereof, and whether they are needed. That is preliminary planning.

Mr. MANSFIELD. There is money appropriated already for plans. So the thing to do, as the Senator agrees, is to go through to a conclusion, to a final plan, and then you have all the answers to the questions that the Senator raises. They cannot be reached on the basis of preliminary plans, because the job has been done.

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

Mr. HOLLINGS. I yield.

Mr. COTTON. Mr. President, I thank the distinguished Senator for yielding. We have backed ourselves into this position. A vote against the amendment of our distinguished majority leader would be interpreted as a vote against extension of the west front of the Capitol. I want to stand by my subcommttee and my chairman who has treated me always with the greatest consideration. I am in favor and have been from the start. I certainly have been since I saw the matter demonstrated on the east front. I have been in favor that we go in there, do the job thoroughly, and extend the west front.

I am guilty of suggesting this language.

Mr. MANSFIELD. I was there.

Mr. COTTON. I suggested it, because I merely wanted to make sure that before everything was finalized, we had an opportunity to look into this restaurant business. I feel that before we open up any more restaurants in this building, we had better learn to operate the ones we have. There is ample room for the children and the people who come here to be accommodated in the cafeterias in the New Senate Office Building. But I would not send any constituents of mine to eat there as I would not serve that food to one of my pigs. It is the poorest prepared food I have ever had served before me.

I used to eat there regularly, but I do not go there now. The food downstairs in the Capitol is very satisfactory. I am not talking through my hat, because I can give the names of a half dozen Senators who used to eat breakfast regularly in the cafeteria in the Senate Office Building and who now eat breakfast downstairs and never go to the cafeteria in the New Senate Office Building.

Mr. MANSFIELD. Four of the half dozen are in the Chamber right now.

Mr. COTTON. Yes. The reason I proposed the words "preliminary plans" in the language of the bill was that I do not want this thing decided before we have a chance to see how this space is going to be used. As I said earlier, I think our own language indicates that the question is settled on extending the west front of the Capitol. We have every confidence in the Commission. I have been

for it. I consider the matter settled. It seems to me this matter can be settled without tearing ourselves to pieces.

I would like to ask the distinguished majority leader how much money is involved in the complete plans.

Mr. MANSFIELD. As I understand, it is in the vicinity of $2 million. I would be subject to corroboration by the chairman of the committee in that respect.

Mr. COTTON. When the majority leader says to the Senate, "I give my word that we are not going to build a cafeteria or restaurant in there without coming back to the committee," his word is good so far as I am concerned, but in the meantime we will have spent $2 million.

Mr. MANSFIELD. That is correct.

Mr. COTTON. I think because of that I should be compelled to stand by my subcommittee and my chairman, but that is not to be interpreted as a vote against the extension of the west front, because I think that is the only sensible and logical thing to do. I hope when we decide how the added space will be used, that it will be used to let Congress function more adequately. I would like a chance, before the $2 million is spent, for some of us to be heard further on this matter of the restaurant business.

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

Mr. COTTON. I yield to the majority leader.

Mr. MANSFIELD. I think I could on my own give the Senator and the chairman of the committee the assurance that the Commission, which I have just recently become a member, would be given the chance to express their views.

But the Senator said he favors the west central front expansion. We must recognize the fact that there will be none unless there is a finalization of the plans which up to this time have been conducted on a preliminary basis. The matter is simple. I do not want to bring it to a final vote. I blame myself for not doing what I should have done in committee, but I would like to see the chairman and the ranking member take this proposal to conference without a vote and come back with what they would like reported to the Commission.

Mr. COTTON. We cannot take it without language.

Mr. MANSFIELD. I would favor the language I have offered.

Mr. COTTON. I will just say this and then sit down. My chairman and I are in disagreement on one point. I understand the Senator from South Carolina is opposed to extension and wants to restore the building as it is. I want the extension, and so the disagreement. The reason I suggested the word "preliminary" was because I thought that tentative or preliminary plans would be presented to us so that we could thrash out how that space was going to be used. I know the distinguished majority leader knows what he is talking about, because he always does——

Mr. MANSFIELD. No; I do not know as much as I should know, I am sorry to say.

Mr. COTTON. He says the preliminary plans are already made.

Mr. MANSFIELD. Preliminary studies.

Mr. COTTON. And that if that goes through, then everything stops——

Mr. MANSFIELD. Preliminary studies have been made. I do not think any preliminary plans as such have been made.

Mr. COTTON. What is wrong with calling them preliminary plans and presenting them to us?

Mr. MANSFIELD. Because I thought on the basis of the authority of the Commission, we should go ahead, and I think I have an obligation to the Commission, just as the Senator has an obligation to adopt the position he has on the committee, and I would do the same thing the Senator has done if I were in his shoes.

Mr. COTTON. The Senator understands I do not disagree with him.

Mr. MANSFIELD. I know.

Mr. COTTON. The Senator's assurance is enough for me.

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

Mr. MANSFIELD. I yield.

Mr. YOUNG. Would not the Appropriations Committee have the plans unless completed and, when they asked for the appropriation for construction funds, have an opportunity to say whether they want to go ahead with construction or to make any changes?

Mr. MANSFIELD. That is correct. I have said so several times.

Mr. HOLLINGS. That is the point—there are honest differences. One gentleman says they already have preliminary plans. The other gentleman says no preliminary studies. Another one says he is for the front and he considers that question settled. The only question is the distribution of the rooms, and he is against any more cafeterias. Therefore he would like a chance to vote on it. The Senator from Rhode Island says, "Oh, no, let us have a cafeteria."

We have never had a meeting of minds. We are letting the matter go, we are irrevocably moving forward in this particular regard without hearings, without reflection and without full awareness of what we are getting into. That is the reason we had the matter drawn to the attention of the members of the Appropriations Committee. The ranking Republican member and I as chairman never were presented the preliminary plans. When we reach the Senate floor, we are told they have preliminary plans. Then when we press them, we are told they are preliminary studies. A distinguished member of the Commission says they have no preliminary plans.

Turning to another point, the Commission has not furnished us the amount for the final plans. The figure given 3 years ago was about $2 million. If we are going to consider inflation, and if the figure of $13 million for restoration in 1971 can be inflated to above $15 million, we can equally inflate the cost of the final plans to well in excess of the $2 million.

Further, when we talk about final plans, that could mean site clearance, and office evacuation, that is getting ready for final construction.

That is why we raised the point in a candid fashion before the Appropriations Committee. We wanted to have a chance to rule on this and to see what would be proposed by way of offices, and we would only know this if we could look at preliminary plans. Therefore, I think it would be bad procedure to have it unanimously agreed to, at the suggestion of the Senator from New Hampshire, to use the plans as preliminary plans, with no construction funds to knock out. Someone could come before the committee and say, "Now we can clear the site and get the final plans, come around, and it will be in a state of upheaval, and the only question will be how do we settle the upheaval because we did not settle the question in the first place?"

Mr. MANSFIELD. Mr. President, that does not mean that these will commence the process of digging up, site clearance for construction, and offices being evacuated. This is a set of plans that will be drawn up. It will be subject to the approval of the subcommittee and the full committee and the Congress.

Public Law 91–145, approved December 12, 1969, provides under the title "Extension of the Capitol"—

> For an additional amount for "Extension of the Capitol" $2,275,000, to be expended under the direction of the Commission for Extension of the United States Capitol as authorized by law——

I repeat, "as authorized by law." The Congress passed this law and gave the delegation of authority to this Commission. The Commission does its job and the Commission comes back and finds itself questioned. None of us asked to serve on that Commission. I would just as soon get off. I did not know I was on it until this month. But we have to have something to operate on. I would hope we could reach a compromise that the planning could go ahead with the authorization that was authorized and was put in the hands of the proper commission.

Mr. YOUNG. Mr. President, who has the floor?

Mr. MANSFIELD. The Senator has the floor.

Mr. HOLLINGS. Go ahead, Senator.

Mr. YOUNG. I want to make this comment. I think the real controversial issue is whether we extend the west front or restore it. I think there will always be differences of opinion as to whether we should have a restaurant or other accommodations in the west front if we go ahead with it, but I think there would be no moving out of offices while we were in the planning stage. I would feel—and I feel assured of it—that after the plans are made we can make the decision whether we appropriate the money to go ahead and what further changes there should be.

Mr. AIKEN. Mr. President, if the Senator will yield, I read the proposed amendment by the Senator from Pennsylvania and the Senator from Montana. I was wondering, where it says may be used for the preparation of plans, does that mean tentative plans shall have to be approved by the Congress? I think probably it would be well to restore the historic proposal to the west front——

Mr. MANSFIELD. No.

Mr. AIKEN. But I am inclined to agree with some of my colleagues, including

my neighbor from New Hampshire, that an enormous restaurant there would probably create some difficulties, possibly with the taxpaying restaurants—I assume they all pay taxes—in other parts of the city.

It seems to me we have to go ahead to prepare these plans before the Senate knows what it really wants to do.

Mr. HOLLINGS. Exactly. If the Senator will yield, I will be glad to say, with respect to what the Senator from Vermont has said, that that is what we all want to do, read some document and read some language, saying whether they agreed or disagreed. We would not have preliminary plans before we went into multimillion-dollar plans that would include site clearing, and so forth. That is why we agreed in the committee to ask for preliminary plans. That is the job of the Commission. Everybody thought the Commission had that job. They had a professional report made, which said the five conditions could be met, but then the Commission waited 14 months, with inflation coming in, so that the Architect's estimate now is "indeterminate," and then said the conditions could not be met. I do not blame the majority leader for that.

He is crossed between his position as majority leader and a member of the Commission and a sense of loyalty to that. I do not want plans to include site clearing, and so forth; I want preliminary plans before they do that.

Mr. MANSFIELD. "Final plans" does not mean moving offices and clearing the site. It means detailed plans to go before the committee before construction is started.

Mr. YOUNG. I find myself in the same position as the majority leader. We all went along with the language proposed by the senior Senator from New Hampshire. We thought this would be a good answer to the question. I am inclined to agree with the majority leader that we have completed preliminary plans, and that what is really needed now is to proceed with the necessary planning. I am going to vote against the vote on this matter taken in the committee.

I am glad to learn from the majority leader that final plans will not include site preparation.

Mr. HOLLINGS. But he talks about preliminary plans, and then he changes that and says they are studies.

Mr. MANSFIELD. He should not talk about those words, because he is talking about an amateur as far as the Senator from Montana is concerned.

I have not had the privilege or the opportunity to achieve the knowledge which the distinguished Senator from South Carolina has had—and I say this respectfully—as the chairman of the committee which is in charge of this particular aspect contained in the bill; but certainly he has mentioned the question of conditions laid down. First, he says, they were all agreed to, then he says they were not all agreed to, because of escalation.

It would appear to me that this is a part of the preliminary study, and that very likely this was the basis on which the Commission was called into meeting earlier this month.

Mr. AIKEN. Well, I think the proposal of the leaders more nearly meets the present need, because I do not know whether I am in favor of the plans or not until they are drawn. Where preliminary ends and regular plans begin I am not sure, but I think they have got to go ahead with doing the planning.

Mr. MANSFIELD. Will the Senator yield at that point?

Mr. AIKEN. I yield.

Mr. MANSFIELD. It is only after the plans are drawn up that it leaves the hands of the Commission and goes into the hands of the Appropriations Committee.

Mr. AIKEN. That is right; and the Appropriations Committee could then rule the restaurant out, or not, I would think.

Mr. MANSFIELD. That is right.

Mr. HOLLINGS. Mr. President, could I respond to the Senator from Vermont on that point?

We are not objecting to the plans. That is what we want. The Senator from New Hampshire and I and the entire subcommittee said, "Give us a plan so we will know and can answer intelligently when a Senator asks whether the cafeteria should go in there or not."

That is the kind of plans we need, and no one has furnished them. We have not studied it out; we are trying to search for information to make a fair judgment. We have not been given any plans, so we do not know whether or not a cafeteria is there or any other type of room.

We want the plans. But when you get into detailed drawings, the indications were 2 years ago that it would cost approximately $2 million, and I would say, now it would exceed that amount.

Mr. AIKEN. They have spent about $250,000 or $260,000 already, and a little over $2 million is left.

Mr. HOLLINGS. That is right.

Mr. AIKEN. I think the word "preliminary" is a little confusing. It confuses me, anyway, because I do not know where preliminary stops.

Mr. HOLLINGS. Well, preliminary plans, in any construction project, includes the exterior and interior design and the square footage application as to where it is to be assigned, but it does not have every final drawing and every particular door and everything drawn in, that a contractor could take as a final plan and respond to it. Preliminary plans a politician can respond to; final plans a contractor can respond to. We all know the difference between preliminary and final plans. That is why the language of the Appropriations Committee is ultimately fair; and when you knock out fair language, you look like you are indirectly saying it is settled. I do not believe it is settled, and I do not believe the majority leader, the Senator from Vermont, or anyone else believes it is settled.

Mr. MANSFIELD. That is why we want the rest of the money, so we will know the final plans, and then the committee and Congress will have the opportunity to render their own judgment.

Mr. YOUNG. Mr. President, I yield the floor.

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

Mr. MANSFIELD. Why not get a time to vote?

Mr. HOLLINGS. The majority leader has suggested that we get a time to vote.

I ask unanimous consent that we vote on this measure no later than 2 p.m., with the time to be equally divided between ourselves, the leadership on the bill and the proponent of the amendment.

The PRESIDING OFFICER. Is that on the amendment or on the bill?

Mr. HOLLINGS. That is on the amendment itself.

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

Mr. HOLLINGS. I yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I commend the Senator from South Carolina for his presentation here today and for the efforts he has made in the Appropriations Committee to protect the Capitol, and I urge the Senate to reject the pending amendment.

I fully support the action of the committee in restricting the use of funds that may be expended for planning the extension of the west front of the Capitol.

I strongly oppose the substance of the decision announced earlier this month by the Congressional Commission on Extension, and I am even more strongly opposed to the procedures by which the Commission has attempted to railroad its decision through Congress and foist it on the American people.

Last Thursday, barely 2 weeks after the Commission announced its decision, the Legislative Branch Appropriations Act—the traditional vehicle for the debate on extension versus restoration—was passed by the House of Representatives. And today, less than 3 weeks after the decision, the Senate is about to approve the bill.

Clearly, the cynical coincidence of timing—or at least the appearance of such timing—of the announcement by the Commission and the passage of the legislation present Congress with the very real danger of being faced with a fait accompli on this year's budget. Two million dollars was about to be committed for planning and initial construction, and the Capitol was well on its way to irreversible change before a suitable legislative challenge could be mounted.

Thanks to the vigilance of the Appropriations Committee, however, and to the efforts of Senator HOLLINGS, Senator PROXMIRE, Congressman STRATTON, the American Institute of Architects, the National Trust for Historic Preservation, and others who oppose the extension project and who sounded the alarm so promptly, the tide may yet be turned, and Congress may yet have the opportunity to give the project the full and open scrutiny it needs.

Surely, it did not have to be this way. There was no need to generate the turbulent atmosphere of the past 3 weeks. The present phase of the crisis was precipitated by the Commission's decision on March 8 to reject the report of Praeger-Kavanagh-Waterbury favoring restoration, and to proceed with the extension of the Capitol. Yet, the Praeger report had been submitted to the Com-

mission in December 1970, more than 15 months ago. Surely, we are entitled to wonder at the long delay in the Commission's consideration of the report and the sudden decision to reject it just as the Legislative Branch Appropriations Act was about to reach the floor of the House and Senate.

As the Senate Appropriations Committee has rightly recommended, whatever our individual views on the merits of extension versus restoration, drastic changes in the Capitol of the sort involved in the proposed extension should be made only after specific authorization and approval by the full Congress. They should not be made by the fiat of a small Commission, however select or distinguished, operating on a decade-old mandate that flouts the spirit, if not the letter, of the 1969 statute that authorized the Praeger study.

In a table accompanying these remarks, I have set out the relevant provisions of the Praeger report, side by side with the relevant provisions of the 1969 law, in which Congress specified with great particularity the conditions that would have to exist for restoration to go forward. Even a Philadelphia lawyer would have trouble arguing that the statutory conditions were not generously and amply met by the Praeger report.

Perhaps, in the current debate, the Commission will enlighten us as to its reasons for rejecting the Praeger findings. On their face, however, it seems clear that the Praeger findings make a strong prima facie case for restoration, not extension, of the Capitol.

Undoubtedly, many Members of Congress, familiar with the Praeger findings when they were announced in 1971, assumed that the issue was resolved, and that the report had laid to rest the spectre of extension. At the very least, therefore, the rationale for the Commission's rejection of the findings deserves a full and open public airing before the Commission' controversial new decision is implemented.

In recent years, I have repeatedly stated my view that extension of the west front would be a gross affront to the Capitol, the Nation's most sacred monument. Rufus Choate put it well many years ago, when he said, "We have no national temples but the Capitol." For nearly two centuries, virtually since the birth of our Republic, the west front has stood as monument to the American experiment in democracy, a symbol of America no less magnificent than St. Paul's in London or St. Peter's in Rome.

Now the work of our great early artisans—brilliant pioneers of American architecture like William Thornton, Benjamin Latrobe, and Charles Bulfinch—and the magnificent terraces of perhaps our greatest landscape architect, Frederick Law Olmstead, are in jeopardy. And all because a handful of senior Senators and Congressmen want a room with a view and a little more office space. To me, the destruction of the work of these early pioneers would be a historical, esthetic, and economic mistake of vast proportions.

This is hardly the time to launch such a costly congressional office space boondoggle. We know the fantastic Federal budget deficits now facing the Nation—$23 billion last year, $39 billion this year, and $25 billion promised for next year. Surely, in this time of Federal budget crises, it makes no sense for Congress to try to take care of its own most senior Members by launching this open-ended new multimillion dollar construction project for new office hideaways in the Capitol. Rather, Congress ought to be setting an example of budget restraint for the Nation.

Even if we could somehow justify the expenditure of such enormous funds as would be required for extension of the Capitol, what conceivable faith can we have that extension is the way the money ought to be spent?

In 1969, when the issue last boiled over on the Senate floor, one of the strongest arguments against the proposed extension was that the restoration of the planned visitor's center at Union Station would relieve much of the demand for visitor's facilities in the Capitol. Now, I understand, the Extension Commission, in tacit acquiescence of that argument, has quietly dropped some of the planned cafeterias, private dining rooms, and comparable facilities from its proposal, and has correspondingly expanded the allotment for private offices and hideaways.

In light of these surreptitious changes in the proposal and the shifting rationale for its existence, it is fair to ask whether it is not time for Congress to examine the entire proposal in its current form, and to give it the full analysis it obviously demands.

We know, for example, that substantial doubts have already been raised as to whether existing office space in the Capitol is being utilized rationally. We ought to have the benefit of a fair and impartial survey of existing space allocations in the Capitol, before simply stamping our approval on the present scheme and opting for acres of new office space in the historic west front.

A task force of the American Institute of Architects has reported, for example, that much of the present space in the Capitol is unused or underused. More ominously, the task force report states that any proposed future extension of the Capitol will not begin to meet present space needs, let alone future needs. Obviously, we need to know much more before we launch the present plan.

We also know the critical congestion that exists with respect to parking space in the Capitol area, especially for congressional employees. Again, we simply do not know at this time by what logic we must spend tens of millions of dollars for extension, when so many other unmet needs are so obvious wherever we look on Capitol Hill.

The economic argument against extension is not without irony. The Congressional Commission balks at spending $15 million for restoration of the Capitol, but blithely hopes to go forward with an extension project which is estimated to cost approximately $60 million in today's dollars, and which will undoubtedly cost far more by the time the proposed construction is completed. I can think of no more flagrant example of Congress violating the biblical injunction by straining at a gnat and swallowing a camel.

My own preference would be for Congress to require a master plan for the Capitol, of the sort proposed for so long by the American Institute of Architects. In fact, the Senate passed a resolution in 1967 requiring such a plan. The resolution died in the House, but it is not too late to revive it today.

We in Congress are fond of imposing comprehensive planning requirements on State and local governments as a condition for receipt of Federal grants in a variety of programs. Yet, when the shoe pinches Congress, we are unwilling to recognize the obvious wisdom of such a requirement in the development of the Capitol.

In sum, I am appalled at the haste with which the proponents of extension are attempting to rush this momentous decision past us. I believe that Congress owes it to the Nation to proceed in a rational and orderly and coherent way in whatever plans it eventually adopts to change the Capitol, instead of simply allowing ourselves to lurch irrationally toward the future.

None of us—no Senator, no Congressman, no citizen—should lightly tamper with the great physical treasure of our Capitol. I urge the Senate, therefore, to resist the present effort to stampede the Congress into an ill-conceived and ill-starred extension plan. Now is the time for calm thought, not impetuous action.

I would like to call to mind one of the great triumphs of the human spirit, the monumental struggle of the citizens of London to shield St. Paul's Cathedral and its glorious dome from the devastating rocket and bombing attacks of the Second World War. The efforts of these citizens were successful, against incredible odds, and St. Paul's was saved. Yet today, in Washington, there are those who would sacrifice the integrity of our Capitol on the altar of congressional seniority and the need for additional office space. Not since the British burned the Capitol in the War of 1812 has it faced such serious danger.

A comparison of the 1969 Legislative Branch Appropriations Act and findings of the Praeger report follows:

Comparison of 1969 Legislative Branch Appropriations Act (Public Law 91–145) and findings of the Praeger Report

Congressional Requirements for Restoration in Public Law 91–145, (December 12, 1969):	Findings of Praeger-Kavanagh-Waterbury Report on Feasibility and Cost Study of Restoration (December 21, 1970):
"That after submission of such study and report and consideration thereof by the Commission, the Commission shall direct the preparation of final plans for extending such west central front in accord with Plan 2 (which said Commission has approved), unless such restoration study report establishes to the satisfaction of the Commission:	"Through survey, research and analysis, the following findings are submitted with regard to the five conditions established by Congress on the question of whether to extend or restore the west front of the Capitol, as defined in Public Law 91–145:
"(1) That through restoration, such west central front can, without undue hazard to safety of the structure and persons, be made safe, sound, durable, and beautiful for the foreseeable future;	"(1) The West Central Front can be made safe, sound and durable for the foreseeable future without impairing its inherent beauty and without hazard to safety of the structure and persons by cleaning the wall, strengthening it by grouting and restoring its appearance by repainting.
"(2) That restoration can be accomplished with no more vacation of west central front space in the building proper (excluding the terrace structure) than would be required by the proposed extension Plan 2;	"(2) Such restoration can be accomplished without vacation of west central front office space or the terrace structure.
"(3) That the method or methods of accomplishing restoration can be so described or specified as to form the basis for performance of the restoration work by competitive, lump sum, fixed price construction bid or bids;	"(3) Restoration methods can be specified to form a basis for peformance of the work by competitive lump sum construction bids.
"(4) That the cost of restoration would not exceed $15,000,000; and	"(4) The cost of restoration can be limited to $15,000,000.
"(5) That the time schedule for accomplishing the restoration work will not exceed that heretofore projected for accomplishing the Plan 2 extension work."	"(5) The restoration work can be accomplished within the time projected for the Plan 2 extension work."

The letter of transmittal of the Praeger report contains the following general conclusions:

Our studies indicate that while the Capitol is over one hundred and fifty years old and has been exposed to many adverse conditions, it survives in relatively good condition, attesting to the excellence of its builders and to the concern of those responsible for maintaining this, the national monument to our Republic.

Based upon a detailed investigation of the west front walls, we conclude that under conditions indicated in the report, restoration of the west central front of the Capitol is feasible. Further, the restoration can be accomplished within the general guidelines set forth by Congress as a directive to the Commission for Extension of the Capitol.

Mr. President, as I understand the position of the Senator from South Carolina, he wants to insure simply that we have full information on the issue before extension of the Capitol proceeds. It seems to me that this is an enormously fair and reasonable way of proceeding.

May I ask the Senator from South Carolina if he would be willing, if this matter is deferred on this appropriations legislation, to hold a subcommittee hearing in order to provide the Senate with the kinds of detailed information that are necessary for any Senator to make an informed decision on the issue of extension versus restoration. Would it be possible for the Senate to address itself fully to this issue at some time later in the session? Would that not be a reasonable way of proceeding so that the membership of the Senate would have full information, and not just partial information, before it makes such a momentous decision?

Mr. HOLLINGS. Mr. President, replying to the Senator from Massachusetts, it is the design and intent of this particular language to have full information so that we could all know, we would have a hearing, and we would all have an understanding of the same things:

Funds available under this appropriation may be used for the preparation of preliminary plans for the extension of the west central front:

So that we would all know where the rooms would be, and the kinds of rooms:

Provided, however, That no funds may be used for the preparation of the final plans or initiation of construction of said project until specifically approved and appropriated therefor by the Congress.

That is the time we would have to approve or disapprove, at the public hearing.

Mr. KENNEDY. Does the Senator feel the $2 million is needed to move ahead with the kind of program the Senator has mentioned?

Mr. HOLLINGS. I think it could well come within $2 million. I think the final plans would exceed that.

Mr. KENNEDY. Does the Senator feel that preliminary plans could be made for something less?

Mr. HOLLINGS. Yes. However, I do not think there is any difference on the money. If it cost $5 million, I would vote for it, to see what I was voting for. But we have not really had it presented to us, so we do not know what we are voting on.

Mr. KENNEDY. Is the Senator concerned, as I am, about the shifting sands of the rationale for extension of the Capitol? It seems to me that when it was first being talked about back in 1966, there was great stress in terms of dining rooms, cafeterias, and visitors' facilities. Now, those arguments have been met by the proposed expansion of Union Station, and so we have a different rationale for extension of the Capitol. Does not the Senator agree with me that the Senate ought to have a very clear and precise idea as to exactly what is being contemplated?

Mr. HOLLINGS. The Senator from Massachusetts has stated it very clearly and concisely. We are all trying to do, I think, the same thing, but I am not going to respond unknowingly to the actions of this Commission, whose record shows that they got the report saying the five conditions can be met in December, never met until this month, that inflation had then put one of the conditions met in December 1970 uncertain in March of 1972, and ipso facto, saying, "They cannot be met, and, therefore, we will go ahead with final plans," the expression "settled" having been used, I do not think it is settled. I think we ought to be at least seeing the same thing, and then make our judgment. But that is what we have not had in the Appropriations Committee.

Mr. KENNEDY. Is the Senator also concerned about the fact that the Commission had the benefit of the Praeger-Kavanagh-Waterbury report for more than a year. Yet, the Commission only made its new recommendations a few days before the Appropriations Committee was about to act on this year's bill, and a few days before the Senate was going to have to make a final judgment on it? Is the Senator concerned about that as well? Has not the timing of the Commission's announcement cut off at least some of the possible remedies that might be available to us because the time is so short? Should not we have time to try to gain more information about the position of the Commission, as well as information generally which would be useful to the Senate in making a proper judgment on this issue?

Mr. HOLLINGS. That is correct. I think that what we really ought to do is get this out of the hands of the Commission. Why was the Commission designated in the first place? To get it beyond the question of repair, for the consideration of Congress as of the particular time, and it was gotten through under circumstances that have been amended several times. Each time, they used very inaccurate language. The particular Commission language here for the extension of the Capitol approved in December 1969 is bad draftsmanship.

But it was worked out on the floor at that time, and that is the best they could do to have a meeting of the minds. I do not think it is necessary in order to make final judgment to award a contract, with the past record of Congress on the Senate Office Building and the Rayburn Building, and these political committees constructing buildings around this town, to leave it to any Commission that can meet in closed session, when you do not know they are meeting; and when you ask for information, it is said that you are questioning the integrity of the Commission. I do not like to represent the State of South Carolina to put people in any spot. They say, "You approved it," when you did not.

Mr. KENNEDY. What reasons did the Commission give the Senator's committee for its action?

Mr. HOLLINGS. They did not give us any. They did not give us any information. As a matter of fact, they filed another matter that came to us over the weekend. They have not given us the cost of the final plans. You ask about cafeterias and they say it was thought it might be a good idea. No cafeterias. Somebody else is against windows and they say, "No windows." They will go to any extent to leave it obscure so that they have the question settled and can go headlong into this thing, and the people will not have their day in court.

Mr. KENNEDY. Did the Senator or the committee ask the members of the Commission about how they reacted to the Praeger report or the feasibility of restoration, which indicated quite clearly that restoration was possible according to the congressional requirements laid out in Public Law 91–145? What did the Commission say in response to that type of inquiry?

Mr. HOLLINGS. The Commission did not say on the House side. We never had the opportunity. We saw that Mr. STRATTON and those concerned on the House side were rebuffed out of hand, and they never really had a fair chance.

On the Senate side, we raised the question at the first opportunity that was afforded us. In the Appropriations Committee, last Friday afternoon, we unanimously agreed to language which we all say, in exchange of dialog and the colloquy held on the floor, that we all want. We want a preliminary plan. We want to look at it. We want to have hearings so that the people can see the plan and I can see the plan, and the majority and the minority can see it, and everybody can look at the same thing and say it is good or bad, and then approve or disapprove it.

When we asked for that, they said, "Oh, no; let's go along with the final plans and the Commission's procedures on it."

It is highly questionable up to this point.

Mr. KENNEDY. I know that the Senator has referred to the five conditions which were laid out in Public Law 91–145 to express the sentiment of the Senate on the requirements of restoration. I know that the Senator has referred to this, but I think this is certainly a point that needs stressing.

First of all, Public Law 91–145 states that there can be no restoration unless the "west central front can, without undue hazard to safety of the structure and persons, be made safe, sound, durable, and beautiful for the foreseeable future."

The Praeger report indicated, as the first requirement:

(1) The West Central Front can be made safe, sound and durable for the foreseeable future without impairing its inherent beauty and without hazard to safety of the structure and persons by cleaning the wall, strengthening it by grouting and restoring its appearance by repainting.

The second requirement for restoration is:

(2) That restoration can be accomplished with no more vacation of west central front space in the building proper (excluding the terrace structure) than would be required by the proposed extension Plan 2.

The Praeger report finds:

(2) Such restoration can be accomplished without vacation of west central front office space or the terrace structure.

The third requirement for restoration is:

(3) That the method or methods of accomplishing restoration can be so described or specified as to form the basis for performance of the restoration work by competitive, lump sum, fixed price construction bid or bids.

The Praeger report finds:

(3) Restoration methods can be specified to form a basis for performance of the work by competitive lump sum construction bids.

The fourth requirement for restoration is:

(4) That the cost of restoration would not exceed $15,000,000.

The Praeger report finds:

(4) The cost of restoration can be limited to $15,000,000.

The fifth requirement for restoration is:

(5) That the time schedule for accomplishing the restoration work will not exceed that heretofore projected for accomplishing the Plan 2 extension work.

The Praeger report finds:

(5) The restoration work can be accomplished within the time projected for the Plan 2 extension work.

As I understand it, the five statutory conditions were thoroughly considered by the Praeger report. And the Praeger report—which is very extensive, exhaustive, and commendable—says that the five conditions can be complied with. Am I not correct in that conclusion?

Mr. HOLLINGS. That is correct, as of the time of the report on the matter of cost. The Praeger report said $13.7 million in December 1970. Now the Architect uses the characterization "indeterminate," that he cannot say that it can be done within the $15 million. Therefore, the five conditions cannot be met. That is the point of misunderstanding.

Mr. KENNEDY. Now the Commission has come back with a fresh recommendation for extension. Yet, as I understand it, the Commission has not provided, or will not provide, or cannot provide the information to the Senator's committee or to the Senate about how much weight they gave to the conditions which were established in the legislation or to the findings in the Praeger report. They cannot say to the Appropriations Committee or to the Senate how they reached their decision or how persuasive the Praeger findings were in this matter.

Mr. HOLLINGS. That is correct.

Mr. KENNEDY. I support the position of the Senator from South Carolina. I feel that it is an eminently sound way to proceed. I commend him for the work he has done in this area.

I think that the American people realize that the Capitol is one of the finest buildings in the Nation. It is the work of some of the greatest architects and founders of the Republic. The people of the Nation have every right to expect that, before this building is defaced, whether internally or externally, Congress will have the information which is necessary to make a considered judgment. More important, we must have the opportunity for sound and full debate and discussion in the committee and on the floor.

I agree with the Senator from South Carolina that we should not operate in a vacuum or in secrecy, particularly when this is a matter of such great importance to the American people and to the Nation's Capitol. I commend the Senator from South Carolina for the leadership he has provided.

Mr. HOLLINGS. I thank the distinguished Senator from Massachusetts. I commend him for his awareness and his persistence in following through in this matter so that we can preserve our Nation's Capitol.

I am not unaccustomed to one of these struggles or fights when it comes to historic preservation. The Senator from Massachusetts is from a historic city, the city of Boston. My hometown of Charleston has 124 "firsts" in America—from the first chamber of commerce, the first theater, to the first museum, and right on down the line. I have former partners in a law firm in South Carolina who occupy a building that we renovated under the historic trust.

On Friday, having raised the question, if we had not prevailed for a clear understanding on the procedures, I was prepared to yield the leadership post on the bill and suggest that the Commission be abolished, because that is where the Commission ought to go—to abolition.

We cannot operate in the dark with a Commission of that kind, if two or three are interested. The distinguished majority leader is trying to catch up with the facts as between plans and studies and whether or not it costs $2 million or more than $2 million for final plans. I understand him to say that he has been to only one meeting. Do we know of any other report between the Praeger report in December 1970 and this month, 14 months later?

Did they have any particular meeting? That is no way to handle the people's business. I would hate to have to defend the extension of the Capitol. I would hate to have to lose, but I have done my best to defend the procedures of the Senate. I would hate to sit there and have nothing done about it. They would run circles around us, and then they would say, You approved it. Why did you not raise your voice? I did speak up so that the people would have an interest in it, and we would discuss it, and we could bring it into the light of day and have an orderly procedure on the preliminary plans that the Architect has asked for. I call for hearings so that the public, cultural societies, and all other interested people, including the landscape architects, can give us the best of advice and not have to say that we go along with the Commission because the Commission has done it. I think that is a

poor way to do business. I did not want to have to do away with the Commission. We can raise the point we all are agreed on, on what, in my judgment, after this discussion, results in understandable language. The preliminary plans are that we want to go ahead with any construction and the final plans are on the expenditure of the millions of dollars until specifically approved or appropriated therefor by Congress.

The aim of this amendment is to go right down the middle. I know how to draft amendments. Why do they want to knock out the "preliminary" when at the same time they say, We have got it? Why do you not come in here? We have been on this thing for 2 hours. The Commission has been running around here so that everybody wants to go along with the Vice President—not everybody but many—the Speaker of the House, the leaders of the Senate, the Architect of the Capitol. We are all in the political business. We would like to get approval for them. We would like to give them approval, but, when it comes down to it, this would be bad—very bad.

I say to the Senator from Massachusetts that we really should look at not only what the Praeger committee says, but what the American Institute of Architects stated. They came down to the Nation's Capitol in the spring of last year. All along this high level commission, saying nothing either to the people or to Congress, saying nothing in the light, at that time, of five conditions being met. The figure was there. So the American Institute of Architects, in May, visited the Capitol and architect of the Capitol and reviewed the report and they filed a report in September. They had a synopsis of this very thick and voluminous restoration of the West Central Front report. They said to go ahead with the renovation and repair, that it could be done safely without disturbing anything. They said it could be done within reason for $15 million and that it would preserve not only the building but also the landscaping, the grounds, and the general overall appearance of the building.

With respect to the use of space, they said that space in the Capitol is crowded. Let me read the language in this one little squib:

> The task force observed that the present space usage in the Capitol is crowded, misused, or under-used.

Now, what about that?

These are things that your committee, Mr. President, either the subcommittee or the full Appropriations Committee, never stated the facts on. As of this minute, the chairman of the Committee on Rules and Administration, for the first time, has directed a study of the allocation of rooms in this particular building.

If we put the four gentlemen under oath, or anyone else under oath, to say how many rooms there are and who occupies the rooms, we cannot get an answer. Let the Pentagon operate that way—and you know there would be so many joint committees, and hearings, you wouldn't be able to move. But when Congress engages in this kind of conduct, they say that we should gloss over it all—senatorial courtesy, if you please.

Look at the offices, look at the building, when they are asking for more space. The Senate Disbursing Office does not need to be in the Capitol. The House Disbursing Office is in the Cannon Office Building. It is not in the Capitol. Why cannot we do the same thing with the Democratic Senatorial Campaign Photo Lab? That is highly important? How are we going to explain that to the people? If it costs $368 per square foot, if we are going to extend the Capitol, we shall need more room. The Contract Office we could put elsewhere. The Flag department we could put elsewhere. The Airline ticket office we could put elsewhere. The House has it in the Longworth Office Building. We could put it in one of our office buildings. We could build that for $100 a square foot, or $150 a square foot. That would at least be a tremendous saving.

I believe that Members deceive themselves in never having considered the fact that we can physically add on x number of rooms. To add on x number of rooms will mean additional meetings, cafeteria rooms, and everything else for everyone to come to. When they are used either for committee purposes, or an individual Senator's purpose, or a chairman's purpose, or a majority leader's purpose, or a cafeteria's purpose, or whatever the purpose, when we get through a meeting at the lunch hour, there is the usual break, and as goes on on both the House and Senate sides, they say, "Oh, by the way, do you want to go over and see your Congressman or Senator in debate?" And they crowd up all into one place, which makes it impossible, because we have no rooms to take care of those who would like to linger. We create all kinds of problems—people pollution, traffic jams, and so forth.

Mr. President, I do not want to put people out of the Capitol but because of the usage of this historic shrine, in which we work, it should be considered as an historic shrine and not one just for office space, like any building. We should not fall into the argument that because the Nation has grown so much, this Capitol should grow too. We must respect the tradition of the past and the investment the people of this country have in this structure as it stands. We have not studied the space problem or the extension problem and they should be studied. They do not have to go together though.

Mr. KENNEDY. I think that what the Senator from South Carolina has just mentioned is extremely valuable, especially the point on assessment of the special needs in the Capitol. All of us are very much aware that Senators have offices in the Capitol. I had an office in the Capitol for a brief time when I was assistant majority leader. How am I going to go back and explain to the people of Massachusetts, or to any of the respective States, that we voted to deface the Capitol because the Members of the Senate wanted to have a little more office, in spite of the fact that we already have offices in the Old Senate and New Senate Office Buildings? I think that would be an extremely difficult argument to make.

I think the Senator is correct that we ought to assess what our real space needs are. How many functions take place in the Capitol building that are not essential to the workings and the functions of the Capitol? Obviously, there are many. Many others are necessary. But the Senator is entirely correct in indicating that we should have that information before we go ahead.

I would like to ask the Senator from South Carolina whether accurate information has been developed as to the cost of restoration versus extension?

As I understand it from the figures that have been presented, we are talking about approximately $15 million for restoration and approximately $60 million for extension. We all know the enormous inflation in construction costs. That $60 million could very well, and probably will, move on up to $70 million or $85 million or even $100 million. Is that any way to spend the taxpayers' money?

I think that the American people will want to know why we are spending anywhere from four to five times as much for extension as we would for restoration. Is this a sound economic program that is being presented? Are there sound economic reasons for spending such large sums, at a time when we have a $23 billion deficit in 1971, a $39 billion deficit in 1972, and the expectation of a $25 billion deficit for 1973? I wonder if that is not of concern also to the Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I think the Senator from Massachusetts has gone to the heart of the problem. We cannot justify the economics of $60 million in additional money for additional space. We should never confuse the Capitol with space needs. We should only relate the Capitol to Capitol needs.

I think there is a positive need for eating facilities, for parking facilities, and for office space perhaps for all of us, but not in the Capitol.

We know the parking crisis that exists. I have a member on my staff for whom I am trying to search around so that she might get parking space for her car. She has some $60 worth of parking tickets. I have members of my staff that come here way before 8 o'clock in the morning just so they can find a place to park. I have to let them go early because of the unsafe condition of the streets where their cars are parked.

When a poor constituent arrives, he has to get to the Senate Office Building and then to the fourth floor without much in the way of directions or parking. I try my level best to see him because I know how he has fought to get there. He has literally had to fight to find a place to park his car and then he has to walk all kinds of distances to find the office with no directions.

We really put our constituents to a tough task when they come here. I see them when they come here. They need parking space and eating facilities, and

I want to provide them but not within the Nation's Capitol.

It would forbid the full use of the Capitol for the sightseeing that we want all to enjoy if we were to put aside little rooms for special uses, even a cafeteria.

The Architect says that a group is coming to the Capitol and wants to have lunch here. Every one of the Senators will be setting up facilities for groups.

Can the Senators imagine, if 100 Senators and 435 Representatives were to arrange luncheons, what the people pollution would be here? It would be drastic. I do not think that Congress wants to do it.

I agree with my distinguished leader that we should have preliminary plans laid in front of us. There is no complaint. I am not picking between $250,000 for preliminary plans and for $2 million for final plans. That is not the point. If we get preliminary plans, we will know what we are doing, and we would not be blamed, as we are in the discourse here, when one Member stands and says that he thinks this is settled.

Mr. KENNEDY. Mr. President, I commend the Senator from South Carolina. I think he is making a very reasonable request for additional kinds of information. He has raised it squarely. The matter has not yet been resolved. The satisfactory answers have not been received by the committee. We ought not to be proceeding with this project under such conditions.

I think the Senator has shown great statesmanship in coming to the floor here and taking this position. So often, when such matters come out of a committee, the chairman is asked to respond to the issues and questions, such as space or any of these other items. He realizes and recognizes that he cannot give this information to the membership and is distressed by it, and we should all be.

I commend the Senator again for the effort he has made in this undertaking.

Mr. HOLLINGS. I thank my friend, the Senator from Massachusetts.

Mr. President, we are on limited time. I have almost exhausted my time.

Mr. MANSFIELD. Mr. President, I am in receipt of the preliminary plans and estimates of cost for the extention of the West Central Front of the Capitol.

These were drawn up pursuant to Public Law 84–242, Public Law 84–406, Public Law 88–248, and Public Law 89–309.

To show how preliminary this has been, the letter of transmittal by Mr. J. George Stewart, the Architect of the Capitol, is dated May 8, 1967, is addressed to the Honorable John W. McCormack, Chairman of the Commission for the Extension of the United States Capitol.

The Commission for the Extension of the United States Capitol then consisted of the Speaker of the House of Representatives, John W. McCormack, Chairman; Vice President HUMPHREY, the minority leader of the Senate, former Senator Dirksen, the minority leader of the House of Representatives, Representative FORD, and the Architect of the Capitol, Mr. J. George Stewart.

Since that time, it will be noted from a reading of the list of membership that the minority and majority leaders of the Senate and the majority leader of the House have been added to the Commission.

The contents contain a report and recommendations of the Associate Architects, covering the preliminary plans and estimates of cost for the extension of the west central front of the U.S. Capitol, in accordance with plan 2 approved by the Commission at a meeting of June 17, 1966, and a report of the Advisory Architects on plan 2, and a summary of the engineering study by the Thompson & Lichtner Co., Inc., dated November 1, 1964.

Mr. President, this indicates that this preliminary plan is something which was done under the sponsorship of the preceding Architect of the Capitol.

Mr. President, I ask unanimous consent, in view of the interest generated by this particular meeting, that the preliminary plans and estimates of cost for the extension of the west central front of the Capitol be printed in the RECORD.

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

LETTER OF TRANSMITTAL

MAY 8, 1967.

Hon. JOHN W. MCCORMACK,
Chairman, Commission for Extension of the U.S. Capitol, Congress of the United States, Washington, D.C.

DEAR MR. CHAIRMAN: I am forwarding, herewith, the following documents:

(1) Report and recommendations of the Associate Architects, covering the preliminary plans and estimates of cost for the Extension of the West Central Front of the United States Capitol, in accordance with Plan II approved by your Commission at meeting of June 17, 1966.

(2) Report of the Advisory Architects on Plan II.

These are preliminary plans and estimates of cost which the Commission approved at meeting of June 17, 1966, and directed that they be completed and perfected. Large scale plans are available for inspection in my office. As you know, at your direction, a scale model of the United States Capitol showing the proposed extension of the West Central Front in marble as proposed under Plan II has been on exhibit in Statutary Hall in the United States Capitol since November 21, 1966.

I strongly endorse the plans and recommendations of the Associate and Advisory Architects.

I am also enclosing for ready reference a summary of the engineering study by The Thompson & Lichter Co., Inc., dated November 1, 1964.

With best wishes, I am

Sincerely yours,

J. GEORGE STEWART,
Architect of the Capitol.

PRELIMINARY PLANS AND ESTIMATES OF COST FOR THE EXTENSION OF THE WEST CENTRAL FRONT OF THE CAPITOL

(Report and recommendations, J. George Stewart, Architect of the Capitol; Associate Architects; Alfred Easton Poor, Albert Homer Swanke, Roscoe DeWitt, Jesse M. Shelton)

(NOTE.—Photographs referred to are not printed in the RECORD.)

ENABLING LEGISLATION

In 1955, the project for the extension of the Capitol was initiated when the 84th Congress passed Public Law 242 as amended by Public Law 406, as follows:

"The Architect of the Capitol is hereby authorized, under the direction of a Commission for Extension of the United States Capitol, to be composed of the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, the Minority Leader of the House of Representatives and the Architect of the Capitol, to provide for the extension, reconstruction and replacement of the central portion of the United States Capitol in substantial accordance with Scheme B of the Architectural Plan submitted by a Joint Commission of Congress and reported to Congress on March 3, 1905 (House Document numbered 385, Fifty-Eighth Congress), but with such modifications and additions, including provisions for restaurant facilities, and such other facilities in the Capitol grounds, together with utilities, necessary items, as may be approved by said Commission . . ."

The work of extension and reconstruction of the East Central Front was approved and was completed in 1962. The work stands as mute evidence of the validity of the decision to provide for the needs of the Seat of Government while preserving the Capitol as a National Shrine.

HISTORICAL BACKGROUND

The extension and reconstruction of the West Central Front of the Capitol is a project that has been under consideration through the years.

As first substantially completed in 1829, the Capitol consisted of only the central portion, capped by a relatively small copper covered dome of wood construction, consonant in size with the body of the building which it then enhanced.

During the 1850's the North and South wings were added to properly accommodate the Senate and the House of Representatives. Those additions increased the body of the structure to the point where the relatively small dome was inadequate as an expression of the building. Thus, the cast iron dome, as we know it today, was added during the years 1856–1865.

During the 1880's, need arose for further expansion of the Capitol, and that need offered the opportunity to improve the westerly approaches of the Capitol. Thus, the westerly terraces, as we know them today, were added during the years 1884–1892.

No further work of consequence has been accomplished on the West side of the Capitol since the 1880's.

Subsequent to the completion of the East Central Front of the Capitol in 1962, the Commission for the Extension of the Capitol began to concern itself with the West Central Front of the Capitol, activated by the rapidly deteriorating condition of the West Front.

During 1964, at the direction of the Commission, The Thompson & Lichtner Co., Inc., Professional Engineers, of Brookline, Massachusetts, were engaged by the Architect of the Capitol to study the conditions of the West Central Front and to recommend any required remedial action. The study was made and a report submitted in five volumes. This firm recommended that the old wall be retained as an interior wall and that this section of the building be extended westward to provide the required lateral support (in a manner similar to the East Front Extension of 1958–1961).

The Commission held a public hearing on this study and report on June 24, 1965. After hearing the testimony of Dr. Clair, President of The Thompson & Lichtner Co., Inc., and others, and after reviewing the engineering report and the exhibits, the Commission adopted the following recommendation unanimously:

That the Architect of the Capitol be authorized and directed by the Commission for the Extension of the United States Capitol

to submit to the Senate and House Appropriations Committees requests for funds for the preparation of a new set of preliminary plans and estimates of cost for the extension, in marble, of the West Central Front of the Capitol, based on the findings in The Thompson & Lichtner report.

Pursuant to this decision of the Commission, the Architect of the Capitol submitted a request to the Senate and House Appropriations Committees for funds for the preparation of preliminary plans and estimates of cost. Hearings were held on this request by the Appropriations Committees of the Senate and of the House, and the funds were included in the Supplemental Appropriation Act, 1966.

Dr. Clair, President of The Thompson & Lichtner Co., Inc., at the hearing before the Commission for the Extension of the Capitol, June 24, 1965, and again at a meeting with the Commission, July 21, 1965, recommended that certain emergency work of a temporary nature be undertaken to secure portions of the deteriorated sandstone west section of the Capitol Building. This work included temporary shoring of the lower sections of the walls of the original Senate and House wings and the supporting of displaced portions of the architrave in the West Central Portico. His recommendations were approved by the Commission.

The temporary wood shoring was installed last summer and will remain in place until permanent work has progressed sufficiently to provide the required stability to these sections of the buildings.

ACTION BY THE COMMISSION FOR THE EXTENSION OF THE U.S. CAPITOL AND IMPLEMENTATION BY THE ARCHITECT OF THE CAPITOL OF THE INSTRUCTIONS ISSUED BY THE COMMISSION

Subsequent to the approval of funds requested by the Architect of the Capitol in the Supplemental Appropriations Act of 1966, as directed by the Commission, the Commission further directed the Architect of the Capitol as follows:

"Upon approval of the Supplemental Appropriation Act, 1966, you are hereby authorized and directed to direct Roscoe DeWitt, Fred L. Hardison, Alfred Easton Poor, Albert Homer Swanke, and Jesse M. Shelton, the architects for the Extension of the Capitol project, to proceed under their contract ACbr-427 with the preparation of new preliminary plans and estimates of cost for the Extension of the West Central Section of the United States Capitol, such extension to be in marble . . . and to take such action as may be necessary to implement this directive."

Thereupon, the Architect of the Capitol continued the engagement of the above Architects, as associate architects for this work, the group who accomplished the work of Extension and Reconstruction of the East Central Front of the Capitol, and who are under a continuing contract for the Extention of the Capitol work, and continued the engagement of the following advisory group: John Harbeson, architect of Philadelphia, Pennsylvania; Paul Thiry, architect of Seattle, Washington; and Gilmore D. Clarke, landscape architect of New York City.

The requirements of the contract with the Associate Architects provide:

1. To make such surveys and studies and supervise the preparation of such models as in the judgment of the Architect of the Capitol may be necessary and to prepare and furnish to the Architect of the Capitol preliminary drawings for the extension of the west central portion of the United States Capitol, such extension to be in marble, and to include the areas between the Senate and House Wings of the United States Capitol—the preliminary drawings to consist of such plans, elevations, sections and perspective views as may be necessary to fully describe and explain the size, character, arrangement and essential elements and features of the proposed changes and improvements.

2. To make such inspections of the existing construction of the West Central Portion of the United States Capitol Building as may be necessary and to examine and study all drawings of the Capitol Building available in the files of the Architect of the Capitol.

3. To prepare such measured drawings for the West Central Portion of the United States Capitol Building as may be necessary for the proper performance of this contract: provided that any scaffolding required for the purposes of items (2) and (3) hereof shall be furnished by the party of the first part without expense to the parties of the second part.

4. To submit to the Architect of the Capitol a report embodying a description of the proposed changes and improvements, the considerations determining the various features of the design, and estimates of cost of the project: provided that the preliminary drawings and studies required hereunder shall include alternate schemes for the Extension of the West Central Portion of the United States Capitol Building—the number of alternate schemes to be as directed by the Architect of the Capitol: provided further, that the parties of the second part (the Associate Architects), shall submit to the party of the first part (the Architect of the Capitol), periodically, progress studies and other information developed from time to time with respect to the said alternate schemes.

THE NEEDS

The need for improvements on the West Central Front of the Capitol is primarily concerned with the facts that the West Central Front is in an advanced state of deterioration and that its reconstruction cannot be delayed.

The statement made in Volume I, Report and Recommendations for the Extension of the Capitol Project, Washington, D.C., published in 1957, and which was the basis for the Extension and Reconstruction of the East Front of the Capitol still obtains:

"The deterioration of the sandstone out of which the East and West facades of the central portion are constructed, began with the fire started by the British during the war of 1812, was further aggravated, particularly in the East, by the gas explosion and fire of 1898, and has continued ever since, abetted by the distintegration caused by the countless coats of paint applied through the years. As a safety measure and in order to preserve the Capitol not only as a National Shrine, but also as the Seat of Government, the East and West walls must be replaced."

Since that time, weather and the normal processes of aging have wrought further changes in the West Central Front of the Capitol. The process of deterioration reached the point where the Architect of the Capitol was directed by the Commission for the Extension of the Capitol to order a structural survey of its condition by an eminent independent consulting engineering firm, The Thompson & Lichtner Co., Inc., headed by Dr. Miles N. Clair of Boston. The findings of Dr. Clair's survey are expressed by the Summary, Conclusions and Recommendations of his report submitted during 1964. After examination of several alternate methods of correction of the extant conditions, Dr. Clair found and recommended:

"Retention of the wall as an interior wall of an extended building is recommended as the least hazardous and as causing the least interference with the occupancy of the present structure. A properly designed and constructed extension would also provide desirable lateral support for the west central portion of the Capitol."

Acting on the recommendations of Dr. Clair, the Architect of the Capitol was directed by the Commission to effect temporary repairs to insure against an actual failure on the West Front, work that was accomplished last year.

Through the years much concern has been expressed about the architectural inadequacy of the West Central Front of the Capitol. With one of his letters to Trumbull, in 1836, Bullfinch enclosed a sketch which delineated a pediment above the central portico of the West Front, one similar to that of Latrobe's earlier drawings.

Further concern was expressed about the West Front and its relationship with the newly completed dome by Thomas U. Walter in 1865.

Olmsted, in connection with his studies for the West Terraces in 1882, prepared sketches which suggested the strengthening of the West Central Front, including in one sketch the provision of a central pediment similar to that on the East Central Front, and in the other the provision of three pediments.

Harper's Weekly, in a commentary on the Capitol in 1885 observed: "The Capitol has always been unfortunate in an architectural sense. The great dimensions of the dome have overweighted the whole lower structure, and the building has always conveyed the impression of lacking adequate foundation and stability."

Concern has been expressed by others through the years about the West Central Front.

Advisory architects, Brown, Harbeson and Shepley, stated in their report on the Extension of the Capitol, June 11, 1957:

". . . The West Front of the Capitol is less successful as an architectural composition than the East Front. Although adequate for the original building, it is not suited to the enlarged composition resulting from the addition of the wings and of the present dome".

Architects Ralph Walker, designated Architect of the Century and awarded The 100 Year Gold Medal by The American Institute of Architects, Lorimer Rich, F.A.I.A., and Douglas Haskell, an architectural editor, urged in a memorandum dated July 3, 1958:

". . . The real needs of Congress could in any event be best cared for by extending the building to the west where there is no great architectural masterpiece to be preserved".

The Memorandum of the American Institute of Architects, dated January, 1958, stated:

"It is believed that the space requirements could be better filled—at far less cost—by leaving the East Front alone and instead developing a proposed scheme for expansion on the west side of the building".

Thus, the impelling need for reconstruction of the West Central Front of the Capitol affords the opportunity to satisfy needs in other areas:

1. The need for additional space for legislative functions.

2. The need for the provision of adequate service facilities for the Capitol.

3. The need for horizontal circulation at the west.

4. The need for additional restaurants and cafeteria facilities in the Capitol.

5. The need for adequate provision for visitors to the Capitol.

THE PROGRAM

The solutions to the needs outlined are summarized as follows:

Reconstruction

The inescapable need for the reconstruction of the West Central Front of the Capitol is dealt with in detail in the report submitted by The Thompson & Lichtner Co., Inc. The Associate Architects concur in those findings and endorse the recommendations of that report. It is inescapable that something must be done—and soon.

The Thompson & Lichtner Company report considered and rejected the following possibilities:

"Retention and repair of the existing walls as corrective action is not recommended as it would require the hazardous removal of much of the facing so as to allow installation of ties to the backup wall, or the installation of ties through the face joints with resulting disfiguration of the structure. There would still be walls and foundations of structurally inferior construction with the walls requiring continuing protective treatment.

"Facing of the existing walls as corrective action with durable marble and granite, leaving the sandstone in place, is not recommended because it would require additions to the present foundations and there would still remain walls and foundations of structurally inferior construction without preserving the historic architecture.

"Removal of the sandstone completely and replacement by high quality marble and granite as corrective action is not recommended because it would be a very costly and hazardous operation and there would still remain walls and foundations of structurally inferior construction.

"Removal of the entire wall and foundation and replacement by reinforced concrete with a facing of high quality granite for the course at grade and high quality marble above for the face stone is not recommended because of the hazard, cost and interference with occupancy."

The Associate Architects do not recommend, nor would they undertake, the reconstruction of the existing wall, stone by stone, because of the structural condition of the existing exterior wall and its structural relationship with the floor arches. Although theoretically such work could be accomplished, the cost and hazards of such work would be overwhelming.

The construction of a new exterior wall, as a veneer on the existing wall, would involve the exposure of the foundations on the existing retaining walls to install additional foundations for the new veneer, and the end product would add little to the structural stability of the existing retained wall, and would not eliminate the continued effort of expansion and contraction in the future.

The Associate Architects recommend the construction of a new free-standing exterior wall of sound new material, structurally capable of stabilizing the existing wall for posterity, designed and installed to avoid exposure of the existing foundations walls, except for localized underpinning in a manner similar to that employed for the extension and reconstruction of the East Front.

Additional space

Volume I, Report and Recommendations for the Extension of the Capitol Project, Washington, D.C., published in 1957, which was the basis for the extension and reconstruction of the East Front of the Capitol, dealt at length with the occupancy and use of the Capitol. That report indicated a need for an increase in total net occupied area of 139,250 square feet.

The reconstruction of the East Front satisfied the need for additional space in part only, and a deficiency still exists, aggravated by the increase in demand for additional restaurant facilities, legislative occupancy, and storage space that has developed since 1957.

Service

The extension and reconstruction of the East Front as constructed did not allow or provide for adequate service facilities in that such provisions were to be provided in the Underground Garages which have never been approved by the Commission for the Extension of the Capitol project. The United States Capitol is still without adequate means for service. It is one of the few major buildings in the United States that is without truck docks, service elevators, or other means for the orderly handling of the necessary services of the building and for its occupants.

Food is still delivered to, and garbage removed from, the restaurants of the Capitol by means of sidewalk lifts or hoists at the East Front Plaza. Supplies are similarly handled or brought in through public areas of the building. These methods are as inefficient as they are unsightly.

Circulation

The extension and reconstruction of the East Front provided horizontal circulation semi private to legislators in that area, and has allowed direct access from one end of the building to the other without crossing the visitors' traffic that is concentrated in the central north/south circulation of the Capitol.

No such circulation presently exists at the West Central Front of the Capitol.

Restaurants

The extension and reconstruction of the East Front of the Capitol provided for the extension of the restaurant facilities of the Capitol within the space limitations imposed by the extent of the area made available by that work and the demands made on that space by other uses.

Experience since the completion of that work shows that even the new facilities are overcrowded, and that the need for restaurant facilities for visitors has increased.

The extension and reconstruction of the West Front will provide the urgently needed restaurant facilities.

Visitors

As recently as 1935, there were only approximately 100,000 annual visitors to the Capitol. By 1955, this number had increased to approximately 1,000,000 per year. Last year, 1965, the count had increased to 6,300,000. If the rate of growth from 1955 to 1965 is maintained, the 1975 visitor population in the Capitol will reach 11,600,000.

The maximum daily influx of visitors in 1965 was 30,000, a figure that may be expected to reach 50,000 by 1975. These are hard and inescapable facts. Thus, the only course is to accept the fact that people in these indicated numbers must be accommodated as a responsibility of the Congress.

These visitors should have easy and ready access to the Museum elements of the Capitol, as well as the Galleries of the Chambers, and adequate means of circulation must be provided, sufficiently separate from that of the legislators to allow the orderly operation of the legislative function of the Capitol while allowing the orderly passage of visitors through the Capitol. These visitors must be provided with adequate facilities.

THE RECOMMENDED SOLUTION, EXTENSION AND RECONSTRUCTION

It is inescapable that the West Central Front of the Capitol must be extended to preserve the exterior walls. The needs and the program indicate that if such reconstruction is accomplished it should be done so as to satisfy the other impelling reasons for this work.

To be meaningful and to allow a useful architectural and functional employment of the advantages inherent with such a reconstruction, the Westerly Central Front should be extended to the west approximately 44'–0" at the center and approximately 88'–0" at the westerly courts, with the connecting wings brought forward approximately 56'–0".

Such a solution will allow for the satisfaction of the requirements for additional space, service, horizontal circulation at the west, (semiprivate to legislators), additional restaurant facilities for the legislators, and for the adequate accommodation of visitors.

The Recommended Solution contemplates the reconstruction and substantial architectural reproduction of the West Central Front, including the connections to the Senate and House wings at the forward and westerly locations indicated on the drawings, extended to satisfy the requirements of the program.

The exterior steps and configurations of the West Terraces would remain generally unchanged except for a slight reduction in width of the steps and their relocation to center on the old wings of the West Central Front and their relocation further to the west.

The requirements of the program would be satisfied in all respects:

Additional space

The deficiency in space would be satisfied by the addition of 269,528 gross square feet, with a net usable area of 162,468 square feet. Not only would the additional space be provided, but it would be provided in areas where most needed; adequate hearing rooms and administrative facilities would be provided in readily accessible locations, service and storage needs would be satisfied, adequate horizontal circulation, (semiprivate to the legislators), would be provided, the additional dining facilities would enjoy the finest outlook in the Capitol, and adequate provisions would be made for the ever increasing flow of visitors to the Capitol.

Service

This solution undertakes the correction of presently insufferable conditions by the provision of access and service at the West Front. A vehicular drive from Constitution or Pennsylvania Avenues to and through West Front to Independence or Maryland Avenues will allow deliveries and removals to and from separate service docks located at the subbasement level in the area of the Old Senate and House wings flanking the west central wing of the Capitol.

A new service elevator, contiguous with the service dock, will provide ready distribution of supplies and removal of trash to and from all areas of the Capitol. Horizontal access will be provided from the service docks to the easterly portions of the basement to allow service to those areas and the restaurant kitchens located in the East Front.

Circulation

The extension and reconstruction of the West Front as contemplated will provide through horizontal circulation at the west, semiprivate to legislators, and will complete the circulation system flanking the heavy concentration of visitors' traffic in the central north/south axis of the Capitol.

Restaurants

This solution provides for new restaurants at the basement level as follows:

	Persons
On the Senate Side:	
One Senate restaurant seating	242–303
One private dining room seating	42
One cafeteria seating	264–396
On the House Side:	
One House restaurant seating	242–303
One private dining room seating	42
One cafeteria seating	264–396

These restaurants will overlook the Mall to the Washington Monument, the most magnificent view in the city; one of the finest in the world. Each will overlook a terrace where pedestrians may stroll and enjoy the magnificent view.

Ready access will be had to the new restaurants from the Senate and House by the two new passenger elevators located west of the Old Senate and House wings flanking the west central wing of the Capitol.

Visitors

This solution recognizes the needs of visitors, and the need to accommodate them in a manner which will allow the proper maintenance of the legislative functions of the Capitol. It provides a main entrance to the Capitol from the west at grade level of the

west lawn, and makes such entrance accessible by a vehicular drive from Constitution or Pennsylvania Avenues to and through the West Front to Independence or Maryland Avenues which will allow delivery and pick-up under cover by vehicles.

It is anticipated that tourist buses might discharge passengers at the foot of the west lawn at First Street West, that the passengers would approach the Capitol from the West by foot and enter the West Entrance.

From that entrance, the visitors could proceed up and east by escalators and elevators to the Rotunda on the second floor, or by elevators to any other portion of the Capitol, or via subways to other buildings on Capitol Hill.

Adequate toilet, telephone, and other such facilities are provided in readily available locations.

The redirection of visitor traffic to the new lower west entrance should do much to minimize the traffic and congestion at the East Front, and provide a means whereby, hopefully, vehicular traffic can be lessened at the East Plaza.

A review of the history of the Capitol will reveal that the West Front as designed by Bulfinch was related to the West Central Front only, with no anticipation of the future addition of the Senate and House wings, and in scale with the original copper covered wooden dome (1829), with no thought to its being replaced (circa 1863) by the presently powerful cast iron dome added by Thomas U. Walter. Obviously, the West Central Front Portico is not in proper scale nor is it visually adequate to the task of supporting the present dome and of competing successfully with the overwhelming enframement of the Senate and House wings (1851–1859).

This architectural inadequacy has been noted time and again during the last hundred years. Both Latrobe and Bulfinch, in the very early part of the nineteenth century prepared drawings which contemplated a pediment for the West Central Front. When engaged in the addition of the westerly terraces, undertaken to improve the aspect of the Capitol from the West, Olmsted prepared a sketch which indicated a widening and strengthening of the westerly portico, including the addition of a pediment to supplement and give direction to the placement of the Walter dome as the central element of the Capitol.

Even in the heat of discussions in recent years in the matter of the reconstruction of the East Front, the American Institute of Architects and some of its prominent members urged that work be accomplished at the West, where aspects of the Capitol left something to be desired.

It is inescapable that the West Front, with its magnificent outlook to the Potomac, should be of prominence and dignity consonant with the East Front. The recommended solution seizes the opportunity afforded to render the West Front compatible with the East Front and the whole of the Capitol.

For these reasons the Recommended Scheme contemplates the widening and strengthening of the West Central Portico, the addition of a pediment, consonant with that of the East Front, to give direction to the Capitol on the East/West axis, to accentuate the dome, to interrupt the long straight line of the existing roof balustrade, and to strengthen the central element by the introduction of circular openings and an arcade at the ground floor level. It includes the relocation of the two central westerly stairway approaches to relate them to the dominant central features of the flanking facades of the West Central Portico.

This solution contemplates the development of the Westerly Terraces as adjuncts to the restaurants located at the West Central Front—to provide a means of enjoyment of the magnificent view down the Mall to the Washington Monument and beyond.

The Associate Architects, with the concurrence of the Advisory Architects, recommend this solution because:

1. It satisfies the basic program, and

2. It strengthens the West Capitol Facade architecturally without a radical departure from the architect and general aspects of the West Front, and

3. It can be accomplished in the shortest possible time with the least inconvenience.

TEMPORARY RELOCATION

The construction program has been planned to impose the minimum dislocation and disturbance to the occupancy in the central portion of the Capitol. Except for the occupancy in the West Terraces, the effect of the construction program will impose little more burden than that imposed on the occupancy of the East Front during its extension.

The situation of the occupancy of the West Terrace is such that it should be relocated during the prosecution of the work. While it would be possible to so stage the work that this occupancy could be relocated in final locations in the areas of construction that will be constructed in the West Courts flanking the West Central Front, in the disused subway tunnels, and in the mezzanine of the House Subway Terminal, it is the recommendation of the Associate Architects that temporary structures of approximately 15,000 sq. ft. each be constructed at the north and south ends of the West Terrace.

Thus, the affected occupancy of the West Terrace could be relocated in these temporary structures, and the entire work could go forward without interruption, and could be completed at the earliest possible date.

Although the provision of temporary structures and their ultimate removal from site would cost approximately $500,000, the total construction time would be shortened by approximately one year.

If one applies the current cost escalation factor to a total cost of $300,000,000, a savings of $900,000 is realized by the shortening of the construction period.

The areas affected in the West Terraces which must be vacated extend from the south wall of the Senate Wing to the north wall of the House Wing.

The solutions offered are so planned that the existing mechanical rooms and the air tunnels serving those areas at the West Terrace will be virtually undisturbed. The Terminal for the House Subway Building leading to the Rayburn Building will be bypassed, as will the recently installed transformed vaults and electrical switching centers at the west lawn.

The contemplated work has been planned to avoid general underpinning of the existing Capitol structure, and the new structural system will be installed to add stability to the entire West Central Portion of the Capitol, in a manner similar to the work accomplished on the East Front.

The work contemplated includes the relocation of the chilled water, electric, and other utilities that cross the terrace at the west without serious disruption of service.

PERMANENT RELOCATION

The areas in the extension of the West Central Front have been developed for such basic elements as ingress and egress, vertical and horizontal circulation, service, restaurant and kitchen facilities, and where space is devoted to utilities, machine rooms, etc.

Elsewhere, tentative layouts have been indicated on the drawings only for the purpose of exposing the potential use of space and occupancy. These layouts have been explored in preliminary form to the point of assuring that all existing occupancy deprived of an exterior exposure or displaced by the work can be reassigned to an equal or better occupancy.

The proposed work will, in addition to the area added, provide considerably more exterior space than now exists, with the superb view of the Mall to the West.

SUMMARY OF AREAS—ROOMS—FACILITIES

Gross Area: 269,528 square feet.
Net Usable Area: 162,468 square feet.
Areas—Rooms—Facilities/Totals by Floors:
In the sub-subbasement:
1 unassigned space of 6,500 square feet.
10 storage areas totaling 18,310 square feet.
2 local service elevators.
5 stairs.
2 mechanical equipment rooms.
In the Subbasement:
1 unassigned hall (public space) of 9,052 square feet.
8 storage areas totaling 9,048 square feet.
2 service docks with control offices.
2 general service elevators.
2 local service elevators.
4 stairs.
2 men's toilets.
2 women's toilets.
2 service toilets.
2 garbage refrigeration rooms.
2 janitors closets.
2 electric closets.
2 mechanical equipment rooms.
In the Basement:
2 cafeterias—each seating, 264 to 396 persons.
2 dining rooms—each seating 242 to 303 persons.
2 private dining rooms—each seating 42 persons.
2 dining foyers.
6 offices (2 large—4 medium).
2 office areas totaling 3,360 square feet.
1 entrance lobby.
2 elevator lobbies.
4 passenger elevators.
2 general service elevators.
2 local service elevators.
4 stairs.
2 kitchens—each with pantry and dishwashing facilities.
2 kitchen storage—locker—toilet areas.
2 mens toilets.
2 womens toilets.
2 janitors closets.
2 electric closets.
2 telephone closets.
2 mechanical equipment rooms.
On the First (Ground) Floor:
1 large committee room, 44 x 50.
1 large conference room, 20 x 40.
23 offices (13 large—9 medium—1 small).
1 barber shop, 15 x 44.
3 storage areas totaling 820 square feet.
4 private toilets.
1 entrance lobby.
2 elevator lobbies.
4 passenger elevators.
2 general service elevators.
2 stairs.
2 mens toilets.
2 womens toilets.
2 janitors closets.
2 electric closets.
2 telephone closets.
2 mechanical equipment rooms.
On the Second (Principal) Floor:
1 large subcommittee room, 41 x 44.
1 office area totaling 896 square feet.
28 offices (14 large—12 medium—2 small).
10 private toilets.
1 entrance lobby.
2 elevator lobbies.
4 passenger elevators.
2 general service elevators.
2 stairs.
2 mens toilets.
2 womens toilets.
2 janitors closets.
2 electric closets.
2 telephone closets.
2 mechanical equipment rooms (1 a mezzanine).

On the Third (Gallery) Floor:
1 joint conference room, 38 x 43.
1 large subcommittee room, 42 x 46.
1 document room, 15 x 44.
27 offices (14 large—13 medium).
1 elevator lobby.
4 passenger elevators.
2 general service elevators.
2 stairs.
2 mens toilets.
2 womens toilets.
2 janitors closets.
2 electric closets.
2 telephone closets.
2 mechanical equipment rooms.
On the Fourth (Attic) Floor:
18 offices (17 medium—1 small).
1 large unassigned area of 5,380 square feet.
1 large storage area of 6,300 square feet.
3 small storage rooms of 224 square feet.
2 elevator lobbies.
4 passenger elevators.
2 general service elevators.
2 stairs.
2 mens toilets.
2 womens toilets.
2 janitors closets.
2 electric closets.
2 telephone closets.
3 mechanical equipment rooms.

Offices are classified above as:

Large—if of an area greater than 400 square feet.	
Medium—if of an area greater than 180 square feet.	
Small—if of an area of less than 180 square feet.	

Areas—Rooms—Facilities/Totals by Types:

Joint conference rooms	1
Large committee rooms	1
Large subcommittee rooms	2
Large conference room	1
Large offices (or conference rooms)	43
Medium offices	55
Small offices	3
Dining rooms	2
Dining foyers	2
Private dining rooms	2
Cafeterias	2
Document room	1
Barber shop	1
Unassigned office areas (4,256 square feet)	3
Unassigned public space (subbasement)	1
Unassigned space (subbasement)	1
Unassigned storage space (34,702 square feet)	25
Private toilets	14
Entrance lobbies	3
Elevator lobbies	10
Escalators	2
Passenger elevators	4
General service elevators	2
Local service elevators	2
Stairs	19
Mens toilets	12
Womens toilets	12
Kitchens	2
Kitchen facilities	2
Service docks with control facilities	2
Garbage refrigeration rooms	2
Service toilets	2
Janitors closets	12
Electric closets	12
Telephone closets	10
Mechanical equipment rooms	15

TIME SCHEDULE

If funds are available during or before October, 1966, to implement the direction given by the Commission, and the order to proceed is given during October, it is anticipated that:

Construction of temporary structures can begin March, 1967.

Granite and marble supply can begin June, 1967.

The foundation work can begin July, 1967.

Temporary structures can be occupied September, 1967.

The construction of the superstructure can begin May, 1968.

The work should be substantially complete mid-1970.

The details of the projected time schedule are explored in the action/time chart following.

Cost of Relocation and Preparation:	
Temporary structures	$500,000
Relocation of utilities and other facilities	460,000
Total contract 1	960,000
Cost for Granite and Marble Supply: Granite and marble—cut/carved/delivered. Total contract 2	6,272,000
Cost for Foundations: Demolition—excavation — footings—structural to terrace. Total contract 3	5,300,000
Cost for Superstructure:	
Structural above terrace—setting granite and marble.	
Mechanical — electrical — plumbing—vertical transporation.	
Interior finishes.	
Total contract 4	14,584,000
Total estimated building cost	27,116,000
Cost for Interior Furnishings: Carpets — drapes—furniture—accesories	1,116,000
Total building and furnishings	28,232,000
Additional Costs: Associate architects and administrative costs	3,529,000
Total	31,761,000
Add 10% contingency	3,176,100
Total estimated cost	34,937,100

ARCHITECTURAL

Architecturally, the West Central Front Extension will follow in design and materials the quality established by the Extension of the East Central Front.

The exterior walls will be faced with new white marble, and generally, except for the widening of the central portico, the addition of a pediment thereto, and the introduction of an arcade at the windows of the terrace level, as a reproduction of the existing facade, brought forward to the west. The columns will be white marble.

The marble facing and columns of the connections between the West Central Portion of the Capitol and the Senate and House wings will be removed and re-set in the new location at the west.

Granite will be used for the base above the main terrace level. The existing pre-cast concrete paving of the main terrace will be reused, as will such of the granite extant in the present west terraces as may prove recoverable. All exposed faces of the terrace structures will be of new marble, except for the driveway beneath the terrace steps, which will be of granite recovered from demolition, and the new granite base of the Extension.

Exterior bronze light standards will be re-used and supplemented as needed, as will area drains, railing, grilles, urns, etc. The statue of Marshall will remain in place, with the new work built around.

The exterior walls will be backed up with brick, structurally anchored to the reinforced concrete frame, and will be provided with adequate built-in expansion joints.

Interior walls and partitions, shafts and other enclosures will be constructed of concrete block, with finishes applied.

In general, marble will be employed for floors and walls in corridors, lobbies and other public places. Offices and conference rooms, in general, will be carpeted, with acoustic plaster walls and ceilings, and fireproof wood wainscot and cornices. Work areas will be finished with resilient tile floors, vinyl wall covering or paint on hard white plaster walls, with acoustic ceilings.

In general, architectural finishes, fixtures, furniture and furnishings will follow the standards set for design and quality by the Extension of the East Central Front.

STRUCTURAL SYSTEMS

The report of Dr. Miles N. Clair, President of The Thompson & Lichtner Company, Inc., on the structural condition of the West Central portion of the United States Capitol, submitted to the Architect of the Capitol in November, 1964, states: "A properly designed and constructed extension would also provide desirable lateral support for the west central portion of the Capitol."

The associate architects and their engineering consultants, Mueser, Rutledge, Wentworth & Johnston and Severud-Perrone-Fischer-Sturm-Conlin-Bandel, agree with this recommendation and believe the work should be accomplished with the least possible disturbance of existing foundations and exterior walls.

Unlike the East Central Front of the Capitol, the West Central Front sits on the edge of Jenkins' Hill, with the land falling down and away to the west, and with the existing foundations resting only a few feet below grade. For these reasons, the design of the extension has been laid out to generally restrict bottoms of footings and other new construction above a slope of repose of one in two. To further insure against further structural deterioration, the entire structure below the main terrace level has been designed as a buttressing frame of reinforced concrete, with vertical buttresses extending to and against the lower portions of the wall of the West Central Front to provide lateral support.

The loadings on the soil have been restricted to four tons per square foot on the hard mottled, brown, grey and green silty clay which underlies the West Front, extends to the east, and which provided similar bearing for the Extension of the East Central Front of the Capitol.

The design requires minimum underpinning at the west. Where special conditions require localized underpinning, it will be accomplished in a manner and sequence that will be least disturbing to the existing structure.

For those areas of the extension above the main terrace level at the West Central Front and in the North and South Courts, the structural system will be a rigid concrete frame, so arranged that it will carry its own load on its own new columns, independently of the existing structure, with columns located as far as practical away from existing walls, and with the floor slabs cantilevered to provide horizontal restraint for the existing exterior walls. This cantilevering will be supplemented by vertical struts between slabs to provide vertical buttressing for the existing exterior walls.

The structural framing in the area of the connecting wings between the central portion of the Capitol and the Senate and the House wings will be steel, similar to the system used successfully in the Extension of the East Central Front. The structural framing at the attic for the roof of the extension will be steel, similar to the system employed for the Extension of the East Central Front.

MECHANICAL SYSTEMS

(Heating—Ventilating—Air Conditioning)

Steam and chilled water will be taken from the central system of the Capitol to pro-

vide heating and air conditioning throughout all occupied areas of the extension by systems independent of those now serving the existing Capitol building.

New mechanical rooms will be created in central locations, and the occupied areas will be heated and air conditioned by a low-pressure, draw-through system of ductwork, provided with hot water terminal re-heat coils to afford flexibility of room temperature control. The system will provide comfort control of temperature and humidity, both winter and summer, by the circulation of filtered air, heated or cooled, humidified or de-humidified, as may be required.

Ductwork in occupied areas will be concealed, and registers, grilles, and other elements of the mechanical systems will be concealed or made a part of the architecture in a manner similar to the East Central Front Extension.

Adequate exhaust and ventilation will be provided for all kitchen, toilet and storage areas, discharged in a manner to avoid the fouling of any occupied areas.

Provision will be made mechanically for the installation of the new Senate and House Restaurants and Cafeterias.

ELECTRICAL SYSTEMS

Electric power will be supplied from the existing switchgear located in the Terrace. New systems for light and power, independent of those now in place, will be provided, distributed as required throughout the West Central Front Extension at 480 volts, and stepped down to 120/208 volts as needed by the use of dry type transformers.

A general capacity for occupancy loads of 10 watts per square foot is being provided throughout all occupied areas.

Lighting fixtures and light sources similar to those of the East Central Front will be provided.

Emergency electric power for emergency lighting and essential power will be provided from the existing emergency generators.

Low tension systems will be provided throughout occupied areas for telephone, legislative calls and clocks. Telephone conduit will be extended from the existing terminal room to convenient distribution centers on each floor. The legislative call system will be extended from the existing signal generators.

The existing fire alarm system will be extended to serve the extensions.

Provision will be made electrically for the installation of the new Senate and House Restaurants and Cafeterias.

Birdproofing, as installed on the East Front, will be provided throughout the West Central Front Extension.

PLUMBING

The existing drainage system will be extended to provide roof, terrace, court, and site drainage for the West Central Front Extension.

The existing water supply will be extended to serve the additional toilets and kitchens. A new chilled water system for drinking fountains will be provided and new fountains installed at convenient locations throughout.

New basic kitchen equipment, including dishwashing facilities, will be provided for the new Senate and House Restaurants and Cafeterias. New slop sinks will be conveniently located on each floor.

Plumbing fixtures and facilities will be similar to those installed in the East Central Front Extension.

Sprinklers and standpipe protection will be provided as required.

VERTICAL TRANSPORTATION

The design of the West Central Front Extension includes the establishment of a new vertical circulation core in each of the North and South Courts flanking the West Portico, each consisting of two passenger elevators, each with a capacity of 20 persons and a speed of 500 feet per minute, and one freight elevator, with a platform size of 6'–8" x 8'–6", a capacity of 4,500 pounds and a speed of 350 feet per minute (30 persons). The passenger elevators serve the basement, first (ground) floor, second (principal) floor, third (gallery) floor, and fourth (attic) floor, and the freight elevator serves the sub-basement in addition to those floors served by the passenger elevators.

Escalators of a width of 48", with a capacity of 8,000 persons per hour, are provided on the east/west center line of the Capitol, serving between the new entrance from the west at the sub-basement level and the basement, at which level inter-connection with the new circulation cores is readily made.

Freight elevators are provided, one each at the north and south truck docks at the sub sub-basement level and sub-basement level, serving the restaurants and cafeterias at the basement level. These elevators have a platform size of 6'–8" x 6'–8", a capacity of 2,500 pounds, and a speed of 100 feet per minute.

By the installation of these freight elevators, with the attendant freight docks, the Capitol, for the first time in its history, will be provided with adequate means for the handling and distribution of freight and services throughout the Capitol.

APPENDIX—REPORT CONTENT SUMMARY

This volume III is the written text of the "Report & Recommendation—Extension of the Capitol Project". It is attendant to Volume IV, which includes Photographs—Renderings—Drawings as follows:

Photographs and Renderings:
The West Front Existing.
The West Front Extended.
Model—West Front Extended.
Model—West Front Extended.

Elevations:
West Elevation—West Front Extended.
Court Elevation—West Front Extended.

Plans and Sections:
1. Plot Plan.
2. Sub-Subbasement Plan.
3. Subbasement Plan.
4. Basement Plan.
5. First (Ground) Floor Plan.
6. Second (Principal) Floor Plan.
7. Third (Gallery) Floor Plan.
8. Fourth (Attic) Floor Plan.
9. East/West Centerline Section.
10. East/West Court Section.

These Photographs-Renderings-Drawings appear in this Volume III at reduced size.

Volume IV is supplemented with Technical Drawings (Bound Separately) as follows:
1. Perspective of West Front.
2. Rendered Elevation
3. Rendered Section.
4. Plot Plan.
5. Sub-Subbasement Plan.
6. Subbasement Plan.
7. Basement Plan.
8. First (Ground) Floor Plan.
9. Second (Principal) Floor Plan.
10. Third (Gallery) Floor Plan.
11. Fourth (Attic) Floor Plan.
12. East/West Centerline Section.
13. East/West Court Section.

T–1. Temporary Structures.
F–1. Plan and Section/Foundations.
F–2. Sections/Foundations.
S–1. Plan and Section/Structural Frame.
P–HVAC–E–1. Sub-Subbasement Plan.
P–HVAC–E–2. Subbasement Plan.
P–HVAC–E–3. Basement Plan.
P–HVAC–E–4. First (Ground) Floor Plan.
P–HVAC–E–5. Second (Principal) Floor Plan.
P–HVAC–E–6. Third (Gallery) Floor Plan.
P–HVAC E–8. Diagrams and Details.

NOTE.—Volumes I and II deal with the Extension of the East Front of the United States Capitol (1958).

Consultants to the Associate Architects: Mueser, Rutledge, Wentworth & Johnson foundations; Severud, Perrone, Fischer, Sturm, Conlin, Bandel; structural; Leo L. Landauer & Associates, Inc., Mechanical, Electrical, Plumbing, and Vertical Transportation.

ADDENDUM I

Subsequent to the issuance of the "Report and Recommendations" in August, 1966, of which this addenudm is a part, it occurred to the associate architects that additional information, taken from the records of the office of the Architect of the Capitol might be of interest in connection with the Extension and Reconstruction of the West Central Portion of the United States Capitol.

Prior to 1897 the Library of Congress was housed in the West Central Portion of the Capitol, the Supreme Court was housed in the original north wing of the Capitol, and the only offices available to the Congress were within the Capitol itself.

In the years following the completion of the Senate and House wings, and prior to the end of the nineteenth century, growth began crowding out these ancillary functions, to provide additional space for purely legislative use.

Thomas U. Walter became involved with these problems, both while in office as the Architect of the Capitol, and subsequently after he returned to private practice in 1865.

Studies and drawings made by him during this period to solve these continuing space problems indicate his concern that the addition of the Senate and House wings and the Dome had overpowered the original central portion of the Capitol.

Records indicate that Walter prepared many solutions concerned with both the problems of space and the exterior configuration and design of the Capitol. The first, in 1865, shows the extension and redesign of the East Central Front. Just prior to his retirement as Architect of the Capitol, Walter prepared plans which included the extension and re-design of both the East and West Fronts of the Capitol.

In 1874, Walter prepared further drawings which proposed an extension of the East Central Portion of the Capitol, with variations concerned with the proposed extension of the West Central Portion of the Capitol.

The extension favored by Walter, and presented to the Joint Committee on the Library on October 30, 1874, proposed extensions and re-design of both the East and West Central Portions of the Capitol. This scheme contemplated a re-design of the West Central Portion to include a portico increased in width from 102 feet to 116 feet, with a double row of columns and with a pediment. The extension of the west was 58 feet at the center, 104 feet at the east and west courts flanking the central portion, and 80 feet at the connecting wings.

These extensions provided for additional legislative space at the east and for the expansion of the Library of Congress at the west.

Although generally of the configuration of the westerly extension outlined by the "Report and Recommendations", Walter's scheme went somewhat further west; 14 feet further at the center, 16 feet further at the north and south courts flanking the central portion, and 24 feet further at the connecting wings. The West Central Front was redesigned by Walter to provide not only a widened portico and a pediment, but to break with the past and join with the later architecture of the Senate and House wings which he had designed.

Walter's concern with exterior scale and design persisted, after abandonment of his earlier schemes, in his suggestion that the addition of the West Terraces in 1882 by Olmsted include an enlarged West Central Portico with pediment (page 25 of this "Report and Recommendations").

Edward Clark, who succeeded Thomas U.

Walter as Architect of the Capitol, in his report of July 1, 1889 wrote:

"The importance given to the western front of the Capitol by the construction of this terrace seems to require that the central portion of the building be extended and remodeled, which, when done, should be constructed of marble, as are the porticoes of the wings."

Elliott Woods, who succeeded Edward Clark as Architect of the Capitol, shortly after his appointment recommended one of the Walter plans of 1874, and in his report of May 3, 1902, to the Speaker of the House of Representatives stated:

. . . "a sacrilage to offer any other plan for consideration than the Walter plan."

Frederick Law Olmsted, who conceived the grandeur of the west as expressed by the landscaping and the terraces, was concerned with the architectural quality of the West Central Portion of the Capitol: "On the West it is assumed * * * the present facade of the old Capitol will eventually be replaced by a wall of marble corresponding in dimension and architectural character to those of the wings * * *".

So through the years of the late nineteenth and early twentieth centuries, the Library of Congress building, the Senate and the House office buildings, and the Supreme Court building were constructed to remove these ancillary functions to adequate quarters to provide expansion for the legislative functions, and to accommodate the ever increasing public visitations. And through those years the architectural deficiency of the West Front was recognized, and efforts were made to effect correction as need for space dictated that consideration be given to the enlargement of the Capitol.

The floor plan following indicates the extent of the Extension of the East Central Front as now constructed, and the extent of the Extension of the West Central Front as set forth in this "Report and Recommendations" is compared with a plan proposed by Thomas U. Walter in 1874 and endorsed by his next two successors in the office of the Architect of the Capitol.

These recommendations have not been hastily or lightly come by. They have been examined at length over the years and endorsed by many.

ADDENDUM II

Cost of work, preliminary estimate, west front extension

Item A—Contract 1—Cost for relocation and preparation:	
Temporary structures	$480,000
Site work	20,000
Total temporary structures	500,000
Relocation work:	
Power feeders	$68,000
Control circuits and telephone	31,300
Lighting panels	2,700
Total	102,000
Heating, ventilating, and air conditioning:	
New chilled water feeds—12", 600' at $60	36,000
Valves and connections	10,000
New tunnel manholes: 2 at $9,000	18,000
Relocation 30" sewer 340' at $50	17,000
Relocation 18" sewer 430' at $30	12,900
New manholes: 4 at $250	1,000
Relocation unit No. 12	44,000
Relocation unit No. 15A	17,000
Relocation terrace unit	21,000
Relocation: Reverse flow heating	6,500
Relocation HW generators	$5,000
Relocation existing ductwork and piping in existing fan rooms	89,600
Relocation of miscellaneous drainage	15,500
Relocation of lawn sprinklers and fire hydrants	17,600
Total	312,000
Subtotal relocation work	414,000
Contingency and escalation	46,000
Total relocation work	460,000
Total cost for relocation and preparation: Contract 1	960,000
Item B—Contract 2—Cost for granite and marble supply:	
Granite: Rework existing stone for base course	50,213
Marble: Cut/carved/delivered:	
Terrace: 41,391 cu. ft. at $54.50	2,255,810
First floor: 15,087 cu. ft. at $38.76	584,772
Second and third floors: 28,609 cu. ft. at $70.09	2,005,205
Top of column caps to roof: 22,789 cu. ft. at $60.38	1,376,000
Total	6,221,787
Total cost for granite and marble supply: Contract 2	2,221,000
Item C—Contract 3—Cost for foundation work:	
Demolition	1,403,900
Excavation and backfill	448,500
Underpinning	284,750
Sheet piling	500,500
Steel bracing	210,000
Structural steel	205,000
Concrete	1,836,590
Waterproofing	129,750
Sand	14,640
Timber supports	24,000
Barricades and closure walls	10,000
Subtotal foundation work	5,067,630
Contingency and escalation	232,370
Total cost for foundation work: Contract 3	5,300,000
Item D—Contract 4—Cost for superstructure:	
Concrete and steel:	
Arch work	810,000
Fill and finish	270,000
Roofing and sheet metal	100,000
Set all stonework	1,000,000
Exterior wall backup, windows, and furring plaster, etc	1,100,000
Finishes:	
Unfinished areas: Partitions, doors and frames, hardware, hung ceilings, floor finish, stairs and painting	1,050,000
Finished areas: Partitions, doors and frames, hardware, special ceiling, wall and floor finishes, miscellaneous and ornamental metals, and finished toilet areas, etc	4,907,787
Vertical transportation	500,000
Subtotal superstructure	9,737,787
Heating, ventilating, and air conditioning:	
Piping, pumps, convertors and reheat coils	325,000
Sheet metal and outlets	360,300
Insulation	437,000
Air apparatuses, fans, filters	335,000
Controls	190,000
New chilled water loop	149,000
New steam service extended	93.000
Steam and return for existing building	84,000
Subtotal heating, ventilating, and air conditioning	$1,973,300
OH and profit on subcontractors	150,000
Contingency and escalation	465,893
Subtotal heating, ventilating, and air conditioning	2,589,193
Electrical:	
Lighting and power distribution wiring	524,000
Lighting fixtures and close-up lamps	137,000
Underfloor duct systems	260,000
Bird control system	109,000
Clocks and legislative calls	154,000
Signal and alarm systems	98,000
Total electrical	1,282,000
Contingency and escalation	279,220
Subtotal electrical	1,561,220
Plumbing:	
Waste and vent piping	250,000
Fixtures	53,000
Sprinkler systems	28,600
Fire standpipe systems	17,000
Roof and terrace drainage	165,400
Drinking water systems	34,000
Product refrigeration	18,000
Total plumbing	566,000
Contingency and escalation	129,800
Subtotal plumbing	695,800
Total cost for superstructure: Contract 4	14,584,000
Total estimated building cost	27,116,000
Item E—Cost for interior furnishings:	
Carpets	239,400
Drapes	130,500
Furniture	574,200
Accessories	60,300
Total	1,004,400
Contingency and escalation	111,600
Total cost for interior furnishings	1,116,000
Total cost for building and furnishings	28,232,000
Item F—Additional costs:	
Associate architect's fee for building	2,033,700
Surveys — measured drawings—contract documents—Shop drawings—Travel and expenses.	
Associate architect's fee for interior furnishings	94,860
Total associate architect costs	2,128,560
Administrative cost: Architect of the Capitol	1,400,440
Total additional costs	3,529,000
Total estimated cost before contingency	31,761,000
10% contingency	3,176,100
Total estimated cost	34,937,100

GENERAL DESIGN CRITERIA

STRUCTURAL SYSTEMS

Loads

Footings, foundations, and the structural frame of the extension will be designed to accommodate loads in addition to the dead weight of the building as follows:

Live Loads:	*Square feet*
Offices and committee rooms	100#
Corridors and pubic assembly	100#

Live Loads—continued	
Stairs and toilets	100#
Mechanical rooms	100#
Document storage	250#
Terrace	100#
Roof	25#
Dead Loads:	
Floor fill	60#
Partitions	40#
Hung ceilings	10#

The terraces will be strengthened to structurally accommodate the concentrated wheel load of a truck in any position, and the service driveway and loading docks will be strengthened to structurally accommodate on H-20/S-16 loading—sufficient for a tractor-truck or semitrailer.

Bearing

Footings, foundations, and walls bearing on earth will be designed on the basis of an allowable soil bearing intensity of four tons per square foot.

Underpinning

Underpinning will be installed at existing foundations as necessary to protect existing foundations against the effect of the new work. Existing foundations will be underpinned where new construction bears on existing walls.

Footings

Footings, in general, will be constructed directly on the sub-grade exposed by general excavation. Where footings are adjacent to existing work they will be constructed in sheeted boxes. In the central portion, footings supporting the new main and outer colonnade walls, because of their depth below and proximity to existing foundations, will be constructed in sectionalized steel sheeted and braced cofferdams.

Structural fame

Below the terrace level, depending on column spacing and floor loads, the floor systems will be reinforced concrete, concrete joist, or composite steel and concrete construction, with all columns of reinforced concrete.

Above the terrace level, the structural frame generally will be a composite system of reinforced concrete and steel frame, with self-supporting exterior stone masonry walls, with all elements anchored together at each floor, to work together, and to provide the maximum buttressing effect for the existing structure.

At the West Central Portion, the structural frame above the terrace and up to and including the fourth floor, will be of reinforced concrete. In the connecting wings between the central portion of the Capitol and the Senate and the House wings the structural system will be of steel in composite action with the concrete floor slabs, above the terrace and up to and including the attic floor.

The roof will be framed in structural steel, with a precast roof plank.

All structural steel beams and girders will be fireproofed with asbestos or vermiculite spray insulation, and all steel columns will be fireproofed by masonry enclosures.

Exterior walls will be constructed of stone with masonry back-up, anchored to the structural frame at each floor level.

Buttressing

The foundations and floor systems for the floors below the terrace will be designed to incorporate a series of reinforced concrete buttresses which bear directly against the existing structure below the first floor, continuous in the east-west direction, terminating at the westerly limits of the new foundations, and with "deadmen" below the subgrade where possible.

Above the first floor, the structural frame, utilizing the weight of the exterior stonework, all tied together, will provide buttressing for the existing structure in the following manner:

(*a*) Each floor slab will abut the existing structure in such a manner as to transmit lateral pressure against the old structure without imposing any vertical pressure from the dead load of the new structure.

(*b*) At two locations on each side of the central portion, vertical lines of buttressing will be accomplished by installing vertical struts between each floor to receive the lateral thrust.

(*c*) At the west face, the lateral thrusts from the buttressing will be transferred to the ground through the rigid structural framing and to the exterior shear walls.

(*d*) At the connections, the thrusts from the north and south faces of the West Central Portion will be transferred through the new floor slabs to the Senate and House wing structures.

Materials

The quality of materials proposed is:

(*a*) Structural concrete: 3000 psi.

(*b*) Reinforcing steel: ASTM 432.

(*c*) Structural steel: ASTM A36.

Expansion joints

Provision will be made for the effect of temperature changes in the exterior materials by the introduction of four east/west expansion joints, located at the north and south ends of the West Central Portico, and between the new construction and the existing Senate and House structures, installed in a manner similar to the methods employed at the East Central Front Extension.

MECHANICAL SYSTEMS—HEATING—VENTILATING—AIR CONDITIONING

Environmental design conditions

The air conditioning system will serve all enclosed areas with the exception of storage areas. Summer conditions within air conditioned areas of the building will be maintained at 75° F. dry bulb, 62° F. wet bulb, with outside summer condition of 95°F. dry bulb and 78°F. wet bulb. Inside conditions during winter will be maintained at 75°F. dry bulb and 53.5° F. wet bulb with outside temperature of 0° F.

Utility sources

Steam will be supplied by the Government at approximately 200 psig pressure at the existing team manhole on the House side of the Capitol. The steam distribution system is carried in dual mains. Dual 12 inch lines, with a single 6 inch condensate return line, will be extended from the House side steam manhole to the Senate side of the sub-subbasement and stubbed through the north wall for continuation by the Government.

Steam will be distributed from both the House and Senate sides to the building at 50 psig. The new steam service will serve the entire building including the East Front Extension. Existing steam loads are as follows:

Existing building House side: 15,000 pounds per hour.

Existing building Senate side: 15,000 pounds per hour.

Existing East Front: 7,800 pounds per hour.

These existing loads will be served at a pressure of 50 psig at the points indicated on the preliminary drawings. The condensate return system for the entire building will be reversed and pumped to the new condensate return line which will be installed along the new West Front.

Pumping pressure into this line will be 50 psig at elevation 31.0 Steam pressure reducing stations will be installed throughout the building as required. Pressure reducing stations from 200 psi to 50 psi will have two stages of reduction. Steam pressure reducing stations will be installed in equipment rooms to reduce steam pressure to 5 psi, for both heating and domestic water heating. Certain kitchen equipment will be served at 50 psi pressure. Each pressure reducing valve station will consist of two pressure reducing valves. These valves will be sized for summer and winter loads respectively.

Chilled water

This is available for air conditioning use with adequate differential pressures for circulation. Chilled water supply temperature from central system is approximately 40 F. All dehumidifiers within the building will be designed for a temperature rise of 12 F.

Relocation of existing equipment and systems

The existing chilled water loop which is installed in the terrace will be re-routed underground, around the new West Front Extension with a portion of the new loop passing through the new sub-subbasement area. New connectons to the existing chilled water distribution mains will be extended through the existing fresh air tunnels and re-connected to the existing distribution piping in the existing equipment room areas.

The new portico will require relocation of certain equipment in both the House and Senate fan rooms. On the House side the relocation will consist of relocating apparatus No. 12, driving motor for apparatus No. 3, freeze protection pumps and convertor, and the apparatus presently serving the House terrace. Senate side relocation will consist of temperature controls, air compressors, hot water generators, cloak room supply unit, and filter washing pump and converter.

New outside air ducts will be provided for apparatus No. 2 on the House side and for apparatus No. 7 on the Senate side.

Relocation of existing equipment will, generally, consist of the construction of new equipment before the dismantling of the existing equipment in order to assure continuous service to the existing building.

Ventilating system

Outside air will be preheated and, where obtained near grade level will be prefiltered. Systems of exhaust will be installed for kitchen, storage, and toilet areas. Sub-subbasement and subbasement areas will be exhausted into truck dock for ventilation of this area. Heated air will be introduced at window units to prevent drafts during the cold weather. Kitchen and toilet exhaust will be discharged through the room in locations remote from outside air intakes.

Heating system

Heating will be generally accomplished by means of hot water reheat coils located in the duct work. Heating converters located in the basement and attic equipment rooms will provide hot water for the heating systems. These converters will operate at 5 psi steam pressure. Leaving water temperature will be reset by means of an outside thermostat. Central circulating pumps will circulate heating water throughout the building (above the subbasement floor). Zone pumps located in equipment rooms on each floor will circulate water from the mains to the individual terminal reheat coils.

Air-conditioning system

Air conditioned areas will be served by a system of low pressure conventional ductwork from the various air conditioning apparatuses. Outside air and return air will be mixed, filtered and passed into a sprayed coil dehumidifier, through reheat coils into the conditioned area. Space temperature conditions will be maintained by means of room thermostats which will control modulating 3-way valves at each reheat coil. Reheat coils will be installed in the duct system for each zone.

In general, each air conditioning apparatus will consist of an inlet plenum in which outside air and return air is mixed. Outside air connections to this plenum will be fitted with both maximum and minimum section dampers. Maximum section will pass 100% outside air, minimum section will pass 15% outside air. Return and relief air dampers will be installed. These will operate in con-

junction with the maximum outside air damper to provide a 100% outside air ventilating cycle. Filters will be of the high efficiency type similar to Microton Corporation's "Micromatic".

Sprayed coil dehumidifiers will consist of spray assembly, cooling coil and eliminators. Adequate access will be provided to spray section and between coil and eliminator section. Fans will be double or single width and double or single inlet as indicated. Each apparatus will be field assembled of factory components and will have adequate access between all components. Each apparatus will have interior lighting.

Humidity will be controlled during the winter by the operation of the sprays. Return air ducts will be fitted with smoke detection devices. All air conditioning apparatus housings will be constructed of factory fabricated insulated metal panels. Each apparatus will be fitted with gauges and the thermometers including draft gauges to indicate filter resistance, dehumidifier resistance and total static pressure.

Plumbing—design conditions and utility sources

Systems of sanitary waste and vent piping will be provided to serve the various plumbing fixtures throughout the building. Sanitary piping systems will be designed in accordance with the requirements of the District Plumbing Code. Sanitary sewers will be extended to the west and connected to the existing brick combination sewer.

Storm drainage systems will be installed for the roof and terrace areas. These drainage systems will be extended separately from the new sanitary system to the existing brick combination sewer along the west side of the building.

Cold water systems for domestic water supply will be extended from existing city mains along the West Front. Separate systems will be provided for the House and Senate sides. These systems will be distributed throughout the building to all plumbing and other water consuming equipment.

Plumbing fixtures will be selected in type and quality to match the existing fixtures in the new East Front Extension.

Hot water generators will be installed for kitchens and for domestic use. Hot water will be extended to all fixtures requiring hot water. Hot water recirculating pumps and piping will be installed to insure circulation of hot water to each fixture. Hot water generators will be of the storage type. Heating medium will be 5 psi steam.

Drinking water chillers will be installed on both House and Senate sides to provide chilled drinking water to each of the drinking fountains in the new West Front Extension.

Systems of fire protection sprinklers will be installed for storage, truck dock drive and storage areas. Water supply, for these systems will be indepndent of the existing fire sprinkler system.

A fire standpipe system will be provided for all areas. First aid hose cabinets and 2½" fire department connections will be located to service all areas as required. Water supply for the standpipe system will be taken from the existing fire loop in order that the existing fire pump may be utilized.

Relocation of existing equipment and systems

Relocation of existing plumbing systems will consist primarily of rerouting the existing sewers which extend through the terrace to the combination sewer along the West Front of the Capitol. The fire protection loop will be completed during the new construction. Ends of this loop will be capped during the construction period and an existing 4-inch connection between the Senate side of the loop and the fire pump located in the House side will be utilized during the construction period.

Electrical—utility sources and supply

Electrical power for new West Front Extension will be obtained from existing substation "A" on the House side and existing substation "B" on the Senate side. Power will be supplied at 480-volts, three-phase, 60-cycle. Existing spare breakers will be utilized in switchgear "B". A new 1600-ampere circuit breaker will be installed in the existing space in switchgear "A" and the existing spare breaker in this switchgear will also be utilized.

Two new feeders from each substation will be extended to serve the new West Front Extension. One of these feeders will serve lighting loads, the other will supply motor and other power loads. Feeders and branch circuits will not cross the centerline of the Capitol and thus the House and Senate sides will be entirely independent of each other for power and lighting services.

The two feeders from each of the existing switchgear rooms will be extended to a central distribution point in the basement of the new West Front Extension. The available fault current at the existing switchgear is 50,000 amperes rms. Fuses of the time delay, high interrupting capacity type, will be installed in the mains at this distribution center as required, to limit the available fault current to the various branches to a level which will not exceed the interrupting capacity of the various terminal breakers.

It is estimated that the new West Front Extension will add a demand of approximately 650 kva on each of the substations "A" and "B".

Grounding system presently installed within the building will be extended throughout the new West Front Extension.

Emergency power and lighting

Emergency power for the West Front Extension will be obtained from the existing emergency engine generators. Emergency power will be extended from each of the generators to automatic transfer switches in the new East Front. One automatic transfer switch will be utilized to provide emergency power to the elevators. The other automatic transfer switch will provide emergency power to the emergency lighting sources throughout the building.

Each elevator serving the basement through attic floors will be so arranged that it may be served by the emergency power source. Capacity in the emergency power feeder will enable any single elevator in each bank to operate during an electrical power outage.

Emergency lighting will consist of elevator cab lighting, exit lighting, and selected fixtures throughout the building. General lighting levels in exit routes will be adequate to prevent panic and to provide safe passage.

Emergency lighting will be provided for exit signs, elevator cabs and for general exit passageways and corridors.

Relocation of existing equipment and systems

Several relocations will be required before demolition can begin to provide uninterrupted service to the building. The existing electrical ducts which pass under the existing terrace courts contain feeders serving the existing building. These feeders will be rerouted from the existing switchgear rooms to their persent termination or in some instances, to a convenient splice point within the existing building. The duct bank under the terrace court carries communication, control, and supervisory circuits in addition to the above described power feeders. A temporary control center will be installed in the House wing during the construction period. Control circuits will be continued to the existing control center as construction permits.

Supervisory circuits will be interrupted during the construction period and continued through the new construction as construction permits.

Lighting

Lighting throughout the building will be selected on an occupancy basis. Fluorescent lighting of adequate intensity will generally be employed throughout the work and storage areas of the building.

Private offices, public areas, dining rooms, committee rooms, and conference rooms will be lighted to suitable levels by means of a combination of fluorescent, incandescent, and architectural fixtures.

Lighting outlets will be provided for illuminated signs.

Power

Power for receptacles and portable appliances will be distributed to all spaces by means of raceways. Flexibility of possible locations of outlets in office areas will be provided by means of an underfloor duct system. The underfloor duct system will also provide flexibility in the location of telephone outlets.

Controls and special systems

Signal, alarm and control systems will be installed for the following functions:

(*a*) A signal system will be installed on both House and Senate sides. This system will indicate elevator position, and other pertinent elevator data. Extension to the existing panels in the Engineer's offices on both the House and Senate sides will be provided as required to house the indicating devices.

(*b*) Control circuits for the emergency operation of the elevators will be extended to the Engineers offices on the House and Senate sides respectively.

(*c*) Smoke detection devices located in return and exhaust air duct-work throughout the building shall sound audible and visual alarms in the Engineers offices on the House and Senate sides respectively. Silencing switches will be installed for the audible alarms.

(*d*) Remote control circuits for exterior lighting will be extended to the control center which is located in the basement level of the Senate side.

Legislative call system

This will be provided for both the Senate and House sides. Audible and visual signals for this system will match the signals which are installed in the new East Front Extension to the building. Signals receivers will be installed as required to transmit the legislative calls to the various audio-visual locations.

The existing signal generators, which impress high frequency signals for legislative calls on the electrical distribution system, are adequate in capacity for the new West Front Extension, and will be utilized for the new West Front Extension.

Electronic clock system

The existing system will be extended to serve the new West Front of the building. Clocks will be selected in quality and type to match those installed in the new East Front Extension.

Communications system

A system of empty conduits will be installed in accordance with the requirements of the Chesapeake and Potomac Telephone Company. Conduits will be extended from existing telephone equipment rooms on both the Senate and House sides to new equipment rooms located at the basement floor level on both the Senate and House sides of the new West Front Extension. Telephone distribution closets, approximately 6' by 10' in size, will be located on both Senate and House sides of each floor. These closets will be connected to each other and to the basement telephone equipment room by a system of empty conduit risers. Branch conduits and underfloor duct systems serving individ-

ual telephone outlets will terminate in telephone closets located on each floor. Galvanized fish tapes will be pulled into each empty conduit for use by the telephone company.

A communication system will be installed which will follow the pattern set in the existing building. This system will consist of sound powered telephones located in equipment rooms. The system will interconnect with the existing and will be compatible with it.

Sound reinforcement systems will be provided for the committee and joint conference rooms. Sound reinforcement systems will be limited to speakers and amplifiers. Adequate input jacks will be provided for microphone connections.

Fire alarm system

The existing fire alarm system will be extended as required to serve the new West Front Extension. All devices will match those installed in the new East Front Extension.

Electric bird control system

The system provided will be of the same extent as that installed on the new East Front Extension except that it will be designed to control birds as small as sparrows.

Vertical circulation

The present West Central Portion of the Capitol is serviced by two small passenger elevators which operate between the basement and attic floors, and no service or freight elevators. The West Front Extension will add two cores of elevators—one on the Senate and one on the House side—near the center of the added floor space and equidistant between the connecting necks and the east-west corridor at the West Portico.

Each core will consist of two medium-speed passenger elevators with a lobby off the main circulation artery and a freight elevator with its enclosed lobby adjacent to the corridor. These elevators will serve all floors from the basement thru the fourth and the freight elevators will extend down to serve the sub-basement floor which ties in with the service drive and loading docks.

Vertical pedestrian circulation from the basement floor down to the westerly main entrance and service drive will be provided by moving stairs on the east/west center-line of the building at the extended West Front. Corridors on the basement floor connect the new elevator cores with the new moving stairs.

The new passenger elevators will have a capacity of 2500 pounds at a rate of 400 feet per minute; the service or freight elevators, 4000 pounds at 200 feet per minute. The moving stairs will be the standard 30-degree incline with a rate of rise of 90 feet per minute, forty-eight inches in width.

The extension has been planned with new horizontal circulation connecting the westerly north-south corridor of the Senate Wing, Central Portion, and the House Wing. Adjacent to the new elevator cores on the ground floor, new east-west corridors will be provided in the existing building connecting the main north-south corridor with the new north-south corridor provided in the extension.

An additional passenger-freight elevator will be provided in the terrace spaces on both the Senate and House sides serving the three floors in that area. They will be hydraulic of a capacity of 4500 pounds at a rate of 65 feet per minute. These elevators will be located adjacent to the kitchen and pantry areas at the basement floor, have a stop at the service loading dock on the subbasement floor, and continue down to the storage areas at the sub-subbasement floor.

REPORT TO THE ARCHITECT OF THE CAPITOL BY THE ADVISORY GROUP, GILMORE D. CLARKE, JOHN F. HARBESON, PAUL THIRY

Appointed by direction of the Commission for Extension of the United States Capitol to advise the Architect of the Capitol in the carrying out of the "Legislative Appropriation Act, 1956", incorporating provisions for the extension, reconstruction and replacement of the central portion of the United States Capitol in substantial accordance with Scheme B after architectural plan submitted by a joint committee of Congress on March 3, 1905, but with such modifications and additions as may be approved by the Commission. This report relates to the West Central Portion, the East Central Portion having been extended and reconstructed in 1958–1962.

The commission

The Congress, in 1955, in its legislation for the extension of the Capitol provided that the work should be under the direction of a Commission composed of the President of the Senate, the Speaker of the House of Representatives, the Minority Leaders of the Senate and the House of Representatives, and the Architect of the Capitol.

We who are Advisers to the Architect of the Capitol express confidence in the wisdom of the Commission for the Extension of the United States Capitol and in the conduct of the project by the Architect of the Capitol. We express approval of the design for the West Front made by the Associate Architects.

The technical advisers

The Architect of the Capitol, in calling upon members of the professions of architecture and engineering to carry out the work, with the approval of the Commission for the Extension of the United States Capitol chose specialists of established reputation to investigate the needs of the Congress and the condition of the present structure including the foundations and the need for underpinning; he chose architects to study the program of requirements and the formulation of plans and elevations; he selected the advisory group, with membership from various parts of the country, to study with the specialists and architects the facets of the work, particularly that related to architectural design and landscape setting.

In the choice of these associates the Commission directed that they must be selected to assure that any new work be in harmony with the architecture of the Capitol as conceived by George Washington and more particularly by Thomas Jefferson, and that it be in the classic style of the early Federal Period. The Commission indicated that there is no justification for that expression of transcience apparent in many of the more recent government office buildings.

The east central front of the Capitol

The rebuilding of the central part of the East Front was undertaken essentially by the same professionals now entrusted with the extension of the West Front. That work has been satisfactorily accomplished, a marble construction faithfully carried out in the architecture of the Early American Republic. The new relationship of the East Portico to the great dome has proved the validity of one of the arguments for making this change. The result is distinguished. The new construction has successfully stabilized the stresses of the east side of the original structure.

The present condition of the exterior of the Capitol is excellent except for the central part of the West Front. That portion is in disrepair, the walls are cracked in many places, large pieces of stone have fallen from the cornice and, in many places on the surface, an outer layer of stone has scaled off and has been patched with cement. The entablature over the West Portico is sagging, conditions which successive coats of paint do not conceal.

In 1963, the Commission authorized the retention of a competent engineering firm to study the structural conditions of the West Central Portion. These engineers, The Thompson & Lichtner Co., Inc., reported that the West Front originally had not been well built; that it was poorly constructed after destruction by fire by the British in August 1814 and further damaged by the fire of 1851 and the explosion of 1898, and that there is excess loading within the structure. They further reported that the penetration of moisture forced stones out of place and that the core construction, between the outer and inner walls, is of poor masonry held together with inferior mortar. These bearing walls nevertheless support the outward thrust of heavy brick vaults on one story over another.

The Engineers recommend buttressing of the entire West facade to be accomplished by an extension providing lateral stability. They recommend against any attempt to restore and to repair the present exterior wall because of its inferior construction.

Your Advisers have examined the present condition of the West Front and are familiar with the particulars of the distintegration that is apparent. They have carefully studied the detailed report of The Thompson & Lichtner Co., Inc., and endorse its recommendations, namely that the existing walls be retained as interior walls and that an extension, be constructed to provide lateral support for them.

Restoration of present exterior walls

We are convinced that the exterior walls cannot be repaired in their present position because of the attendant danger of collapse of the interior vaults that thrust against them, thus causing the destruction of the Brumidi frescoes on these vaults and the supporting walls.

We wish clearly to state that the present West Central Portion of the Capitol is *not*, as has been averred, "a last external vestige of the work done by Thornton, Latrobe and Bulfinch remaining as visual evidence of our heritage"; it is but a travesty, a poor travesty, in fact, of that architecture. The original design has been patched with cement and has been covered with forty coats of paint, in some cases ⅜ inch thick, thus masking dentils, eggs and darts, small scale rinceaux and acanthus leaves on the capitals and the brackets. The tips of many of the acanthus leaves have been broken off and some are missing; band ornaments have been eroded away. For many years it has become divested of all of the qualities which would make it a distinguished relic. The precise relation of each part to every other part so necessary in classic architecture, is completely negated by the many thick coats of paint. Mouldings are distorted out of recognition, while all marks of handicraft and age are lost.

Rebuilding in place not retention of history

We want to make it clear that if it were deemed to be feasible to replace each exterior stone with a new stone, whether the replacement be of sandstone or of marble and cut by today's artisans, the result would not be a preservation of the architecture of Thornton, Latrobe and Bulfinch but rather a modern simulacrum, much like some of the reconstruction in Williamsburg and other architectural reproductions. To call it preservation is to deceive the public with a specious falsehood.

To attempt to "restore" the existing West Front in its existing location, the interior rooms would have to be vacated for as long as ten years. The walls would have to be uniformly supported on shoring while the stone facing, which is bearing, is removed stone by stone to a height of five floors. To support the arches and the vaults, while the exterior supporting wall is removed, would be both difficult and dangerous, resulting in a possible collapse of the vaulting. The Brumidi frescoes would be irreparably damaged by the centering supports below and the great weight above.

To buttress the walls by extending the West Front to the west will save many parts of the exteriors and many frescoes on vaults

and walls that an attmepted restoration in place would surely destroy.

Uninformed opinion

There has been some controversy in Congressional Hearings and much in the Public Press, the latter being neither well informed nor based upon a knowledge of the conditions that obtain. It has been swayed largely by emotion. It is discouraging that so few representatives of the Press have made an effort to learn of the existing conditions so as to be able to arrive at an understanding of the problems involved and of the particulars of the proposed solution before printing opinions, particularly editorial opinions, which so far have been superficial, emotional and untrustworthy. This is regrettable inasmuch as it concerns the country's most important building and symbol, the United States Capitol.

A statement made at a recent public hearing should be noted. It was there stated, "Nobody denies the West Front is in need of some repair and reconstruction. Much of its present condition is the result of almost total neglect over the past five years; the masonry has not been pointed up, the paint is peeling badly * * *. Any building will deteriorate if nobody does the regular maintenance work."

The West Front was pointed and repainted in 1960 before the late President Kennedy's inauguration; its disrepair is not due to neglect or to improper maintenance but rather to several causes well known to those who have made the detailed structural examination. The causes have their origin from the very beginning of the original construction:

(1) The foundations were not carried to adequate depth; they rest on soil of poor bearing quality. This is the primary reason for the cracked window and door heads and for many other cracks in the masonry walls.

(2) Much of the stone used was of poor quality. The Aquia Creek quarry did not have enough good stock to provide all of the stone required for such a large building. The architects selected the best stock for the capitals, the cornices and the moulded and ornamented band courses. Much of the plain ashlar stock was from beds of stone of inferior quality.

(3) The mortar used in the original building was made from lime, much of which was fashioned by burning oyster shells. The artisans were not experienced and, as a result, the fabrication was improperly done; the mortar used has disintegrated into powder. The inferior mortar cannot be corrected by pointing.

(4) The burning by the British in 1814 calcined much of the stone and discolored large portions of it. Some of this stock was replaced when Latrobe rebuilt the burned sections; those parts merely discolored were later hidden by the painting of the exterior which process has also hidden disintegration by calcination.

(5) The paint, while it improved appearance, did not serve as a preservation but rather as a cause of further disintegration of the stone. The only paint then known had a linseed oil base. Linseed oil, when mixed with water, made an emulsion which broke down the cementitious material which held together the grains of sand of the sandstone, resulting in a progressive scaling of the surfaces.

Need for space

A careful survey was made for the Architect of the Capitol in 1957 with many of the chief officers of the Senate and the House occupying space in the Capitol. This survey indicated that an additional 140,000 square feet of space was required to enable the Government to operate efficiently. The reconstruction of the East Front has made available approximately one third of this space; the remainder is still needed, as well as additional space requirements made since that survey. This can be provided by the plan proposed for extending the West Front.

Portions of building not functional

The sunken courtyards on the west are unsightly and have not been appropriately developed. The lower floors, particularly under the Olmsted terraces, are much subdivided and not useful in a modern sense.

The service requirements of the Capitol, such as deliveries, maintenance, shipping, storage, mechanical equipment, are inadequate, unsightly and outmoded. To correct such deficiencies within the present building would necessitate visual and structural changes of magnitude.

A proposal to move the Congress

It has been proposed in the Public Press, to avoid the necessity to provide an increase in area in the Capitol for the expanding needs of the Congress, that all government functions connected with the Legislative Branch be moved out of the Capitol to a new building, constructed in the current fashion of plate glass, concrete, steel and metal trim leaving the Capitol that has served the Congress since 1800, as a "shrine", a lifeless shell. This building, the scene of more than 160 years of great events would be abondoned to became a museum to exhibit our past glories.

To us this is unthinkable. The legislative halls made the Capitol the Seat of Government; they have served as such since the beginning of the 19th Century and the Congress can continue so to operate in the Capitol by causing to be made the changes now proposed; to do so will make all areas more efficiently serviceable to the Members of the Congress and their staffs without in any way marring the building's unique architectural qualities of beauty and proportion.

Visitors

The Capitol is the most important edifice in the United States. Not only have many important episodes in the Nation's history been enacted there, its laws debated and passed, including a score of amendments to the Constitution, but still more important it is the seat of the Government's legislative assemblies. Here citizens from all over the United States may visit and talk with their legislators in action; in fact they do. More than 20,000 citizens on an average visit the Capitol daily and the number is increasing. They come in part to see the halls and chambers of the Capitol including the Rotunda that has been the temporary resting place of deceased presidents and heroes, the great stairways, the statues, portraits and paintings. But primarily they come to see their Representatives and their Senators in the actual process of debating problems before the two legislative bodies in the chambers where the difficulties related to the Civil War and two World Wars were argued. Here they witness the passing of laws, including providing for appropriations to carry on the many projects that go before the Congress.

The Capitol housed the deliberations of the lawmakers of our infant Nation; it continues so today and should continue so to do in the future as a symbol that this Country is a living institution of worthy traditions, still able to solve larger problems in the spirit of the Founding Fathers who formulated the institutions of the young nation.

The Commission is planning to make appropriate provisions for visitors. Provisions are now inadequate for the reception of visitors; for example, there is inadequate circulation to take them from the Senate side to the House side of the Capitol without interfering with the work of Congress. The proposed plans provide adequate facilities for visitors, including briefing rooms, separate vertical circulation and space for passage north to south on the public floors of the Capitol.

Whereas the Capitol serves as an historical museum it must also serve many useful functions. With the growth in the complexity of the Government and of the duties of its legislators, it is inevitable that the building must undergo changes when they are necessary. The Government is in need of more adequate space for the operation of those functions that must remain within the fabric of the Capitol.

The problem

The problem, which has been studied by the Associate Architects, is one requiring both technical and aesthetic competence of a high order. To restore the structural integrity or soundness of the structure, to preserve the character and detail of the work of the original architects in an enduring material, to increase the usable areas of the Capitol, to make all areas more serviceable to the Members of Congress and their staffs, as well as to the other employees of the building, while still conserving the historic aspects of the structure together with its unique architectural qualities of beauty and proportion, is a difficult task.

In his book, published in 1939 and entitled "Washington Past and Present," Dr. Charles Moore, a distinguished historian of Washington, Secretary of the Senate Park Commission of 1901 and a member of the National Commission of Fine Arts from 1910 to 1940 (chairman 1915–1937), wrote the following paragraph at the beginning of Chapter V, "The United States Capitol":

"The Capitol is historically the most important building in the United States. Architecturally, it stands among the great buildings of the world. It marks the beginning and typifies the growth of the nation. Like the great cathedrals of Europe, its chief merit is not its completeness but its aspirations."

The Capitol is not finished. Changes are going on constantly. What is now proposed will complete the process that Thomas U. Walter started when he added the wings and the great dome.

The proposed solution

The design for the modification of the West Front of the Capitol, that has been presented by the Associate Architects, has been carefully studied. The renderings, the model, the drawings of elevations, sections and plans that have been submitted have the endorsement of the Advisory Board. These should be equally satisfactory to all those willing to familarize themselves with the program and the conditions and who are willing to study these documents with unprejudiced minds. For more than ten years the Associates and the Advisers have been studying a workable plan to solve the various problems and to accommodate present and projected space requirements.

When the work on the West Front, as now projected, is completed the citizens of the Country will take an increased pride in this great building which will, indeed, be the most handsome and most dignified legislative structure in the world.

The new west front

The design submitted will preserve most of the basic elements of the existing West Central Front built before the Senate and House Wings were added and before the great dome replaced the low wooden dome designed by Bulfinch and related to the present portico. Although adequate to the original building, the design of the present portico is not suited to the enlarged composition comprising the Senate and the House wings and the great dome. When the wings for the Senate and the House chambers were completed in 1857 and 1859, the necessity for replacing the low wooden dome over the Rotunda became increasingly evident. The existing cast iron dome, designed and added by Thomas U. Walter, is completely satisfying as the crowning motive to the enlarged building, a symbol of the growing importance of our Government.

With the completion of this enlarged dome, it was apparent to Walter that the East Portico, which the drum of the dome overhung, would have to be extended further to the East; and that the West Portico, with its loose intercolumniation, would have to be replaced by a feature more appropriate in size to relate properly with the increased mass of the expanded building. He prepared designs for both the east and the west facades of the central building.

Charles Bulfinch designed the present West Central facade and portico for what was a small building compared to the present structure. His portico for the Massachusetts State House (erected 1795–97) makes use of the same motives, viz., end bays of doubled columns with single columns between. There he used four intermediate columns, not two, the base course having rounded arches. He crowned the back wall with a pediment to mark the axis of this important building, relating the portico to the crowning high dome. It is such a scheme which is now proposed for the Capitol to make a suitable composition at the east end of the Mall as provided in the McMillan Commission plans of 1901 and subsequently built as one sees it today.

The ideas to provide for an improved west facade of the central element of the Capitol have been advanced before; Bulfinch himself recommended a central pediment, and a pediment was proposed by Thomas U. Walter at the time he designed the great dome. More than two decades ago, the distinguished architect members of the National Commission of Fine Arts, after viewing the model showing proposed changes to the Capitol as designed by Carrere and Hastings, stressed the desirability of the suggested modifications of the West Front in order to bring it into scale with the dome.

Your Advisers are also of that opinion. In our judgment the Associate Architects have prepared an eminently successful solution to a difficult problem. We have had a part in the development of the studies of this elevation and we agree that the enlarged central element with the handsome pediment will provide for the Nation's Capitol a degree of distinction and a compositional relation to the great dome which, up to now, it has lacked. The relationship between the several elements, the wings, the central part and the dome, will be magnificent.

From its beginnings the Capitol has been an imposing structure. None of the departures from the original design have interfered with the simplicity and dignity of the building, nor will the changes as now proposed. Those persons most appreciate the Capitol who familiarize themselves with the adaptations which the growth of this Country have brought about. The enlarged Capitol will enable a correction in the proportion of the building to the dome, and greater compatibility with the impending program for the Mall and surrounding areas.

The landscape setting

The minor aesthetic modifications of the grounds on the West, made necessary by the proposed extension of the West Front, are minimal and wholly in consonance with the original design. In our considered judgment the proposed increase in dimension between the two large flights of steps, so that they may center on the "Thornton" elements of the facade, materially aids the scale and composition of the terraces. The proposed planting on both sides of each of the flights of steps will also contribute nobly to the composition.

The grounds west of the steps, developed and executed from plans by Olmsted, remain unchanged. The projected road necessary to serve the Capitol, which passes under one of the terraces, fits the ground; it will not intrude into the composition for it will be screened from view from the terraces and from the west by trees and other appropriate planting.

President Lincoln, during the Civil War, directed that work on the new dome should not cease, saying: "If the people see the Capitol going on, it is a sign we intend the Union shall go on." We urge that the vital proposed reconstruction of the Capitol should now be pursued for the same reason. We feel it appropriate to quote from another speech of that President:

"With malice toward none, with charity for all, with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in."

Respectfully submitted,

JANUARY 1, 1967.

GILBERT D. CLARKE,
JOHN F. HARBESON,
PAUL THIRY.

THE THOMPSON & LICHTNER CO., INC.,
Brookline, Mass, November 1, 1964.

Hon. J. GEORGE STEWART,
Architect of the Capitol,
U.S. Capitol, Washington, D.C.

DEAR MR. STEWART: We present herewith in five volumes a Report on the Structural Condition of the West Central Portion of the United States Capitol, Extension of the Capitol Project, in fulfillment of Control No. ACbr–540 of March 13, 1964, which included under paragraph 4, submission of a report of findings to the Architect of the Capitol upon completion of examinations, analyses, and studies, together with recommendations with respect to such remedial measures as may be deemed necessary, including recommendations as to (1) whether the existing wall, if found deficient, can be repaired in its present condition, (2) whether the existing wall can be refaced with marble in its present condition, (3) whether remedial action requires extension of the west central front and its reconstruction in marble, or (4) whether any other means of preservation are deemed feasible and advisable.

Plans and Specifications for Exploratory Work, including test pits, soil borings and cores of walls were prepared under date of May 15, 1964 with Invitation for a Proposal of June 10, 1964. The J. F. Fitzgerald Construction Co., Inc. of Canton, Massachusetts, was awarded the Contract No. ACbr–545 for this work on June 29, 1964. Observations of the exploratory work, consultation and advice, examination, study, analyses and tests were performed by representatives of The Thompson & Lichtner Co., Inc. resident at the site or in Brookline, Massachusetts.

The purpose of this study being primarily to determine the structural condition of the exterior west wall of the Central or original portion of the Capitol, information was obtained on the quality of the facing sandstone, the backup fieldstone, the mortar used in laying the stone, the thickness, the workmanship, and the stresses in the wall. As the stability of the wall is dependent on the foundations and supporting soils, the Report on the Foundation Investigation of the Capitol of May 1957 was examined in detail and such additional borings, test pits and tests were made as appeared necessary. The interior of the West Portion of the Capitol was examined to determine whether there was evidence of structural distress and, in particular, if such conditions were affecting the exterior walls. The use to which an old structure, such as the Capitol has been subjected, and the conditions under which it was constructed required study of its history in evaluating the structural condition, particularly since much of the construction is covered by ornamentation and cannot be examined.

The facing stone is a white to light gray sandstone obtained locally and known as Aquia Creek sandstone. The color of much of this stone is also light brown gray or buff, depending on the iron content. Pieces of stone were removed and cores cut from the walls at sufficient locations to evaluate the quality of the walls. These samples were examined in the field and laboratory. Analysis shows the stone is composed of quartz grains cemented together largely by silica and therefore it is inert relative to compounds usually found in the atmosphere. Tests for compressive strength and absorption show that it is relatively weak and absorptive compared to sandstone normally used for exposed building stone. Observations of the disintegration of unpainted areas of the stone, such as the Bulfinch gate posts on Constitution Avenue at 7th and 15th Streets, confirm the low quality as related to resistance to weathering. Spalled areas are found throughout the wall surfaces and in the ornamentation, particularly of the entablature at the top of the building. There were also numerous patched areas and areas of replacement of stone. Spalling in certain areas probably is partly the result of the burning of the Capitol by the British in 1814.

The major portion of the stone shows softening and discoloration to a depth of 3/16" and no other signs of weathering despite the inferior quality of the stone, because it has been covered with paint. Painting started about 1822 and the wall was painted at about 8-year intervals thereafter as evidenced by the thickness of paint on the stone at present. Although the painting has been effective as protection, it has affected the architectural detail and quality which is found objectionable by those interested in the appearance. The removal of the paint should involve the removal of the affected 3/16" of stone behind and this would give rise to a similar objection since such removal of the paint could not be made without changing the texture as well as the dimensions. The stone would then have to be repainted or treated with silicone at not over 5-year intervals to protect it from the weather.

Although the stone does not show evidence of major weathering because of the paint, there is a serious amount of cracking and dislocation of stones. The stones are found to have been carefully cut on the face and sides to uniform dimensions and plane, but rough cut in the back and the rear portion of the sides. The resulting ashlar dimensional sandstone masonry is of good line and surface and of excellent appearance. Voids of varying widths were found, however, behind almost all facing stone and the fieldstone or brick backup, evidencing movement of the two resulting from temperature and moisture, as well as settlement and load adjustment effects. The fact that the fieldstone is of granite gneiss means that it has a thermal coefficient of expansion of about 70% of that of the sandstone. The sandstone will have a higher or lower temperature than the backup and the differential movement in 100 feet could be ¼ of an inch or more. There is no provision for expansion or contraction and, as the joints of the dimensional stone are very small, expansion could cause the poorly backed ashlar to bulge out and contraction would open up the joints causing cracks to appear. Water getting into the cracks and freezing would further open the cracks and cause heaving out of the wall. The situation is aggravated by the fact that in many locations voids of several inches in width are found in back of the ashlar which had not been filled in during the laying of the wall. The areas of the wall at the basement floor level above the terraces on the Old House and Old Senate Wings which had been veneered at a later date are in a dangerous condition. Bonding was done in those areas by the use of metal ties which have corroded and broken. Apparently the space between the veneer and the backup was not filled with mortar as called for by good practice. The walls are leaning and must be replaced shortly or they will fall.

The character of the cracking in the walls

shows that an important factor is also settlement. Shrinkage cracks normally will appear at the edges of openings, such as windows and door frames, but would not cause cracking and dropping of lintels. Keystones will drop due to excessive loading or release of the support of the abutment stones of the arch. There must have been differential settlement of the foundations through the years causing cracking of the walls as investigation of the stresses due to loads does not indicate overloading of the arches or lintels as a cause. The backup of the ashlar sandstone is brick masonry with lime mortar in the Old Senate Wing and elsewhere it is fieldstone or granite gneiss rubble with lime mortar. The stone is of good strength; the workmanship varies but, in general, is not of good quality containing many voids. The masons laid a reasonably good face in back of the sandstone and a poorer inside face, but were generally very careless about the interior of the wall which appeared to be constructed in some cases by dumping the stone in little or no mortar as a bed. The cores taken through this masonry and examination of the holes by means of a boroscope disclosed not only voids, but also cracked stone and brick, providing further evidence of settlement.

Cracking of the walls can also result from shrinkage of mortar and because of the low strength of lime mortar, adjustment of the stone to solid bearing during the early life of the wall. Laboratory tests show that the brick and stone were of acceptable strength.

The lime mortar was poorly mixed in many cases, and in one case the lime shells from which the lime was made were found in the mortar. The mortar is of such quality that it can only be classified as generally weak.

The structure, except for the exterior walls, has not been subjected to weathering and is not in a hazardous condition. Certain areas of the exterior walls are now in a dangerous condition and the entire walls in a very few years will be in a similar condition unless proper corrective measures are taken.

The structure represents a high quality of engineering for the materials, manpower and construction facilities available at the time of construction. The use of the local sandstone was probably dictated by time limitations and cost. The poor workmanship on the walls was undoubtedly the lack of good mechanics and the quality of inspection.

The conclusions and recommendations are summarized in the following:

1. The workmanship on the sandstone ashlar masonry facing is generally good.

2. The workmanship on the fieldstone rubble masonry is generally inferior.

3. The workmanship on the brick masonry is generally acceptable.

4. The sandstone used for the exterior facing is an inferior material for use in a monumental structure.

5. The fieldstone used for the backup of the sandstone and for foundation walls is generally a good material.

6. The brick used for the backup of the sandstone and for interior floor and foundation arches and walls is generally a satisfactory material.

7. The mortar used is largely a lime mortar and is generally not of good quality for such mortar.

8. The masonry facings at the terrace level on the west side of both the Old Senate and Old House Wings, which were not part of the original construction, are displaced and require prompt removal and replacement with proper bonding to the backup wall. The bottom course should be of granite.

9. The entablature at the front of the Center Wing is displaced and requires prompt removal and replacement.

10. The retaining walls of the terraces at both the Old Senate and Old House Wings require reconstruction of the foundations to provide adequate frost protection.

11. The exterior walls of the West Central Portion of the Capitol are distorted and cracked, and require corrective action for safety and durability.

12. Retention and repair of the existing walls as corrective action is not recommended as it would require the hazardous removal of much of the facing so as to allow installation of ties to the backup wall, or the installation of ties through the face joints with resulting disfiguration of the structure. There would still be walls and foundations of structurally inferior construction with the walls requiring continuing protective treatment.

13. Facing of the existing walls as corrective action with durable marble and granite, leaving the sandstone in place, is not recommended because it would require additions to the present foundations and there would still remain walls and foundations of structurally inferior construction without preserving the historic architecture.

14. Removal of the sandstone completely and replacement by high quality marble and granite as corrective action is not recommended because it would be a very costly and hazardous operation and there would still remain walls and foundations of structurally inferior construction.

15. Removal of the entire wall and foundation and replacement by reinforced concrete with a facing of high quality granite for the courses at grade and high quality marble above for the face stone is not recommended because of the hazard, cost and interference with occupancy.

16. Retention of the wall as an interior wall of an extended building is recommended as the least hazardous and as causing the least interference with the occupancy of the present structure. A properly designed and constructed extension would also provide desirable lateral support for the West Central Portion of the Capitol.

17. The attic roof slab in the House Wing requires corrective action because of the extensive corrosion of the reinforcing steel.

18. Drawings should be prepared of the Capitol so that there is readily available information on the structural condition in relation to the many mechanical and electrical, and other installations which have resulted in much cutting and patching. These drawings should be kept current so that the safety of the structure as affected by changes in installations and usage can be readily checked.

19. Level readings of vertical movements and measurements of horizontal movements should be taken annually of all important elements of the Capitol so as to provide data as a basis for corrective action before cracking and failures occur.

20. Piezometer readings to check the ground water level should be made on a regular schedule and the data used to assist analysis of the settlement data.

Respectfully,

MILES N. CLAIR,
President.

Mr. MANSFIELD. Mr. President, may I say that many questions have been raised concerning this matter which the distinguished chairman of the committee has brought to the attention of the Senate today. For example, there is the question of eating places, cafeterias, and dining rooms, the question of the needs and the program, and the pictures which cannot be incorporated in the RECORD; the program, the subtitle of which is entitled "The solution to the needs outlined are summarized as follows: The recommended solution, extension and reconstruction—with recommended changes—temporary relocation, permanent relocation, summary of areas, rooms, spaces, facilities, time schedule, cost of work; outline specifications for architectural, structural, mechanical, electrical, plumbing, and vertical transportation; consultants to the associate architects; report and recommendations on extension of the Capitol project; extension and reconstruction of the west-central portion of the U.S. Capitol; cost of the work; and general design criteria."

So there is much to be considered by the committee. It would be my hope that now that we have this set of preliminary plans—which are out of date at the present time—that the Senate would see fit to allow the remaining amount with the stipulation on the part of both Houses that if this is done, any requests for appropriations would have to come before the appropriating subcommittees and the Appropriations Committees, and they would have to render a judgment in addition to that rendered by the commission. That would be up to those committees to stipulate as to whether or not they would be willing to appropriate funds. And if they do, it would be up to Congress to confirm. And if they do not confirm, it would be up to Congress to decide the matter.

It appears to me that much has been done in the way of preliminary studies under the present Architect, who is an architect. So, we have the moneys expended by the previous Architect. There is a need to face up to the question which have been raised on the Senate floor today.

And it would be my hope that the Senate would agree to the amendment to the end that this matter could go ahead and be settled one way or another.

Mr. HOLLINGS. Mr. President, quickly responding to the distinguished majority leader, obviously these are not preliminary plans upon which we could make a judgment. I am the chairman of of the subcommittee. I refer, for instance, to the apprehension that the ranking minority member (Mr. COTTON) had in connection with certain restaurant facilities. He did not see this, and I have only seen it now for the first time.

We are only asking for plans by this new Architect because I think there has been a substantial change for the good, so that we can all consider the same thing. We have a supplementary bill. There is nothing wrong with the preliminary plans, but we should have plans that we can all look at. This preliminary plan presented by the leader was prepared in 1966 and does not have the allocations, certainly not current ones. I am looking at the statements which are not agreed upon. Then, if Congress wanted to do so in a later supplemental this year, it could go ahead with final plans. That is why the Committee on Appropriations unanimously agreed to the language, and that is why we are not for striking preparation of plans because then we would leave it in the realm of misunderstanding.

Mr. MANSFIELD. Mr. President, I have to disagree with the chairman of the committee because there is a preliminary plan and an estimate of cost for the extension which was done under the

previous Architect of the Capitol. There is information relative to additional space, service, circulation, restaurants, and all the questions which have been brought up in the course of debate today, and they could be answered in finalizing the plans which would then be subject to scrutiny of the committee of the Senator from South Carolina. I think the necessary funds are needed and then I think it would be time for the Senate and the House, first through its Appropriation Subcommittees and then Appropriation Committees to render a decision based on the evidence produced at that time.

If I have any time remaining I yield it back.

Mr. HOLLINGS. Mr. President, I will use a few minutes to finally bring into focus the difference between the amendment presented and the language adopted by the Committee on Appropriations. It was adopted after all sides were heard. We agreed funds under this appropriation may be used for preparation of preliminary plans for the extension of the west central front, provided no funds be used for the preparation of final plans or initiation of construction of said project until specifically approved and appropriated therefor by Congress.

That was the suggestion of the Senator from New Hampshire. We both wanted to sit down and have a hearing.

I charged them with running around and they went out and found a 5-year-old book which no one considers worthwhile on any score at this time. These are not the preliminary plans we want. We want this present Architect with his acumen as a full-fledged architect—the previous Architect was never an architect, to prepare plans on how the space will be used. The present Architect is past president of the AIA. We want him and his group to give us preliminary plans on which we can make a judgment, and not a 5-year-old booklet.

I would oppose the amendment. I think the language is extremely clear to me and by agreeing to the language of this amendment, in essence, it would put the matter in the realm of arguing. I think we are all trying to do the same thing. We are just not letting the Commission do it for us. I want Congress to have a full-fledged hearing, look at one plan and vote it up or down. That we do not have now. This Commission insisted on its operation to make certain Congress does not get the power that is before us now and it is wrong.

Mr. MANSFIELD. This is the only preliminary plan the Office of the Architect has. I sent down and asked them for it. It is very old. It indicates something must be done to bring it up to date. That need is already stated in the RECORD. If the present language is retained in the bill reported by the committee it means no funds will be available and nothing can be done.

Mr. HOLLINGS. Oh, yes; funds are available, but the first funds available under this appropriation; that is, up to $2 million, may be used for preparation of preliminary plans.

Mr. MANSFIELD. That is correct. Preliminary is the committee word. I wish the Senate would keep that in mind because we have that and need the rest of the report.

The PRESIDING OFFICER. Who yields time?

Mr. GRIFFIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time.

Mr. MANSFIELD. On my time, if I have any remaining.

The PRESIDING OFFICER (Mr. STEVENSON). Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. HOLLINGS. Mr. President, I ask that, momentarily, we not change the unanimous-consent agreement for a vote at 2 o'clock, but that the Senate be permitted to take up an additional amendment, which is agreed to by the majority and minority at this time, consider it, and adopt it.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I send that particular amendment to the desk.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read the amendment, as follows:

On page 23, in line 5, after the word, "art", and before the comma, insert the following "and procurement of fabric and installation of same on the wall panels in the galleries of the Senate Chamber".

Mr. HOLLINGS. Mr. President, this particular amendment is necessary for the replacement of the tapestry in the galleries and the Senate walls of the Senate Chamber. It has become soiled and defaced. We have had it looked at by experts. We think it should be replaced. This is the necessary language. The distinguished ranking minority member (Mr. COTTON) agrees to the amendment.

I ask for adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on the pending amendment occur at the hour of 2 o'clock.

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

Mr. MANSFIELD. I also think I should suggest to the Senate that immediately after that amendment is disposed of, there will be a rollcall vote on final passage. I do not see enough Senators in the Chamber to get the yeas and nays at this time, but at the appropriate time I will make that request.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, March 28, 1972, he presented to the President of the United States the following enrolled bills:

S. 18. An act to amend the U.S. Information and Educational Exchange Act of 1948 to provide assistance to Radio Free Europe and Radio Liberty; and

S. 1975. An act to change the minimum age qualification for serving as a juror in Federal courts from 21 years of age to 18 years of age.

TRANSPORTATION OF GOVERNMENT TRAFFIC BY CIVIL AIR CARRIERS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be laid aside temporarily and that the Senate turn to the consideration of Calendar No. 490, S. 1821; that it be laid before the Senate and made the pending business.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read the bill by title, as follows: A bill (S. 1821) to amend the Federal Aviation Act, as amended, with respect to the transportation of Government traffic by civil air carriers of the United States.

There being no objection, the Senate proceeded to consider the bill.

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

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

LEGISLATIVE BRANCH APPROPRIATIONS, 1973

The Senate resumed the consideration of the bill (H.R. 13955) making appropriations for the legislative branch for the fiscal year ending June 30, 1973, and for other purposes.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that after the vote on the Mansfield-Scott amendment we proceed immediately to vote on the final passage of the bill and vitiate rule XII so that we can vote back to back.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

Is the time to be charged against the Senator from Montana?

Mr. MANSFIELD. Yes, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate now resume the transaction of routine morning business, with statements limited therein to 3 minutes, and that

the period for the transaction of routine morning business close at 2 o'clock p.m. today.

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

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

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

ORDER FOR ADJOURNMENT UNTIL TOMORROW

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

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

(Later in the day this order was changed to provide for the Senate to convene at 11 a.m. tomorrow.)

TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. I ask unanimous consent that, following the recognition of the two leaders under the standing order tomorrow, there be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes.

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

QUORUM CALL

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

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

TRANSPORTATION OF GOVERNMENT TRAFFIC BY CIVIL AIR CARRIERS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate now proceed, until the hour of 2 o'clock p.m. today, with the consideration of S. 1821.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate continued with the consideration of the bill (S. 1821) to amend the Federal Aviation Act, as amended, with respect to the transportation of Government traffic by civil air carriers of the United States.

The PRESIDING OFFICER. Who yields time?

PRIVILEGE OF THE FLOOR

Mr. CANNON. Mr. President, I ask unanimous consent that Mr. Bob Ginther of the committee staff be permitted to remain on the floor during the consideration of this measure.

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

Mr. CANNON. Mr. President, I yield myself 12 minutes, as I understand we have a vote at 2 o'clock.

Mr. President, the purpose of S. 1821 is to amend the Federal Aviation Act of 1958, as amended, to establish a firm legal requirement that certificated air carriers of the United States be used to the fullest extent practicable by Government agencies for international movements of persons or property by air. The requirement will apply with respect to both transportation procured or provided by the Government directly and transportation which is financed or assisted with Government funds.

The legislation is needed both to prevent unwarranted diversion of Government traffic to foreign flag air carriers and to prevent the use of Government-owned and operated aircraft for the movement of traffic which should move on civil air carriers. The most urgent need arises from the fact that the Air Force's Military Airlift Command is operating a vast international airline in competition with the civil airlines and in violation of the policy established and supported by the Congress and the President over the past decade.

NEED FOR THE BILL—GOVERNMENT TRAFFIC GENERALLY

Mr. President, many departments and agencies of the U.S. Government use air transportation for international movements of passengers and cargo. From time to time, the Congress and the Executive have indicated the desirability of using U.S. flag civil air carriers for these movements. However, there has not been a firm and comprehensive statutory requirement on the subject. While detailed data on the use of foreign flag airlines, or Government-owned aircraft, for Government-financed passengers and cargo have not been compiled on a comprehensive basis, it is apparent that in the aggregate such usage is substantial.

On October 1, 1962, the Congress passed a concurrent resolution—Senate Concurrent Resolution 53—87th Congress—expressing the sense of the Congress that when Government officers and employees traveled on official business, a preference should be given to the use of U.S. flag carriers. However, this concurrent resolution is not considered legally binding and is frequently disregarded. Some departmental regulations prescribe the use of U.S.-flag carriers. However, such regulations provide Government employees with wide latitude in the selection of U.S.-flag or foreign-air carriers.

Section 901 of the Merchant Marine Act of 1936 as amended (46 U.S.C. 1241), requires the use of American vessels for the necessary transportation by sea of Government employees, cargos and certain other Government-financed traffic. No parallel statutory requirement exists in the case of air transportation. The absence of specific legislative direction has permitted the development of practices inconsistent with other actions being taken by the U.S. Government to place primary emphasis on financing of goods and services of U.S. origin. This is particularly so in the case of the international air transportation of persons and goods under Government-approved contracts, or loans, in the use of Public Law 480 or other acquired currencies for the purchase of air transportation, and in the transportation involved in other Government financed programs, such as educational and cultural exchange programs.

Some foreign governments require the use of their national air carriers by government personnel and engage in various devices to induce others to use such national carriers.

Testimony before the committee indicates that one foreign government has ordered its national carrier to offer a 40-percent discount for travel to and from its country for all foreign nationals, including U.S. citizens, who are engaged in work on Government projects. This would apply to all AID, Peace Corps, and so forth, personnel whose expenditures, including transportation, are funded by the U.S. Government, AID has already told its personnel to utilize this program.

If all a foreign government has to do is order its national carrier to introduce a discounted fare for U.S. personnel or cargo in order to divert this traffic from U.S. carriers, it is all too likely to do so, since it knows there exist no U.S. statutory requirements for U.S. personnel to use U.S. carriers. In fact, we understand that other governments are studying this question now, particularly in view of the fact that AID has taken action to implement the program in the first instance it had the opportunity.

In addition, we heard testimony indicating that another foreign government has directed that all personnel participating in events which are financed by that government, by appropriations or other means, must use that nation's air carriers. This directive even applies to those employed with unions, organizations, or enterprises the capitol of which—original capital or capital stock—is wholly or partly owned by the national government.

In view of the restrictions imposed by foreign governments favoring their national airlines, the committee believes that it is only prudent, fair, and financially sensible for the United States to require use of U.S.-flag carriers in connection with Government-financed traffic, so that U.S. traffic will not contribute to the U.S. balance-of-payments deficit.

It should also be recognized that in a large percentage of cases, foreign air carriers are subsidized instrumentalities of foreign governments, whereas our U.S. air carriers are privately owned, nonsubsidized businesses.

When U.S. Government funds are expended for transportation on foreign flag carriers, it has the effect of strengthening foreign competition. This, in turn, imposes financial strains on and can adversely affect employment by U.S.-flag carriers. Although such expenditures may be a relatively small portion of total

Government expenditures abroad, Government leadership in efforts to improve the U.S. balance-of-payments position in the transportation account by use of U.S.-flag carriers would have an immediate beneficial effect. An amendment to the Federal Aviation Act of 1958 as amended establishing requirements in concert with the philosophy of the Merchant Marine Act of 1936 as amended for the transportation of Government sponsored direct or indirect traffic is in order. Legislative action in this area will constitute a positive step to provide guidance and leadership in solving a serious problem while supporting and promoting American business interests in international trade and transportation.

In summary, this proposed legislation is necessary because it helps support the U.S. dollar; it supports U.S. airline employment; and it supports financially troubled U.S.-flag carriers against discriminatory restrictions by foreign governments in favor of their national airlines and against unwarranted competition from aircraft owned and operated by their own government.

DEPARTMENT OF DEFENSE TRAFFIC

Over the past decade, the President and Congress have established and supported a broad policy establishing a major role for the civil air carriers in meeting the airlift requirements of our national defense both during peace and war. The cornerstone of this policy has been that the Nation's civil certificated air carriers were to carry, pursuant to contract with the Government, the great bulk of routine, channel-type Department of Defense cargo and passengers in order to permit them to maintain, in time of peace or war, a major airlift capability to be availabile to the United States in times of emergency.

A major purpose of S. 1821 is to reaffirm this policy and implement it with firm statutory requirements in the case of international air movements of traffic of the Department of Defense. In considering this bill, the committee's attention has been focused particularly on present international cargo movements of the Air Force's Military Airlift Command—MAC. However, the provisions of the bill are applicable with respect to movements of both persons and cargo by other units of the Department or the armed services, as well as the Military Airlift Command. The committee has recently received information concerning domestic air transportation operations of the Department which may, upon further study, indicate the need for legislation in the domestic field as well.

BACKGROUND

The concept that an effective military airlift system must be based upon a partnership between what was then known as the Military Air Transport Service—MATS—and the civil air carriers can be traced back to the late 1940's and early 1950's, when a series of Defense Department studies all concluded that programs and policies must be developed for the rapid mobilization of civil aircraft to augment the military airlift system in time of national crisis. Pursuant to Executive Order 10219, issued by President Truman on February 28, 1951, the Department of Defense developed the first plan for the establishment of a Civil Reserve Air Fleet—CRAF—which was issued on March 20, 1952.

It was recognized very soon thereafter that in order to have a large and modern civil fleet available for use in time of crisis, the Government would also have to use that fleet for routine traffic in peacetime. Thus, in 1954, a report entitled "Civil Air Policy," prepared for President Eisenhower by the Air Coordinating Committee, comprised of Government officials of both military and civil agencies, advanced the following recommendations, among others:

(3) In determining the extent to which air transportation will be used in meeting military peacetime and wartime airlift requirements, the Department of Defense should continue its policy not to engage in competition with private industry, and to support the expansion of the Nation's civil airlift capability on an economically sound basis. (p. 17)

(4) The Government should, to the greatest extent practicable, adjust its use of air transportation so as to use existing unutilized capacity of United States air carriers. (p. 17)

(5) Federal agencies should, within . . . sound . . . supply management, expand their use of civil cargo airlift as it becomes available for routine, non-emergency use. (p. 24)

In 1955, the Hoover Commission's report on transportation recommended:

That the peacetime operations of the integrated military air transport service be restricted and realistically limited to persons and cargo carefully evaluated as to necessary for military air transportation and, only after commercial carriers have been utilized to the maximum extent, should transportation on service carriers be authorized. (p. 59)

We believe it important that the Congress direct the Department of Defense to transfer, wherever possible, military mail, cargo and passengers to United States certificated air carriers. As stated in the (air coordinating) commission's report, prompt action by the Department would result not only in a significant reduction in subsidy for international carriers, but also in the development of an economic self-sufficient civil airline system, thus providing a substantial reservoir of airlift to be available to meet mobilization emergencies. (p. 30)

These policies, however, were not really implemented in the 1950's as the MATS fleet of military aircraft expanded, the Department of Defense tended increasingly to utilize these aircraft for purposes which could appropriately be served by the civil carriers. Several congressional committees took note of this problem, and asked the Defense Department to correct the situation. For example, in 1956 the House Appropriations Committee emphasized the fact:

That commercial air facilities, including scheduled and non-scheduled airlines, are an essential part of the overall mobilization transport strength of the United States.

And called upon the Air Force to:

Give attention to handling its air transport business in such a way as to assist in keeping the non-scheduled and other airlines in a reasonably sound financial and operating position—(H. Rep. No. 2104, 84th Cong., 2nd Session, p. 46 (1956)).

The Senate committee fully concurred with this view, as it made clear in its report the following year:

Last year in the conference committee on the defense appropriations bill the Senate joined with the House in stating in a letter to the Secretary of Defense that the Government should, to the greatest extent practicable, adjust its use of air transportation so as to use existing unutilized capacity of United States air carriers. This statement was based upon our position that maximum utilization by the Department of Defense of United States civil air carriers is essential both in the promotion of our free enterprise economy and in the provision of the necessary ready reserve civil airlift for national defense; and that Government operations of its own air transport facilities should be limited to that essential to military security—(S. Rep. No. 543, 85th Cong., 1st session, P. 13 (1957)).

The report went on to direct the Department of Defense to advise the committee by January 1, 1958, as to the progress made in expanding the use of the civil carriers—Id. at p. 14.

In 1958, a comprehensive investigation of the entire relationship between the civil carriers and the Department of Defense was undertaken by the Military Operations Subcommittee of the House Government Operations Committee. The committee produced a lengthy and thorough report, containing 22 specific recommendations. Among them were the following:

RECOMMENDATION NO. 2

The Military Air Transport Service should concentrate on outsize and special-cargo traffic and technical missions, leaving to the civil air carriers the primary responsibility for the transportation of passengers and the more conventional kinds of military cargo.

RECOMMENDATION NO. 3

The applicable military directives and regulations should be redrafted to eliminate the preferential position of the Military Air Transport Service in peacetime military airlift and to establish, consistent with other recommendations in this report, a full partnership role for civil carriers in moving peacetime military traffic through the civil reserve air fleet.

RECOMMENDATION NO. 4

In the event the applicable military directives and regulations are not redrafted to eliminate the preferential position of the Military Air Transport Service and an effective program is not developed for expanding the use of commercial air services, the Congress should adopt appropriate legislation to achieve these objectives.

RECOMMENDATION NO. 5

The civil reserve air fleet should be expanded and more closely integrated with military airlift missions. It is especially important that the Air Force encourage the civil air carriers to procure more modern cargo aircraft for the civil reserve air fleet, by allocating to these civil carriers a larger share of the cargo traffic of the military air transport service. Such action would more adequately provide the incentive necessary to overcome the dangerous risk inherent in the deficit that now exists in meeting overall wartime requirements for cargo airlift—(H.R. No. 2011, 85th Cong., 2nd Sess., pp. 5–7 (1958)).

Another detailed investigation was conducted in 1960 by the Airlift Subcommittee of the House Armed Services Committee. Its report clearly revealed the extent to which the Defense Department's underutilization of civil carriers had seriously weakened the Nation's overall airlift capability:

In the cargo area the CRAF capability is not only grossly inadequate in terms of capacity, but it is limited and outmoded in terms of equipment. . . . There is not a single aircraft is CRAF's cargo fleet which was specifically deisgned for cargo operations. It is this gross deficiency which gives rise to an overriding requirement that new, turbine-powered cargo aircraft be procured by the civil carriers who participate in CRAF and that there be created an incentive for such participation—(H. Rep. No. 53, 86th Cong. 2nd Sess., p. 4042 (1960)).

To meet this problem, the subcommittee recommended that new procurement policies be devised which could create a greater incentive for the civil carriers to modernize and expand their cargo capacity.

In the same year, the Department of Defense issued a detailed report of its own on the entire problem, entitled "The Role of Military Air Transport Service in Peace and War." This report, for the first time, articulated a clear division between the respective roles of the military and civil in the total airlift system:

In the context of the philosophy of maintaining within the armed forces only the resources or capability essential ot the effective implementation of military strategy, MATS ideally should perform only the "hard core mission" leaving to the commercial carriers the job of providing airlift for routine logistic supply and normal personnel movements in accordance with criteria prescribed by the Department of Defense. This is a realistic delineation between military and commercial carriers for programming purposes. However, for peacetime operations economic considerations will dictate some adjustment—(P. 9).

That report also noted that:

Current airlift procurement policies and practices are not accomplishing the desired results in promoting a healthy growth of United States overseas commercial cargo airlift capability. With congressional approval, if necessary, they should be better adapted to reflect the long-term interest of the Department of Defense in commercial airlift capability and provide the continuity and stability required for effective and economical support of military forces—(P. 4).

A number of specific "presidentially approved courses of action" were set forth in the report designed to implement the policies and objectives noted above. These included the curtailment of MATS operations with respect to other than hard-core traffic, and the expanded utilization of commercial carriers for these purposes. To provide greater incentive for expansion of the civil cargo fleet, the report called for the elimination of competitive bidding, which had generally produced uneconomical rates for the transportation of military cargo, and the substitution of CAB ratemaking in this area. In addition, it proposed a major overhaul of the CRAF program, and the development of a formula by which a carrier's share of military traffic would be determined by such factors as the quantity and relative value of the aircraft which it has committed to CRAF, and its willingness to acquire cargo aircraft.

"The Role of MATS in Peace and War" was the product not only of Defense Department studies, but also of the work which had been done over the years by various committees of the Congress. The policies which it contained were promptly implemented, and resulted in a rapid expansion and modernization of both the military and civil segments of the airlift system.

As a result of the new policies adopted at the beginning of the decade, the cargo capacity of both the military and civil carriers was greatly expanded and modernized in the sixties. On the military side, MAC has acquired a massive fleet of C–141's now being supplemented by the C–5A's. On the civil side, new modern turbine-powered cargo and cargo-convertible aircraft have been acquired and committed to CRAF. The total civilian capacity in cargo ton-miles committed to CRAF has increased five and one-half fold since 1960.

The benefits of the policy are well described in a 1966 report of the Military Airlift Subcommittee of the House Armed Services Committee, as follows:

This increased activity on the part of the commercial carriers in support of military requirements has benefited both the military and civil airlines. The commercial airlift relieved military aircraft to perform other missions and to be available to meet military contingencies that arose. The civil carriers benefited from this government business at a minimum rate determined to be fair and reasonable by the Civil Aeronautics Board. The revenue from this government business has served the intended purpose of helping the commercial airlines to modernize their fleet by acquiring new long-range jet aircraft which are more efficient, reliable and less costly to operate. This increased capability, especially in the long-range jet cargo equipment, becomes an important asset to our national airlift inventory, and will make a substantial contribution in the future toward meeting the military requirement for airlift in times of emergency.

Despite the enormous progress which has been made, however, there is still insufficient civil air cargo capacity to meet defense needs. As last year's report of the House Airlift Subcommittee of the Armed Services Committee noted:

The problem of obtaining adequate commercial cargo airlift to augment our military capability in times of emergency remains. At the time of the subcommittee's hearings, no wide-bodied cargo jets had been ordered by the U.S. civil carriers and only ten wide-bodied convertible aircraft had been ordered. The convertible "jumbo jets" have been ordered by supplemental air carriers with an option to procure an additional five aircraft. The large scheduled air carriers have not ordered these large cargo/convertible aircraft apparently because of cost and the lack of a commercial requirement for this increased cargo capability. It is obvious to the committee that the procurement of the jumbo cargo/convertible aircraft will be at a slow pace unless some incentive is offered to the carriers to obtain these aircaft and contribute that increased capability and flexibility toward meeting military requirements—(H.A.S.C. No. 1–59, p. 9236 (1970)).

It is thus apparent that the underlying reasons for the policies established in "The Role of MATS in Peace and War" are still valid. Moreover, those policies which were approved by the President and implemented pursuant to his direction, have never been officially revised or repealed. Nevertheless, the actions of the Department of Defense in recent years have been in direct conflict with those policies.

RECENT DEVIATIONS FROM ESTABLISHED POLICIES

In fiscal year 1960, the total volume of military cargo which was moved by air was approximately 170,000 tons, of which only 17,500 tons or 10.5 percent was handled by the civil carriers. In the years which followed, the total volume of military cargo increased dramatically, largely as a result of the expanding war in Vietnam. The civil carriers, responding to the need, greatly expanded their cargo capacity, and the Department of Defense, in accordance with its announced policies, allocated to them an ever-increasing amount of military cargo. In percentage terms, the civil carriers' share of military cargo reached its peak in fiscal year 1962, when they carried 40.5 percent of all cargo moved by air. In terms of tonnage, the peak was reached in fiscal year 1967, when the civil carriers handled a total of 202,000 tons, which represented 33.6 percent of the total military cargo shipped that year.

Then, very suddenly, the trend was reversed. Although total military cargo shipments continued to grow in fiscal years 1968 and 1969, the amounts allocated to the civil carriers fell to 163,000 tons or 24 percent in 1968, and 148,000 tons or 20.3 percent in 1969.

In fiscal years 1970 and 1971 the total military cargo shipped began to decline due to the reduction in the level of warfare in Vietnam. The amount carried by the civil carriers, however, fell off much more dramatically. In 1970, the civils carried only 15.7 percent or 104,000 tons.

Mr. President, I ask unanimous consent that a chart showing the percentage of channel Department of Defense international cargo carried by CRAF carriers, fiscal year 1960 to 1973, be printed at this point in the RECORD.

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

Percentage of channel DOD international cargo carried by CRAF carriers—fiscal years 1960–73

	Percent of total
1960	10.4
1961	16.5
1962	40.5
1963	37.4
1964	22.1
1965	26.0
1966	30.1
1967	33.6
1968	24.0
1969	20.3
1970	15.7
1971 (estimate)	8.9
1972 (January 1 estimate)	2.2
1972 (June 24 estimate)	9.0
1972 (July 20 estimate)	18.0
1972 (September 30 estimate)	22.0
1972 (February 15 estimate)	31.0
1973 (estimate)	27.0

Mr. CANNON. What has happened is obvious. There has been a complete reversal of policy. After inducing the civil carriers to acquire substantial cargo capacity by offering them a fair share of military cargo business, the Department of Defense has simply pulled the rug out.

In a memorandum submitted by the Air Force to me on April 7, this reversal

of policy is quite clearly revealed. That memorandum states that—

Efficiency and economy dictate the use of this (MAC) capability to satisfy logistic support requirements. (P. 1)

It further states that

The primary role now developing for the civil air carriers is to replace the MAC aircraft on their worldwide DOD logistics support route when they are diverted to carry out a wartime deployment. (P. 2) Otherwise, the only role contemplated for the civil carriers, so far as international cargo is concerned, is "to satisfy peak international cargo demands. (P. 3)

In "The Role of MATS in Peace and War," the very first item listed under the heading "Presidentially Approved Courses of Action" reads as follows:

1. That MATS be equipped and operated in peacetime to meet approved military hardcore requirements in a general war and in situations short of general war, and such other military requirements as cannot be met adequately by commercial carriers on an effective and timely basis. (P. 5)

The Air Force has now turned this policy on its head. It proposed to use the civil carriers only for "such other military requirements as cannot be met adequately" by the military.

CURRENT SITUATION

Aside from being militarily shortsighted, the new Air Force policy is contrary to the whole philosophy of our free enterprise system. In effect, MAC is now running a cargo airline, at the taxpayers' expense, in direct competition with the commercial carriers. In the 1950's, the Congress repeatedly criticized MATS for engaging in precisely this kind of competition with private enterprise. The Department of Defense ultimately recognized the validity of this criticism, and specifically altered its policies in response to it. This, indeed, is what "The Role of MATS in Peace and War" was all about.

MAC's cargo operations today go far beyond the requirements of minimum training of flight crews. Until recently, MAC's cargo fleet was operating as much as 8 hours per day, and it is only because the volume of cargo has diminished that it is now proposing to reduce its operations to 4.25 hours per day. The Air Force memorandum submitted to me on April 7 makes it crystal clear that its utilization of military cargo aircraft is now being pegged to military cargo requirements, rather than training and hard-core requirements. This is squarely contrary to established policy, and constitutes direct competition with the commercial carriers.

The current Air Force policy flouts not only the long-standing policy of the President, but also the recommendations made just last year by the House Airlift Subcommittee. In its report, that committee specifically disapproved the reduction in the civil carriers' share of military cargo traffic:

This reduction in cargo airlift allocated to the CRAF participants is no incentive for the commercial carriers to order new cargo aircraft to offset the existing deficit.

The C–5A was designed to airlift vehicles and cargo outsize to the C–141, not troops or general cargo. Yet the Air Force and MAC now propose to use the C–5 in peacetime for movement of general cargo—both bulk and palletized—under the guise of maintaining flight crew proficiency.

The effect of such a policy will be the elimination of a substantial commercial cargo airlift capability now available from the civil carriers, in particular the supplementals . . . (H.A.S.C. No. 91–59, pp. 9236–37.)

The Air Force seems to think it can use its own aircraft for routine cargo carriage in times of peace, and still expect the civil carriers to take over that function in times of emergency or of "peak" demand. Clearly, this makes no economic sense. The commercial carriers cannot afford idle capacity—their present financial posture makes that clear enough. If the Department of Defense does not use their cargo capability then they will be forced to put it to work elsewhere or dispose of it. Either way, it will not be available to provide immediate airlift service for the military in times of national crisis. And certainly the civil carriers will not be willing or able to expand their cargo capacity unless there is an immediate and continuing market for it.

The basic concept of the policies which were developed and applied so successfully in the early 1960's was that MAC, not the civil carriers, should retain a substantial reserve capacity for use in times of emergency. The routine cargo missions, which must be performed in peace as well as in war, were to be handled by the civil carriers, thus leaving MAC free not only to carry the "hardcore" traffic, but also the sufficient capacity in reserve to expand its hardcore operations in times of crisis. If MAC aircraft are heavily committed to routine supply missions, they will be unable to respond to an emergency without causing a substantial disruption of normal service. Moreover, unless the civil carriers are used to perform this function in times of peace, they will simply not have the capacity which would be needed in time of war.

Even from a training viewpoint, the current Air Force policy makes no sense. It seems elementary that if MAC is to carry hardcore traffic in times of crisis, it must train for that mission by performing the same functions in peacetime. This principle was recognized in a MATS document entitled "Review of the Civil Reserve Air Fleet Program" issued in 1963:

It is imperative that any concept or system which is to be employed in warttime must be nothing more than an expansion of the system utilized in peacetime. Therefore there must be designed and tested in peacetime the operational concept and organization which must do the job in war. (P. 16)

MAC'S MISSION

MAC's wartime mission requires it to be capable of performing such combat missions as troop drops with the C–141, short field landings with the C–141 and C–5A, and other difficult and specialized military operations. The idea that MAC can achieve meaningful training for its combat role by performing routine logistical support missions in and out of major airports or military air fields in peacetime is simply unrealistic. And it is even more unrealistic to think that a large and modern civil cargo fleet can simply be available, on a standby basis, "to replace the MAC aircraft on their worldwide DOD logistics support routes when they are diverted to carry out a wartime deployment," or even "to satisfy peak international cargo demands." Anyone who thinks this is possible has not read the history of the decade of the 1950's.

THE NEED FOR CONTINUATION AND STRENGTHENING OF THE CRAF PROGRAM

Even the Air Force has acknowledged that the continuation of the Civil Reserve air fleet—CRAF—is essential to the Nation's defense system. The CRAF concept, which was originated in 1952, has been periodically modified to meet changing defense needs, and to reflect economic realities. Under the initial plan, only the entire CRAF fleet could be activated. This was changed in 1963, when the program was made more flexible so that it could respond more readily to limited as well as general emergencies. There are now three separate stages of CRAF. Stages I and II, to which aircraft are committed voluntarily by the carriers, can be activated separately—stage I by the commander of MAC and stage II by the Secretary of Defense—to meet an immediate crisis which falls short of a full national emergency. Stage III would be activated only in times of complete national mobilization.

Recent history has dramatically demonstrated the needs for civil augmentation of military airlift to meet emergency situations. In every major crisis since World War II—the Berlin blockade, the Korean conflict, the Cuban missile crisis, the Vietnam war—the civil carriers have played an important role in providing essential transportation service to the military. Although the need to activate CRAF has never arisen, this is only because the civil carriers responded to the need voluntarily. And the fact that they had the capacity to respond was, especially in recent years, largely the result of the CRAF program.

An essential part of that program is the procurement policy which was developed in the early 1960's. Under this program, each carrier's military business is related directly to its CRAF commitments, not only in terms of the number of aircraft committed, but also the size and type of aircraft involved. Before this procurement policy was initiated, the CRAF fleet was woefully inadequate. Today, as a result of the enlightened policies of the early 1960's, the CRAF passenger fleet consists of 126 long-range passenger jets and 196 cargo jets, of which 12 are fully convertible.

As the House Airlift Subcommittee observed in its recent report, however, "modernization of the CRAF is a continuous process." House Armed Services Committee Report No. 91–59, page 9236. In particular the committee noted that—

Current firm orders for new aircraft do not indicate production of enough convertible or cargo aircraft to fulfill projected wartime requirements." (Ibid.)

And continuous expansion and modernization of the entire fleet is obviously essential if it is to be capable of meeting tomorrow's needs as well as those of today.

The recent decision of the Air Force to withdraw large amounts of national mili-

tary cargo traffic from the civil carriers is certainly not calculated to preserve and strengthen CRAF. On the contrary, its inevitable effect will be to weaken the ability of the civil carriers to respond in times of crisis—particularly in the area of cargo capacity, where a shortage already exists. What we are witnessing today is a repetition of the same short-sighted policies which, in the 1950's prevented the expansion of the civil fleet.

We believe the policies set forth in "The Role of MATS in Peace and War" should be continued, subject only to such changes or modifications as are needed to carry out the underlying objectives of those policies. One needed change, which was recommended in the report of the House Airlift Subcommittee last year, is to provide an increased incentive for the acquisition of cargo-convertible jets by appropriate revisions in the procurement formula and by requiring carriers to use such aircraft to the greatest extent possible in performing military contracts. The implementation of these reforms, of course, presupposes a continuing flow of cargo business to the civil carriers.

The military-civil partnership which was fostered by the policies of the 1960's yielded enormous benefits to the Government, the air transport industry and, most importantly, the Nation as a whole. It provided an essential military airlift capacity at a cost far below what the taxpayers would have had to spend if that capacity had been provided primarily by the military services themselves. Simply by using civil carriers for the performance of needed military cargo and passenger transportation, at rates which were far below those paid by commercial passengers and shippers, the Government was able to obtain not merely efficient transportation service, but also a huge reserve fleet of aircraft which is available on a moment's notice to augment the military airlift capability in time of war. This reserve fleet, which has an estimated value of $3 billion, was created without cost to the Government, entirely through private financing.

The acquisition by the carriers of aircraft suited to the needs of the Department of Defense was no mere accident. It was the result of a carefully planned procurement policy, designed to encourage and reward such acquisition. The continued modernization and expansion of this fleet will depend upon the continuation of the same kind of policy.

The procurement policy which the Air Force has adopted in the last year or two ignores the demonstrated benefits of the military-civil partnership concept which was developed in the 1960's. It ignores also the need for the continued maintenance and modernization of the civil fleet. It represents a return to the policies of the 1950's, which failed to produce an adequate airlift capability and which were condemned by the Congress and the President.

COMMITTEE EFFORTS TO FIND SOLUTION

For the past 12 months, the Committee on Commerce has been trying to work with the Air Force and the civil carriers to find a solution to this problem without resorting to legislation. As a result of these efforts, the committee has become convinced that legislation is necessary to assure that the Air Force will adhere to the previously established policy for major use of the civil carriers for scheduled movements of channel cargo.

When S. 1821 was introduced on May 11, 1971, the available information indicated that the Air Force intended virtually to phase out the civil airlines from the carriage of international DOD cargo. For example, it appeared that the Air Force then was projecting that civil carriers would carry only about 2 percent of such cargo in fiscal 1972. At that time, no contracts had been awarded to the civil carriers for such cargo for fiscal 1972.

At the hearings on S. 1821 on June 24, 1971, the Air Force stated that the fiscal year 1972 budget submitted to the Congress for the Department of Defense included $43.2 million for commercial cargo service to support MAC. This sum represents carriage of about 9 percent of DOD's international cargo for fiscal 1972, thus being substantially larger than the original estimate projected by the Air Force. But still no specific contracts for cargo movements for fiscal year 1972 had been awarded the civil carriers.

Following the hearings in June, an executive session of the committee was scheduled for July 20, 1971, to consider S. 1821. However, on that day the committee received a letter from Assistant Secretary of the Air Force Whittaker explaining what appeared to be a revision of DOD policy on airlift procurement. Secretary Whittaker's letter indicated that based on a new evaluation of DOD requirements the civil carriers could expect their international military cargo revenues for fiscal 1972 to reach $85 million instead of the $43 million that had been mentioned in June, an increase of nearly 50 percent which would make available to the civil carriers about 18 percent of total DOD international cargo.

THE "REAL" PROGRAM

In addition, Secretary Whittaker reported that a new program being established by the Army called the routine economic airlift program—REAL—would result in even further cargo increases available to the CRAF carriers. He said that from this new program "an increase in air cargo tonnages in the magnitude of 200,000 per year is foreseeable."

After receipt of Secretary Whittaker's letter, the committee deferred action on S. 1821 pending further review and analysis of DOD's revised estimates. In particular, the committee wanted to ascertain exactly what effect the REAL program might have on total airlift procurement for fiscal 1972, hoping that this new program could lead to significant additional cargo and revenue for the CRAF carriers. However, at later hearings on September 30, 1971, when pressed for more specific information on the REAL program, the Air Force estimated that the program would generate only 10,000 tons of cargo in fiscal 1972—not 200,000 tons—and gave no assurances that this program would result in any net increase at all in the MAC business awarded the CRAF carriers. Thus, it becomes apparent that the REAL program holds little genuine hope for a solution of the immediate program.

ANALYSIS OF REVISED AIR FORCE ESTIMATES

The committee also wanted further information as to the revised estimate contained in Secretary Whittaker's letter of July 20, 1971, that the international cargo airlift procured from the civil carriers in fiscal 1972 would be $85 million—apart from the REAL program. The committee wanted to know if this revised estimate reflected a change in the Air Force policy. Accordingly, the Subcommittee on Aviation requested the Air Force and the CRAF carriers to provide further information as to the latest operations under the cargo procurement program.

Secretary Whittaker, in a letter of September 21, 1971, reported to the committee as follows:

> In regard to international cargo movements, cargo actually turned over to the military airlift command (MAC) for airlift from July through August, and now estimated for September and October, exceeds forecast levels for fiscal year 1972. To accommodate these added requirements, the *capability of the military airlift force was increased to the maximum extent practical,* within existing resources. Since the cargo being generated exceeded this adjusted military capacity, the increased requirements have resulted in additional orders for commercial air cargo services.

Thus, it appears, first, the reason for increased commercial procurement was that total cargo exceeded forecast levels; second, the Air Force first increased the capability of its own military airlift force "to the maximum extent practicable, within existing resources"; and third, the additional orders for commercial cargo services resulted only because "the cargo being generated exceeded this adjusted military capacity." The committee finds this disquieting, because the Air Force followed a policy of increasing its own capability before turning to the civil carriers, but even worse, this adjusted military capacity was not able to handle relatively moderate increased demands. This does not speak well of MAC's surge capability to meet real emergencies.

On the other side of the coin, the experience of the past few months shows how the policy the Air Force has been following reduces the available capacity of the CRAF cargo fleet as well as reducing MAC's own surge capability. Beginning in July, MAC did offer more cargo to the civil carriers. But it was offered on very short notice with no advance planning or programing. All of this was "expansion" business, with the carriers having no fixed-buy contracts. Having no earlier contracts, they had, of necessity, committed their aircraft elsewhere, and were therefore limited in the response they could make to short-notice MAC requests.

In short, the experience of the past few months has shown that the Air Force policy of committing the major part of MAC's capability to routine commercial-type operations and leaving only the overflow traffic to the civil carriers—relying on them to meet surge requirements—weakens the capability of both the military and civil cargo fleets to meet and utilize such capacity.

EXCESSIVE UTILIZATION OF MAC AIRCRAFT

The Air Force has programed 4.25 hours per day average utilization for its long-range cargo aircraft—claiming this is necessary to provide adequate training and to maintain proficiency and to maintain maximum surge capacity. In fact, this rate of utilization is far in excess of that needed for training and leaves far too little opportunity to increase utilization when surges are needed.

Using, as the Air Force does, three crews per aircraft, 4.25 hours utilization per day provides an average of 42½ flying hours per month for each crew member. The Air Force has reported to the committee that in fact the average hours flown per month by MAC airlift aircrews during August 1971 was as follows:

Aircraft commanders	47.2
Copilots	44.3
Navigators	59.2
Flight engineers	48.5
Loadmasters	45.1

The average flying hours of an airline pilot working full time ranges from 60 to 80 a month. Civil air carriers have testified that 6 to 8 hours' flying time per month is adequate to maintan a pilot's proficiency. In fact, the only Federal regulation pertaining to maintenance of proficiency for airline crews is that a pilot makes at least three takeoffs and landings every 90 days. This is in addition to his semiannual proficiency checks.

In testifying before the committee, the Air Force spelled out the Military Airlift Command's mission priorities as follows:

> The highest priority for peacetime use of MAC aircraft is internal training of the MAC force for combat readiness. The next priority is joint training and exercises with other elements of the Armed Forces. The third priority is performance of special airlift missions not suitable for incorporation in the MAC channel airlift system. Movement of DOD channel traffic on military airlift aircraft is the lowest priority peacetime mission for those aircraft. To the extent, however, that productive airlift capability is created through training activities, we believe it to be in the interest of the national defense and of the taxpayers to minimize the cost to the government by using this capability effectively to meet current transportation needs.

However, under questioning the Air Force testified that its flying hours are distributed among the training priorities in the following pattern:

	Percent
1. Internal training of the force for combat readiness (this is the highest priority)	8.4
2. Joint training and exercise with other elements of the Armed Forces	15.4
3. Performance of special airlift missions	21.1
4. Movement of DOD channel traffic on military aircraft	48.5

Thus, only 35.9 percent of the total flying hours performed by MAC crews is devoted to the three highest mission priorities. The lowest priority mission—the one the civil carriers are capable of performing—accounts for nearly half of the total flying time of the Military Airlift Command Force.

Clearly, this is indicative that the flying hours are inflated over and above those necessary to provide adequate training to meet the MAC mission and the committee is of the view that the current flying hour program could be reduced significantly without impairing the training and exercise of the MAC force.

Recent experience with the C–5A aircraft clearly indicates that the current flying hour program—that is, 4.25 hours per day per aircraft—is inflated over and above that which is strictly needed for crew training and proficiency. For example, during the last 6 months of 1971, the utilization rate of the C–5A ranged from 2.41 hours per day down to 0.79 hours per day. This significant reduction in flying is, of course, attributable to the fact that the C–5A aircraft were undergoing severe structural problems during this period, which resulted in far less than optimum daily flight hours.

Nonetheless, the aircraft were flown in training and proficiency exercises, and I doubt very seriously that the Air Force would contend that present C–5A crews are not proficient or are not in a state of readiness to meet a national emergency as a result of reduced flying time.

While I am not advocating a reduction in flying hours of the magnitude recently forced on the C–5, I clearly believe, based on my long experience as an Air Force command pilot, that an aircraft utilization rate of 2½ hours per day is certainly sufficient to provide adequate training for the three crews assigned to that aircraft.

The MAC aircraft themselves, of course, need no training. On the contrary, these extremely expensive logistic aircraft, purchased for high priority military cargo, are being needlessly utilized and worn out at too fast a pace in routine cargo operations. These expensive logistic aircraft were not procured for the purpose of flying routine cargo, post exchange goods, and foot lockers around the world.

Mr. President, an alarming example of the needless utilization and unnecessary waste associated with the excessive use of MAC aircraft is the C–5A.

According to the latest Air Force figures, C–5 aircraft is costing the taxpayers $57 million each, the most expensive production aircraft ever produced. The C–5's history of problems and trouble is well known. For example, while the Air Force specified that the aircraft was to be designed for a standard 30,000 flight hours life expectancy, recent problems and malfunctions have vastly reduced the service life which may be expected from this giant aircraft. The Air Force now estimates that the C–5A's life expectancy has been drastically reduced to between 7,500 and 12,500 hours with the possibility—and I stress possibility—that the aircraft's life may be extended to 20,000 hours. But based on the 7,500-hour estimate, at least one C–5 in the present fleet is 20 percent used up; that is, it has been flown 1,500 hours and may have only 6,000 hours remaining.

Mr. President, my colleagues may be shocked to learn that based on the current Air Force plan for C–5A utilization—that is, 4.25 flight hours per day—these gigantic airplanes may be used up after only 4.8 years of service with the Military Airlift Command. Even using the more optimistic estimate of a 12,500-hour life span, with utilization at the present planned level, the C–5 aircraft will be completely worn out in 8 years.

Mr. President, these airplanes are being needlessly worn out at a rate of an astonishing $7,600 per flight hour, or more than $31,000 a day if the Air Force succeeds in flying them the planned 4.25 hours per day.

With those facts in mind, it seems clear to me that utilization of this expensive aircraft in carrying routine channel cargo is gross mismanagement of an expensive piece of military hardware which was built and paid for to perform a completely different mission. The C–5 is being needlessly used up in an effort to effect short term illusory savings. However, this policy, if continued, will result in massive new long term expenditures for new aircraft long before the MAC fleet should have been worn out.

Mr. President, the C–141 starlifter, the backbone of the MAC force, which has been a highly successful aircraft designed to meet the needs of the military in an emergency or war time situation, is also being foolishly overutilized and therefore worn out at a rate far in excess of normal needs.

While these aircraft have a service life of 30,000 flying hours, they will nonetheless be worn out at an excessive rate if current Air Force plans prevail. Clearly, it would be more economical to keep these aircraft in reserve, utilizing them only at a sensible rate to maintain their crew proficiency and state of readiness.

As to surge capability, it is obvious that the larger the number of hours flown regularly, the smaller the number of hours remaining for expanding operations. If any proof were needed, the very limited ability of MAC to expand its operations in the past few months clearly shows that its surge capability is reduced by its excessive commitment to routine cargo operations.

COSTS OF THIS PROGRAM AND THE "40-PERCENT SET ASIDE

I wish to emphasize that this bill provides that, to the greatest extent practicable, all Government and military routine channel international cargo must be moved on the Nation's civil air carriers. However, the committee recognizes that a variety of schemes and ruses could be used to nullify the spirit of this legislation, resulting in the same pattern of unsatisfactory cooperation as we have witnessed in the past several years. For this reason, the committee decided that some minimum statutory level must be established to insure that the Department of Defense in particular continues to provide adequate routine cargo to the civil air carriers.

RATIONALE FOR SELECTION OF 40 PERCENT MINIMUM ALLOCATION IN CONNECTION WITH S. 1821—ALLOCATION OF CIVIL-ELIGIBLE CARGO TO CIVIL CARRIERS

While any percentage figure may be regarded as somewhat subjective, there are several measures of reasonableness. First, the amount of cargo generated at the 40-percent level is a reasonable

match with available civil and military capacity. Second, it will still leave room for expansion in the civil fleet in the event of an emergency. Third, it will also provide a reasonable level of cargo for MAC to haul on concurrent training missions.

Many percentage figures were considered during the drafting of the legislation. Seventy-five percent was initially considered, and the bill, as originally submitted, contained a 50-percent minimum. After considerable dialog with the Department of Defense relative to their ability to transport civil-eligible freight during training missions, the 50-percent minimum was further reduced to 40 percent by the Senate committee in recognition of available Air Force capability with their C–141 and C–5 fleets.

The establishment of a percentage figure will resolve one of the principal deficiencies in our present MAC/CRAF system. As presently structured, the demands placed on the airlines can fluctuate from zero to almost any amount of cargo without advance notice or planning. This leaves the airline no ability to reasonably schedule either equipment or crews and, certainly, no basis for long range planning in terms of aircraft acquisition. This latter fact directly impacts, of course, the carrier's ability to modernize its CRAF-eligible cargo fleet. An assured 40-percent allocation would provide the airlines with a meaningful level of traffic for planning purposes and would also tend to stimulate development of advanced cargo aircraft. A lesser percentage would probably be ineffective in both of these areas.

The whole idea of CRAF is based on a partnership or sharing concept between the military and civil branches of aviation. The civil carriers of this country have been willing to commit their aircraft to national defense under the CRAF program, on the basis that their participation will entitle them to peacetime DOD business. In addition, the peacetime business enables them to maintain a state of training and readiness for emergency call-up. It has been maintained by some that utilization of the passenger capability would achieve this objective. This is unrealistic, inasmuch as the major deficiency for an emergency situation is cargo rather than the passenger capability. To be ready for massive cargo moves during an emergency, a reasonable level of cargo must be available to exercise the system during nonemergency periods. A 40-percent minimum is the least that will meet this test.

Mr. President, while the enactment of this bill, without a reduction in MAC flying hours, will result in some increase in current expenditures by the Department of Defense, more importantly the bill will, result in long-range savings a good many times greater than the current cost increase.

One of the fallacies of the Air Force position on this bill is that the Air Force takes into account only actual out of pocket costs or direct operating costs, while ignoring the enormous costs of depreciating the MAC aircraft at a rate much faster than is necessary.

Any businessman knows that depreciation of capital equipment—in this case aircraft—is as an important and meaningful a cost as direct cash outlays. Because some time in the future the worn out equipment will have to be replaced by new equipment requiring a vast new capital investment. At some point in the future the Air Force will come to the Congress asking for funds for the development and purchase of new MAC aircraft—to replace aircraft that will have been worn out needlessly early if the Air Force continues its wasteful policy of over utilization. Despite this simple law of economics the Air Force chooses to completely ignore and even obfuscate the tremendous costs relating to depreciation which are being incurred under its present policy. It is our intent not to increase the cost to the Government for moving military cargo, but to reduce it and I shall point out how this bill will achieve that end in a moment.

The Air Force has submitted estimates of the increase in current expenditures that would result from increased use of civil carriers for routine cargo movements. These estimates relate to costs involved if 40 percent of MAC's cargo traffic was moved on civil carriers.

The Air Force estimates, based on current CAB rates and current projected tonnages for fiscal year 1973, that if 40 percent of total DOD international cargo was consigned to civil carriage it would result in additional payments to the civil carriers of $41.90 million over that now programed.

Because the volume of DOD international cargo varies significantly from year to year and because unforeseen contingencies which may arise creating additional airlift needs, it is not possible for the committee to estimate the costs of the 40 percent "set aside" for periods beyond the present fiscal year.

The committee has attempted to calculate the net Government cost of the 40 percent "set aside" program in conjunction with a reduction in MAC flying hours consistent with the greater reliance on the civil air carriers, MAC utilization rates could be cut from the fiscal year 1972 rate of 4.25 hours per day to to 3.60 hours per day at a savings in direct operating costs of $22.4 million in fiscal year 1973. This savings when deducted from the increase in payments to the civil air carriers results in a net cost increase of $19.5 million for fiscal year 1973.

As explained in more detail above, the committee is convinced that present levels of utilization of MAC aircraft are far in excess of those needed for training and readiness maintenance. This means the surge capability of MAC would be increased if current utilization rates of its aircraft in routine cargo movements were reduced. It also means the C–5A and other critically important high-priority logistical aircraft are being subjected to needless mechanical wear and structural fatigue. Experience with the C–5A thus far indicates that it is very unwise indeed to use up such lifespan as it may have in carrying routine cargo.

Mr. President, the committee has calculated the tremendous savings to the Government which would accrue if the MAC flying hour program was reduced by a modest 15 percent, thus giving the civil carriers an opportunity to carry at least 40 percent of the routine cargo traffic.

A 15-percent reduction in the planned flying hour program for the C–5 aircraft would result in depreciation-cost savings of $52,425,000. Similarly, a reduction of 15 percent in the planned flying hour program for the C–141 will yield significant savings. For example, this small reduction in flying hours will yield $5,590,000 in savings each year. Mr. President, these are real savings—they will result in a greater lifespan for our military cargo aircraft and will postpone the day when Congress will have to appropriate new funds for aircraft to replace the worn out C–141's and C–5's.

Taking into account these enormous savings that may be achieved by enacting this bill, I have calculated that rather than costing the taxpayer $41.9 million additional each year, we will actually save the taxpayer $38,515,000 each year.

Mr. President, I ask unanimous consent to have printed in the RECORD a table indicating how these calculated savings will be achieved.

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

REDUCED DEPRECIATION OF MAC MILITARY AIRCRAFT IF 40 PERCENT OF MAC CARGO WERE TRANSPORTED IN COMMERCIAL AIRCRAFT, FISCAL YEAR 1973

	C–141 (234)	[1] C–5A (60)
1. Cost/unit (thousands)	$6,251	$57,000
2. Service life (hours)	30,000	7,500
3. Depreciation/hours of use	$208	$7,000
4. Cargo shifted from military aircraft to commercial aircraft to reach 40 percent (million nautical ton miles) [2]	253.1	236.5
5. Reduced MAC military aircraft requirement (hours)	26,925	6,898
6. Saving in depreciation (fiscal year 1973 (thousands)	$5,590	$52,425
7. Total saving in depreciation fiscal year 1973 (thousands)		$58,015
8. Saving in industrial fund cost from reduced flying (thousands)		$22,400
9. Total saving from reduced flying (thousands)		$80,415
10. Less increased payments to civil carriers (thousands) [2]		$41,900
11. Net saving to DOD (thousands)		$38,515

[1] Assumes average of 60 C–5A's used in moving channel cargo in fiscal year 1973.
[2] Derived from Air Force data submitted to the committee.

Note.—(Assumes cargo shifted is allocated between C–141's and C–5A's in proportion to the cargo capability of the respective fleets).

Mr. CANNON. Mr. President, in addition, the cargo capable aircraft in the Civil Reserve Air Fleet provide a strategic airlift capability over 1½ times as great as the cargo capability of MAC's entire fleet of 234 active C–141's. Everyone, including the Air Force, agrees that this CRAF capability is essential for defense purposes. Everyone, including the Air Force, agrees that this capability will diminish unless the civil carriers can be assured of a substantial amount of DOD international cargo. However, the Air Force is unwilling to provide these assurances and has no other plans for replacing this essential defense capability. It is the view of our committee that the

strategic airlift capability of CRAF is essential, that it must be maintained, and that the cost of maintaining it by assuring business to the civil carriers is far less than the cost of providing and maintaining equivalent capability in MAC. The long-range savings thus realized will be much larger than the increased current costs discussed above.

LEGISLATIVE BRANCH APPROPRIATIONS, 1973

The Senate continued with the consideration of the bill (H.R. 13955), making appropriations for the legislative branch for the fiscal year ending June 30, 1973, and for other purposes.

Mr. HOLLINGS. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

The PRESIDING OFFICER. The hour of 2 p.m. having arrived, the question is on agreeing to the amendment of the Senator from Montana, which will be stated.

The assistant legislative clerk read as follows:

On page 25, strike out beginning on line 2 all language through line 7 and insert the following:

"Funds available under this appropriation may be used for the preparation of plans for the extension of the West Central Front: *provided* however that no funds may be used for construction of said project until specifically approved and appropriated therefor by the Congress."

The PRESIDING OFFICER. 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. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Virginia (Mr. HARRY F. BYRD, JR.), the Senator from Michigan (Mr. HART), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Maine (Mr. MUSKIE), the Senator from Alabama (Mr. SPARKMAN), the Senator from Mississippi (Mr. STENNIS), the Senator from Nevada (Mr. BIBLE), the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Louisiana (Mr. ELLENDER), and the Senator from Louisiana (Mr. LONG) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), the Senator from Georgia (Mr. GAMBRELL), and the Senator from Washington (Mr. MAGNUSON), would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Massachusetts (Mr. BROOKE), the Senator from Hawaii (Mr. FONG), the Senator from Maryland (Mr. MATHIAS), the Senator from Texas (Mr. TOWER), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

On this vote, the Senator from Texas (Mr. TOWER) is paired with the Senator from Massachusetts (Mr. BROOKE). If present and voting, the Senator from Texas would vote "yea" and the Senator from Massachusetts would vote "nay."

The result was announced—yeas 35, nays 40, as follows:

[No. 129 Leg.]

YEAS—35

Aiken	Gravel	Pastore
Baker	Griffin	Pearson
Beall	Gurney	Percy
Bennett	Hansen	Saxbe
Boggs	Hartke	Schweiker
Brock	Hatfield	Scott
Cooper	Hruska	Stafford
Curtis	Javits	Stevens
Dole	Mansfield	Taft
Dominick	McGee	Talmadge
Fannin	Metcalf	Young
Goldwater	Moss	

NAYS—40

Allen	Eagleton	Pell
Allott	Eastland	Proxmire
Anderson	Ervin	Randolph
Bentsen	Fulbright	Ribicoff
Buckley	Hollings	Roth
Burdick	Hughes	Smith
Byrd, Robert C.	Inouye	Spong
Cannon	Jordan, Idaho	Stevenson
Case	Kennedy	Symington
Chiles	Miller	Thurmond
Church	Mondale	Tunney
Cook	Montoya	Williams
Cotton	Nelson	
Cranston	Packwood	

NOT VOTING—25

Bayh	Harris	McGovern
Bellmon	Hart	McIntyre
Bible	Humphrey	Mundt
Brooke	Jackson	Muskie
Byrd, Harry F., Jr.	Jordan, N.C.	Sparkman
Ellender	Long	Stennis
Fong	Magnuson	Tower
Gambrell	Mathias	Weicker
	McClellan	

So Mr. MANSFIELD's amendment was rejected.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. COTTON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Mr. President, I wish to yield to the Senator from Maine who, I believe, has a point to clarify in the bill.

Mrs. SMITH. Will the distinguished chairman of the Appropriations Subcommittee advise the Senator from Maine if anywhere in the bill there is a complete amount set aside for food, food facilities, and personnel having to do with food in the restaurant?

Mr. HOLLINGS. Yes. There is an amount of $497,000, which is contained in the provision on page 6 of the bill and on page 7 of the committee report. That is to use so much of the $497,000 as may be needed—not to exceed $497,000, but to be expended from time to time under the jurisdiction of the Committee on Rules and Administration. For example, at the present time, of the sum of $497,000 for this fiscal year, about $205,000 has been expended so far.

Mrs. SMITH. Will the Senator advise if that includes restaurant personnel and labor?

Mr. HOLLINGS. I am advised by the committee staff that there are certain members of the management people under the Senate Office Building appropriation that are included as personnel, and that includes those.

Mrs. SMITH. That is identified as "labor"?

Mr. HOLLINGS. Yes.

Mrs. SMITH. I thank the chairman very much.

The PRESIDING OFFICER (Mr. BROCK). The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 13955) was read the third time.

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to vote on passage of the bill. 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. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. BIBLE), the Senator from Virginia (Mr. HARRY F. BYRD, JR.), the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Washington (Mr. MAGNUSON), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Maine (Mr. MUSKIE), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Georgia (Mr. GAMBRELL) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Massachusetts (Mr. BROOKE), the Senator from Hawaii (Mr. FONG), the Senator from Maryland (Mr. MATHIAS), the Senator from Texas (Mr. TOWER), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from Hawaii (Mr. FONG), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 76, nays 0, as follows:

[No. 130 Leg.]

YEAS—76

Aiken	Ellender	Packwood
Allen	Ervin	Pastore
Allott	Fannin	Pearson
Anderson	Fulbright	Pell
Baker	Goldwater	Percy
Beall	Gravel	Proxmire
Bennett	Griffin	Randolph
Bentsen	Gurney	Ribicoff
Boggs	Hansen	Roth
Brock	Hartke	Saxbe
Buckley	Hatfield	Schweiker
Burdick	Hollings	Scott
Byrd, Robert C.	Hruska	Smith
Cannon	Hughes	Spong
Case	Javits	Stafford
Chiles	Jordan, Idaho	Stevens
Church	Kennedy	Stevenson
Cook	Long	Symington
Cooper	Mansfield	Taft
Cotton	McGee	Talmadge
Cranston	Metcalf	Thurmond
Curtis	Miller	Tunney
Dole	Mondale	Williams
Dominick	Montoya	Young
Eagleton	Moss	
Eastland	Nelson	

NAYS—0

NOT VOTING—24

Bayh	Hart	McIntyre
Bellmon	Humphrey	Mundt
Bible	Inouye	Muskie
Brooke	Jackson	Sparkman
Byrd, Harry F., Jr.	Jordan, N.C.	Stennis
Fong	Magnuson	Tower
Gambrell	Mathias	Weicker
Harris	McClellan	
	McGovern	

So the bill (H.R. 13955) was passed.

Mr. HOLLINGS. Mr. President, I move that the Senate insist on its amendments, request a conference with the House of Representatives on the disagreeing votes thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. HOLLINGS, Mr. ELLENDER, Mr. INOUYE, Mr. COTTON, Mr. BROOKE, and Mr. YOUNG conferees on the part of the Senate.

TRANSPORTATION OF GOVERNMENT TRAFFIC BY CIVIL AIR CARRIERS

The Senate continued with the consideration of the bill (S. 1821) to amend the Federal Aviation Act, as amended, with respect to the transportation of Government traffic by civil air carriers of the United States.

Mr. CANNON obtained the floor.

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

Mr. CANNON. I am delighted to yield to the Senator from Missouri.

Mr. SYMINGTON. Before making my remarks I should like to ask the Senator a question or two. As I understand it, from what the Senator says—and there is no more knowledgeable Senator on the subject of air power than the distinguished Senator from Nevada (Mr. CANNON)—this will save many millions of dollars for the taxpayers if we follow his recommendations; is that not correct?

Mr. CANNON. The Senator is exactly correct. If we take into consideration the lifespan of the 141's and the C–5's, which is very short with respect to the C–5 with all the problems we have been having there, and if we take that into consideration, we know very well we will have to replace them or have to do something to them to extend their lifespan.

The net savings to the Department of Defense, based on the recommendations we have made here, to have a modest reduction in flying hours and thus extend the life expectancy of the aircraft itself, would be $38,515,000 per year.

Mr. SYMINGTON. Will the distinguished Senator yield further?

Mr. CANNON. I am delighted to yield.

Mr. SYMINGTON. It is my understanding that, with the exception of a few countries, and the only ones I know of are Greece and Iceland, all the airlines are Government-owned. In the United States, however, a percentage of any profits made by our airlines—automatically around 48 percent of such profits—is returned to the Government to help to pay the cost of Government.

If the unfortunate profit record of the airlines in recent years continues, we will either have to take them over or go to something such as the previous Lockheed loan. Am I not correct in that?

Mr. CANNON. The Senator is correct. If we are going to maintain a healthy and viable United States, we are going to have to do something to help them.

The distinguished Senator from Mississippi (Mr. STENNIS) made a statement on the floor the other day, unfortunately an erroneous statement and I want to correct him on it—I am sorry he could not be in the Chamber now—but he said in his statement, in effect, that this bill would further subsidize the aircraft carriers.

Well now, Mr. President, nothing could be further from the truth. The trunk air carriers are not subsidized and do not receive one nickel of subsidy, nor do the supplemental carriers under any of the Government business that they get from the Government. The trunk carriers have long been off the subsidy. The only carriers that get any subsidies are the local carriers, and they are not involved in this big problem.

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

Mr. CANNON. I am delighted to yield.

Mr. SYMINGTON. It will mean forcing our own airlines in the private sector to compete for U.S. Government business against those airlines operated by governments supported by foreign aid contributions of the American taxpayer; is that not correct?

Mr. CANNON. The Senator is correct. As I said in my remarks here, most of the foreign carriers who are basically owned by their own governments require even our people—and some of the programs are working in those countries—to use or subsidize their own carriers.

Mr. SYMINGTON. I thank the Senator from Nevada very much.

Mr. President, I ask the distinguished manager of the bill, may I proceed for 10 minutes?

Mr. CANNON. Mr. President, I yield 10 minutes to the Senator from Missouri.

The PRESIDING OFFICER (Mr. BROCK). The Senator from Missouri is recognized for 10 minutes.

MAINTENANCE OF THE CIVIL RESERVE AIR FLEET

Mr. SYMINGTON. Mr. President, let me congratulate Senator CANNON and members of the Senate Commerce Committee for bringing forward this legislation relative to the transportation of Government traffic by civil air carriers. I am glad he has pointed out in his talk today on the floor, that this will save the taxpayers around $38 million a year.

In my understanding S. 1821 has as its general objective the firming up of longstanding policies for use of U.S.-flag carriers by the Government when it has need to transport personnel and property by air. More specifically, with regard to movements of military cargo, it is required that at least 40 percent of the annual gross tonnage of all property moved internationally by the Department of Defense be transported by those U.S. carriers who are participants in the Civil Reserve Air Fleet—CRAF—program.

These air carriers are committed to provide aircraft for use of the Department of Defense in the event of a national emergency declared by the Congress or the President; and in crises which fall short of a full national emergency, they may be activated by the commander of the Military Air Command and by the Secretary of Defense. Their obligation includes the commitment of specified aircraft to the reserve fleet and the purchasing of special aircraft for cargo use.

In return, under policies supported for more than a decade by the Congress and the President, these carriers were to handle in peacetime routine defense cargo and passengers.

The Defense Department acknowledges that the continuation of the Civil Reserve Fleet is essential to the Nation's defense system, but the Commerce Committee has found that the Department's recurrent resistance to a cornerstone of these policies makes it necessary to write into the law a firm 40-percent international cargo set-aside for CRAF carriers.

The Air Force, in recent years, has diverted routine international military cargo from the commercial carriers to move it, instead, on the Military Air Command system. More and more it has come to appear that the military is running, in effect, a cargo airline, this in a sense in direct competition with the commercial carriers, a highly questionable procedure in a country built on the concept of private enterprise. According to an article appearing in the September 1970 Armed Forces Journal entitled "MAC's Private Airline?" in 1969 MAC carried 2.6 million ton-miles of cargo in its own fleet—more than half of all freight carried by all 44 scheduled and supplemental carriers on both domestic and international routes.

In its report on S. 1821, the Commerce Committee states that there has been a complete reversal of policy and that "after inducing the civil carriers to acquire substantial cargo capacity by offering them a fair share of military cargo business, the Department of Defense has simply pulled the rug out." I read from the report:

> In a memorandum submitted by the Air Force to Chairman Cannon on April 7, this reversal of policy is quite clearly revealed. That memorandum states that "Efficiency and economy dictate the use of this (MAC) capability to satisfy logistic support require-

ments." (p. 1.) It further states that "the primary role now developing for the civil air carriers is to replace the MAC aircraft on their world wide DOD logistics support route when they are diverted to carry out a wartime deployment." (p. 2) Otherwise, the only role contemplated for the civil carriers, so far as international cargo is concerned, is "to satisfy peak international cargo demands." (p. 3.)

In "The Role of MATS in Peace and War," the very first item listed under the heading "Presidentially Approved Courses of Action" reads as follows:

1. That MATS be equipped and operated in peacetime to meet approved military hard-core requirements in a general war and in situations short of general war, and such other military requirements as cannot be met adeqately by commercial carriers on an effective and timely basis. (p. 5.)

The Air Force has now turned this policy on its head. It proposed to use the *civil carriers* only for "such other military requirements as cannot be met adequately" by *the military*.

There are at least three reasons why commercial carriers should transport routine military traffic in peacetime: First, emergency use of CRAF committed carriers for routine military traffic frees the military transports for the highly specialized logistics missions for which they are designed. Second, it enables the commercial carriers to become proficient in peacetime in a job they will be called upon to perform in times of national emergency. Three, movement of routine peacetime military traffic via commercial carriers provides an economic incentive to these carriers to invest in the type of aircraft most needed in CRAF.

I thought this concept with respect to the use of CRAF committed carriers for the movement of routine military traffic was clearly settled and agreed upon more than a decade ago. I remember that back in 1959, during hearings on military airlift and related matters, I joined former Senator MONRONEY in writing the following suggestions to the Secretary of Defense.

We suggested that the essential function of the Military Air Transport Service, MATS—it has since become the Military Airlift Command, MAC—should be to provide the strategic airlift required in a military emergency on an immediate readiness basis; that to insure availability of MATS aircraft in an emergency, routine logistic operations should be the responsibility of the commercial carriers; and that the MATS peacetime function should be limited to providing that portion of military air logistics which cannot be provided by commercial carriers because of the nature, size, or destination of the cargo.

The reply from the Assistant Secretary of Defense for Supply and Logistics said in substance:

First. That the Department of Defense should depend upon the commercial carriers for the routine transportation of people and things and on MATS for strategic airlift for a military emergency.

Second. That passengers could be handled on this basis immediately; and

Third. That movement of cargo would be shifted to the commercial carriers as rapidly as their capacity permitted.

After trying for many months to work with the Air Force and the civil carriers to find a solution without resorting to legislation the Committee on Commerce has become convinced that it is now necessary to enact S. 1821 in order to assure that the Air Force will adhere to established policies for major use of the civil air carriers for scheduled movements of military cargo in international traffic.

It is almost impossible to determine whether or in what amount this legislation might involve additional costs to the taxpayer. Such a determination rests on answers to several questions.

Is the amount of MAC flying schedules outside the continental United States essential for training purposes? The Assistant Secretary of Air, Philip N. Whittaker, answers that question in the affirmative and states that this is necessary in order that all MAC aircrews may be familiar with the many different parts of the world to which they might be required to operate immediately in a contingency. Defense Department thus looks upon military cargo carriage as a by-product of their training requirements.

In contrast, the Commerce Committee found that MAC's cargo operations today go far beyond the requirements of minimum training of flight crews and also found that the programed 4.25 hours per day average utilization for its long-range cargo airlift is far in excess of that needed for training and leaves too little opportunity to increase utilization when surges are needed. In fact, the committee found that only 35.9 percent of MAC's total flying hours are devoted to its three highest mission priorities while the lowest priority mission—the movement of DOD channel traffic on military aircraft—accounted for nearly half of MAC's total flying time. The committee concluded that the current flying hour program could be reduced significantly without impairing the training and exercise of the MAC force.

Using an estimated $527.7 million as representing organic costs for DOD to maintain its strategic airlift for fiscal 1972, the Air Force further estimates that a 40-percent setaside would result in total payments to civil carriers of $132 million as against $85 million that had been programed for civil air augmentation. The Air Force estimate of the increased cost of the 40-percent setaside is thus reasoned to be $47 million and this would not take into account any savings that might be effected through reduction of MAC flying hours. The committee however, estimates that if, as they believe possible, MAC utilization rates were reduced from 4.25 hours to 3.6 hours per day, there would be a MAC savings of $30.9 million in fiscal 1972. When that is deducted from the increased payments to CRAF carriers, the net cost increase of the 40-percent setaside amounts to $16.1 million; further reduced to $9.1 million when an additional $7 million in taxes returned to the Government is calculated.

On a 1-year basis then, the Defense estimate amounts to an increased cost of $47 million in contrast to the committee suggested estimate of $9.1 million. But it must be borne in mind that the original cost estimates on which those figures are based, the $527.7 million for moving MAC cargo in fiscal 1972, does not include any allowance for the original costs of the aircraft for the Reserve or MAC fleet.

So what about long-range costs to the taxpayers? Opponents of the legislation may urge that MAC's fleet of 234 C–141's and growing fleet of C–5A's being more than adequate to satisfy all peacetime military cargo airlift requirements, full use should be made of this fleet and savings will accrue to taxpayers. This contention however fails to recognize that if the Civil Reserve Air Fleet does not obtain military cargo business, these carriers cannot afford to maintain their cargo capacity which the Defense Department recognizes as essential for defense purposes. With a reduction in CRAF capacity, would we not then be asked to furnish additional DOD funds for the replacement of these aircraft? The carriers estimate net capital costs of replacement of their airlift capability at $2.6 billion, with a further cost of $4.1 million for operating and maintaining such equipment by MAC over a 10-year period—the latter figure includes additional military pay and allowances. MAC replacement and operating costs for the 10-year period would amount to $6.8 billion as against only $1.4 billion estimated cost to continue CRAF with a 40 percent set aside.

The Commerce Committee has found that long-range savings to the taxpayers should be far in excess of any increased current costs. In light of the above figures, such a conclusion is reasonable for the funds required to replace the capacity of CRAF would be heavy indeed.

Since this legislation will serve to assure orderly and consistent adherence to policies that provide for the maintenance of the Civil Reserve Air Fleet, I support the bill and urge its passage.

Mr. CANNON. Mr. President, I thank my distinguished colleague for his remarks, particularly the complimentary remarks he made about me.

I understand the Senator from California has a question he wished to ask and I yield now to the Senator from California.

Mr. CRANSTON. I thank the Senator for giving me this opportunity. I join the Senator from Missouri in praising the very effective work the Senator from Nevada has done on this measure.

Mr. President, I understand the bill applies mainly to international shipments of standard military-related aircargo, but I would like to know whether or not the bill is intended to exclude the services of an outsized cargo air carrier such as Aero Space Lines of Santa Barbara.

Mr. CANNON. The bill pertains only to the international shipment of Government and DOD cargo and the 40-percent requirement pertains only to international shipments. However, the committee is equally concerned that the Department of Defense, to the maximum extent practicable. utilize the civil air carriers for the domestic transportation of Government and DOD goods.

We hope the Department of Defense

will continue to rely on carriers such as Aerospace Lines to meet its routine transportation needs not only internationally but also domestically.

Mr. CRANSTON. I thank the Senator. His answer deals with the problem I was concerned about.

Mr. STENNIS. Mr. President, I want to emphasize a defect in this bill, S. 1821, which I mentioned last Friday. This is the planned underutilization of our very expensive military cargo fleet.

The military air command operates craft to meet its cargo carrying requiremainly with C–141 and C–5A cargo aircraft to meet its cargo carrying requirements. The Government has invested some $6.8 billion for this capability. This is a significant sum of money to me and I believe to every American taxpayer.

Here are the facts: First, we are now using our military air cargo fleet at only 60 percent of capacity—as the Air Force reckons it, and this in itself is a serious matter. Second, if this bill passes, the rate of use goes down to 48 percent. Third, looking down the road to completion of the C–5A aircraft deliveries next year, the rate of use drops to 39 percent if this bill becomes law. Fourth, the utilization rate would further drop with this law to as low as 20 percent if all the C–5A and C–141 aircraft are available and the Air Force were to use the aircraft 8 hours a day, similar to that which airlines use their aircraft.

I submit, Mr. President, that approval of this bill would result in gross mismanagement of a very large investment which we have made on behalf of the American taxpayer.

At present there are 54 C–5A aircraft and 277 C–141 aircraft in the military inventory. The last C–5A is in the production line right now and will be added to the fleet next year. Completion of that program will greatly increase our cargo capability at the time when this bill would reduce our cargo requirement. This does not make sense to me—especially when I look at the money that Congress has spent to increase this capability. The fiscal year 1973 budget contains a request of over $200 million to complete the C–5A program.

The cargo workload requirements projected for fiscal year 1973 when compared to the current capability show a utilization rate of only 60 percent as the situation now stands—that is without this bill. If S. 1821 is enacted, the utilization rate immediately drops to 48 percent because the cargo will have to be shifted to commercial carriers.

In other words, our investment of $6.8 billion will be used at only 48 percent of capacity while we are asked to appropriate $41 million more dollars to transfer this cargo to commercial airlines. It does not even make good business sense to operate this way, and the facts make the true picture even worse.

When the full complement of C–5A aircraft are in the inventory next year, and if this S. 1821 is enacted, the utilization factor will drop even further to only 39 percent. I do not mean to get all wrapped up in these figures and percentages, but I do want to reemphasize my point. Many people will easily understand that when an investment of $6.8 billion is being used at 39 percent of its capability, we are not doing a very good job in managing the taxpayer's dollar.

That is not all. Mr. President, in computing the 39 percent utilization factor, I have assumed that aircraft would only be used an average of 3.87 hours per day. That is the Air Force projection. However, normal commercial cargo aircraft are flown an average of at least 8 hours per day. If the Pentagon decided to fly its cargo aircraft, when all C–5A's are delivered, the same as commercial airlines, the utilization factor would be reduced to only 20 percent if this bill becomes law.

The point is that the utilization of these military cargo planes is low already. Should this be compounded by transferring the cargo to commercial airlines at additional cost to the taxpayer? I think not.

Congress has invested about $6.8 billion in air cargo capability which must be on hand for emergency. Meanwhile, we are using it at only 60 percent of capability—even without the pending bill's ill effects.

To protect the defense dollar and the hard-pressed taxpayer who must provide it, I urge the Senate to reject S. 1821.

Mr. COTTON. Mr. President, I wish to associate myself with remarks of the distinguished chairman of our Aviation Subcommittee of the Committee on Commerce, the Senator from Nevada (Mr. CANNON), in supporting and urging passage of the bill S. 1821.

As previously noted, the purpose of the bill S. 1821 is to so amend the Federal Aviation Act of 1958 as to establish a statutory requirement with respect to the utilization of certificated air carriers of the United States in the transportation of persons or property generated by the United States. This is by no means a novel concept. For example, with respect to American merchant vessels, it is a concept which has been with us for more than 65 years with the enactment of a statute in 1904 (10 U.S.C. 2631), providing preferences to American-flag vessels in the ocean transportation of Army and Navy ". . . coal, provisions, fodder, or supplies, . . ." And, this same principle with respect to marine transportation has been extended further to be applicable to Federal officer and employee travel and to the transportation of personnel effects and automobiles.

Mr. President, what is involved here is the age-old issue of balancing the equities of promoting viable transportation facilities to meet our national needs both in peacetime and in periods giving rise to national security requirements. It is the conflict between effective utilization of the capacity of private enterprise versus that of the Government's. With respect to aviation, an attempt was made to meet this issue through the establishment of a Civil Reserve Air Fleet—CRAF—established pursuant to an Executive order of February 1951 issued by President Truman. With respect to marine transportation, it was the so-called Wilson-Weeks agreement executed in August 1954 between then Secretary of Defense C. E. Wilson and then Secretary of Commerce Sinclair Weeks. Neither of these has served to abate the built-in conflict between the utilization of Department of Defense air and sea lift capability vis-a-vis the commercial sector.

Insofar as concerns airlift capability, the problem has become particularly acute. Under the leadership of President Nixon, the requirements of the conflict in Southeast Asia have diminished substantially creating a surplus of airlift capability in the commercial sector. At the same time, the military has been expanding rapidly its own airlift capability through the development and production of C–5A aircraft. This ever-growing military airlift capability has only served to aggravate the existing problem which the Department of Defense has failed to meet effectively through administrative action, although provided an opportunity to do so by the distinguished chairman of our Aviation Subcommittee (Mr. CANNON).

Mr. President, I am aware of the argument on the other side of the coin with respect to those who would oppose the bill S. 1821. It is the thinking of some that since the Congress has funded the development of this military airlift capability, to now require by statute that a specified amount of Government-generated traffic be transported on U.S. commercial air carriers would be both inconsistent and would serve to unduly burden the American taxpayer. I—and I am sure my colleagues on the Committee on Commerce—share this concern. But, I question whether the opponents of this measure have carefully examined all of its ramifications. For example, with respect to the matter of cost, the Commerce Committee report estimates a net cost increase in the first fiscal year of the bill's application on the magnitude of $16 million which does not appear to me to be too great a price to pay for the maintenance of a viable U.S. air carrier industry.

Perhaps even more telling in this regard is the declaration of national policy which the Congress itself has approved in the Federal Aviation Act of 1958, as amended. In section 102 of that act there is imposed upon the Civil Aeronautics Board the following obligation:

(a) *The encouragement and development of an air-transportation system properly adapted to the present and future needs of the foreign and domestic commerce of the United States,* of the Postal Service, and *of the national defense;* (Emphasis Supplied)

Similarly, in section 103 the same act mandates that the Secretary of Transportation shall consider, among other things, as being in the public interest the following:

(a) *The regulation of air commerce in such manner as to best promote its development and safety and fulfill the requirements of national defense;* (Emphasis Supplied)

In conclusion, Mr. President, while I share the fiscal concerns of the opponents of S. 1821, I firmly believe that we must be ever mindful of the above-quoted policy declaration which the Congress itself has enunciated. S. 1821 is, in my opinion, in keeping with this declaration of policy and I, therefore, respectively urge the favorable consideration of the bill S. 1821.

Mr. CANNON. I thank the distinguished Senator.

Mr. President, I reserve the remainder of my time.

Mr. ELLENDER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ELLENDER. Is the bill open to amendment at the present time?

The PRESIDING OFFICER. The committee amendments must be acted upon first.

Mr. ELLENDER. Mr. President, I send to the desk an amendment to which there is no objection on the part of the manager of the bill. During the consideration of the defense bill on November 23d last year, the distinguished Senator from Nevada agreed that when the bill came up for consideration he would accept an amendment that would provide that the mandatory 40-percent set-aside provision would not be effective during the fiscal year ending June 30, 1972.

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

Mr. ELLENDER. I yield.

Mr. CANNON. The Senator is absolutely correct. I did agree at that time and I am willing to accept such an amendment to provide that the effective date of the bill would be July 1, 1972, to make it effective for fiscal year 1973.

If it is necessary, I ask unanimous consent that that amendment be considered in order at this time.

The PRESIDING OFFICER. Is there objection?

Mr. ELLENDER. Mr. President, I send the amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will read.

The legislative clerk read the amendment, as follows:

On page 4, line 8, after "rates" insert the following:

Provided, That this paragraph shall not be effective during the fiscal year ending June 30, 1972

The PRESIDING OFFICER. Who yields time?

Mr. ELLENDER. Mr. President, as I just indicated, the purpose of this amendment is simply not to have the mandatory 40-percent set-aside effective until after the present fiscal year 1972, which ends on June 30.

Mr. CANNON. Mr. President, as I said, I am willing to accept the amendment.

The PRESIDING OFFICER. Is all time yielded back?

Mr. CANNON. I am willing to yield back my time on the amendment.

Mr. ELLENDER. I yield back my time, Mr. President.

The PRESIDING OFFICER. All time having been yielded back, the question occurs on the amendment of the Senator from Louisiana.

The amendment was agreed to.

Mr. CANNON. Mr. President, in order to be in a proper situation legislatively, I ask unanimous consent at this time that the committee amendments be considered en bloc.

The PRESIDING OFFICER. Is there objection? Without objection, the amendment will be considered and agreed to en bloc.

Does the Senator wish that the bill as amended be considered as original text for the purpose of the amendment?

Mr. CANNON. Yes, Mr. President. I ask unanimous consent that the bill as thus amended be considered as original text for the purpose of further amendment.

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

Mr. ELLENDER. Mr. President, I intended to offer another amendment to delete the mandatory 40-percent set-aside provision from the bill, but after reading the bill, I decided that the primary purpose of the bill is the 40-percent set-aside feature and a vote against this provision is the same as a vote against passage of the bill. The bill, aside from the 40-percent set-aside provision is a declaration of policy.

If the bill before us is adopted as written, it will increase Department of Defense cost during fiscal year 1973, $42 million. If the bill had been applicable to the current fiscal year, according to a letter I have from Mr. Packard, who was then Deputy Secretary of Defense, the total cost to the Government would have been about $120 million.

That is the reason why I obtained an agreement with the distinguished Senator from Nevada not to have the 40-percent set-aside effective during the current fiscal year.

As chairman of the Committee on Appropriations and chairman of the Department of Defense Subcommittee, I now want to express my opposition to the passage of Senate bill No. 1821.

I want to call the Senate's attention to paragraph (b) (2) of the bill which begins on line 24 of page 3 and ends on line 8 of page 4. This paragraph reads as follows:

(2) As a minimum, at least 40 per centum of the annual gross tonnage (measured in ton-miles) of all property moved by the Department of Defense by air between such places (except property that must move in military aircraft because of special military considerations which by their nature preclude the use of civil aircraft, or because of security, or because of limiting physical characteristics such as size or dangerous properties) shall be transported by air carriers participating in such program and holding such certificates to extent such carriers are available at such rates.

That, of course, is the provision of the bill which the Defense Department objects to.

This provision makes it mandatory that at least 40 percent of all Department of Defense requirements for international air cargo services shall be given to civil reserve air fleet air carriers, exclusive of cargo which is outsize or dangerous. This mandatory provision does not take into consideration the Department's total requirement for these services nor the capability of the Military Airlift Command's flight training program to meet this requirement

Mr. President, I wish to point out that in the early 1960's the Congress made a decision to equip the Military Airlift Command with modern jet transport aircraft. This decision led to the production of the C–141 and C–5A aircraft.

Mr. President, I have the responsibility to manage the Department of Defense appropriation bills recommended by the Committee on Appropriations, and when I have these bills on the floor, I am plagued with the question: Why did the committee not recommend further reductions? On this point, I have made my position clear on many occasions. I want to make as large a reduction in the pending Department of Defense budget as can be made without endangering the security of our country. However, the passage of this bill would mean that we would have to provide an additional $42 million for the Department of Defense for fiscal year 1973. I intend to discuss this point in detail later.

On July 8, 1971, former Deputy Secretary of Defense David Packard in a letter to the distinguished chairman of the Committee on Commerce (Mr. MAGNUSON) expressed the opposition of the Department of Defense to legislation of this nature. Secretary Packard stated:

Although we certainly support a healthy and viable air transport industry, and hope that it will develop more commercial cargo business as a peacetime alternative to our contingency needs, we do not believe the defense budget should be used as a medium to support the industry in peacetime at the expense of defense programs and military force readiness. Under the circumstances, we strongly oppose enactment of S. 1821 in its current form and recommend that other avenues be sought to assist the airlines in their currently depressed economic state.

I ask unanimous consent that the text of Secretary Packard's letter to the Senator from Washington be printed in the RECORD at this point in my remarks.

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

THE SECRETARY OF DEFENSE,
Washington, D.C., July 8, 1971.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate.

DEAR MR. CHAIRMAN: As you are aware, the Aviation Subcommittee of the Senate Committee on Commerce completed its hearings last week on S. 1821 which we understand would set aside 50% of the defense cargo moving over Military Airlift Command channels for carriage by the participants in the Civil Reserve Air Fleet program.

In our view this proposal is inconsistent with maintaining the full combat readiness of our airlift forces. Of importance also is the fact that enactment of this proposal will increase the cost of the defense programs before the Congress by at least $120 million for fiscal year 1972, although the net economic benefit to the airlines would be considerably less than this amount.

The size of our active military airlift force is determined so that it, together with the full capacity of our Reserve and National Guard airlift forces, and the capacity of those suitable U.S. civil aircraft which the Department of Transportation will allocate to the Civil Reserve Air Fleet, can meet peak contingency airlift needs. These contingency needs far exceed the Department of Defense peacetime airlift needs.

In the late 1950s, Congressional interest in modernizing our military airlift forces and making full use of available civil airlift led to a Presidentially directed study in 1960 on "The Role of Military Air Transport Service in Peace and War" which has guided our relationships with the airlines for the past ten years. In keeping with the conclusions of this study, Congress guided the Military

Airlift Command modernization into cargo and troop carrier aircraft and urged the Department of Defense to turn the bulk of its passenger transportation business over to the commercial carriers who had adequate capacity for that purpose. The practice has been for commercial carriers to meet passenger requirements and peak cargo requirements in peacetime, with wartime commitments to move both passenger and cargo traffic. The airlines have been told repeatedly that the military would not provide peacetime scheduled passenger travel but would, as a product of wartime readiness training, move defense cargo.

As the Vietnam situation developed, we experienced a progressive demand for airlift of cargo which exceeded the capability of the available airlift force, even with the new C–141 aircraft operating 8 hours a day. The airlines participated extensively in this contingency airlift requirement; however, at the same time they were cautioned repeatedly of the decline in military cargo business which would be experienced as the activity in Southeast Asia came to an end. The carriers have also been told specifically ever since 1963 that they should not buy more aircraft based upon anticipated defense business, but only if the growth of their commercial business justified such procurements.

As defense requirements for cargo airlift have reduced, the Air Force has reduced the active Military Airlift Command's daily flying hour rate per aircraft from 8 to 4.25 hours. The total amount of flying currently scheduled for Military Airlift Command aircraft outside the continental United States is considered necessary for training replacement aircrews, for training with Army and Marine forces, and to assure that all the Military Airlift Command crews may be familiar with operating procedures for the many different parts of the world in which they might be required to operate immediately in a contingency. It is during this system readiness training that the Department of Defense makes economic use of the available military airlift by transporting defense cargo throughout the world.

Although current projections of Department of Defense air cargo movement requirements indicate that only limited amounts of cargo service will be needed from the civil carriers, the Department's total business with the civil air carriers procured through Military Airlift Command remains substantial. During the peak year of 1968, about $740 million was paid to the airlines under MAC contracts and for mail service paid for by MAC. The corresponding figure for Fiscal Year 1972 is estimated at $440 million, the majority of which is for the movement of Department of Defense passengers. The difference between these two sums is accounted for largely by the reduction in Southeast Asia cargo airlift needs.

In our view, the proposed legislation is an outgrowth of the generally depressed air carrier industry and the progressive reduction in defense cargo movements as the United States phases out of SEA.

If the proposed legislation were enacted into law, the Fiscal Year 1972 DOD budget would be insufficient, by at least $120 million, to comply with its provisions. As indicated above, the net economic benefit to the airlines would be considerably less than this amount. The airlines would incur substantial operating costs in performing the additional business. Thus, the improvement in the industry's profit and loss position by reason of the additional DOD business would be much less than the $120 million added cost to the Government. A comparable improvement in the industry's financial position could be achieved at a much lower cost to the Government by a direct subsidy or a temporary rebate of taxes or of airline payments to the Government for services.

The implications of the proposed legislation upon the war readiness posture of our military forces would become progressively more severe if military air cargo movement requirements continue to decline in the next few years. The only alternatives to increased expenditures for readiness training would be a reduced ability to respond immediately and effectively to demanding contingency airlift requirements, or a diversion of funds from other important defense programs. Neither alternative can be justified by the Department of Defense.

The 4.25 flying hour per day utilization rate programmed for the training of our Military Airlift Command aircrews amounts to 42.5 flying hours per month per crew. A typical airline crew flies nearly twice this much. In this amount of time the Military Airlift Command crews must not only maintain their training to perform missions comparable to airline missions on a worldwide basis, but must also maintain their training for a variety of special military missions such as airdrops, operations at semi-prepared runways, and operations at airfields without normal ground handling equipment. Additionally, the 29% per year turnover in crew personnel experienced by the Military Airlift Command is unknown in any established airline.

In addition to the foregoing considerations, we believe the legislation would negate our continuing efforts to encourage the transition of the Services' surface based logistics systems to a greater reliance on air transportation with lower stock levels. This unfortunate result would occur because enactment of this legislation would force a substantial increase in the rates charged to the Services for air cargo transportation, and any increase in the use of airlift is directly dependent on the cost of that service.

Although we certainly support a healthy and viable air transport industry, and hope that it will develop more commercial cargo business as a peacetime alternative to our contingency needs, we do not believe the defense budget should be used as a medium to support the industry in peacetime at the expense of defense programs and military force readiness. Under the circumstances, we strongly oppose enactment of S. 1821 in its current form and recommend that other avenues be sought to assist the airlines in their currently depressed economic state.

Sincerely,

DAVID PACKARD.

Mr. ELLENDER. In recent years, as I have stated, the Congress has provided over $2 billion to the Air Force for the procurement of a fleet of approximately 275 C–141 jet transport aircraft, and everybody is familiar with the fact that we are in the process of acquiring a fleet of 81 C–5A jet transport aircraft which will cost in excess of $4 billion. These aircraft must be operated at a reasonable rate to maintain combat readiness, and common sense dictates that they be operated efficiently, which is to meet, in part, the international air cargo requirements of the Department of Defense.

In a letter to the distinguished chairman of the Committee on Armed Services (Mr. STENNIS) dated February 22, 1972, the Secretary of the Air Force, in commenting on this bill, stated:

As reported, the bill would establish a fixed rule that at least 40% of DOD's international air cargo which is physically suitable for civil aircraft be transported in civil aircraft without regard to other considerations. This would have the following effects:

Increase annual cost to the taxpayer. In FY 1973 this could be as much as $42 million.

Force Military Airlift Command (MAC) to fly empty or with inefficient loads in order to give commercial carriers more cargo.

Force DOD to buy commercial airlift which would not otherwise be needed. This would increase the ton mile cost of airlift to the DOD user.

Inhibit adequate training of the MAC for its wartime mission.

I ask unanimous consent that the Secretary's letter to Chairman STENNIS be printed in the RECORD at this point.

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

DEPARTMENT OF THE AIR FORCE,
Washington, D.C., February 22, 1972.

Hon. JOHN C. STENNIS,
Chairman, Committee on Armed Services,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: You will recall that I wrote to you on November 3, 1971, expressing my strong objections to the enactment of S. 1821 which had been favorably reported by the Senate Committee on Commerce, with certain amendments. As the Executive Agent of the Department of Defense for airlift I must reiterate the opposition of the Department of Defense and the Air Force to the enactment of this legislation.

As reported, the bill would establish a fixed rule that at least 40% of DOD's international air cargo which is physically suitable for civil aircraft be transported in civil aircraft without regard to other considerations. This would have the following effects:

Increase annual cost to the taxpayer. In FY 1973 this could be as much as $42 million.

Force Military Airlift Command (MAC) to fly empty or with inefficient loads in order to give commercial carriers more cargo.

Force DOD to buy commercial airlift which would not otherwise be needed. This would increase the ton mile cost of airlift to the DOD user.

Inhibit adequate training of the MAC for its wartime mission.

The Air Force has consistently recognized the importance of the commercial airline industry to national defense. This is attested by the fact that in the past ten years the DOD support of the industry has exceeded $7 billion. In FY 1973 the total estimated DOD expenditure for military and commercial airlift will amount to approximately $900 million. Of this amount, $560 million, more than 62% of the total expenditure, will go to the civil air carrier industry.

In addition to the airlift of passengers, mail, and domestic cargo which is virtually all carried solely by the commercial air carriers, we are presently transporting between 25 and 30% of DOD's international air cargo on commercial aircraft. On the basis of present estimates, this will amount to about $120 million in FY 1972 and over $92 million in FY 1973. We feel that these amounts are reasonable and equitable when viewed in the context of the total airlift dollars.

If the bill is enacted in its present form, it will not only distort what we feel is a proper balance between the military and civil workload but would in effect force MAC to fly empty or with inefficient loads. It would seem inexcusable if MAC were required to fly empty or partially loaded aircraft to maintain a constant state of readiness while at the same time funds are expended to procure commercial airlift.

A collateral ramification of forcing DOD to buy unneeded commercial airlift is that it will raise the ton mile cost to the DOD user significantly. Commercial airlift procured by MAC is purchaesd at set rates. Since MAC airlift capability is a by-product of readiness training, the cost is considerably less than that procured from the commercial carriers. DOD is trying to encourage the military departments to make more use of airlift in order to reduce total logistics costs. However, an increase in airlift costs may work in opposi-

tion to both this goal and the intent of the bill if the departments make less cargo available for airlift.

In summary, there appears to be no basis for a judgment that substantial benefits would accrue to the taxpayer upon the enactment of S. 1821. Nor would national security interests be furthered because the airlines would not necessarily buy any new modern cargo airlift but could handle the additional cargo afforded by this bill with their present fleet. To the contrary, significant added costs to the taxpayer, clearly unnecessary, appear inevitable should the proposed legislation be adopted. Accordingly, I solicit your assistance to prevent enactment of S. 1821.

Sincerely,

ROBERT C. SEAMANS, Jr.

Mr. ELLENDER. The pending Department of Defense budget for fiscal year 1973 includes approximately $309 million for international air cargo requirements. Of this total requirement, approximately $216.9 million can be provided by using the capability generated by the required operation of the Military Airlift Command's C–141's and C–5A's to maintain combat readiness. The balance, $92.9 million, will be obtained by contract from the commercial carriers.

However, if the pending bill is enacted in time to be effective on July 1, 1972, we will have a different situation. The mandatory 40-percent set-aside for the commercial carriers will require approximately $134.8 million, and $216.1 million will still be required to operate the C–141's and C–5A's to maintain combat readiness, giving a total of $350.9 million—an increase of $41.9 million. This is the fiscal year 1973 increase of $42 million referred to by the Secretary of the Air Force in his letter to Chairman STENNIS.

The Congress has seen fit to authorize the production of a fleet of C–141's and C–5A's which will cost the taxpayers of this country over $6 billion. As I stated earlier, these aircraft have to be operated at a reasonable rate in order to maintain combat readiness. For the Congress now to enact legislation that will require these aircraft to fly empty or with inefficient loads, with a resulting additional cost of over $40 million annually, shows complete disregard for the interests of the American taxpayer.

In his letter to Chairman STENNIS, the Secretary of the Air Force pointed out that, during the past 10 years, the Department of Defense has procured from the commercial airline industry services costing in excess of $7 billion. During fiscal year 1966, the Department of Defense spent $841.3 million for airlift, of which $622.9 million—74 percent—was obtained from the commercial carriers; during fiscal year 1969, the Department of Defense spent $1,255.5 million for airlift, of which $872.1 million—69.5 percent—was obtained from the commercial carriers; during fiscal year 1971, the Department of Defense spent $1,069.5 million for airlift, of which $744.4 million—69.6 percent—was obtained from the commercial carriers. The current estimate for fiscal year 1972 is a total of $1,103.7 million for airlift, of which $789.8 million—71.5 percent—will be obtained from the commercial carriers. The budget for fiscal year 1973 is based on a total of $876.9 million for airlift, of which $554.2 million—63.2 percent—will be obtained from the commercial carriers.

Mr. President, legislation may be required to provide a subsidy for these commercial carriers. However, if this is true, I submit that the proper way to grant this subsidy is not a statutory set-aside of 40 percent of the Department of Defense's international air cargo requirements. This form of subsidy is needlessly wasteful and should not be a charge against the Department of Defense.

Mr. President, since receiving these letters from the Defense Department, which I have placed in the RECORD, I further considered the matter, and I wonder what the position of the executive branch of Government might be with respect to this bill.

On March 23, I requested the Honorable George P. Shultz, Director of the Office of Management and Budget, to give me the views of his office on this legislation.

Yesterday, Mr. Shultz replied and stated:

On February 22, 1972, the Secretary of the Air Force expressed his opposition to this bill in a letter to Senator Stennis.

Mr. President, this is the letter that I referred to earlier in my comments and included in the RECORD.

To continue, Mr. Shultz went on to state:

For the reasons given in the Secretary's letter we recommend against enactment of S. 1821.

Mr. President, it is clear that the executive branch of the Government does not favor the enactment of this bill.

I ask unanimous consent that my letter of March 23 and Mr. Shultz' reply of March 27 be printed in the RECORD at this point.

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

MARCH 23, 1972.

Mr. GEORGE P. SHULTZ,
Director, Office of Management and Budget, Executive Office Building, Washington, D.C.

DEAR MR. SHULTZ: The Senate is scheduled to consider Senate Bill 1821 next Tuesday, March 28. I am sure you are aware of the fact that this bill includes a provision making it mandatory that the Department of Defense obtain 40% of its international air cargo services from commercial carriers. It is my understanding that this could result in an increased cost of such services of as much as $42 million for fiscal year 1973.

I would appreciate having the views of the Office of Management and Budget on this legislation prior to its consideration next Tuesday.

With kindest regards and best wishes, I am,

Sincerely,

ALLEN J. ELLENDER,
Chairman.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., March 27, 1972.

Hon. ALLEN J. ELLENDER,
Chairman, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your letter of March 23, 1972 requesting the views of the Office of Management and Budget on S. 1821 a bill, "To amend the Federal Aviation Act, as amended, with respect to the transportation of Government traffic by civil air carriers of the United States."

On February 22, 1972, the Secretary of the Air Force expressed his opposition to this bill in a letter to Senator Stennis. A copy of the Secretary's letter is attached for your consideration. For the reasons given in the Secretary's letter, we recommend against enactment of S. 1821.

Sincerely,

GEORGE P. SHULTZ,
Director.

Mr. ELLENDER. I yield the floor.

Mr. YOUNG. Mr. President, I wish to join in the position taken by the distinguished chairman of the Senate Appropriations Committee.

Unquestionably, the U.S. airlines operating overseas are getting into deep financial trouble. This is understandable, because most foreign airlines are operated by the governments themselves. There is a big difference in salaries paid by the various airlines. For example, a pilot of a 747 on a U.S.-operated airline is paid approximately $61,000 a year. The salary of a 747 pilot for a big overseas airline such as BOAC is only about half that.

Many foreign countries now are charging our airlines an overflight fee for flying over their country.

There are many differences such as this which are causing our airlines to get into more and more financial trouble.

It is much like the situation with respect to our merchant marine. We are now subsidizing our merchant marine in direct payments of hundreds of millions of dollars a year. For the past several years, 50 percent of the food for peace that we sold to other countries—agricultural commodities—had to be carried in U.S. bottoms. In almost every instance, the costs for foreign bottoms are far less than our own.

I am not opposed to helping our airlines, but I do not think they should be subsidized by the Department of Defense, particularly in legislation such as this, which is permanent. This 40 percent is not for 1 year. It is permanent legislation.

In the Appropriations Committee, we usually have a formula each year of a percentage of Navy construction and repairs to be done in Navy shipyards and a percentage to be built and repaired in privately owned shipyards. I would not object to something like this for cargo carried by airlines.

The jurisdiction certainly belongs to the Appropriations Committee or the Armed Services Committee. If we were to adopt any kind of program such as this, it should be on a year-to-year basis. Forty percent extended permanently is a wrong approach to a difficult problem.

I think the airlines are being very unreasonable in making a request for this kind of subsidy. It is just as unreasonable as subsidizing the merchant marine in the food-for-peace program. We have enough problems getting the amount of money in a defense bill to provide necessary military security for this country.

So, Mr. President, I have to oppose vigorously the adoption of this kind of legislation. I point out again that the Armed Services Committee or the Appro-

priations Committee properly has jurisdiction of a matter such as this.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. CANNON. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. PROXMIRE. Mr. President, for 3½ years I have fought to bring commonsense to bear on the question of military cargo airlift. Year after year, my staff and I have probed for concealed facts, painfully dragged figures out of the Pentagon and analyzed them in attempts to persuade the Congress to stop, look, and listen before charging off in a mad and ruinously expensive effort to increase the capacity of the Military Airlift Command beyond all reasonable need. We have worked as hard as we know how to head off the worst effects of the utterly disastrous and scandalous procurement of the C–5A transport plane.

Mr. President, we lost those fights. All our attempts to get the facts on the C–5A rip-off as it developed were resoundingly defeated. Billions of dollars of the taxpayers' money have been spent for C–5A airplanes which, according to the Comptroller General, cannot fly their originally intended tactical mission of landing heavy equipment on rough airfields at the FEBA, the forward edge of the battle area. However, we are told that Fat Albert, as the C–5A is known, can be flown from one smooth airport to another provided it is done carefully. Therefore, I think we may assume that we have at least added to the Military Airlift Command's capability to carry routine channel traffic cargo in return for the tragically wasteful investment of $5 billion of hard-earned taxpayer dollars.

Even without the C–5A, MAC's cargo carrying capacity is enormous. MAC's C–141 fleet alone could easily transport MAC's necessary ordinary-sized cargo for the foreseeable future, not only in peacetime, but also during a sizable war. One C–141 airplane carrying 30 tons of cargo at an average block speed of 400 miles an hour would carry 12,000 ton-miles per hour or 4,380,000 ton-miles per year flying an average of only 1 hour per day. If our fleet of 234 C–141's flew with similar loads and speeds, the fleet would carry more than 1 billion ton-miles of cargo per year for each hour of daily utilization.

Now, the fact is that our C–141's are vastly under utilized, but if they were used fully, the fleet could carry all the military cargo airlifted in 1961 flying only 1.5 hours per day. In 1968, at the peak of our Southeast Asia airlift effort, MAC and its contractors hauled just under 7.5 billion ton-miles of cargo. This level of business would require a fully utilized fleet of C–141's operating an average of 7.5 hours per day. The C–141's have already demonstrated a capability of operating at this level, flying an average of 7.8 hours per day in 1969 and 7.2 hours per day in 1970.

Commercial companies operating modern jet aircraft in similar service have achieved aircraft utilization rates of more than 14 hours per day over a whole year. Although MAC has not yet demonstrated such a high daily utilization rate, I am confident they could if called on to do so. The Air Force's policies and habits in buying airplanes leave much to be desired, but our MAC pilots and ground crews are magnificent. They are among the best men our Nation has produced, and I am confident they could duplicate the efficiency of commercial cargo airlines if required. If they could, the C–141's alone could support the equivalent of almost two Vietnams.

The C–5A's, costing more than $60 million each, are now coming into service. By next year all 79 of them should be in MAC's hands. Each C–5A has been highly advertised as the equal of three C–141's in cargo carrying capability. If this is true, if Fat Albert can be made to work, our C–5A fleet of 79 airplanes should be equal to 237 C–141's, which would almost double MAC's airlift capacity. This would mean that MAC alone, without any cargo help from contractors, could support almost four Vietnams, an expeditionary force of more than 2 million men in Southeast Asia. Because of shorter distances and extensive prepositioning many more men could be supported in a European war.

While this vast increase in MAC cargo capacity is taking place, the legitimate requirements for airlift is declining sharply. Whereas about 7.5 billion ton-miles of cargo was airlifted at the peak of the Asian war, volume declined to 4.9 billion ton-miles in 1971. Legitimately, this volume should decline further, hopefully receding to about the 2 billion ton-mile per year level of pre-Vietnam years. Unfortunately, the Air Force does not plan to let this reduction take place if they can help it. They are scrambling frantically to find enough cargo to fly both the C–141's and C–5A's 4.25 hours per day. Their plans were revealed in the following exchange between Senator CANNON and Assistant Secretary of the Air Force Phillip Whittaker during the Committee on Commerce hearings on S. 1821:

Mr. WHITTAKER. Eventually we hope to get to the 4.25 level, the same as for the C–141.

Senator CANNON. Does this mean that you are going to be hunting additional cargo to carry in the C–5 when you increase that hourly utilization?

Mr. WHITTAKER. Absolutely. That is one of the reasons why we are trying to be just as friendly to the Army as we know how to be.

In other words, having conned the taxpayers out of $5 billion for unneeded C–5A's, the Air Force is now energetically drumming up business to try to justify their action. This will produce fresh horror stories of military waste. GAO investigators have told my staff that MAC is now hauling large amounts of household goods—furniture and the like—in their efforts to generate new business.

Other ridiculous examples abound. I recently received a package of documentation dealing with a supposedly urgent requirement for an item to be brought sole-source for hurry-up airlift to the troops in Vietnam. To facilitate this procurement, which would not wait on normal competitive processes, a page from the sole-source supplier's catalog was attached to the two-page Government order form. The page was clipped from a Sears catalog. It pictured and described the line of toilets—ordinary bathroom commodes—offered by Sears. As usual, Sears offered a variety of models ranging through "good, better, and best" qualities. The "good" model appeared to be a perfectly serviceable device for the "low, low" price of $27.95. Did our guardians of the rockbottom, bare-bones Pentagon budget buy this model? You know they did not. Nor did they choose from the "better" models offered at $36.95, $41.95, $44.95, $77.95, $82.05 and $94.95. Our stewards of the public purse chose the top of the line, the "best" model at $104.95. It was baby blue. It was described as "ideal for carpeted baths," and promised "silent as a whisper operation."

Justification for the urgent airlift of the baby blue silent as a whisper toilet was supported by three pages from Air Force Manual 67–1. Those pages were attached to the documentation package, and had applicable sections marked for emphasis. The section authorizing this transaction began by describing "item(s) required for immediate end use."

Mr. President, the enormous overcapacity already evident in the MAC fleet is wasting huge sums and will get worse as the Pentagon's bureaucracy attempts to find things to haul in order to justify their disastrous purchases. Now we are being asked to compound the overcapacity problem by requiring that MAC contract out 40 percent of its cargo airlift. This is the principal requirement of S. 1821.

Proponents of this bill claim the measure will save money. They point to the lower ton-mile cost of commercial cargo carriage as compared to MAC when full comparable costs of MAC operations, including depreciation, are considered. They are right regarding comparable total costs, and this would have been an excellent argument to make in 1965, in 1968, 1969, 1970, or even 1971 when some of my colleagues and I were pleading vainly for an intelligent, orderly and balanced analysis of the C–5A investment decision. We would have welcomed the support of the Senators and industry lobbyists who are now promoting S. 1821 so energetically. Tragically, they were silent then, and now it is too late to undo this damage to the taxpayers. The chief lobbyists for S. 1821, the Air Transport Association, should have made their case when the investment decisions were being made, or at least before so much money had been spent. Billions have already been spent in unnecessary expansion of the MAC fleet. Most of the money is gone. Now the Pentagon can make comparisons on an out-of-pocket basis which show that it is cheaper to haul

cargo in Air Force planes than to contract it out. From now on they can make a case for ignoring the huge sunk costs.

Supporters of S. 1821 are claiming that they were misled on the intended use of the C5–A. Some say they were led to believe it would be used only for hauling outsize cargo. They were not paying attention. They should have listened to the debate in this Chamber in 1969. The C–5A was pictured as the great freight train in the sky, hauling everything from Cadillacs and Volkswagens to lobsters in addition to a complete range of military cargo and personnel. The able chairman of the Armed Services Committee made it perfectly clear that the C–5A's would replace the aging C–124's and C–133's in the MAC fleet. Both the C–124 and the C–133 were used to meet the general airlift requirements in addition to carrying outsized cargo.

Supporters of S. 1821 have made a strong point of citing a September 3, 1971, letter from the Comptroller General to the chairman of the Committee on Commerce. Lobbyists claim this letter "validates" a need to expand the Civil Reserve Air Fleet, pointing to a passage reading "it has been estimated that 85 additional aircraft of the so-called wide-bodied jet cargo types are needed in the reserve fleet to satisfy current planning for airlift in wartime or in the event of other major contingency."

Mr. President, the GAO did not make such a determination. They have no figures that support such an assumption. According to explanations by the GAO relayed to me, the Comptroller General was merely reporting assertions made by others in his letter to the chairman of the Committee on Commerce.

Asked directly to state their stand on mandatory airlift contracting, GAO airlift specialists told my staff flatly, "We're against it."

Despite my criticism of the past inaction of the Air Transport Association and their members and supporters, I can sympathize with their plight. They believe they have been flim-flammed by the Air Force. They think they have been taken. They are not alone. We have all been played for suckers, and the taxpayers are footing the bill. We should resolve never to let it happen again, and should start work immediately on a comprehensive study of what our legitimate airlift requirements are likely to be—excluding bathroom fixtures, of course—and how they may be met most economically. I would welcome the support and assistance of the Air Transport Association in such an economic study. I believe a sound economic study would be invaluable in guiding our next big investment decision on military cargo planes.

However, the mandatory contracting provisions of S. 1821 are not a proper response to the C–5A heist. S. 1821 is an airborne leaf-raking project. With MAC's present growing organic capability, coupled with a declining legitimate requirement for military airlift, mandatory contracting will stimulate further wasteful aerial busywork, and will encourage such nonsense as airlifting furniture, toilets, telephone poles, and concrete blocks, all examples of waste which have been documented or witnessed by my staff.

S. 1821 should be resoundingly rejected.

Mr. PEARSON. Mr. President, I wish to associate myself with the remarks of my chairman, the distinguished Senator from Nevada (Mr. CANNON). The statement he has made in support of S. 1821 is complete, comprehensive, and thoroughly fair. The case for immediate passage of this legislation, without crippling amendment, is compelling. The arguments advanced by opponents of the bill have been met.

The plain truth is that the Military Airlift Command—MAC—operates an airline, at public expense, in competition with U.S. air carriers. Nearly half of all MAC flying hours are devoted to the routine transportation of air cargo. This pattern of MAC utilization is in derogation of express congressional policy, and must be reversed by express congressional action.

Mr. President, among other things the pending bill would require the Department of Defense to move not less than 40 percent of its international air cargo by civil air carriers participating in the Civil Reserve air fleet program. This provision has been termed "needlessly costly" by spokesmen of the Department of Defense. The contrary, of course, is true. The enactment of S. 1821 would promote a significant cost savings to the taxpayer by insuring a longer useful life for each of the aircraft in the MAC fleet.

The knowledgeable taxpayer is acutely aware that vast sums of money must be appropriated for procurement of military hardware. The C–5 aircraft, for example, is costing the taxpayers $57 million per copy—the most expensive production model ever procured. Under the current Air Force plan for utilization of the C–5, these aircraft may be worn out after only 4.8 years' service with the Military Airlift Command. The Congress and the American taxpayers, in that eventuality, will be faced all too soon with the obligation to allocate additional billions for new, replacement aircraft to maintain the combat readiness of the MAC.

Mr. President, the distinguished chairman has enumerated the depreciation cost savings which will accrue to the Air Force under the terms of the pending bill. This is an occasion when Congress must legislate to conserve military hardware from overuse in routine, nondefense related missions. This is an occasion when Congress must legislate to insure that long-term cost savings are achieved by prudent management policies today.

The committee report on S. 1821 shows that net additional cost to the Government in fiscal year 1972 should not exceed $9.1 million, a tolerable immediate increase when the long-range cost savings in procurement of replacement aircraft is considered.

Mr. President, there is no question that the Civil Reserve Air Fleet carriers have acquired a substantial cargo-carrying capacity to fulfill their obligation to the national defense. The current CRAF capacity is more than 1½ times as great as all the C–141 aircraft in the MAC fleet. The CRAF carriers cannot be expected to maintain this vital defense capability without assurances that they will secure a reasonable proportion of routine international military air cargo during peacetime.

The pending bill would establish a minimum requirement upon the Department of Defense: At least 40 percent of all international military air cargo must move by civil air carrier under its terms. This requirement, Mr. President, is not unreasonable. In fiscal year 1962, the civil air carriers were allocated 40.5 percent of the military air cargo. In fiscal 1966, they were allocated 30.1 percent. During the next fiscal year, the Air Force estimates that the CRAF carriers will be allocated 27 percent of the total international air cargo of the Department of Defense.

But in fiscal year 1971, the civil air carriers received only 8.9 percent of DOD's international air freight. No responsible manager of a civilian air carrier could be expected to maintain his CRAF capability when he has no assurance that capital costs will be recovered, and operating expenses will be met. The legislation before the Senate would provide a basis upon which civil air carriers could rely. The overall national defense interest would be served.

Mr. President, there is no justification for the needless depreciation of the MAC fleet, at the expense of private enterprise. There is no basis for the suggestion that routine cargo operations are needed to maintain pilot proficiency in the Military Airlift Command. The pilots and crew members of MAC devote countless hours to their primary missions—internal training of the force for combat readiness; joint training and exercise with other elements of the Armed Forces; and performance of special airlift missions.

In conclusion, I would urge my colleagues to vote in favor of S. 1821 to promote a viable Civil Reserve Air Fleet, to stabilize the proportion of international air cargo operations undertaken by the CRAF carriers for the Department of Defense, to achieve long-term cost savings to the taxpayers, and to promote the national defense.

Mr. SPONG. Mr. President, I am opposed to that section of S. 1821 which would require that 40 percent of military air cargo be shipped by commercial air carrier, because I believe it would be an unconscionable waste of taxpayers' money.

The American people have been taxed heavily to provide for an adequate military air cargo capability, and it makes no sense to me to provide now that those aircraft cannot be used to the maximum. Just today, the press carried reports of a GAO study estimating cost overruns for the C–5A cargo plane at a billion dollars. That is just the cost overrun; many additional billions of dollars have been invested in developing and building a fleet of these aircraft and other air cargo planes. Can we now tell the American taxpayers that these planes are not going to be used, that the military is going to be required by law to duplicate its capability by subsidizing the air carriers to do the job for it? Can we justify increasing de-

fense costs by $120 million in fiscal year 1972 alone, which is what the Defense Department estimates this legislation will cost?

The basic rationale for this legislation is that the air carriers are required to maintain a reserve defense airlift capability, and that they are not now compensated for that requirement.

I do not know all the facts as to what kind of requirement is really put upon the air carriers, what kind of expense may be involved, or even whether it is a necessary requirement any longer. I do know that the Defense Department has a required airlift capability, and that it has cost the taxpayers a great deal to maintain that capability. It would seem to me that somewhere in this situation there is waste and duplication. Either we did not need all those cargo planes we purchased for the military, or we do not need this legislation. I believe that question should be explored before we take action of the kind contemplated today.

Mr. President, the second argument used is that a vote for S. 1821 is a vote to preserve and promote a sound air transportation system. That is a worthy objective, but I do not believe it is an obligation of the Defense Department. If the air carriers are in trouble, Congress ought to look into the situation and consider such steps as may be necessary, but we should not require the Defense Department and the taxpayers to bail them out through this kind of subsidy.

Mr. President, I have no objection to giving preference to U.S. air carriers when Federal civil agencies are utilizing commercial air for overseas shipment of cargo. I think it is quite proper that we do all we can to benefit U.S. civil aviation. But, again I do not think this should come at the cost of duplicating existing military capabilities.

VISIT TO THE SENATE BY THE HONORABLE DAVID ANDREWS, CHIEF WHIP OF THE GOVERNMENT PARTY OF THE REPUBLIC OF IRELAND

Mr. ROBERT C. BYRD. Mr. President, I am delighted at this time to be able to present to the Senate a very distinguished visitor to our country from the Republic of Ireland.

He is here as a participant in a culture and education program. He is Parliamentary Secretary to the Taoiseach and to the Minister for Defense. He is a Member of the House of Representatives of the Republic of Ireland, and he has been a Member of that body for 10 years.

We are honored with the presence here today of this very honorable gentleman who, for the past 2½ years, has been and is now the Chief Whip of the Government Party of the Republic of Ireland.

Mr. President and my colleagues, it is my honor and privilege to present to the Senate our distinguished visitor and guest, Mr. David Andrews.

[Applause, Senators rising.]

TWO-MINUTE RECESS

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess for 2 minutes so that Senators may greet our distinguished visitor.

The motion was agreed to; and at 4:03 p.m., the Senate took a recess for 2 minutes.

The Senate reassembled at 4:05 p.m. when called to order by the Presiding Officer (Mr. BROCK).

TRANSPORTATION OF GOVERNMENT TRAFFIC BY CIVIL AIR CARRIERS

The Senate continued with the consideration of the bill (S. 1821) to amend the Federal Aviation Act, as amended, with respect to the transportation of Government traffic by civil air carriers of the United States.

Mr. CANNON. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 3 minutes.

Mr. CANNON. Mr. President, in light of the questions which have been raised with respect to this bill, many of which have been answered in a press release which I made today and is provided on the desk of each Senator, I ask unanimous consent that the press release be printed in the RECORD.

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

SENATE'S AVIATION SUBCOMMITTEE CHAIRMAN SAYS ENACTMENT OF S. 1821 WILL SAVE THE GOVERNMENT MORE THAN $38 MILLION A YEAR

Senator Howard W. Cannon, D-Nev., Chairman of the Senate's Aviation Subcommittee said today that the government would save more than $38 million in fiscal year 1973 as a result of enactment of S. 1821 coupled with a slight reduction in the Air Force's wasteful utilization of the Military Airlift Command's C–5A and C–141 aircraft.

Cannon's estimate of government savings will be made in a statement to be delivered on the Senate floor today urging favorable action on S. 1821. The bill, sponsored by Senator Warren G. Magnuson, D-Wash., would require that at least 40% of the Department of Defense's routine international cargo shipments be transported on civil aircraft owned by the nation's certificated airlines.

The Air Force has charged that the bill would result in additional costs of $41.9 million in FY 1973. However, the Air Force estimate ignores the tremendous depreciation costs associated with its use of MAC aircraft to carry routine government cargo.

In his statement, Cannon charges the Air Force with excessive and wasteful utilization of its fleet of 294 C–141's and C–5A's, leading to higher costs and premature depreciation of the MAC aircraft. Cannon said that at planned utilization rates of 4.25 hours per day per aircraft, the Air Force will have worn out the C–5A's—costing $57 million apiece—in less than 5 years.

He added that a modest 15% reduction in the MAC flying hour program would save the taxpayers more than $80 million a year in depreciation and out of pocket operating costs. The reduction in MAC's utilization rate would permit the nation's airlines to carry at least 40% of the international DOD cargo, affecting a net government saving of $38,515,000 in fiscal year 1973.

Attached is a chart showing the cost savings outlined in the statement.

Cannon said, the 40% "set aside" will assure the airlines who participate in the Civil Reserve Air Fleet a fair share of government cargo in peacetime so that adequate modern airline long-range cargo aircraft will continue to be available to the government in times of war or emergency. Recently, the Air Force has sought to virtually exclude the civil air carriers from carrying routine DOD international cargo by using its own fleet of cargo aircraft, despite the long-range costs savings which would be effected by using the MAC aircraft only for essential training purposes.

REDUCED DEPRECIATION OF MAC MILITARY AIRCRAFT IF 40 PERCENT OF MAC CARGO WERE TRANSPORTED IN COMMERCIAL AIRCRAFT, FISCAL YEAR 1973

	C–141 (234)	[1] C–5A (60)
1. Cost/unit (thousands)	$6,251	$57,000
2. Service life (hours)	30,000	7,500
3. Depreciation/hours of use	$208	$7,600
4. Cargo shifted from military aircraft to commercial aircraft to reach 40 percent (million nautical ton miles)[2]	253.1	236.5
5. Reduced MAC military aircraft requirement (hours)	26,925	6,898
6. Saving in depreciation, fiscal year 1973 (thousands)	$5,590	$52,425
7. Total saving in depreciation, fiscal year 1973 (thousands)		$58,015
8. Saving in industrial fund cost from reduced flying (thousands)		$22,400
9. Total saving from reduced flying (thousands)		$80,415
10. Less increased payments to civil carriers (thousands)[2]		$41,900
11. Net saving to DOD (thousands)		$38,515

[1] Assumes average of 60 C–5A's used in moving channel cargo in fiscal year 1973.
[2] Derived from Air Force data submitted to the committee.

Note.—(Assumes cargo shifted is allocated between C–141's and C–5A's in proportion to the cargo capability of the respective fleets).

Mr. CANNON. Mr. President, I have a few brief comments that I wish to make before we go to a vote.

First, the statement by the Air Force that they would have additional costs of just under $42 million a year does not take into consideration two very important points. One of them is that they have considered no reduction in flying hours. As I pointed out carefully in my presentation, we feel that a 15-percent reduction could be made in the flying hours, which would result in a longer life for the aircraft themselves. Second, they completely disregard the depreciation factor. I pointed out earlier, based on their own estimate of 7,500 hours of life expectancy for a C–5 aircraft, that the net saving to the Department of Defense on a yearly basis, based on this year's figures, would be $38,515,000, taking into consideration: First, the reduced flying hours and, second, the reduced depreciation, which has the side effect of extending the life of the C–5 and the C–141, which means that we would not be required to come up with Federal moneys in the meantime either to supplement those aircraft or to provide replacement aircraft.

Just one other point, and that is this: The purpose of providing military equipment is to train the services that have it so that it can be used in time of an emergency if needed.

We do not go out with the Navy and have them use every ship they have, just to haul cargo or to compete by hauling Government cargo. As a matter of fact, we have a "set-aside" required in the Merchant Marine Act. The Navy does not even try to haul or to compete with De-

partment of Defense cargo. They try to use those ships for the purpose of training and to carry out their missions.

Take the Army, for example; we do not have the Army try to go out into the surface transportation hauling business with their trucks. They have many very fine 2½-ton trucks and up—some smaller—and they very likely could haul a good bit of military cargo from place to place if that was the policy of our Government; but that is not the policy of our Government.

They use their vehicles for the purpose of training so that they will be available. They preserve them and take good care of them so that they will have them if they need them in the event of an emergency.

We do not want the Army to get in on the ground transportation hauling business with their trucks, hauling military cargo from place to place.

We do not want the Navy to be placed in that same position, or the Air Force to be in any position except a position necessary for training.

I submit, on the facts as presented here, that instead of having a $41.9-million deficiency, we would really have, when we take into consideration the depreciation of these very expensive aircraft, a saving of $38,515,000 a year to the American taxpayers.

Mr. President, if no other Senator wishes to speak at this time, I am willing to yield back the remainder of my time.

Mr. ELLENDER. Mr. President, will the Senator from Nevada yield me 2 minutes?

Mr. CANNON. I yield 2 minutes to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 2 minutes.

Mr. ELLENDER. Mr. President, as I stated earlier, the Congress made a decision to modernize the fleet of the Military Airlift Command in the latter part of the 1950's and the early 1960's. Based on this decision the Congress has spent over $6 billion for the C–141's and C–5A's. I think it would be a mistake for us not to use them to the fullest extent, consistent with sound operations policies.

Let me point out, Mr. President, that the executive branch of the Government is against this bill and, of course, the Department of Defense and the Air Force is against it.

Mr. President, I feel confident that if this bill is enacted into law, the President might veto it.

Mr. CANNON. Mr. President, I yield back the remainder of my time if there are no further amendments.

The PRESIDING OFFICER. All time has expired. If there be no further amendments to be offered, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? 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. MANSFIELD (after having voted in the affirmative). On this vote I have a pair with the Senator from Washington (Mr. MAGNUSON). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. BIBLE), the Senator from Virginia (Mr. HARRY F. BYRD, JR.), the Senator from Florida (Mr. CHILES), the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Washington (Mr. MAGNUSON), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Maine (Mr. MUSKIE), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

On this vote, the Senator from Mississippi (Mr. STENNIS) is paired with the Senator from Washington (Mr. JACKSON).

If present and voting, the Senator from Mississippi would vote "nay" and the Senator from Washington would vote "yea."

I further announce that, if present and voting, the Senator from Florida (Mr. CHILES) and the Senator from Georgia (Mr. GAMBRELL) each would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Massachusetts (Mr. BROOKE), the Senator from Hawaii (Mr. FONG), the Senator from Maryland (Mr. MATHIAS), the Senator from Texas (Mr. TOWER), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

Also the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. GOLDWATER), the Senator from Florida (Mr. GURNEY), the Senator from Nebraska (Mr. HRUSKA), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Alaska (Mr. STEVENS), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

On this vote, the Senator from Pennsylvania (Mr. SCOTT) is paired with the Senator from Massachusetts (Mr. BROOKE). If present and voting, the Senator from Pennsylvania would vote "yea" and the Senator from Massachusetts would vote "nay".

On this vote, the Senator from Alaska (Mr. STEVENS) is paired with the Senator from Texas (Mr. TOWER). If present and voting, the Senator from Alaska would vote "yea" and the Senator from Texas would vote "nay".

The result was announced—yeas 32, nays 35, as follows:

[No. 131 Leg.]

YEAS—32

Allott	Cranston	Moss
Anderson	Dole	Packwood
Baker	Eagleton	Pearson
Beall	Gravel	Percy
Bentsen	Griffin	Randolph
Boggs	Hartke	Ribicoff
Brock	Inouye	Stafford
Burdick	Metcalf	Symington
Byrd, Robert C.	Miller	Tunney
Cannon	Mondale	Williams
Cotton	Montoya	

NAYS—35

Aiken	Fannin	Pell
Allen	Fulbright	Proxmire
Bennett	Hansen	Roth
Buckley	Hatfield	Saxbe
Case	Hughes	Schweiker
Church	Javits	Smith
Cook	Jordan, Idaho	Spong
Cooper	Kennedy	Stevenson
Curtis	Long	Talmadge
Eastland	McGee	Thurmond
Ellender	Nelson	Young
Ervin	Pastore	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mansfield, against.

NOT VOTING—32

Bayh	Gurney	McGovern
Bellmon	Harris	McIntyre
Bible	Hart	Mundt
Brooke	Hollings	Muskie
Byrd, Harry F., Jr.	Hruska	Scott
Chiles	Humphrey	Sparkman
Dominick	Jackson	Stennis
Fong	Jordan, N.C.	Stevens
Gambrell	Magnuson	Taft
Goldwater	Mathias	Tower
	McClellan	Weicker

So the bill (S. 1821) was not passed.

Mr. ELLENDER. Mr. President, I move to reconsider the vote by which the bill was not passed.

Mr. COOK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

WAR POWERS ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 577, S. 2956. I do this so that the bill will become the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The bill was read by title as follows:

A bill (S. 2956) to make rules governing the use of armed forces of the United States in the absence of a declaration of war by the Congress.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Foreign Relations with an amendment to strike out all after the enacting clause and insert:

SHORT TITLE

SECTION 1. This Act may be cited as the "War Powers Act".

PURPOSE AND POLICY

SEC. 2. It is the purpose of this Act to fulfill the intent of the framers of the Constitution of the United States and insure that the collective judgment of both the Congress and the President will apply to the introduction of the Armed Forces of the United States in hostilities, or in situations where imminent involvement in hostilities is clearly indicated by the circumstances, and to the con-

tinued use of such forces in hostilities or in such situations after they have been introduced in hostilities or in such situations. Under article I, section 8, of the Constitution, it is specifically provided that the Congress shall have the power to make all laws necessary and proper for carrying into execution, not only its own powers but also all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof. At the same time, this Act is not intended to encroach upon the recognized powers of the President, as Commander in Chief and Chief Executive, to conduct hostilities authorized by the Congress, to respond to attacks or the imminent threat of attacks upon the United States, including its territories and possessions, to repel attacks or forestall the imminent threat of attacks against the Armed Forces of the United States, and, under proper circumstances, to rescue endangered citizens and nationals of the United States located in foreign countries.

EMERGENCY USE OF THE ARMED FORCES

SEC. 3. In the absence of a declaration of war by the Congress, the Armed Forces of the United States may be introduced in hostilities, or in situations where imminent involvement in hostilities is clearly indicated by the circumstances, only—

(1) to repel an armed attack upon the United States, its territories and possessions; to take necessary and appropriate retaliatory actions in the event of such an attack; and to forestall the direct and imminent threat of such an attack;

(2) to repel an armed attack against the Armed Forces of the United States located outside of the United States, its territories and possessions, and to forestall the direct and imminent threat of such an attack;

(3) to protect while evacuating citizens and nationals of the United States, as rapidly as possible, from any country in which such citizens and nationals are present with the express or tacit consent of the government of such country and are being subjected to a direct and imminent threat to their lives, either sponsored by such government or beyond the power of such government to control; but the President shall make every effort to terminate such a threat without using the Armed Forces of the United States, and shall, where possible, obtain the consent of the government of such country before using the Armed Forces of the United States to protect citizens and nationals of the United States being evacuated from such country; or

(4) pursuant to specific statutory authorization, but authority to introduce the Armed Forces of the United States in hostilities or in any such situation shall not be inferred (A) from any provision of law hereafter enacted, including any provision contained in any appropriation Act, unless such provision specifically authorizes the introduction of such Armed Forces in hostilities or in such situation and specifically exempts the introduction of such Armed Forces from compliance with the provisions of this Act, or (B) from any treaty hereafter ratified unless such treaty is implemented by legislation specifically authorizing the introduction of the Armed Forces of the United States in hostilities or in such situation and specifically exempting the introduction of such Armed Forces from compliance with the provisions of this Act. Specific statutory authorization is required for the assignment of members of the Armed Forces of the United States to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of any foreign country or government when such Armed Forces are engaged, or there exists an imminent threat that such forces will become engaged, in hostilities. No treaty in force at the time of the enactment of this Act shall be construed as specific statutory authorization for, or a specific exemption permitting, the introduction of the Armed Forces of the United States in hostilities or in any such situation, within the meaning of this clause (4); and no provision of law in force at the time of the enactment of this Act shall be so constituted unless such provision specifically authorizes the introduction of such Armed Forces in hostilities or in any such situation.

REPORTS

SEC. 4. The introduction of the Armed Forces of the United States in hostilities, or in any situation where imminent involvement in hostilities is clearly indicated by the circumstances, under any of the conditions described in section 3 of this Act shall be reported promptly in writing by the President to the Speaker of the House of Representatives and the President of the Senate, together with a full account of the circumstances under which such Armed Forces were introduced in such hostilities or in such situation, the estimated scope of such hostilities or situation, and the consistency of the introduction of such forces in such hostilities or situation with the provisions of section 3 of this Act. Whenever Armed Forces of the United States are engaged in hostilities or in any such situation outside of the United States, its territories and possessions, the President shall, so long as such Armed Forces continue to be engaged in such hostilities or in such situation, report to the Congress periodically on the status of such hostilities or situation as well as the scope and expected duration of such hostilities or situation, but in no event shall he report to the Congress less often than every six months.

THIRTY-DAY AUTHORIZATION PERIOD

SEC. 5. The use of the Armed Forces of the United States in hostilities, or in any situation where imminent involvement in hostilities is clearly indicated by the circumstances under any of the conditions described in section 3 of this Act shall not be sustained beyond thirty days from the date of the introduction of such Armed Forces in hostilities or in any such situation unless the continued use thereof in such hostilities or in such situation has been authorized in specific legislation enacted for that purpose by the Congress and pursuant to the provisions thereof.

TERMINATION WITHIN 30-DAY PERIOD

SEC. 6. The use of the Armed Forces of the United States in hostilities, or in any situation where imminent involvement in hostilities is clearly indicated by the circumstances, under any of the conditions described in section 3 of this Act may be terminated prior to the thirty-day period specified in section 5 of this Act by an Act or joint resolution of Congress.

CONGRESSIONAL PRIORITY PROVISIONS

SEC. 7. (a) Any bill or joint resolution authorizing a continuation of the use of the Armed Forces of the United States in hostilities, or in any situation where imminent involvement in hostilities is clearly indicated by the circumstances, under any of the conditions described in section 3 of this Act, or any bill or joint resolution terminating the use of Armed Forces of the United States in hostilities, as provided in section 6 of this Act, shall, if sponsored or cosponsored by one-third of the Members of the House of Congress in which it is introduced, be considered reported to the floor of such House no later than one day following its introduction unless the Members of such House otherwise determine by yeas and nays. Any such bill or joint resolution, after having been passed by the House of Congress in which it originated, shall be considered reported to the floor of the other House of Congress within one day after it has been passed by the House in which it originated and sent to the other House, unless the Members of the other House shall otherwise determine by yeas and nays.

(b) Any bill or joint resolution reported to the floor pursuant to subsection (a) or when placed directly on the calendar shall immediately become the pending business of the House in which such bill or joint resolution is reported or placed directly on the calendar, and shall be voted upon within three days after it has been reported or placed directly on the calendar, as the case may be, unless such House shall otherwise determine by yeas and nays.

SEPARABILITY CLAUSE

SEC. 8. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to any other person or circumstance shall not be affected thereby.

EFFECTIVE DATE AND APPLICABILITY

SEC. 9. This Act shall take effect on the date of its enactment but shall not apply to hostilities in which the Armed Forces of the United States are involved on the effective date of this Act.

PROGRAM

Mr. MANSFIELD. Mr. President, it is my understanding there will be no debate or discussion on this bill (S. 2956) tonight. Therefore, there will be no further votes. It is anticipated we will get underway on the pending legislation tomorrow. Also at that time, during the course of the day, we will take up Senate Joint Resolution 218, a joint resolution to extend the authority conferred by the Export Administration Act of 1969.

Mr. JAVITS. I congratulate and appreciate the consideration of the leadership in not requiring debate tonight.

My reason for saying that is that we really deserve to have as many Senators as possible, and that the opening statement on the bill should not be pro forma, but should really be a considered presentation on a critically important historic event, to wit, the opening of this debate. I think the setting tomorrow, when we get ready for it, will be much more appropriate for that purpose. I am deeply grateful to the majority leader for recognizing that and the dispositions he has made tonight.

Mr. MANSFIELD. Mr. President, may I say I agree completely with the remarks of the Senator from New York, except for the last sentence with reference to me, because this is a most important measure, and I think it is entitled to debate and serious consideration. I am sure it will receive that.

I anticipate that it will take a matter of days, because a grave constitutional question is inherent in this bill, reported out of the Foreign Relations Committee. Therefore, it is necessary that due and deliberate consideration be given to it.

May I say, incidentally, that I announced this morning that up to today there had been 116 rollcall votes. With what has happened today, the number now stands at 119, which is an extraordinary application of the Senate's energy covering a 2-month period.

May I say also that the calendar is pretty clean? The committees have been very diligent in what they have done.

As far as appropriation bills are concerned, the House has passed three; the Senate has passed three. The Senate is up to the mark. As a matter of fact, it is ahead of what I anticipated a month or so ago.

I just want to take this means to extend my congratulations and commendations to all Senators on both sides of the aisle for what they have been able to do, because what they have done reflects great credit on the Senate.

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

Mr. MANSFIELD. I yield.

Mr. McGEE. I wanted to inject, with regard to the question of the Senator from New York a moment ago, but also to mention to my majority leader, that while we are passing out plaudits on the number of rollcall votes we have had, one single measure accounted for a great many. So we take credit for it in the Committee on Civil Service and Post Office, in view of the voter registration impasse we reached here at one point. If that is a laudatory record, we file for some kind of purple heart under the circumstances.

However, I do want to raise a serious question with respect to that raised by the Senator from New York in terms of the procedures now on the war powers billt—he Javits bill, really—at the present time. As I understand it, there will be no presentation of a basic position or a basic paper by the bill's chief sponsor tonight. Is that the understanding?

Mr. MANSFIELD. Not tonight. There will be no further debate on it.

Mr. McGEE. In other words, it is on the calendar as the pending business?

Mr. MANSFIELD. Yes.

Mr. JAVITS. I will do that tomorrow. I will speak tomorrow.

Mr. MANSFIELD. I know the Senator from New York, the Senator from Missouri (Mr. EAGLETON), and other Senators have indicated an interest in the bill and will want to be heard, because its authorship is quite a composite.

Mr. JAVITS. Yes, and I would be the first to confirm that.

Mr. McGEE. And, to continue the inquiry, we are doing that tomorrow so we will have a much wider attendance? Did I hear that mentioned?

Mr. MANSFIELD. Not necessarily. As the distinguished Senator is well aware, some Senators have a very important engagement this evening, if they desire to attend to it. The Senate has had a pretty good day. The calendar is fairly clean. I think a little respite now and again does us some good.

Mr. McGEE. I think it would be helpful. I raised my question inasmuch as I would want to raise some points in regard to the war powers measure passed to the Senate from the Foreign Relations Committee. I was hopeful it would fall at a time when there were likely to be many Senators around town. I was wondering what the anticipated show might be tomorrow in terms of orators who would be interested in this very serious constitutional and updating question.

Mr. MANSFIELD. May I say I would expect the attendance to be about average. If any Senator expects the turnout to be bigger than they have been when he speaks, he is going to be disappointed. The record will have to speak for itself. What I have said applies to every Senator as well as to the Senator from Montana himself. I would say the Senator from Wyoming, being here as long as he has and being well-versed in the mores of the Senate, was well aware of what my answer would be.

Mr. McGEE. The Senator from Wyoming did anticipate. I was wondering whether it might be more practicable to develop the scheduling of the opening dialog of this measure on the return of Senators. I hasten to add that the Senator from Wyoming is going to be here the entire week, and he would just as soon we discussed it on Friday or on Saturday next.

Mr. MANSFIELD. No; Good Friday is a day we all like to observe. Holy Saturday is a day we all like to observe. Easter is a day we al llike to commemorate, because of what lies behind it.

We will have plenty of time on this bill. I would not want to come back after meeting later this afternoon and get started. I think it would be a little late. The attendance would be very sparse. Tomorrow will be a good day, at about 11 o'clock.

Mr. McGEE. The Senator from Wyoming is ready to proceed either right now or to defer to the commitments of his colleagues and proceed tomorrow at 11 o'clock. Is that the time we will meet tomorrow?

Mr. MANSFIELD. Yes.

Mr. McGEE. And await his turn in line for the dropping of pearls of wisdom that the circumstances will permit.

Mr. MANSFIELD. May I say that the Senator from Wyoming, for some reason, reminds me of a colt scratching the ground, waiting to get out the gate or corral to get going. I am sure we will have plenty of time.

Mr. McGEE. Well, the Derby is not very far off. It is spring, and there are colts that are very impatient, even though the Senator from Wyoming is confined to a Mustang with its top down. So we will begin the dialog tomorrow morning at about 11?

Mr. MANSFIELD. After the morning business.

TREATY ON THE SWAN ISLANDS—REMOVAL OF INJUNCTION OF SECRECY

Mr. MANSFIELD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Treaty on the Swan Islands with the Government of Honduras, signed at San Pedro Sula on November 22, 1971 (Executive H, 92d Congress, second session), transmitted to the Senate today by the President of the United States, and that the treaty with accompanying papers be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

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

The message from the President is as follows:

To the Senate of the United States:

I am transmitting for the Senate's advice and consent to ratification the Treaty on the Swan Islands between the Government of the United States of America and the Government of Honduras, signed at San Pedro Sula on November 22, 1971. The Treaty provides for the recognition by the United States of the sovereignty of Honduras over the Swan Islands. The two Governments also agree to establish a cooperative meteorological program to maintain the weather observation and telecommunications facility there, with Honduras assuming the responsibility fo roperation o fthe radio air navigation facility.

The Treaty will thus settle amicably a long-standing difference between the United States and Honduras resulting from their conflicting claims to the Swan Islands. These Caribbean islands are rock keys about 98 miles off the coast of Honduras, the larger of the two islands being two miles long and one-half mile wide. The islands have no intrinsic value for the United States, and our interests for many years have been confined to maintaining a weather observation and telecommunications facility there, as well as an air navigation beacon. The only inhabitants are the few Americans who operate the facility and a small group of Honduran and Cayman Island workers.

The United States claim to the islands is based on the 1863 bonding of the islands "as appertaining to the United States" under the Guano Act of 1856. The Honduran claim is based on succession to the alleged discovery of the islands by the Spaniards, and the incorporation of the islands into Spanish possessions, in the early sixteenth century. The conflicting claims have been an irritant in the otherwise friendly relations between the United States and Honduras.

In a joint communique issued in November of 1962, President Kennedy and President Villeda Morales of Honduras recognized the need to resolve this question, taking into account the rights and interests of both parties. Following appropriate Congressional consultation and exploratory talks wit hthe Hondurans, I authorized the Secretary of State in October of 1969 to seek a settlement of the issue.

The resulting Treaty meets the practical needs of both countries. Acknowledgment of Honduran sovereignty over these islands satisfies a long-held desire of the Honduran people. At the same time, the practical interests of the United States are fully met through retention of the right to operate and maintain, with the active cooperation of Honduras, the meteorological observation and telecommunications facility on the Swan Islands. The enclosed report of the Department of State describes the arrangements under the Treaty in greater detail.

I believe this Treaty exemplifies our ability to reach a peaceful settlement of a territorial dispute in a spirit of good will. I hope the Senate will act favorably concerning the Treaty in the near future.

RICHARD NIXON.

THE WHITE HOUSE, *March 28, 1972.*

THE NOMINATION OF RICHARD KLEINDIENST TO BE ATTORNEY GENERAL

Mr. FANNIN. Mr. President, it is quite evident that the time has come to bring an end to the ITT hearings and to vote on the confirmation of Mr. Richard Kleindienst as Attorney General of the United States.

Despite more than 3 weeks of testimony, no evidence has been found to link Richard Kleindienst with any wrongdoing or indiscretion. It is clear that nothing will be found no matter how long these hearings continue.

The hearings have gone far past the point of serving any good purpose.

Richard Kleindienst was placed on trial as a result of allegations by columnist Jack Anderson. Mr. Kleindienst denied these allegations under oath before the Senate Judiciary Committee. I have known Dick Kleindienst for 20 years, and I know that he is a God-fearing man who is sincere, honest, and devoted to his Nation.

Anderson failed to produce any proof of his charges.

The question boils down to this: Do we believe the highest administrator of justice and law enforcement in this Nation, or do we believe the unsubstantiated allegations of a gossip columnist?

The only persons who have anything to gain out of continuation of the hearings are those who thrive on innuendo or character assassination.

Reports today are that Mrs. Dita Beard will not be able to testify again for at least 6 months. She has denied—by affidavit and in testimony before a subcommittee—that she wrote the memorandum in dispute.

This is the appropriate time to put an end to these hearings which have ranged far and wide.

I would remind everyone that the original purpose of the sessions concerned Richard Kleindienst and his nomination to be Attorney General.

All the evidence—and much more—is in. It is time for a verdict.

Mr. President, I call on my colleagues to join in urging a decision in this matter. Let us bring the nomination before the Senate and confirm it.

It is unfair to the administration, to the Justice Department, and to Mr. Kleindienst, to allow the fishing expedition to continue indefinitely.

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

Mr. FANNIN. I yield to the Senator from Michigan.

Mr. GRIFFIN. To what the distinguished Senator from Arizona has said I would add that every day the political three-ring circus before the Judiciary Committee continues is another day that the committee is not considering important legislation pending before the committee. I refer, for example, the President's busing moratorium bill which has been referred to the Committee on the Judiciary and which should have its prompt attention.

Obviously, the ITT circus has now bogged down. It has been interesting but it has had little or nothing to do with Mr. Kleindienst's fitness to be the Attorney General. Indeed, most people have forgotten that the question before the Judiciary Committee is supposed to be the nomination of Richard Kleindienst.

So, I join the Senator from Arizona in suggesting that it is about time for the Senate to get about the business of rendering a verdict on whether or not Mr. Kleindienst should be the Attorney General. It is also time for the Judiciary Committee to get about the business of considering some of the important legislation that should come before this body.

Mr. FANNIN. I thank the distinguished Senator from Michigan. He certainly has placed the matter in proper perspective. I agree with him on the importance of the question of bringing this busing legislation before the Senate and making decisions that are very important to the people of this Nation. I know the Senator agrees that there are many other matters of vast importance that will be before the Committee on the Judiciary, and should have full consideration. I thank the Senator for his comment. I know he has a great interest in what is being done by the Committee on the Judiciary and in what should be done, and I commend him for the statement he has made at this time.

Mr. President, I yield the floor.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, before moving to adjourn, 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. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene tomorrow at 11 a.m. After the two leaders have been recognized under the standing order, there will be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Chair will lay before the Senate the unfinished business (S. 2956), a bill to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress.

The distinguished majority leader has indicated that at an early hour tomorrow, the Senate will also proceed to consider Senate Joint Resolution 218, a joint resolution to extend the authority conferred by the Export Administration Act of 1969.

It has been indicated by Senators, who ought to be in a position to know, that there will not likely be a rollcall vote on the export administration bill. However, as all Senators are well aware, rollcall votes can and do sometimes occur when they are least expected. It is not anticipated, however, that much time will be required for debate and action on the Export Administration Act.

The Senate will proceed, throughout most of tomorrow's session, to debate the unfinished business, the war powers legislation, and as of now it is not anticipated that there will be any rollcall votes on that measure tomorrow.

On Thursday, the Senate will resume its consideration of the war powers bill. Debate will continue thereon, and in all likelihood this will be the measure before the Senate when it reconvenes following the Easter recess on Tuesday, April 4.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. ROBERT C. BYRD. 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 11 o'clock tomorrow morning.

The motion was agreed to; and at 4:48 p.m. the Senate adjourned until tomorrow, Wednesday, March 29, 1972, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate March 28, 1972:

SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

Dr. Jerome H. Jaffe, of Virginia, to be Director of the Special Action Office for Drug Abuse Prevention, (new position).

Paul Louis Perito, of Massachusetts, to be Deputy Director of the Special Action Office for Drug Abuse Prevention, (new position).

UPPER MISSOURI RIVER REGIONAL COMMISSION

Robert L. McCaughey, of South Dakota, to be Federal Cochairman of the Upper Missouri River Regional Commission, (new position).

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. George Edward Pickett, xxx-xx-x... xxx-... U.S. Army.

IN THE MARINE CORPS

The following named officers of the Marine Corps for permanent appointment to the grade of lieutenant colonel:

Jesse L. Altman, Jr.	Charles K. Breslauer
Thomas C. Andrew, Jr.	Clyde W. Brewer, Jr.
George L. Bailey	Earl E. Brown
George N. Bailey, Jr.	Ralph E. Brubaker
Harry H. Bair	Richard D. Buttolph
Terrance P. Baker	Pasquale L. Cacace
John A. Barry	Michael P. Cady
Karlton L. Batt	Ronald E. Cardwell
Andrew F. Bauer	Daniel I. Carroll
Robert C. Baughman	Brendan J. Cassidy
Pierre H. Begnaud	Ralph L. Chapman
Daniel T. Benn	Keith L. Christensen
Arthur A. Bergman	Richard J. Coogan
Donald C. Bieger	Thomas D. Cooney
Edward A. Birzer	James M. Cox
Carl E. Black	Thomas C. Cox
William A. Bloomer	James O. Cranford
George F. Boemerman	Ernest C. Cunningham, Jr.
George J. Bollard	Kenneth D. Curry, Jr.
Royce L. Bond	Stanley J. Czubai
William Boone	

Donald A. Dalrymple
Neal L. Derickson
Donald E. Dilley
William E. Dodds
Lloyd J. Draayer
John L. Driefer
Orville R. Edmondson
Myrddyn E. Edwards
Robert F. Eggers
Stephen S. Eisenhauer
Gordon P. Emery
Eldon L. Erickson
George J. Ertlmeier
George G. Evans, Jr.
Richard L. Evans
William R. Fails
Michael J. Fibich, Jr.
William M. Foley
Clarence D. Foreman
William J. Forristall
Robert D. Fowner
Charles H. Frazier, Jr.
Laurence R. Gaboury
Louis F. Gagnon
Edward E. Gerding
John C. Gonzalez
Frank E. Graham
James R. Green
Jimmie L. Green
Joe L. Gregorcyk
Jesse R. Greer
Charles E. Griggs
Darold L. Guttormson
Charles R. Habgood
Robert D. Hagan
Manuel H. Hedges
Charles A. Henry
Arthur R. Hickle
Gary W. Hintz
Lyell H. Holmes
Robert R. Hull
Donald L. Humphrey
Will D. Isbell
Henry C. Ivy, Jr.
Russell E. Jamison
Edward P. Janz
Fidelas W. Jarnot
Leroy E. Johnson
Richard J. Johnson
Homer P. Jones
Walter A. Jupp
Raymond G. Kennedy, Sr.
Alvah J. Kettering
John R. Koch
Russell L. Kramer
Billy D. Kraxberger
Harold F. Kuhn
Allan W. Lamb
Erik Larsen
George H. Leach
Julius M. Lewis, Jr.
Orville V. Lippold, Jr.
John A. Livingstone
Robert E. Loehe
John E. Lorzing
Peter F. Lottsfeldt
Arthur S. Loughry
Cornelius W. MacFarlan
Joseph M. Magaldi, Jr.
Gordon E. Malone
Marvin P. Mann, Jr.
Frank M. Manrod
John A. Manzione, Jr.
Samuel J. Marfia
Manuel O. Martinez
Andrew G. Marushok
Howard J. McCarty
Charles A. McCluskey
Melvin W. McCoury, Jr.
Charles J. McDonald, Jr.
Ernest P. Meier
Paul F. Melcher
Henry G. Miller, Jr.
James E. Miller
Hubert A. Monteau
Robert D. Myers
Arthur A. Nelbach, Jr.
Stephen Ondrako, Jr.
Alfonso Oseguera
Billy E. Pafford
James E. Page
Charles E. Parker
Marvin E. Peacock
David W. Phifer
Louis J. Piantadosi
Robert Plant
George E. Pratt
Leonard T. Preston, Jr.
Lonnie E. Ramsey
Eugene W. Rawlins
Thomas S. Reap
Van S. Reed
Elwin Reichert, Jr.
Richard G. Ritchie
James A. Roberts
Charles D. Robinson
Jon R. Robson
George F. Rogers, Jr.
Peter C. Scaglione, Jr.
Kenneth L. Scarborough
Harold Schofield
Norbert F. Schnippel, J
Charles C. Seabrook
Walter C. Service III
Karl E. Sharff
James F. Sheehan
William P. Shunkey, Jr
Con D. Silard, Jr.
Paul D. Slack
Clarence E. Smith, Jr.
Norman A. Smith
William R. Smith
Richard P. Spreier
David N. Sprott
Victor D. Stauch, Jr.
Richard G. Steffey
Arthur L. Stewart, Jr.
Francis T. Sullivan
Bernace M. Symm
Robert W. Topping
Donald J. Verdon
Ralph V. Walker, Jr.
Alphonse I. Warczakowski
Charles Ward
Lloyd K. Warn
Donald E. Webb
Gerald A. Weiland
William L. Whelan
Robert E. White
Warren H. Wiedhahn, Jr.
Martin J. Williams
James W. Willkomm
Paul A. Wilson, Jr.
Henry F. Witter
Peter R. Worden
Neal B. Wynn
Walter N. Yanochik
John T. Zych, Jr.

The following named officers of the Marine Corps Reserve for permanent appointment to the grade of lieutenant colonel:

Kenneth R. Allen
Louis W. Alter, Jr.
Lloyd J. Barnes
Bobby A. Barringer
Donald J. Berryman
Robert E. Black
Ronald J. Bordenaro
John T. Brassfield
William F. Braucher
Clayton P. Brennan
Anthony J. Brosco
Irvin C. Brown
Thomas F. Burke
Paul T. Campbell
Donald J. Capinas
Joseph A. Caprara
Michael W. Cervenak
Charles T. Chapman
Edward A. Clark
Robert M. Clark.
George F. Coleman
Wiley E. Conder
Richard M. Condrey
John H. Coram
Thomas J. Cribbs
Robert M. Croll
George Cutsogeorge
Wayne B. Daniels
Louis Datillo
Allan D. Davis
Johnny O. Dean
William Delorenzo, Jr.
William L. Dickens
Dwight R. Dickey
Russell E. Dolan
Thomas L. Dunton
John R. Enright
Charles R. Ensley
Edmund R. Euler
Louis E. Farrell
Roland B. Field
Robert E. Finney
Patrick J. Foley
Ronald L. Fraser
Francis R. Frola
John E. Gallagher
Gordon Gannon, Jr.
Charles R. Gardiner
Theodore L. Gey, Jr.
Alvin H. Goeser, Jr.
Henry J. Goffi
Thomas J. Golden, Jr.
William L. Golemon
Ed W. Graham
Donald H. Green
Jean B. Green
John J. Griffin
Francis D. Hadden
Bernard J. Harmon
David M. Hatfield
James C. Heigham
Travis N. Hines
Theodore T. Hogan, Jr.
Gordon W. Holm
Francis M. Horn
Edmund L. Hudson
Eugene L. Hughes
Bobby G. Hunter
Marvin H. Janson
Ernest F. Janney, Jr.
Warren I. Jaycox
Frederick R. Jerrett
Eugene D. Johnson
Kenneth W. Johnson
Dennis K. Joyce
David P. Karcher
Douglas F. Keith
Thomas F. Kelaher
Thomas C. Kerr
George Kiraly, Jr.
Fred W. Koehler, Jr.
John E. Kussman, Jr.
James H. Lane, Jr.
John E. Laurent
Dewitt B. Lawrenson, Jr.
Albert M. Leahy
Hillary M. LeClaire, Jr.
John K. LeDeaux
Edward C. LeLouis, Jr.
Harold A. Lipska
Candido H. Lucero
Charles F. Lundy
Peter J. Lynch
Peter H. Lyons
Richard S. Manley
James V. Martin, Jr.
Robert S. Masters
David S. Manuel
Harry A. Marmion
Gerald S. Mayer
William F. McCaffrey
Vincent J. McGarry, Jr.
Jimmie L. McWhirt, Sr.
John R. Merrill
William F. Messerli
Bardell D. Miller
Aiwin L. Moeller, Jr.
Robert A. Monfort
Domenick Muffi
John R. Mullin
Timothy C. Murphy
Frank G. Nelson
Clynch Newsome, Jr.
William L. Nicolls
Robert D. Nolan
Joseph G. Norton
Kenneth W. Northwick
Kermet W. Northwick
Donald F. Oatis
Philip F. Oestricher
Paul J. Otis
Paul J. Pardy
Joseph M. Parker, Jr.
Stephen Percy.
James W. Persons
William Piper
John R. Powers
Paul E. Pruett
Robert W. Rauch
Thomas P. Redden, Jr.
Harold W. Robbins
Edward H. Roemer
John K. Roschlau
Russell A. Rourke
Robert F. Ruan II
Frederick H. Russell
William H. Sackett
Ronald W. Salmon
Gordon A. Samuel
William D. Saylor
James H. Schell
Robert D. Scherer
John F. Schmitt
William L. Seay
Richard T. Secrest
Robert H. Shortsleeve
John D. Slack
Clarence L. Smith
John P. Stayton
George B. Stebbins, Jr.
Leonard B. Stolba
George E. Strickland
Ray U. Tanner
Paul E. Thomsen
Romaine D. Thorfinnson
Tommy A. Tinker
Frank T. Tobin
Howard Troxell
Fred T. Schopp, Jr.
Paul D. Tucker
Gerald H. Turley
Emil L. Veer
Jerry T. Verkler
Richard D. Wagner
Robert T. Waters
Ben F. Weaver
Larry M. Wheeler
Robert E. Wheeler
Alexander P. White, Jr
Joel A. Yarboro
William E. Yeager

The following-named officers of the Marine Corps for temporary appointment to the grade of first lieutenant:

Lynn Adams III
Bruce J. Adkins
James A. Albright
John H. Alico
Edward T. Allard III
Kenneth C. Allison, Jr.
Robert C. Anderson
Walter Antin, Jr.
Michael R. Antonelli
Charles L. Armstrong
Ronald J. Armstrong
Russell P. Armstrong
Christopher C. Ashby
Lewis Babre
Rayfel M. Bachiller
Welles D. Bacon
Gerald D. Badinger
Calvin D. Baker, Jr.
Lorenza T. Baker
William B. Baker
William F. Ball III
Gary W. Barnes
Michael F. Barone
Thomas W. Battaglia
Larry E. Beagley
Jonathan M. Beall
Fred W. Beard
Peter R. Beavins
Jimmy E. Belcher
George G. Berg
Dan T. Bergstrom
William L. Bettes
Albert H. Bickmore
Jerome F. Bierly
Ralph A. Bingham
Sammy G. Binion
Michael J. Bixiones
Carl V. Black
Robert R. Blackman, Jr.
Archie G. Bobo
John N. Bockstanz, Jr.
John R. Bollman
Harvey L. Borden
John L. Borst
Raymond D. Bourque
Rodney L. Bowers
Charles F. W. Bowman, Jr.
Joseph S. Boyd
Robert J. Boyd, Jr.
John Boyle IV
Richard T. Brady, Jr.
Robert L. Brake
Frank X. Braun IV
Brooks J. Breece
Donald C. Brewer, Jr.
Richard T. Brady, Jr.
Eugene D. Brindle
Jude T. Brock
William F. Broderick
Dennis R. Brons
Clifton R. Brooks, Jr.
Donald R. Brown
Jerome S. Brown
Shepard R. Brown
Thomas A. Browne
Paul V. Bruckner
Bruce E. Brunn
Johnny Bruntlett
David M. Bryan
Thaddeus H. Burak, Jr.
Gary C. Burch
Joseph E. Bruch
Timothy L. Burfield
Jerry L. Burton
Lawrence A. Butterini
Edward C. Caliri
John V. Calkins
Thomas J. Callan, Jr.
Kenneth D. Cameron
John T. Campbell, Jr.
Edward L. Carman III
Martin D. Carpenter
Thomas T. Carpenter
William H. Carroll, Jr.
John E. Casey
Barry L. Cassidy
Norman A. Chandler II
Jonah H. K. Chang
Connie S. Chavez
Jimmy H. Church
Robert M. Churchill
Anthony J. Ciotti
James K. Cobb
Dan M. Colglazier
James A. Collins
Henry J. Colyar, Jr.
Leroy J. Cook
Patrick C. G. Coulter
John D. Counselman, Jr.
James P. Courtney
Bruce P. Couturier
Glenn B. Cowen
Joseph R. Crockett, Jr.
Ronald J. Cruz
Eugene P. Cuccaro
Mark L. Danin
James B. Darcy, Jr.
James R. Daugherty
Charles E. Davis, Jr.
John W. Davis
Joseph J. Day
Orland O. Defrates, Jr.
Timothy G. Delaney
Donald V. Demikis
Glenn C. Remunck
Robert J. Depass
Lawrence S. Derrig
Howard Devore, Jr.
Kurt M. Dieterle
Alphonso B. Diggs, Jr.
Louis A. Dirker, Jr.
Kenneth R. Dobrovolny
Dennis R. Dodd
John T. Donahue
Cleve B. Doster
Dennis R. Dowling
Steven J. Draper
Ronald M. Dressin
Christian F. Dubia, Jr.
Paul V. Duncan
Clifford D. Dunn, Jr.
Robert W. Dyar, Jr.
Robert A. Edmond
Sidney B. Edwards
James B. Egan
Robert P. Eichorn
Richard K. Eisert
Thomas L. Ekle
Jeffery S. Eliason
Roger L. Emch
Richard A. Engel
William J. Esmann
Robert G. Essink
Riley S. Ethington
Jot Eve
James L. Ewoldsen
Kenneth R. Falasco
Charles B. Farber
Phillip F. Fargotstein
Jon W. Farmer
Michael C. Fassion
Thomas R. Fasulo
Paul M. Felix
George W. Fels, Jr.
Arnold Fields
Vincent L. Fischer, Jr.
Ronald C. Fish
Lloyd D. Fitzpatrick
Jan P. Fladeboe
Homer W. Fogle, Jr.
Robert A. Forrester
Percy E. Foster, Jr.
David W. Fowkes
Charles K. Freeman
Joseph B. Freeman
Richard B. French
John D. Frew
Roland V. Funk
Edward A. Gabarra
Timothy M. Gahan
Francis O. Galloway, Jr.
Thomas G. Gasparenas
Vito F. Gentile
Terry A. Geron
Edward C. Gerstner
James H. Gesner
Williams J. Gibbons
Richard A. Glover
Patrick J. Glynn
Bruce A. Gombar
Franz M. Gottleib
John A. Granger
William M. Grant
Robert A. Grice
Arthur J. Grimley III
Orrin L. Grover III
William C. Grubb, Jr.
Ronald L. Gruber
Robert L. Gruber
Edward B. Guckert
Ralph T. Gutierrez
William R. Hackney III
Dennis G. Hagen
Donald C. Haines
Stephen D. Haley

John B. Hall
John E. Hall
Robert J. Halliday
James C. Hardee
Robert R. Hare III
Gregory Harrison
Robert L. Hart
Guy B. Harwood
James E. Haskins
Michael J. Havrilla
Edward G. Hayden II
James L. Hayes
Askold T. Haywas
Homer L. Hazel
Dennis J. Hellman
David H. Henderson, Jr.
Michael W. Henig
Leon F. Henley, Jr.
Roger D. Herring
Bruce A. Henry
John P. Hertel
Stephen M. Hill
William H. Hill III
Timothy J. Himes
Kingsley E. Hoemann
William D. Holcomb
John R. Hollcraft
Louis S. Hollier IV
William D. Hollister
James E. Hollopeter
Jack W. Holt, Jr.
Richard A. Houston, Jr.
Sylvester Howard
Vance B. Howerton, Jr.
Thomas W. Hoysa
Thomas P. Hudson, Jr.
Jan C. Huly
Jerry D. Humble
Dennis B. Ioerger
Timothy J. Ireland
Gordon R. Jackson
Robin S. Jackson
Joseph D. Jeffares
Siguard L. Jensen III
Eddie E. Johansson III
Thomas S. Jones
Timothy J. Joyce
Larry J. Jurica
Kenneth M. Jurjevich
Robert L. Jones
Michael R. Kain
Terry R. Kane
Raymond J. Kaufman
Robert J. Keller
Michael M. Kephart
Joe Killebrew
Robert J. Kimble, Jr.
David L. King
Robert C. King
Bruce J. Kirry
Ray E. Kittilstved
Clifford H. Kittle, Jr.
Herbert W. Klein, Jr.
William L. Kleinpeter
Joseph Kochuba
Clifford J. Kolson II
Gregory C. Koons
Raymond M. Kruse
Walter M. Kubiak
Gregg C. Kubu
Mitchell A. Kudla
William P. Kyle
Paul A. Lambert
Roland L. Lambert, Jr.
Harry J. Landau
Charles E. Landry, Jr.
John Langdon II
Charles R. Larkin, Jr.
Michael W. Leach
David J. Lee
Dean J. Legidakes
Gregory G. Lemmer
James F. Leonard
Richard C. Lepley
Timothy B. Levan
Terry N. Lewis
Robert J. Livingston
Carl J. Loguidice
Herbert B. Long II
Leonard A. Long
Michael E. Lowe
John F. Lucas
Edmund A. Lucke
John K. Lynn
John M. Machen
James W. MacMurray Jr.
Don B. MacNamee
Thomas A. Manfredi
Edwin C. Mann
William T. Manning
Esmond W. Marks
Gary W. Marshall
George L. Marshall, Jr.
Thomas M. Marsilio
Terry L. Martin
Harold Mashburn, Jr.
Danny C. Masters
Robert A. Matthews
Aove E. Mattox
Roger J. Mauer
William L. Maxey
Jerry C. McAbee
Robert P. McCaleer
Robert F. McCarthy
John I. McClurkin
Larry H. McCollum
Richard M. McCool III
Boyd S. McCord
John J. McDermott
Ian D. McDonough
Bryan M. McGill
Terry W. McKinsey
James F. McLean
Billy D. McMillin
Gene S. Mead
Kenneth H. Medeiros
William J. P. Melby
David L. Mellott
Joseph A. Menart
Richard D. Metcalf
Francis J. Meyer
Robert D. Michael
Gene A. Milleson
Thomas P. Milne
Alex G. Mitkevich
Charles G. Mittnacht
Robert J. Moberg II
Robert A. Mohlin
Donald J. Monroe
Samuel Moore Jr.
William M. Moore
Richard C. Morgan
Terrence C. Morgan
Robert V. Morris
Louis R. Moyzan
John C. Mullane, Jr.
Robert S. Mutcher
John W. Muth III
William N. Myers
Gerald N. Nance
James M. Naylor
Lannie D. Neal
John G. Nemec, Jr.
Paul S. Nickolaus
Miken J. Nielsen
Raymond K. Noll
William R. Norton III
Jerry R. Oberg
Gerald B. Ogden
Ward C. Ogle
Gregory C. Okelly
Steven E. Olmstead
Thomas F. Oreilly
Michael C. Osajda
Paul R. Ottinger
Joseph J. Pantalone
Frederick D. Parker
Charles A. Parlier II
James W. Parrish
Clarence F. Patten III
Christopher R. Pastel
William W. Pattison II
Ralph E. Pearcy III
Wiley H. Pearson
Frederick C. Peck
Hugh F. Phillips
Henry N. Pilger
John W. Pitz
Carl O. Plath, Jr.
Allan J. Polachowski
Raymond L. Polak
Christopher C. Polson
James J. Porter, Jr.
Gregory M. Potter
Ronald G. Powell
Andrew N. Pratt
Francis J. Priest
Kenneth L. Priestley
Bernard C. Proctor
David A. Proffitt
Randall B. Pyles
Henry A. Pyzdrowski, Jr.
Leamond C. Ramsey
Garrett V. Randfl, Jr.
Robert W. Rathbun
Brett D. Rayman
Edward J. Reardon, Jr.
Peter J. Reding
James L. Reid
Steven S. Reinemund
John H. Reynolds
Larry J. Richardson
Dwight G. Rickman
David W. Riggle
James W. Rinschler
Richard H. Roamer
Edward J. Robeson IV
Robert S. Robichaud
Edmond L. Robin
James R. Robinson II
Earl W. Rogers
Jeffrey A. Rogers
Winston E. Rorabaugh
Wiley J. Rosemond
James M. Rosen
Alfred G. Roth
Robert M. Rudolf
Jeffrey C. Rupp
Robert A. Rys
Robert J. Saffer
Roger A. Sager
James E. Sall, Jr.
David W. Sanasack
Lewis M. Sanders
Edward J. Sandrick
David A. Sannes
Ervin W. Scarlett, Jr.
Jeffrey E. Scheferman
Raymond W. S. Schellinger
David K. Scmmidt
Robert D. Schow
James R. Schwenk
Roland R. Seaman
James E. L. Seay
William J. Seemeyer
Gary C. Seiser
Ellsworth A. Shaw
Michael J. Shaw
Anthony P. Shepard
Stevan A. Shepherd
John E. Sherbin
Jimmy R. Shideler
James D. Shimp
Mitchell E. Shivers
James G. Shockley
Thomas J. Short
Ronnie E. Sirmans
Joel M. Skousen
James L. Smee
Arthur M. Smith, Jr.
Charles L. Smith
Delmer Smith
Dennis R. Smith
Edward D. Smith, Jr.
Lyle W. Smith
Terry A. Smith
William G. Smith
Jon W. Smythe
Leslie Solymossy
Robert E. Sonnenberg, Jr.
Douglas K. Spaulding
Jerry L. Spencer
Sidney L. Spurgeon
Joseph F. Startari
Richard M. Stearns
Robert E. Steinhorst, Jr.
Stephen K. Steinmeyer
Thorys J. Stensrud
Bruce M. Stevens
Ronald L. Stevens
Henri P. Stewart
David A. Stockwell
John D. Stokes
Timothy F. Stoufer
Robert L. Strawser
Andre D. Summers
Larry A. Sunn
Leonard M. Supko
Donald F. Swanda, Jr.
John R. Switzer
Aloysius Sypniewski
Alfred J. Talevi
James M. Tarkington
Rex N. Taylor
Jon D. Terry
Paul W. Thomas
Jimmie R. Thompson
John L. Thompson
Wayne P. Thompson
Joseph Thorpe
Erik B. Thueson
Joseph Thurmond
Theodore K. Tolle
James F. Trahern
Dennis E. Tripp
Robert F. Turbyfill
Craig J. Turner
Conrad B. Turney
Douglas D. Tyler
Larry F. Vance
Martin R. Vanderbrook
Neal W. Vanhouten, Jr.
John A. Vansteenberg
Lowell F. Vanwagenen
Robert J. Varley
Gerald A. Vianello
Bruce R. Wahlsten
William W. Walker
Lawrence C. Walt
Clark L. Waters
Larry D. Walters
James G. Ware
Merrill C. Waters
David M. Webster
Michael J. Weiss
Charles N. Wells
Steven G. Western
Robert H. Whitlock
Paul A. Whitham
Gene W. Whitten
Leo V. Williams III
Nicholas J. Williams, Jr.
Norris E. Williams
Clarence E. Willie, Sr.
Douglas G. Wilson
Thomas E. Wilson
Richard P. Wolfe
Thomas S. Wolfe
James E. Woodruff, Jr.
Donald W. Workman
Gary J. Wright
James L. Young III
George E. Zakielarz
William E. Zales, Jr.

WITHDRAWAL

Executive nomination withdrawn from the Senate March 28, 1972:

IN THE COAST GUARD

Capt. William H. Brinkmeyer, U.S. Coast Guard, from further consideration for appointment to the grade of rear admiral, U.S. Coast Guard. His name was submitted together with that of one other nominee for appointment to the grade of rear admiral in the Coast Guard on March 20, 1972.

HOUSE OF REPRESENTATIVES—*Tuesday, March 28, 1972*

The House met at 12 o'clock noon.

Rev. Bob W. Parrott, Seabrook United Methodist Church, Seabrook, Tex., offered the following prayer:

Let us pray.

Almighty God, we have desired position more than wisdom to handle the responsibility. And we have paid for it, not in loss of office, but in loss of confidence that we are doing our best.

Help us regain integrity, which comes by being truthful. The truth is, before we vote, we need to listen—to those who put us in office and to You who put us in the world.

You have programed us with a curiosity to fly to the moon, and beyond; with a desire to help the underdog; with the potential to be truthful. O God, electrify this Chamber with truth in order that our words and actions will declare, "Not my will but Thy will be done."

In Jesus' name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

REV. BOB PARROTT, PASTOR, SEABROOK UNITED METHODIST CHURCH

(Mr. CASEY of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CASEY of Texas. Mr. Speaker, it has indeed been our honor to have our invocation given by the Reverend Bob Parrott, pastor of the Seabrook United Methodist Church, which is part of my congressional district.

Reverend Parrott is truly a "space-age parson," as his church is located near the Manned Spacecraft Center, and he has astronauts and NASA personnel as most of his congregation. He is an instrument-rated pilot, flies his own Beechcraft Bonanza, and has authored two space-oriented books, "A Man Talks With God," and "Earth, Moon, and Beyond." He has a third book scheduled to be published late this year.

Rev. Bob Parrott's real pride and ac-