hold Ortona in high regard for his contributions in that field.

He plays the piano though he says that it's debatable just how well. When he arrived in Washington five years ago as Italy's ambassador, the press described him as "a musician." Soon he was called "a pianist." Finally, he learned through the press that "I am a concert pianist."

In his delightfully inverted English, he sums up his talents this way:

"I just know to play badly the piano."

But former Supreme Court Justice Abe Fortas, who often fiddles to Ortona's piano accompaniment at Sunday night get-togethers in the Fortas home or at the Italian embassy, disputes such modesty.

"He's a true lover of music, an absolutely irresistible man—musicians both here and in New York owe him a great deal. In fact," says Fortas, "music in this country owes an enormous debt to Ortona."

Fortas says that Ortona, "more than any other ambassador in Washington, has consistently held musical evenings at the embassy. Sometimes he plays, and he plays well. Sometimes he invites American or Italian musicians to play. He has encouraged young musicians in New York as well as in Washington."

He also has seen to it that his country showed its appreciation to musicians by conferring decorations upon such distinguished ones as pianist Artur Rubinstein and Eugene Ormandy, conductor of the Philadelphia Orchestra.

Ortona's next public musical appearance will be Jan. 31 when he and his favorite companion at a double keyboard, former Assistant Secretary of Defense Robert LeBaron, sit down at the embassy's baby grand pianos to entertain for Peggy LeBaron's International Neighbors Club.

His love of music has sometime been a challenge to hosts who don't happen to have a piano.

Former U.S. Ambassador to Luxembourg and the U.S. Chief of Protocol during the Eisenhower administration, Wiley T. Buchanan Jr., whom Ortona visits every summer at Newport, found the ambassador disappearing every day.

"We had no piano," says Buchanan, "so he went around to homes of our friends who did. There he would be lost at the keyboard for two hours at a time."

The Buchanans ordered a piano so that the Italian diplomat could find all the musical comforts he missed right inside their front door.

(The Buchanans' grandchildren, somewhat confused by the ambassador's informal attire, once mistook him for a new chauffeur. Ortona, playing along, escorted the children to his Fiat, drove them all around Newport and made every stop demanded. "He thought this a huge joke," says Buchanan.)

As the father of two grown daughters and a son and the grandfather of three, Ortona dotes on children.

"When my first grandchild was born, I started the best career of my life," he says.

When his diplomatic career ends in three years (Italy's foreign service has mandatory retirement at age 65), Ambassador Ortona will have the satisfaction of knowing that he was the guiding light behind the proposed new Italian embassy-chancery complex, to be built on a five-acre, $1 million tract at the corner of Massachusetts Avenue and Whitehaven Street, NW.

American architects will supply the technical expertise but Italian architects will draw up plans that will include incorporation of all works of fine art now in the present embassy at 16th and Fuller Streets, NW.

Ortona is completing negotiations now and will go to Rome next week to confer with architects.

Egidio Ortona was born on Sept. 16, 1910, in the small Piedmont hill country town of Casale Monferrato in northern Italy.

His father was a cavalry officer in the Italian army and close friend of Caprilli, inventor of "the forward seat," a modern method of riding horseback. Predictably, young Egidio took to the saddle very young.

His musical education began at age 8 and despite the seemingly interminable drilling to learn his scales, he developed a crush on his music teacher.

At age 16, when he was a student at the local lyceum, he met tall, voluble Guilia Rossi. He was two years ahead of her in school and so far ahead of her in music that she finally gave up playing herself.

"He was just too good for me," says Guilia Rossi Ortona. "It's uncanny how he can read any piece of music at sight."

Music, tennis and dancing, which both enjoyed, created a strong community of interest and in 1935 they were married.

But before that, during the nine-year interval between their first meeting and their marriage, Egidio Ortona packed considerable education into his young life.

He spent a year at the University of Poitiers, another year at the London School of Economics and finally got his law degree at the University of Torino (Turin) in 1931. He never practiced law but, instead, entered the Italian foreign service. He was just 21.

At the bottom of the diplomatic career ladder, he started his climb by serving in posts at Cairo, Johannesburg, London and finally Washington.

The handsome Italian Embassy, built years before to resemble an elegant palazzo, was closed during war years. So he worked at the Shoreham Hotel.

"The American government had decided to have an Italian mission come to Washington to discuss postwar economics and rebuilding after the war's destruction," he says. "I and four other members of the mission were engaged in problems of economic assistance for Italy."

The longer Ortona stayed in Washington, the more reasons he found to remain. The work was fascinating and challenging—"It was a most interesting thing to try to enhance relations between the United States and Italy. The results of the Marshall Plan in Italy between 1948 and 1952 were so good."

Ortona became a secretary, then counselor, then minister counselor and finally minister of the reopened Italian embassy. His economic skills were so valued by his government that he often represented Italy at such conferences as the International Monetary Fund and the International Bank for Reconstruction and Development.

In 1958, he was assigned to the United Nations in New York as Italy's ambassador. He stayed in that post until 1961 when he was called home for a prime spot in the foreign ministry as director general of economic affairs.

He held that post until 1966 when he was made secretary general of the Foreign Ministry, the top career spot equal to U.S. Under Secretary of State.

In 1967 he was assigned to Washington, again, this time as ambassador plenipotentiary and extraordinary.

While he has logged up an impressive reputation as a skilled and serious diplomat, he and his wife have made an equally dramatic impact on the social front in Washington. In fact, their social calendar is so packed that Mrs. Ortona said rather helplessly the other day that "there is simply no time to sleep."

Ambassador Ortana does not think in terms of missed sleep. In addition to his diplomatic duties and his music, horseback riding and vigorous daily swim at the University Club he has plans for still another activity.

"If circumstances permit," he says, "I may try flying. I am always trying to do everything I can."

"Oh, no!" says his wife who had not heard of his interest in flying. "I hate flying. It makes me sick."

Chances are that Guilia Ortona, who has never been able to talk her husband out of anything he wants to do, will go right along with this latest idea, just as she has done for nearly four decades.

SENATE—*Thursday, January 11, 1973*

The Senate met at 12 o'clock meridian and was called to order by Hon. WILLIAM D. HATHAWAY, a Senator from the State of Maine.

PRAYER

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

Almighty God, Creator, Preserver, Redeemer and Judge, cleanse us of all that obstructs knowing and doing Thy will. Give us clean hands and pure hearts which fit us for service to Thee and to all people. Equip all who serve here with a full measure of grace and strength and with a wisdom beyond our own. Make us ministers of a righteous government and servants of the common good. And when the day is done, give us the rest of those whose hearts are at peace with Thee and their fellow man.

We pray in the Redeemer's name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., January 11, 1973.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. WILLIAM D. HATHAWAY, a Senator from the State of Maine, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

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

MESSAGES FROM THE PRESIDENT

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

PROPOSED EXTENSION OF ECONOMIC STABILIZATION ACT—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. HATHAWAY) laid before the

Senate the following message from the President, which was referred to the Committee on Banking, Housing and Urban Affairs:

To the Congress of the United States:

During 1969, the annual rate of inflation in the United States was about six percent. During my first term in office, that rate has been cut nearly in half and today the United States has the lowest rate of inflation of any industrial country in the free world.

In the last year and a half, this decline in inflation has been accompanied by a rapid economic expansion. Civilian employment rose more rapidly during the past year than ever before in our history and unemployment substantially declined. We now have one of the highest economic growth rates in the developed world.

In short, 1972 was a very good year for the American economy. I expect 1973 and 1974 to be even better. They can, in fact, be the best years our economy has ever experienced—provided we have the will and wisdom, in both the public and private sectors, to follow appropriate economic policies.

For the past several weeks, members of my Administration have been reviewing our economic policies in an effort to keep them up to date. I deeply appreciate the generous advice and excellent suggestions we have received in our consultations with the Congress. We are also grateful for the enormous assistance we have received from hundreds of leaders representing business, labor, farm and consumer groups, and the general public. These discussions have been extremely helpful to us in reaching several central conclusions about our economic future.

One major point which emerges as we look both at the record of the past and the prospects for the future is the central role of our Federal monetary and fiscal policies. We cannot keep inflation in check unless we keep Government spending in check. This is why I have insisted that our spending for fiscal year 1973 not exceed $250 billion and that our proposed budget for fiscal year 1974 not exceed the revenues which the existing tax system would produce at full employment. I hope and expect that the Congress will receive this budget with a similar sense of fiscal discipline. The stability of our prices depends on the restraint of the Congress.

As we move into a new year, and into a new term for this Administration, we are also moving to a new phase of our economic stabilization program. I believe the system of controls which has been in effect since 1971 has helped considerably in improving the health of our economy. I am today submitting to the Congress legislation which would extend for another year—until April 30 of 1974—the basic legislation on which that system is based, the Economic Stabilization Act.

But even while we recognize the need for continued Government restraints on prices and wages, we also look to the day when we can enjoy the advantages of price stability without the disadvantages of such restraints. I believe we can prepare for that day, and hasten its coming, by modifying the present system so that it relies to a greater extent on the voluntary cooperation of the private sector in making reasonable price and wage decisions.

Under Phase III, prior approval by the Federal Government will not be required for changes in wages and prices, except in special problem areas. The Federal Government, with the advice of management and labor, will develop standards to guide private conduct which will be self-administering. This means that businesses and workers will be able to determine for themselves the conduct that conforms to the standards. Initially and generally we shall rely upon the voluntary cooperation of the private sector for reasonable observance of the standards. However, the Federal Government will retain the power—and the responsibility—to step in and stop action that would be inconsistent with our anti-inflation goals. I have established as the overall goal of this program a further reduction in the inflation rate to 2½ percent or less by the end of 1973.

Under this program, much of the Federal machinery which worked so well during Phase I and Phase II can be eliminated, including the Price Commission, the Pay Board, the Committee on the Health Services Industry, the Committee on State and Local Government Cooperation, and the Rent Advisory Board. Those who served so ably as members of these panels and their staffs—especially Judge George H. Boldt, Chairman of the Pay Board, and C. Jackson Grayson, Jr., Chairman of the Price Commission—have my deep appreciation and that of their countrymen for their devoted and effective contributions.

This new program will be administered by the Cost of Living Council. The Council's new Director will be John T. Dunlop. Dr. Dunlop succeeds Donald Rumsfeld who leaves this post with the Nation's deepest gratitude for a job well done.

Under our new program, special efforts will be made to combat inflation in areas where rising prices have been particularly troublesome, especially in fighting rising food prices. Our anti-inflation program will not be fully successful until its impact is felt at the local supermarket or corner grocery store.

I am therefore directing that our current mandatory wage and price control system be continued with special vigor for firms involved in food processing and food retailing. I am also establishing a new committee to review Government policies which affect food prices and a non-Government advisory group to examine other ways of achieving price stability in food markets. I will ask this advisory group to give special attention to new ways of cutting costs and improving productivity at all points along the food production, processing and distribution chain. In addition, the Department of Agriculture and the Cost of Living Council yesterday and today announced a number of important steps to hold down food prices in the best possible way—by increasing food supply. I believe all these efforts will enable us to check effectively the rising cost of food without damaging the growing prosperity of American farmers. Other special actions which will be taken to fight inflation include continuing the present mandatory controls over the health and construction industries and continuing the present successful program for interest and dividends.

The new policies I am announcing today can mean even greater price stability with less restrictive bureaucracy. Their success, however, will now depend on a firm spirit of self-restraint both within the Federal Government and among the general public. If the Congress will receive our new budget with a high sense of fiscal responsibility and if the public will continue to demonstrate the same spirit of voluntary cooperation which was so important during Phase I and Phase II, then we can bring the inflation rate below 2½ percent and usher in an unprecedented era of full and stable prosperity.

RICHARD NIXON.

THE WHITE HOUSE, *January 11, 1973.*

EXECUTIVE MESSAGES REFERRED

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

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

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, January 9, 1973, be dispensed with.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

VACATING OF ORDER FOR SENATOR ABOUREZK TO SPEAK TODAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the recognition of the distinguished Senator from South Dakota (Mr. ABOUREZK) to speak today be vacated.

The ACTING PRESIDENT pro tempore. 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 12 o'clock meridian tomorrow.

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

ORDER FOR ADJOURNMENT FROM TOMORROW TO TUESDAY, JANUARY 16, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, when the Senate completes its business tomorrow, it stand in adjournment until 12 o'clock meridian on Tuesday next.

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

OLAF PALME, SWEDEN'S PREMIER

Mr. SCOTT of Pennsylvania. Mr. President, I am getting a little fed up with the ineffable Premier of Sweden, Olaf Palme, who can find nothing wrong with the North Vietnamese murderers, assassins, and slaughterers, and who pretends, because his majority is so frail that it depends on it, to appease the extreme left by a continuance of flaring anti-Americanism.

I think his actions are an affront to the Swedish-Americans in this country. So far as I am concerned, I have said that I am fed up with him. I am personally glad at the moment that we have no ambassador from Sweden.

At the proper time, if the Prime Minister becomes rational, we would welcome an ambassador.

ORDER OF BUSINESS

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

REVIEW DRAFT OF THE NATIONAL WATER COMMISSION REPORT

Mr. MOSS. Mr. President, the act of September 26, 1968, created the National Water Commission to carry out a comprehensive review of present and anticipated national water resource problems and to consider the economic and social consequences of water resource development. The Commission, which was established for a 5-year term, is composed of seven commissioners who were not permitted to be Federal officials. It is supported by a full-time executive secretary and a substantial staff.

The Commission's term will expire in September of 1973, and by that time it is directed to report to the President and the Congress concerning its findings and recommendations.

On November 1, 1972, after the adjournment of the 92d Congress, the Commission released a "Review Draft" of its proposed report. In January and February, public hearings will be held by the Commission in a number of locations and it is possible that significant revisions may be made before the report is completed.

The review draft, however, is over 1,000 pages in length and contains some 290 conclusions and recommendations. It is based upon a tremendous volume of contract and staff studies, and I am informed that it is also a product of considerable personal work by the commissioners. Considering this background and in the view of the short time remaining for the Commission to complete its work, I believe the review draft may be viewed as an accurate preview of the final report.

The report contains much which is commendable, and it is certainly comprehensive in scope. In my view, however, there are a number of critical deficiencies in the report. If they are not corrected by the Commission, they will not only limit its usefulness as a basis for sound policy action by the President and the Congress, but will present a critical threat to the continued viability of programs which are essential to the well-being of great numbers of American citizens. If, as I fear, the Commission's final report is not greatly different from the review draft, it will be the responsibility of the Congress to continue the dialog over the recommendations until the complete record is made. For that reason, I am taking this occasion to bring the current status of the Commission's work to the attention of my colleagues.

STATE FEDERAL WATER RIGHTS

I was pleased to note that the report recognizes the importance of rationalizing the complex and conflicting legal provisions which govern water rights in the various States. It contains a number of important findings and recommendations concerning State water law, both for surface and ground water, which would do much to enhance water resource planning and conservation.

In this regard, I believe the Federal Government should set an example by resolving the difficult water rights conflicts which are created by the Federal reserved public lands and the doctrine of navigational servitude. I agree with the Commission that Congress should act promptly on legislation which would describe the Federal rights to water and make future Federal water uses subject to State rights and equitable compensation. I will be discussing this matter further when legislation I have introduced to accomplish this objective is considered.

INTERBASIN WATER TRANSFERS

I am also generally in accord with the Commission's findings on interbasin transfers of water. The Commission was specifically directed by the Congress to examine the policy implications of major regional water transfers, and there have been a number of legislative prohibitions against other agencies making studies of such projects.

I was pleased that the Commission has recommended that existing laws prohibiting the study of interbasin transfers be repealed. I believe that all alternatives for meeting future water demands of major regions must be objectively considered. There are great diversities of climate within the United States. Water resources, just as mineral, agricultural and other natural resources, must be developed where nature has provided them, but they can and must be made available where society requires them.

I have been particularly intrigued by the vast water resources of Northern Canada and Alaska and the potential for developing them to the great benefit of both the sparsely populated regions of the North and the water deficient regions of the more developed South. I have always advocated that studies of such programs should provide every physical, economic, and financial guarantee against adverse impacts in the areas of origin of the water. I note that the Commission's report contains a number of recommendations to assure that objective.

OVEREMPHASIS ON ECONOMIC EFFICIENCY

There are other aspects of the report which I can commend and endorse, but there is a major flaw in the philosophy which runs through the entire study and which gives me grave concern. It is the Commission's obsession with the national efficiency-economic aspects of Federal undertakings. A simplified, but I think fair, characterization of the report's attitude is that the primary, if not the only, criterion of the worth of any Federal water resource undertaking should be its monetary contribution to the net economic activity at the national level.

There are, of course, few Federal programs which are undertaken solely to increase the gross national product. The Federal water resource programs by improving communications and commerce on the inland and coastal waterways; by encouraging permanent and prosperous settlement of the arid West; by protecting for productive use the prime lands in the flood plains of our river systems; by eliminating disastrous erosion damages; and in many other ways have doubtlessly had a profound role in promoting national economic strength. The various projects or even the programs which have had this effect over the decades, however, were not undertaken primarily for economic reasons. They were and are primarily social programs concerned with improving the quality of life and providing diversity of opportunities for the people in the project areas.

The fallacy that water resources development should be judged entirely on the basis of the immediate net national economic gains which can be foreseen and measured, therefore, is particularly dangerous. It is an attitude which pervades the entire draft report, but it looms largest in the comments concerning the conventional water resource programs.

WATER RESOURCES DEVELOPMENT

In general, the Commission is highly critical of the existing water resources development programs carried out by Federal agencies. I am neither surprised nor disturbed that deficiencies were found in the programs of the Soil Conservation Service, the Corps of Engineers, and the Bureau of Reclamation. I have been aware for some time that a general review of the policy governing these programs was needed. That, of course, was the major reason why the Congress established the National Water Commission.

Some of the manifestations of the shortcomings of existing policy are familiar to many of my colleagues.

The Water Resources Council's deliberations over the appropriate planning criteria for water projects is a subject that has been of concern to the Congress for some time. This has become the focal point for environmental opposition to further water development. This issue is

not yet resolved, and the Senate Interior Committee and the Public Works Committees of both Houses have indicated their intention to hold hearings on the new criteria in the next Congress.

The President vetoed the biannual rivers, harbors, and flood control bill which was passed by the 92d Congress shortly before adjournment. Within the Senate, some of my colleagues have expressed doubts concerning the justification of continued Federal support for traditional water supply development. The findings of the National Water Commission are further confirmation that all is not well. I believe, however, that the report is excessively critical of the programs. Although it recognizes that Federal water resources programs have made significant contributions to national objectives in the past, it implies that they no longer have any such value. I reject that contention.

The Commission has minimized the role of water projects in regional economic development, and the further suggested that there should be no Federal interest in regional development except where it will promote net national growth. Unfortunately, it is seldom possible to analyze or even comprehend the total national impacts of specific Federal actions.

The direct impacts of nearly all Federal programs must be designed and evaluated on the basis of their impacts upon the immediate regions and people who are served.

REGIONAL DEVELOPMENT

The simplistic notions that gains in economic activity in one region are necessarily offset by losses in another, that increased agricultural production in the Southwest directly results in surplus crops in the Southeast, or that Federal support for irrigation is an important contributing factor in the cost of crop supports are all too easy to claim and are difficult to refute. But ours is a big country and a complex economy. Considering the vast diversity among agricultural products, differentials in growing seasons, contraints on shipping and marketing, and the effects of international imports and exports, I am not prepared to believe that the market impacts of gradual irrigation development in the West are nearly as direct and conclusive as the report implies. Furthermore, there is a national interest in insuring each region the right to develop a vital economy which can support a quality life for its residents and provide a free choice of opportunities and life styles to a growing population. National well-being, after all, is nothing more than the cumulative result of regional well-being. It is clear that the ills of any major segment of our population will ultimately infect our whole society, and it is a valid purpose of the Federal Government to insure that no region is left behind the general national progress. When—as has happened in Appalachia for example—a major region stagnates economically, the whole country shares the burden. As we have learned in Appalachia, it is a difficult and costly task to create a new regional economic base.

In most western regions, a sound and expanding economy can only be founded upon the effective development of natural resources; above all, the renewable resources land and water. In other parts of the country, a multitude of Federal assistance programs may be effective, or even preferable, for sustaining a sound economy. In the arid West, however, no amount of community facilities, highways, small business assistance, or other such aid can sustain a viable economy without water.

Management of our precious western water resource requires sophisticated systems. Extensive regulating reservoirs and conveyance works are necessary to control widely fluctuating natural flows wherever they occur and deliver them to where they can be beneficially used. Systems such as the Colorado River storage project are regional in scope and are beyond the financial capabilities of the water users or even the States involved.

The reclamation program was founded upon a realization that the entire Nation has an interest in developing the potential of the arid West. The major projects which have been undertaken in recent years—in the Central Valley of California, and the Colorado, Columbia, and Missouri River Basins—are a reaffirmation of that national interest and a recognition of the program's past success.

These are comprehensive development programs based upon the region's most critical resource—and they are not yet completed. We cannot view the remaining work as a collection of independent units which will be built or rejected according to the accidents of construction cost fluctuations, economy drives, transitional crop surpluses, or political advantages.

The great reclamation developments now underway were conceived to provide water for the total social activity of vast regions. Viewed as such they are unquestionably excellent financial investments. The revenues from power and water sales will return nearly all of the investment costs to the Treasury; much of them with interest. Furthermore, the economic activity based upon the water and power is worth many times the investment at any reasonable discount rate.

But to consummate the agreements among the States and to fulfill the aspirations of all of the participating areas, these comprehensive developments must be completed. The water will primarily be used for agriculture because that is the predominant business of the West and will remain its predominant business in the foreseeable future. As time passes, more of this water will be converted to municipal and industrial uses. This has been the trend in my home State of Utah, in central Arizona, in California, and elsewhere. As the conversion takes place, the economic returns on water development will, of course, increase in monetary terms. But we need not apologize for using a large part of our water resource on the land.

Irrigated agriculture is not simply a matter of food and fiber production. It is and will remain an essential factor in maintaining a diversified economy in the arid West. This vast region has a role as an attractive home for a large and prosperous segment of our national population. Irrigated agriculture and the water resource development which make it possible are essential factors in the fulfillment of that role.

Although I am not as familiar with the specific examples, I am sure that Federal-assisted improvement projects in our coastal ports and inland waterways have been, and are today, important factors in the economic health and growth of the regions concerned.

THE FUTURE OF FEDERAL WATER RESOURCE POLICY

The Commission's exhaustive recitation of the faults which it finds with existing water programs is a manifestation of the generally negative tone of the report. I am afraid that the impresssion which it will leave with the uninitiated reader is that there is little or no justification for a continuing Federal presence in water resource management.

I would welcome a more constructive dicussion in the final document which would describe the Commission's view of the remaining valid national needs and objectives which require Federal action and support. I would suggest that they include at least the following:

Administration of international water agreements including planning, construction, and operation of facilities where necessary.

Planning, development, and operation of facilities in major river systems which are international or multiregional in scope, such as the Missouri, Ohio, Mississippi, Colorado, and Columbia.

Technical assistance to States and regional entities in planning and development of water resource management programs to avoid the necessity of maintaining duplicate costly and sophisticated technical staffs. This function would include financial assistance and might include the design and contract administration of major structures where they are required.

Continued operation and maintenance of federally owned facilities including making improvements in efficiency and conversions to serve new public needs and objectives.

Participation in regional planning and development where Federal interests or the national public are concerned.

Integration and coordination of water resource programs with other Federal activities such as highways, housing, community development, and environmental protection programs.

Even this abbreviated list demonstrates that the Federal Government cannot abdicate its involvement in water resources development. If the existing programs are not entirely in accord with modern needs, they will not be corrected by merely enumerating their faults, real or imagined. They will be improved by redirecting them toward the accomplishment of modern valid objectives. Those objectives are not necessarily the ones which will result in the greatest net increase in the gross national product. They are not necessarily the ones which can most nearly repay their costs to the Treasury. They are the ones which will meet real needs of particular people in specific communities and counties and river basins.

I urge the Commission to consider these matters in their final draft and in their recommendations to the President and the Congress. Otherwise, the record must be made in the Congress after the report has been received.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, does the Senator from Utah have any time remaining?

The ACTING PRESIDENT pro tempore. The Senator from Utah has 4 minutes remaining.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield me 1 minute?

Mr. MOSS. I am glad to yield 1 minute to the distinguished Senator from West Virginia.

Mr. ROBERT C. BYRD. I thank the Senator.

HOLIDAY RECESS SCHEDULE FOR 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD the holiday recess schedule for the Senate during 1973.

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

HOLIDAY RECESS SCHEDULE, 1973

Lincoln's Birthday (Monday, February 12)—From conclusion of business Thursday, February 8, until Noon, Wednesday, February 14.

Easter (Sunday, April 22)—From conclusion of business Wednesday, April 18, until Noon, Wednesday, April 25.

Memorial Day (Monday, May 28)—From conclusion of business Thursday, May 24, until Noon, Tuesday, May 29.

July 4 (Wednesday)—From conclusion of business Tuesday, July 3, until Noon, Tuesday, July 10.

August recess—From conclusion of business Friday, August 3, until Noon, Wednesday, September 5.

Veterans Day (Monday, October 22)—From conclusion of business Thursday, October 18, until Noon, Tuesday, October 23.

Thanksgiving (Thursday, November 22)—From conclusion of business Wednesday, November 21, until Noon, Monday, November 26.

ORDER FOR RECOGNITION OF SENATOR ABOUREZK ON TUESDAY, JANUARY 16, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Tuesday next, following the recognition of the two leaders, or their designees, under the standing order, the distinguished Senator from South Dakota (Mr. ABOUREZK) be recognized for not to exceed 15 minutes.

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

THE DIMENSIONS OF AMERICAN TRADE POLICY

Mr. HUMPHREY. Mr. President, over the weekend I had the opportunity to participate in a conference on the future of international trade sponsored by Business International in San Juan, P.R. The conference was attended by businessmen, economists, and government officials from several nations. Such eminent men as Dr. Sicco Mansholt of the European Economic Community, Secretary of Commerce Peterson and Mr. Yusulse Kashiwagi of the Japanese Ministry of Finance participated in the meetings.

Mr. President, I believe that there is little public awareness concerning the great issues related to foreign trade. This is an alarming fact since trade legislation will soon be before the Congress, and it will have a direct impact on millions of American families.

I believe that we should begin a dialog concerning international trade issues. And it should be a dialog not only between Members of Congress, but between the economic super powers who are surely heading towards an economic confrontation in the near future.

In the next few months I plan to stimulate and participate in what I hope will be national and international discussions of the trade issue.

A reasoned and sound trade policy must be our objective this year. But in order to attain this goal, and in order to satisfy the legitimate needs of both business and labor, trade policies must be formulated with open discussions, with candor and without the narrow divisiveness between competing interests which could limit our ability to develop policies firmly in our national interest.

Mr. President, I ask unanimous consent that my remarks to the Business International Conference be printed at this point in the RECORD.

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

REMARKS BY SENATOR HUBERT H. HUMPHREY

As you may well imagine, I am not here today to speak to you about the economics of trade.

I have relied on the other distinguished speakers to do that—and they have done it extremely well.

What I do intend to address myself to is the political dimensions of the trade issue.

I cannot emphasize enough the importance of this subject.

Few would dispute the fact that trade and political diplomacy are meshed together than ever before since the end of World War II.

Yet, as clear as that fact may be, we still are not clear about what this interrelationship portends for the future.

On the positive side, the emergence of trade and commercial policy as a number one issue for international political dialogue has increasingly replaced potential military confrontation.

But there are dangerous developments, too, that must be provided if we are to reap the potential benefits of this new dialogue.

To put it bluntly, I am referring to the danger that old allies could become new economic enemies.

What do I mean?

I mean that we are entering an era of rapprochement with the communist bloc and that there are those who say this could weaken our relations with our allies to the extent that such relations are built solely on defense ties.

And I mean that while new trade opportunities are opening up, a new dimension of competition, and even hostility, may be arising among allies.

Am I suggesting the possibility of all-out economic warfare? Surely, this is not pre-World War I Europe, and empires are not at each other's throats in the search for new markets.

But let me share with you the thoughts of Professor Richard Gardner, former Deputy Assistant Secretary of State for International Organization Affairs.

As you probably know, Professor Gardner was a member of President Nixon's Commission on International Trade and Investment Policy, commonly referred to as the Williams Commission.

He made four key points in testimony before the House Foreign Affairs Committee:

First, the United States, Europe, and Japan are drifting into an economic war.

Second, such a war can be avoided only by a major negotiation launched at the highest level.

Third, this negotiation should cover trade, monetary and investment questions.

Fourth, and most critical, success in this extraordinarily difficult negotiation will require major concessions from all the parties—including the United States—and an unprecedented strengthening of international economic organizations.

Professor Gardner made this statement in 1971, but developments since then, while encouraging, certainly do not render his judgment obsolete.

Ponder what J. Robert Schaetzel, former Deputy Assistant Secretary of State of European Affairs, had to say just a few weeks ago in Fortune magazine.

"America and Europe are cursed by a preoccupation with their own affairs and an inclination to deal with domestic problems in ways that ignore their impact on the other side of the Atlantic.

"The drift toward mutual hostility threatens to retard the growth of world trade and to complicate reform of the international monetary system.

Ambassador Schaetzel was speaking about Europe, but I would suggest that his thesis could be expanded most certainly to include Japan.

Here the cloud of mutual misunderstanding is even thicker, and the cause for alarm even greater.

Neither the United States, Japan, nor the Common Market has demonstrated the political astuteness or sensitivity which is required to avoid the profoundly adverse outcomes which may result from present trends.

It is all very well to give grandiose addresses on free trade and the glories of American-European and Japanese friendship.

But without any substantive backing, these words have an increasingly hollow ring.

I fear that all of our governments have been guilty of this, particularly the one I know best.

Witness the President's failure to consult the European community before imposing the import surcharge of August 15, 1971.

Or his failure to consult or inform Japan before making his visit to Peking—which caused serious domestic and foreign political problems with a very important trading partner.

While we were treating our major trading partners in this way, we set out to the Soviet Union and Eastern Europe.

Rendezvousing with these previously forbidden partners has provided the American people with a new optimism about future trade.

The Nation has been impressed by the President's economic openings to the east—and the President deserves full credit.

But the clear danger is that the American people, led by the President, will fail to realize that the far less romantic business of trading with Canada, the nations of the Western Hemisphere, Japan, and Western Europe will constitute the bread and butter of our trade relationships for years to come.

Does the Average American realize that we do $11 billion of trade with those solid but unexotic Canadians?

By contrast, our trade in the near future

with China and the Soviet Union will be a fraction of that amount. About as intense as the occasional shopping of a Long Island housewife at Bloomingdale's Chinese Boutique.

Our trade with Latin America, plus our investments, surely merit priority attention. The figures speak for themselves:

In 1969, we had $13.8 billion in investment in Latin America and in 1971 our exports were $6.44 billion and imports were $6.03 billion.

It will take a long time before we can develop such a volume of commerce with new trading partners in Eastern Europe.

Is anyone, including the President, aware of our special relationship with 22 Latin American nations established in 1970 in the form of a Special Committee for Consultation and Negotiation?

It is appropriate, as we sit here almost midway between North and South America, to remember that this special committee includes an ad hoc group on trade which requires advance consultation, if the U.S. contemplates restrictions on imports.

Again, our failure to consult this group and others before imposing the recent import surcharge is symptomatic.

Insensitivity to the feelings of old friends, as we romanticize our trade relationship with the Soviet Union and China, will clearly erode solid friendships.

Am I being a Doomsday prophet?

I don't need to tell you that I would never get past Hollywood's central casting if they were looking for a Jeremiah type.

No, I am convinced that the will and the opportunity exist to avoid an economic war with Europe and Japan.

But I am astounded at the lack of leadership demonstrated in this regard—not only in the United States, but in all nations involved, both government and business communities are part of this serious negligence of leadership.

We must remember that nations don't plan for war, they slide into war, whether an economic war or a military one. And they do this because of poor leadership.

Unless we have the will and the leadership to take day-by-day steps to prevent such economic conflict, we will slide into it.

For the lust for economic power is stronger now than ever. And the trade wars of the late 1920's were child's play compared to what could break out in the '70's.

We are in the atomic age of economics, dealing with a wholly different magnitude of economic power.

The potentially destructive weapons that could be fashioned make the Smoot Hawley tariff look like a child's toy pistol.

So we need safeguards that are of corresponding magnitude to the forces of our age.

We need an early warning system—and a fail-safe system.

The world cannot afford the ad hoc approach of an earlier era, which saw the London Conference of 1933 convened only *after* full-scale economic war had broken out—thus guaranteeing its failure.

This reinforced a world-wide depression and brought a new and more virulent nationalsim—which tragically culminated in a world war.

The world cannot afford to continue drifting through what Ambassador Schaetzel calls the "smog of ignorance, misinformation and maudlin propaganda" that surrounds relations between the U.S. and Europe"—and I would add, Japan.

I, therefore, urge our respective leaders to hold a summit meeting on economic issues in early 1973, after the last of EEC member elections is held.

I am not very enamored of summitry, but I make this suggestion at this time because of the sense of urgency I feel.

The issues of trade and investment have been hashed out in public, behind closed doors, by our government emissaries and by others long enough.

Some headway has been made, of course. I am encouraged by Secretary Schultz's remarks to the Board of Governors of the IMF at their September meeting in Washington. He—

Cautioned against a tide of protectionism.

Made some concrete suggestions to reform our international monetary adjustment process.

And called upon every member country to put his own house in order.

Yet, encouraged as I am by Secretary Schultz's proposals, and some of the statements and policies of Secretary Peterson, I am discouraged by other U.S. government spokesmen and by their counterparts.

In our own country it is almost like the left hand not knowing what the right hand is doing.

In Europe and Japan I do not find the situation much different.

While Europe as a Community of Nine will be the largest trading bloc in the world accounting for 28% of world exports and 24% of world imports, the Common Market's policies and orientation have not, in my opinion, taken sufficient account of this fact:

It continues to bend to a very active farm lobby which is largely responsible for the highly protectionist Common Agricultural Policy.

It has recently made noises about a Common Industrial Policy which may become a vehicle for restricting American investment in Europe.

In the case of Japan the same thing is true.

Japan has catapulted itself into a major economic power with a phenomenal annual average growth rate of 15.9% between 1960 and 1970.

She now accounts for just under five billion dollars of U.S. exports, making her the second largest importer of U.S. products.

And the reverse is also true, with the United States being the largest market for Japanese products.

Now, there are clearly matters that need to be addressed between the two countries:

The visibility of Japanese imported items and what is now estimated as an over-$4 billion trade imbalance, has fueled the protectionist spirit in the U.S.

Despite this growing sentiment, the Japanese government has been reluctant to reduce its own trade barriers and open up its markets to American investors.

The developments I am describing have a momentum of their own.

SUMMIT

My sense of urgency about a Summit conference stems from my feeling that this protectionist momentum threatens to overwhelm the limited attempts now being made to forge new understandings.

For we have had conferences, and more conferences.

At each conference, new issues are raised, due to the complex relationship of economic, political and social forces in the trade-policy equation.

So each time we walk away with more issues raised and questions unanswered because the participants do not have the broad authority to give answers.

And now we have two more critical conferences on the horizon: both GATT and IMF meetings will take place next fall.

These are terribly important, but is the U.S. Congress or the American public aware of them?

Unless their importance to our economic and international future is dramatized and fortified by a summit meeting held in advance of them, I predict that such meetings will not succeed in reversing the protectionist drift we are witnessing.

The summit I am talking about would be one with an agreed-on agenda. It would not be an open-ended talkfest.

It would be designed to produce answers on basic issues, so that succeeding conferences of ministers will have authority to negotiate, based on policy positions at which their heads of state have arrived.

Most importantly, a summit meeting should be prepared to examine the kinds of economic weapons now in existence, and those being fashioned.

It should not avoid discussing the existence of aggressive measures such as dumping, which in economic terms are as destructive to human lives as military aggression is in physical terms.

A summit meeting would lay the groundwork for the development of international rules governing use of dumping as well as other measures such as tariffs, quotas, export subsidies, and other non-tariff barriers.

It would go beyond such controls to the creation of new, cooperative mechanisms to maximize the flow of trade—not mouthing academic free trade slogans while practicing the opposite, but living in a real world which recognizes that market-sharing is needed, that voluntary agreements are needed.

Such mechanisms should involve not only rules—they should also involve people.

New forums must be created, so that a real dialogue can be developed between the actors on the international trade scene.

We need such a dialogue between parliamentarians of our respective nations.

Between labor leaders.

Between business leaders.

These powerful internal forces are now turning inward.

They must begin turning outward, and talking to each other across the oceans. Why do we have communications satellites anyway?

This is critical. For it is the inability of ministers to represent these forces that guarantees the continued weakness of international conferences and agreements.

This means a continued skepticism by other nations in the U.S.'s ability to follow through on trade agreements, such as those recently made with the Soviet Union.

Unless a new third force, emanating from such a dialogue, develops, to bridge the gap between ministerial agreements and Parliamentary protectionism, we are in trouble.

I have been talking up to now mainly about what the major economic powers can do in concert in coming years. Let me now focus on the special situation of the United States, and on the immediate situation which the 93rd Congress faces.

Congressional sentiment for protectionism is clearly growing.

And this sentiment is being fueled by legitimate feelings of frustration and despair on the part of millions of American workers who feel that their jobs and families are threatened by the great influx of foreign made goods and the declining trade position of the United States.

The American worker is under great economic pressure. He is being assaulted by inflation, high interest rates, unfair wage and price controls and a sense of alienation which comes with blocked social and educational opportunities.

In addition, the average worker associates his own job security with the reduction of competition from abroad, either by foreign companies or American-owned subsidiaries. The translation of this sentiment means a growing protectionist constituency in the United States.

I don't believe that leaders of the government or leaders in the business community have been sensitive to the plight of the American worker or what the American worker believes to be threat to his job from Foreign competitions.

It isn't only what is true that moves or

affects people—it is what they think or perceive to be true that is even more significant.

Because of this, there is great hostility among this group to a new era of international trade.

And the political sentiment in Congress arises from these feelings. It cannot be ignored or covered over by belated expressions of concern.

I can attest to the protectionist groundswell in the United States. During the past year as I travelled around the United States I realized how widespread the fear of foreign competition is among workers in union and non-union shops.

The Burke-Hartke bill with its new quotas on imports and repeal of tax advantages for U.S. corporations' investments overseas will get prime attention during the 93rd Congress.

The bill focuses on some very real issues—issues that are of great concern to American workers.

I am not going to engage in a detailed analysis of the bill—its pluses and its minuses—but I do not want to stress its importance in the upcoming debate on trade in the Congress.

You can't tell the man who loses his job in a factory that his loss is the nation's gain.

Unless we face this fact, we will be severely hampered in the attempt to forge a new trade policy.

As far as the U.S. is concerned, one purpose of the summit meeting I have proposed would be to make it perfectly clear that progress in dealing with the felt needs of our own workers must accompany any international monetary and trade reforms.

The reduction of trade barriers by Japan and the Common Market, with a short-range goal of wiping out an anticipated $7 billion trade deficit is as relevant as a sound incomes policy at home.

We must recognize that the strongly-held sentiments which lie behind the Burke-Hartke bill severely threaten the adoption of a liberal trade posture and the passage of other trade measures in the Congress.

Failure by other nations to remove their trade barriers will mean an even stronger push behind the Burke-Hartke bill.

Of course, we cannot completely shift the burden to Europe and Japan.

Clearly, the time has come for the U.S. to provide a comprehensive adjustment program for workers in domestic industries that are affected by import competition.

Everyone recognizes that the present adjustment assistance program does not work.

It was created in a different economic era a decade ago, and at a time when the U.S. was just beginning to create manpower policies.

We have come a long way since then in relating manpower policies to economic policies.

We have seen the Congress pass the first job-creation program since the depression to deal with high unemployment.

So it is incredible that, although the U.S. is now spending several billions on manpower programs, it is spending nickels and dimes on adjustment programs.

This is incredibly short-sighted, since an effective adjustment assistance program would actually create jobs, by alleviating some of labor's fears, and thus allowing expansion of trade.

We should scrap the present program and create a new one that is *not* just one of a dozen different programs that an old-line bureaucracy runs when it feels like it.

Beyond adjustment assistance, the U.S. must also deal with the twin problems of inflation and unemployment, before it can more effectively deal with the political and economic pressures which give rise to protectionism.

I have been talking about what the Government can do. But it is increasingly clear to me that business must do something, too—that, in fact, the growth of protectionist sentiment has resulted from business's failure to realize and understand the human consequences of their activities.

You gentlemen are sensitive to the problems I have been speaking about, but what are you doing about it?

Everybody talks about what the President should be doing, or what Congress can do to stave off the tide of protectionism.

But what are you doing in your own enterprises?

What are you doing to cope with job training, and placement for your workers?

What are you doing to convince the American public that your foreign investments and susbidiary plants really do mean new jobs for us in the United States?

That they do improve our balance of payments and trade position?

That they do improve our relations with other States? Many are not convinced that your foreign subsidiaries do all these things, and you'll have to work on me. You must build your own popular constituency and not expect that the Congress will do what you tell us.

I have more questions for you, so as long as we are together in the present delightful circumstances, here they are:

Why do you expect tax favors that consumers, workers, small domestic industries do not receive?

Why do you need organizations like the Domestic International Sales Corporation?

Why do you need or deserve special treatment at all?

In the upcoming debate in Congress you will have to answer these questions. You will have to face issues squarely and honestly so that the trade issues can be fully understood, and handled in an equitable way.

Gentlemen, the implications of these tough questions are not just voiced by me.

Secretary Schultz seems to be taking a similar position. Before a recent IMF luncheon, he said:

"The general feeling in this administration is that we haven't in recent years gotten the best of it in trade. So we have to take less ritualistic positions. We have to get out and make sure that there's a square shake for American Labor and American unions."

Our common goal must be equitable trade with a fair shake for both business and labor.

And unless such equity is achieved at home between business and labor, the chances of achieving it with our trading partners will be next to impossible.

As we look ahead to vigorous competition in world trade—and it will be just that—let me share a few thoughts with my fellow Americans who are here.

It is time for business, Government, labor and agriculture to arrive at a common trade policy.

In the real world of today, Government and business must be working partners in the field of foreign trade—surely we should have learned this by now from our experience with other countries.

These national partnerships must, however, abide by international standards such as GATT.

Let's be candid—American industry has traditionally been geared to its domestic markets and to assured foreign markets.

As a result, our trade, financial and economic policies are not designed to meet the competitive realities of the present.

In the years ahead, we must refashion policies.

We must be more competitive, more innovative.

We must be export and investment minded.

We must use the tools of market research to maximize our export potential.

We must start doing all these things, and start doing them now.

I will close by saying that those in control of economic and trade policy in our respective nations must come to a new recognition of the interdependence of politics and trade—both in their own countries and abroad.

They must realize that international trade and economics is too important to leave either to the economists, or the politicians alone.

It is time for you and I, the American public, the Japanese public, and the European public, as well as their respective leaders to begin to understand each other and work together.

In this way we can help provide the leadership which will prevent us from continuing on a collision course which only spells disaster. We can and must develop trade, investment and monetary policies which allow us to grow together rather than grow apart.

AMENDMENT OF THE STANDING RULES OF THE SENATE

Mr. HUGHES. Mr. President, I make the following unanimous-consent request:

First, that those items of paragraph 2 of rule XXV of the Standing Rules of the Senate, relating to the Committee on Agriculture and Forestry and the Committee on Commerce, as amended by Senate Resolution 10, 93d Congress, agreed to January 4, 1973, are further amended to read as follows:

Agriculture and Forestry, 13; and
Commerce 18; and

Second, that those paragraphs of Senate Resolution 12, 93d Congress, agreed to January 4, 1973, and modified January 9, 1973, relating to the majority party membership of the Committee on Agriculture and Forestry, the Committee on Commerce, and the Committee on Labor and Public Welfare read as follows:

Committee on Agriculture and Forestry: Mr. Talmadge (chairman), Mr. Eastland, Mr. McGovern, Mr. Allen, Mr. Humphrey, Mr. Huddleston, Mr. Clark.

Committee on Commerce: Mr. Magnuson (chairman), Mr. Pastore, Mr. Hartke, Mr. Hart, Mr. Cannon, Mr. Long, Mr. Moss, Mr. Hollings, Mr. Inouye, Mr. Tunney, Mr. Stevenson.

Committee on Labor and Public Welfare: Mr. Williams (chairman), Mr. Randolph, Mr. Pell, Mr. Kennedy, Mr. Nelson, Mr. Mondale, Mr. Eagleton, Mr. Cranston, Mr. Hughes, Mr. Hathaway.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. STEVENSON. Mr. President, reserving the right to object.

The ACTING PRESIDENT pro tempore. The Senator from Illinois has the right to object.

Mr. STEVENSON. Mr. President, I am grateful for the opportunity to serve on the Committee on Commerce. I have great respect for its distinguished chairman, and a deep interest in the broad range of the committee's concerns.

Membership on this committee will enable me to give close and continuing attention to matters that are of great importance to the State I represent. Illinois' economic vitality is based in large part on its commerce with other States and other nations. Energy, aviation, surface transportation and communications, all of which are within the jurisdiction of the Committee on Commerce, are lifelines which sustain the in-

dustrial and agricultural vigor of our heartland State. Additionally, I share with my constituents an active concern for two other important interests of this committee—consumer protection and the preservation of our environment.

When I learned that I might have an opportunity to serve on this committee, I gave careful consideration to a matter which I now bring to the attention of the Senate and the public. Ever since entering public life upon my election to the Illinois legislature in 1964, I have made it a practice to disclose, at regular intervals, my personal financial interests. Since coming to the Senate, I have published in the RECORD, at the beginning of each year, a detailed statement of my assets and liabilities.

My holdings include a long-standing family interest in a company presently known as Evergreen Communications, Inc. This firm's primary activity is the publication of the Bloomington Pantagraph, a daily newspaper which has been owned by successive generations of my family for 128 years. Evergreen Communications also owns minority interests in two cable TV companies and majority interests in two radio stations and a telephone answering service.

My present holdings consist of 12,640 shares—approximately 8 percent—of the stock of Evergreen Communications, Inc. I do not participate in the management of the company. I also own three of the 20 non-voting shares of Bloomington Broadcasting Corp., which is the broadcasting subsidiary of Evergreen.

I am aware, and I want my colleagues and my constituents to be aware, that if my appointment to the Committee on Commerce is approved by the Senate, there will be occasions when the committee is called upon to consider matters of interest to a regulated industry in which I have a financial interest. In such instances, I will be governed by my conscience. There has never been a time when I have permitted my personal interests to have any bearing on my actions in behalf of the public interest, and there will never be such a time.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Iowa? Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The Senator from Virginia is recognized under the previous order.

COMPULSORY SCHOOL BUSING

Mr. HARRY F. BYRD, JR. Mr. President, I have just left a meeting of the Committee on Finance. The witness was Mr. Casper Weinberger, who has been designated by the President to be the new Secretary of Health, Education, and Welfare. These are the confirmation hearings for Mr. Weinberger.

During the hearing I put this question to Mr. Weinberger: "Do you favor or oppose compulsory busing to achieve an artificial racial balance in the schools?"

Mr. Weinberger answered, "I oppose."

I than asked him this question: "Will this be the policy in your department?"

His answer, in substance, was that it would be the policy of his department.

Then, I asked him this question: "Will your subordinates be so instructed?"

He replied, in substance, that he would expect his subordinates to carry out the policy of the Department which he heads.

Mr. President, it seems to me this is something of an historic breakthrough. I have been in Washington under—I do not know how many—four, five, or six Secretaries of Health, Education, and Welfare, and never before have we been able to get a clearcut statement from a Secretary that his is opposed to compulsory busing for the purpose of achieving an artificial racial balance in schools.

I commend Mr. Weinberger on his forthrightness; I commend Mr. Weinberger on the view he has taken.

It has been the Department of Health, Education, and Welfare, going back many years, that has had a great deal to do with the very tragic situation in which many areas of this country find themselves being subjected to compulsory busing of their schoolchildren for an artificial reason.

I was much impressed the other day by what the distinguished Senator from Maryland (Mr. BEALL) said when he spoke on this floor in opposition to compulsory busing. He introduced legislation which would prevent compulsory busing in the middle of a school year. I support that legislation. Certainly that is the least we can do. I do not think there should be any compulsory busing for that artificial purpose. But most certainly it is ridiculous to disrupt the school system in the middle of the school year and haul students from one school near their homes to some far-away school.

This is a burning question in this country; not just in one region of the country, but all over the country. It has been an important issue in the State of Michigan, for example. If it is pressed elsewhere, it will be an important issue wherever it is pressed.

So I commend the new Secretary of Health, Education, and Welfare for his position on this matter. It is not a question of integration. All the schools I have any knowledge of are integrated.

In my own State of Virignia, so far as I know, every school is integrated. There may be some isolated ones of which I am not aware. I guess the only place where there are no integrated schools is in the county of Buchanan in southwest Virginia, in the coal mining area, and the reason why the schools are not integrated there is that there is not a single black in the county. But if some Federal judges had their way, or some former employees of HEW had their way, some means would be found to integrate those schools when there is no minority race living in the county.

So I say this is not a question of integration. Every school in Virginia, as far as I know, is integrated. I think that would apply to practically all the States of the Union. The opposition on the part of the parents, and on the part of the children, is not to integration; the opposition is to this very foolish policy of compulsory busing of children from one school to another for the single purpose of creating an artificial racial balance.

For the first time in years the country now will have a Secretary of Health, Education, and Welfare who says frankly, in a public hearing:

> I am opposed to compulsory busing. That will be the policy of my Department, and I expect the subordinates in my Department, the Department of HEW, to carry out that policy.

Mr. GRIFFIN. Mr. President, will the Senator yield for a comment at that point?

Mr. HARRY F. BYRD, JR. I am delighted to yield to the distinguished minority whip.

Mr. GRIFFIN. I wish to associate generally with the remarks of the distinguished Senator from Virginia and join him in welcoming the forthright statement made by the Secretary-designate of HEW regarding the policy that he intends to pursue.

I am pleased that those now being appointed to high positions in the administration are following through on policies and stands taken by the President during the recent campaign. In that regard I note that the Justice Department, within the last day or so, has indicated that it will intervene in a pending case involving Prince Georges County in Maryland. As I understand it, the Justice Department is joining with local authorities in asking the court at least to delay implementation of a busing order until the beginning of the next school year.

The Senator from Virginia may be interested to know that the junior Senator from Michigan has reintroduced the resolution proposing a constitutional amendment that he offered in the last Congress. In addition, this Senator has introduced a bill which would withdraw by statute the jurisdiction of Federal courts to issue busing orders based upon race. So, those measures are again before the Congress.

This Senator certainly hopes that the Senate, in this session of Congress, will do what we failed to do in the the last session, and that is to measure up to our responsibilities by getting to a vote on meaningful and effective legislation on busing.

I thank the Senator for yielding.

Mr. HARRY F. BYRD, JR. I commend the Senator from Michigan for the legislation which he has presented. I supported him in those many long and close and difficult votes which were had in the Senate during the last session, in the efforts led by the able Senator from Michigan. I support him now and commend him for the legislation he has introduced.

I recall a few months ago when the Senator from Michigan and I—and I see the Senator from Tennessee (Mr. BROCK) on the floor—and several others were invited to the White House to discuss this matter with the President—I asked him whether or not I would be free to repeat his statement publicly. Of course, I would not quote the President on any matter if I did not get from him permission to quote him directly. This is what he had to say about compulsory busing. He said,

"I am against compulsory busing, period." The Senator from Texas was there at the same meeting——

Mr. TOWER. And I can confirm what the Senator said as being absolutely correct. The President was very emphatic in what he said. He left no room for mistake about it.

Mr. HARRY F. BYRD, JR. He left no room for mistake about it.

The Secretary-designate of the Department of Health, Education, and Welfare, who appeared before the Finance Committee this morning, left no doubt about it. He said that would be the policy of HEW under his administration; that he was opposed to it; that it would be the policy of his department; and that his subordinates would be expected to carry out those instructions.

That is very important, because the people of Virginia, and I am sure people all over this Nation, have been harassed in the last few years by subordinates in the Department of Health, Education, and Welfare coming into their communities and telling them how to run their school systems. So I was glad to get on the record this morning, in discussing the subject with the Secretary of Health, Education, and Welfare, that his policy will be in opposition to compulsory busing for the purpose of achieving an artificial racial balance.

Mr. SCOTT of Virginia. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I yield to my colleague.

Mr. SCOTT of Virginia. I, too, would like to associate myself with the Senator's remarks and say that at least in Virginia we have unanimity on this question, and I would go further and say that I believe that, as the distinguished Senator said, this is the feeling of the people of America; and if we are going to have representative government, I feel that we must do something to prevent the racial busing of children.

Mr. HARRY F. BYRD, JR. I thank my colleague from Virginia.

Mr. BROCK. Mr. President, I was interested in the previous colloquy, and I very much share the desires and opinions of the senior and junior Senators from Virginia and of the Senator from Texas and of the Senator from Michigan, and I congratulate the Senator from Michigan for his continued leadership in this effort.

Mr. President, it has been 18 months since I introduced the original constitutional amendment on this matter in June of 1971.

It has been pointed out so many times that the American people have endorsed this. The President of the United States has endorsed it. They have endorsed any action to stop this abuse of our children. The new Secretary of Health, Education, and Welfare is very much in favor of preserving neighborhood schools.

We come to one place, the Congress of the United States. It is the Congress of the United States that has delayed. It is the Congress of the United States that has doubted the wisdom of this. It has been the Congress of the United States that has obfuscated this matter. It is the Congress that has filibustered this matter. It is the Congress that has refused to respond to the American people.

We must wonder for how long the people's branch can refuse to respond to the people.

In the meantime, the problems created by the forced busing of schoolchildren to achieve racial balance have multiplied and grown more severe. More and more, the public outcry is heard. More and more, educators are voicing concern that we have, in an undoubtedly sincere desire to redress inequities, lost sight of the only reasonable goal of education—education.

More and more areas are affected. More and more parents are struck by the insanity of forcing a small child to board a bus, drive past the school within walking distance of his home, perhaps ride past other schools as well in order to deliver him, eventually, to yet another school which has been determined by some sociologist with a computer to be the school which, solely because of the color of his skin, he should attend.

Mr. President, that is racism. It runs counter to the whole thrust of the modern civil rights movement, which has at the very core of its intellectual being a belief that public policy should not be made on the basis of race, creed or color.

To that principle we should all adhere. For that goal we should all fight, and I stand ready to do so. And it is my belief that the greatest single threat to that principle today is the concept of forced busing.

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

Mr. BROCK. I yield.

Mr. TOWER. Mr. President, I think that the Senator from Tennessee has brought out some very pertinent points in his remarks. He has pointed out that what has happened is contrary to the whole civil rights movement. Every case has been overturned. In Plessy against Ferguson, the court stated that children should not be assigned to schools on the basis of color. Therefore, this is contrary to the spirit of the holding of the Supreme Court.

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

Mr. MANSFIELD. Mr. President, if the Senator will yield, I yield my 3 minutes to the Senator from Tennessee.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized for an additional 3 minutes.

Mr. BROCK. Mr. President, I thank the majority leader for his graciousness.

In 1954 the Supreme Court decided that the question of color should play no part in the assignment of children to schools and could not be used to discriminate and that no legal authority could discriminate against a child because of his race, creed, or color. All of a sudden they found another device, another excuse, another method of getting around the intent of the Constitution, which is crystal clear, that a man is a man, and it does not matter as to what his background or color or label is. He is a human being and should be treated as such.

I believe that busing children to achieve racial balance is no more legitimate than busing children to achieve racial segregation. It introduces the very sort of quota system which has been used since time immemorial for a prejudiced majority to discriminate against a minority. It does nothing to advance the cause of quality education. And it ignores the emotional well-being of our boys and girls.

We have tried a whole barrelful of strategies to end this tragic abuse of our children. We have bargained, cajoled, and pleaded for action. But the buses continue to roll.

The people have made their position clear. The President has made his position clear. But the Congress has obfuscated.

I had hoped that we could legislate an end to the problem quickly. But we have not been able to do so. And so I am now convinced that the constitutional amendment is the only sure guarantee.

It does not work as quickly as I would like. It will not solve the problem this school term, or next school term. But if we can do it, and I believe we can, it will solve the problem for good.

There are few gifts which the 93d Congress can give to the people of America more wanted, or more needed, than that. For this reason, I am reintroducing this joint resolution, and I urge its speedy approval. It does not matter whether the joint resolution is mine or the joint resolution of the Senator from Michigan. I have no pride of authorship. I urge the Senate to embark upon speedy action in this matter.

Mr. TOWER. Mr. President, I associate myself with the remarks of the distinguished Senator from Tennessee. I think he has made his position clear. There is not much further that can be said that has not already been said on the floor in the course of our deliberations last year. I think that the emphasis in this effort should be toward achieving quality education for our children, regardless of race, color, or ethnic background.

Mr. President, I think that this can best be done through neighborhood schools and not through wasting our resources and wasting the taxpayers' money on buses and drivers.

So, I am hopeful that we will direct our attention toward improving the quality of education everywhere rather than trying to engage in some social experiments. It is not the function of the schools to engage in social experiments. It is the function of the schools to develop the minds and the intellects of our young people and prepare them for life. And we should address ourselves to that responsibility.

Mr. BROCK. Mr. President, I thank the Senator for his kindness, and I express my gratitude for him for his continuing effort on behalf of the children of this Nation. He has been a leader in the fight and has contributed much to this effort. If this joint resolution should pass and become law, it will be in large measure due to the efforts of people such as the Senator from Tennessee and the Senator from Virginia who have been magnificient.

Mr. President, I ask unanimous consent that I may have printed in the RECORD the remarks of the distinguished Senator from Mississippi (Mr. STENNIS).

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

STATEMENT BY SENATOR STENNIS

Mr. President, I am proud to join Senator Brock and my other distinguished colleagues as a cosponsor of this resolution. For too many years we have watched the gradual destruction of many of our public schools in this country through Federal interference in normal educational activities and disruption of our schools by means of unsound social experiments. It is my fervent hope, and it will be one of my primary commitments this year to help put an end once and for all to this incessant tampering with our public schools by Federal courts and agencies.

Personally, I still hope that we can solve our most pressing school problems by legislation during this Congress, and I shall sponsor various bills designed to do so which will be introduced shortly. As I have stated before, legislation is the quickest method of stopping the most obvious evils of forced busing and other obnoxious practices, and attempts to amend the Constitution necessarily require far longer because they must also be ratified by three-fourths vote of the state legislatures after being passed by two-thirds vote of both Houses of Congress. Nevertheless, in spite of those obstacles, I am now supporting a constitutional amendment, because it seems to me the only effectively final method of putting to rest at last all government tampering with our public schools.

The amendment which Senator Brock has offered and which I have gladly joined as a co-sponsor, is a clear and simple one to understand. Its purpose is to establish the neighborhood school as the basis of all pupil assignments in public schools throughout the Nation. It protects every student's right to attend the school nearest his home, and assures that schools will return to their real purpose: education.

Up to now we have had two different standards for treatment of our public schools in this country, one for the North and one for the South. In the South, massive transportation of public school students from one neighborhood to another, and sometimes from one school district to another, has been required by Federal court and agency orders solely for the purpose of establishing a racial balance among students. In many other regions of the country, where racial segregation in the schools is often far greater than in the South, no action has been taken in most cases. In the few cases outside the South where forced busing has been ordered, a great public outcry has arisen, and numerous public elections, both local and national, have been decided on the basis of the candidates' stands on the issues of busing and Federal disruption of neighborhood schools, sometimes in areas where no forced busing has even been ordered.

Mr. President, when forced busing had been imposed only on one region of the country, most citizens and their representatives in areas outside of the South were unaware of just how drastic and destructive federal disruption of schools could be. Now that busing has come home to the North, a solid majority of our colleagues in both Houses of Congress supports efforts to end forced busing and the turmoil in our schools.

Just last fall many of our colleagues from all regions of the Nation joined in supporting the Stennis amendment, which established a uniform national policy of equal treatment for all regions of the country in application of school desegregation guidelines. The Stennis amendment with strong, bi-partisan support, passed both Houses of Congress last year, was signed by the President, and is now the law of the land. It is my fervent hope that this year we can make even further progress by flatly forbidding by legislation all forced busing for racial purposes. It would be the crowning achievement of this Congress to pass a proposed constitutional amendment effectively forbidding forced busing by requiring assignment of all public school students to their neighborhood schools.

Mr. President, the people of America are behind us four-square. It is time for the United States Senate to act, to exercise leadership, and to establish our public schools once and for all as centers for learning rather than playgrounds for federal government social experiments. I urge all my fellow Senators to support public education in neighborhood schools by supporting our resolution.

Thank you very much for your attention.

Mr. TOWER. Mr. President, today, as in the last Congress, I join Senators BROCK, BAKER, ALLEN, HANSEN, EASTLAND, STENNIS, and THURMOND in sponsoring a joint resolution to amend the Constitution of the United States for the purpose of guaranteeing equal treatment to all our Nation's schoolchildren.

Our amendment states:

No public school student shall, because of his race, creed, or color, be assigned to or required to attend a particular school.

Further, it delegates to Congress the authority to provide for the enforcement of this amendment through legislative action.

Each Member of this body is aware of the problems facing our Nation's public school systems. Judicial abuse of our constitutional guarantees have brought chaos to American education. My colleagues and I feel this social experimentation with our children is senseless—is inexcusable—is illegal.

In title IV, section 2000c(b) of the Civil Rights Act of 1964, Congress defined desegregation:

"Desegregation" means the assignment of students to public schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment to public schools in order to overcome racial imbalance.

Clearly, the Federal courts have actively ignored this provision, and, in so doing, have blatantly disregarded the will of the Congress. I feel, therefore, that it will take nothing less than a constitutional amendment to withdraw this matter from the jurisdiction of the courts.

This issue has been termed "the most emotional issue" of 1972, and I suspect it will again be the most emotional issue of this Congress. Nevertheless, this concern over the assignment of school children, and, most importantly, the busing of school children is much more than that. What we are dealing with here is not simply some new program that may or may not work—some program which can be retooled or abandoned if it is unsuccessful. We are dealing with the lives and education of American school children. Children whose education is sacrificed today in the name of social experimentation may never recover the opportunities they have lost. Damage done to already beleaguered school districts may be irreparable. We cannot afford this sacrifice. We must concentrate our talents and our limited resources on providing a quality education for all of our children.

The point is not whether desegregation should continue. Certainly I would not advocate a return to the dual school system. The separation of children simply because of their race or national origin is not consonant with the American ideal of equality. However, social scientists must not be allowed to urge upon us a reverse bias in turning the emphasis of the schools from education to quota systems.

Mr. President, if there were any educationally sound reason to have massive, forced busing, then the people of this country might not mind this practice so much. No such reason exists. On February 18, 1972, Senator MONDALE who was then chairman of the Select Committee on Equal Educational Opportunity and who had, at that time, spent nearly 2 years studying such tools of desegregation as busing, spoke to the Senate concerning his observations. In his report, after months of testimony had been taken, he could not produce one educationally sound reason why we must have massive, forced busing in urban areas. In urban areas where massive busing has been undertaken, there has been very little accomplished educationally while millions of dollars have been spent to buy buses and pay drivers. The select committee did turn up some very interesting facts, however, which will be studied closely this year. School districts which are in difficult financial straits are being forced to spend millions of hard-earned tax dollars for expenses which return no educational benefits. We simply must not allow this continued waste of resources when the only outcome in sight is further disruption of educational opportunities, the neighborhood school, and the parents' freedom of choice.

The time has come for definitive action in the U.S. Congress. I urge all Senators to join with us in this effort to return quality education through free access to our neighborhood schools.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

THE RESIGNATION OF GEORGE HARTZOG AS DIRECTOR OF THE NATIONAL PARK SERVICE

Mr. BIBLE. Mr. President, the year 1972 marked the 100th anniversary of our great national park system—a system that has preserved some of our most magnificent scenic treasures for the enjoyment of countless generations of Americans. It is a system that serves as a worldwide model for conservation and recreation.

Unfortunately, 1972 also marked the end of another important chapter in the improvement and expansion of the park system. I am speaking of the departure of George Hartzog as Director of the National Park Service. It is my considered judgment—judgment based on more than a decade of direct involvement with the national park system—that the

Nixon administration made a serious mistake when it accepted George Hartzog's resignation last month. For his retirement was a major loss to outdoor recreation and the cause of conservation.

During Mr. Hartzog's stewardship the national park system enjoyed its greatest period of growth. Since he became Director in 1964 more than 70 new units were added to the park system. It is a record in which I take great pride as chairman of the Senate Parks and Recreation Subcommittee, and I know it would not have been possible without George Hartzog's dedicated and untiring leadership. No man worked harder and more effectively in the cause of conservation and recreation, and our splendid park system is itself a monument to those efforts.

George Hartzog took command of the Park Service at a time of tremendous and conflicting pressures. On the one hand there was—and still is—unprecedented public demands for more outdoor recreation opportunities. On the other, there was the new wave of environmental protection—equally insistent demands for stern measures to preserve the Nation's fast-disappearing natural heritage.

It was a critical stage in the 100-year-old history of our national park movement, and George Hartzog proved to be the right man for this difficult challenge. He had the right combination of foresight and know-how, and while he often ran the gauntlet of criticism from both groups—recreationists and preservationists—I am confident his record will prove he achieved the proper balance in serving both causes.

One most consistent criticism of George Hartzog, in fact, was that he performed too successfully. For during his term as Director of the national park system experienced unbelievable increases in visitation and use. But Mr. Hartzog did not create that public demand; he worked to serve it and to channel it in such a way as to protect the resources of the parks and recreation areas. New park opportunities were needed, and he worked effectively with Congress to create them. New approaches, new methods of operation were needed, and he pioneered them.

George Hartzog is far too active and capable to remain idle long, and I wish him continued success and achievement in whatever new endeavors he chooses to pursue. Meanwhile, the Nation and the national park cause are deeply indebted to him for the lasting benefits he helped secure.

An editorial in the Washington Star-News of December 15, 1972, recognized Mr. Hartzog's contributions as an "effective and innovative administrator," and I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

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

Mr. BIBLE. Mr. President, to illustrate the scope of his park expansion efforts, I also ask unanimous consent that a list of the new park system units created by Congress during Mr. Hartzog's service as Director be printed in the RECORD.

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

LIST OF NEW PARK SYSTEM UNITS

EIGHTY-EIGHTH CONGRESS

Ozark National Scenic Riverways.
Fort Bowie National Historic Site.
Fort Larned National Historic Site.
Saint-Gaudens National Historic Site.
Allegheny Portage Railroad National Historic Site.
Johnstown Flood National Historic Site.
John Muir National Historic Site.
Fire Island National Seashore.
Canyonlands National Park.
Ice Age National Scientific Reserve.
Roosevelt-Campobello International Park.
Lake Mead National Recreation Area.

EIGHTY-NINTH CONGRESS

Assateague Island National Seashore.
Delaware Water Gap National Recreation Area.
Nez Perce National Historical Park.
Whiskeytown-Shasta-Trinity National Recreation Area.
Cape Lookout National Seashore.
Chamazal Treaty National Monument.
Fort Union Trading Post National Historic Site.
George Rogers Clark National Historical Park.
San Juan Island National Historical Park.
Guadalupe Mountains National Park.
Pictured Rocks National Lakeshore.
Indiana Dunes National Lakeshore.
Bighorn Canyon National Recreation Area.
Golden Spike National Historical Site.
Hubbell Trading Post National Historical Site.
Agate Fossil Beds National Monument.
Herbert Hoover National Monument.
Pecos National Monument.
Alibates Flint Quarries and Texas Panhandle Pueblo Culture Natural Monument.
Ellis Island National Monument.
Roger Williams National Monument.

NINETIETH CONGRESS

John Fitzgerald Kennedy National Historic Site.
Saugus Iron Works National Historic Site.
North Cascades National Park.
Lake Chelan National Recreation Area.
Ross Lake National Recreation Area.
Redwood National Park.
Appalachian National Scenic Trail.
St. Croix National Scenic Riverway.
Wolf National Scenic Riverway.
Carl Sandburg Home National Historic Site.
Biscayne National Monument.

NINETY-FIRST CONGRESS

Florissant Fossil Beds National Monument.
William Howard Taft National Historic Site.
Andersonville National Historic Site.
Lyndon B. Johnson National Historic Site.
Apostle Islands National Lakeshore.
Chesapeake and Ohio Canal National Historical Park.
Voyageurs National Park.
Gulf Islands National Seashore.
Sleeping Bear Dunes National Lakeshore.
Freeman School—Homestead National Monument.
Wilson Creek National Battlefield Park.
Eisenhower National Historic Park.

NINETY-SECOND CONGRESS

Gateway National Recreation Area.
Golden Gate National Recreation Area.
Buffalo National River.
Sawtooth National Recreation Area.
Oregon Dunes National Recreation Area.
Cumberland Island National Seashore.
Fossile Butte National Monument.
Puukohola Heiau National Monument.
Lincoln Home National Historical Site.
Hohokam Pima National Monument.
Thaddeus Kosciuszko Home National Memorial.
Grant-Kohrs Ranch National Historic Site.
Longfellow National Historic Site.
John D. Rockefeller, Jr., Memorial Parkway.
Mar-A-Lago National Historic Site.

EXHIBIT 1

[From the Washington Star-News Dec. 15, 1972]

A LAMENTABLE DEPARTURE

Of all the sub-cabinet personnel changes announced in recent days, the removal of National Park Service Director George B. Hartzog Jr. is the most lamentable and surprising. No one can hang on to a position forever, of course, and Hartzog has held this one in three administrations. But he will be hard to match as an effective and innovative administrator. His successor, Ronald H. Walker, will have no picnic dealing with the controversies that swirl around the job.

Those stem from the prevailing environmental excitement, and Hartzog has, we believe, generally coped with them fair-handedly. Some environmentalists don't think so, however, and have wanted him removed. Perhaps their efforts have achieved that. Or perhaps his departure is owed to the fact that he's about the last Democratic appointee remaining in so high a position. Interior Secretary Morton says the aim is to bring "new life and new direction" to the agency, but it's difficult to think of anyone with livelier ideas about parks, and more skill in dealing with Congress, than the man who is leaving.

The record speaks impressively. Since Hartzog took charge in 1964, national parks acreage has swelled by more than 2½ million acres and 78 new parks have been created. The Washington area has benefitted from his enthusiasm for diversity. At Wolf Trap Farm, the cultural national park concept was initiated, with his strong support, and he promoted the National Visitors Center idea which will come to fruition soon at Union Station. St. Louis has its splendid urban national park beside the Mississippi, with the graceful Saarinen arch towering as the Gateway to the West. One of his main visions, which we hope will be perpetuated, is for "recycling" of blighted lands to provide parks in urban sectors. And his hopes of creating new national parks near Eastern seaboard cities certainly should be carried forward by the new director of the service.

Hartzog has faced a built-in dilemma, which his successor will inherit: The Park Service has a dual and conflicting responsibility—for preservation and public recreation. Environmentalists criticize the scale of development in parks, but we think Hartzog has struck a good balance. He has tried to accommodate the swelling horde of vacationers, while assigning first priority to protection of natural assets. Without a commitment by Congress and the administration to the heavier funding that's needed for parks expansion, no one is likely to do better.

Mr. HARRY F. BYRD, JR. Mr. President, will the distinguished Senator from Nevada yield?

Mr. BIBLE. I am very happy to yield to my very dear and close friend, the distinguished senior Senator from Virginia.

Mr. HARRY F. BYRD, JR. I join the able Senator from Nevada in commending the long service of George B. Hartzog. I have had a keen interest in the national park system. It is of great importance to the people of the United States.

It has been my observation, although I have not been so close to it as has the distinguished Senator from Nevada, that George Hartzog has rendered an outstanding service in his position. I personally shall be very sorry to see him leave.

Mr. BIBLE. I appreciate those com-

ments, and I am certain that Mr. Hartzog will, likewise, feel very much gratified about the kind things the Senator from Virginia has said about him.

MESSAGE FROM THE PRESIDENT TODAY ON EXTENSION OF WAGE AND PRICE CONTROLS

Mr. GRIFFIN. Mr. President, today President Nixon sent to Congress a message requesting an extension for another year of his wage and price control authority, and outlining to Congress and the Nation what will be known as phase III of the program.

The new phase of the program proposed by the President will be comprehensive in its concept. Some aspects will be put on a self-administering basis while tighter and more effective controls will be applied in other areas. For example, there will be a stepped-up effort to cope with rising food prices.

Under phase III, neither a wage board nor a price commission is contemplated but the Cost of Living Council will continue. The President has announced that he will appoint John T. Dunlop to succeed Donald Rumsfeld as Chairman of the Council.

I am pleased phase III will continue the Construction Industry Stabilization Committee which has been working well with labor organizations and management groups within the country. Certainly there will be need for even closer and better cooperation between these two segments of our economy in the future if phase III is to succeed.

I am pleased also to note in the message that the President intends to continue the Committee on Interest and Dividends which is chaired by Arthur Burns.

The President has set a new goal with regard to inflation. The objective is to bring the rate of inflation down to 2.5 percent or below by the end of 1973.

That is an ambitious goal but it is also a worthy goal deserving the best efforts of the administration and Congress.

The tone of the President's message is conciliatory. In a spirit of cooperation, the President has asked Congress for support in this drive to hold the line on prices and to avoid new taxes. I hope the message will be received and acted upon at an early date by Congress in that same spirit.

Mr. President, I ask unanimous consent that a summary giving the highlights of the President's program be included in the RECORD at this point.

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

SUMMARY OF PRESIDENT NIXON'S PROGRAM

COMPREHENSIVE WAGE-PRICE RESTRAINT PROGRAM

Except in special problem areas, the present program will be replaced by one which is self-administering and based on voluntary compliance. Standards will be provided and restraint called for. If restraint is not exercised, the government will have the capacity to intervene as appropriate in the particular situation and ensure that restraint is exercised from that point on. Some firms will be required to keep records, and other larger firms will be asked to file quarterly reports. This will help the Cost of Living Council monitor price and wage developments. Prenotification and government approval for individual actions will be dropped. Firms will be expected to make their own decisions, in the spirit of restraint and voluntarism, within the guides.

Price standards

Firms will be allowed to increase prices to reflect increased costs subject to either one of two limits: (a) that their average price increases do not exceed 1.5 percent; or (b) that their base period profit margin is not exceeded. In judging whether price increases are merited by cost increases, firms can use the present rules as a guide. The base period for profit margin computation will be revised to allow more flexibility. There will be exceptions to permit necessary adjustments to avoid distortions.

Wage standards

A Labor-Management Advisory Committee will be convened to consider whether the wage standard is consistent with our new anti-inflation goal. Until that group convenes and returns with its recommendations, the present standards of 5.5 percent with additions for fringe benefits will be continued.

Operation of the program

The standards described above will be issued to guide individual performance. In examining the performance of firms and industries in their self-administration of these standards, the Council will be looking for behavior that was reasonably consistent with them. The standards will be mandatory in the sense that unreasonably inconsistent actions could result in the imposition of specific, legally binding price or wage levels, as well as other prospective restrictions.

SPECIAL EFFORT ON FOOD

Firms involved in food processing will be required to comply with present regulations applying to them, including prenotification of and approval of cost-justified price increases. Firms involved in food retaining will be held to present item margin markups.

A committee drawn from the Cost of Living Council will be established, chaired by the Chairman of the Cost of Living Council and composed of the Chairman of CEA, Secretary of Agriculture, Director of OMB, and Director of CLC. The committee's purpose will be to review government policies and recommend appropriate changes in those having an adverse effect on food prices.

An advisory group composed of non-government individuals knowledgeable about all aspects of the food industry will be established to advise the Cost of Living Council Committee on Food. This group will consider the operation of the controls program as it affects the industry and the people working in it, federal policies and actions affecting food prices, and ways of improving productivity at all points in the food processing and distribution chain.

SPECIAL EFFORT ON HEALTH

The present controls applicable to this sector will be continued until appropriate modifications are recommended by the committees described below.

A committee drawn from the Cost of Living Council will be established, chaired by the Director of the CLC and composed of the Chairman of CEA, the Director of OMB and the Secretaries of the Treasury and HEW. (The Secretary of HEW is being added to the CLC.) The committee's purpose will be to review and make appropriate recommendations concerning changes in government programs that could lessen the rise of health costs.

An Advisory Committee composed of knowledgeable individuals outside the Federal Government will be established to advise the Cost of Living Council on the operation of controls in the health industry and changes in government programs that could alleviate the rise of health costs. This committee would also work to mobilize insurance companies and other third-party payers to use their influence in reducing the rise in health costs.

SELECT COMMITTEE ON STANDARDS AND CONDUCT—APPOINTMENT BY THE VICE PRESIDENT OF SENATORS CURTIS AND BROOKE

The PRESIDING OFFICER (Mr. HASKELL). The Chair, on behalf of the Vice President, pursuant to Senate Resolution 338 of the 88th Congress, appoints the Senator from Nebraska (Mr. CURTIS) and the Senator from Massachusetts (Mr. BROOKE) to the Select Committee on Standards and Conduct.

SELECT COMMITTEE TO STUDY QUESTIONS RELATED TO SECRET AND CONFIDENTIAL GOVERNMENT DOCUMENTS—APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. HASKELL). The Chair, on behalf of the majority and minority leaders, in accordance with Senate Resolution 13, 93d Congress, appoints the following Senators to the Select Committee to Study Questions Related to Secret and Confidential Government Documents: the Senator from Montana (Mr. MANSFIELD), chairman; the Senator from Rhode Island (Mr. PASTORE); the Senator from Iowa (Mr. HUGHES); the Senator from California (Mr. CRANSTON); the Senator from Alaska (Mr. GRAVEL); the Senator from Pennsylvania (Mr. SCOTT), cochairman; the Senator from New York (Mr. JAVITS); the Senator from Oregon (Mr. HATFIELD); the Senator from Florida (Mr. GURNEY); and the Senator from Kentucky (Mr. COOK).

JOINT ECONOMIC COMMITTEE—APPOINTMENT BY THE VICE PRESIDENT OF SENATOR SCHWEIKER

The PRESIDING OFFICER (Mr. HASKELL). The Chair, on behalf of the Vice President, pursuant to the provisions of section 1024 of title 15, United States Code, appoints the Senator from Pennsylvania (Mr. SCHWEIKER) to the Joint Economic Committee to fill a vacancy of the minority party membership.

EXTENSION OF PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. HASKELL). The period for the transaction of morning business appears to have expired.

Mr. HUGHES. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be extended for a period of 15 minutes.

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. GOLDWATER:

S. 285. A bill for the relief of Donald L. Quering, his wife, Viola M. Quering, and their child, Roxanne J. Quering. Referred to the Committee on the Judiciary.

By Mr. SCOTT of Virginia:

S. 286. A bill to exclude from gross income the first $250 of interest received on deposits in thrift institutions. Referred to the Committee on Finance.

S. 287. A bill to clarify the jurisdiction of certain Federal courts with respect to public schools and to confer such jurisdiction upon certain other courts. Referred to the Committee on the Judiciary.

S. 288. A bill to amend title 28 of the United States Code to provide that petit juries in U.S. district courts shall consist of six jurors, except in trials for capital offenses. Referred to the Committee on the Judiciary.

S. 289. A bill to amend title 38, United States Code, in order to permit certain veterans up to 9 months of educational assistance for the purpose of pursuing retraining or refresher courses. Referred to the Committee on Veterans' Affairs.

S. 290. A bill to amend title 5, United States Code, to authorize the immediate retirement without reduction in annuity of employees and Members of Congress upon completion of 30 years of service. Referred to the Committee on Post Office and Civil Service.

S. 291. A bill to amend title 13, United States Code, to provide certain limitations with respect to the types and number of questions which may be asked in connection with the decennial censuses of population, unemployment, and housing, and for other purposes. Referred to the Committee on Post Office and Civil Service.

S. 292. A bill to provide career status as rural carriers without examination to certain qualified substitute rural carriers of record in certain cases, and for other purposes. Referred to the Committee on Post Office and Civil Service.

S. 293. A bill to authorize the Secretary of the Interior to establish the George Washington Boyhood Home National Historic Site in the State of Virginia. Referred to the Committee on Interior and Insular Affairs.

By Mr. HUMPHREY:

S. 294. A bill to make an assault on or murder of a State or local policeman, fireman, or prison guard a Federal offense. Referred to the Committee on the Judiciary.

S. 295. A bill to amend the Federal Aviation Act of 1958 in order to authorize free or reduced rate transportation to handicapped persons and persons who are 65 years of age or older, and to amend the Interstate Commerce Act to authorize free or reduced rate transportation for persons who are 65 years of age or older. Referred to the Committee on Commerce.

S. 296. A bill for the relief of Mr. Patrick Henry Daly, Maria Cecilia Ada Clelia Cousino Noe de Daly, Patricio Luis Daly, Christian Andres Daly, Barbara de los Angeles Daly, Carolina Elizabeth Daly. Referred to the Committee on the Judiciary.

By Mr. BENNETT (by request):

S. 297. A bill to regulate State taxation of federally insured financial institutions. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. BENNETT:

S. 298. A bill for the relief of Sung Wan Kim. Referred to the Committee on the Judiciary.

S. 299. A bill to amend chapter 34 of title 38, United States Code, to consider as active duty service, for certain purposes and under certain circumstances, the initial period of active duty for training served by a veteran pursuant to section 511(d) of title 10, United States Code. Referred to the Committee on Veterans' Affairs.

By Mr. MANSFIELD (for himself and Mr. MONDALE):

S. 300. A bill to provide for the compensation of persons injured by certain criminal acts, to make grants to States for the payment of such compensation, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. HART:

S. 301. A bill for the relief of Erlinda Zaragosa. Referred to the Committee on the Judiciary.

By Mr. MOSS:

S. 302. A bill to authorize and direct the acquisition of certain lands within the boundaries of the Wasatch National Forest in the State of Utah by the Secretary of Agriculture. Referred to the Committee on Interior and Insular Affairs.

S. 303. A bill to authorize and direct the Secretary of Agriculture to acquire certain lands and interests therein within the boundaries of the Cache National Forest in the State of Utah. Referred to the Committee on Interior and Insular Affairs.

S. 304. A bill for the relief of Milagro de la Paz Posada. Referred to the Committee on the Judiciary.

By Mr. YOUNG:

S. 305. A bill for the relief of Li Su Chin Huang, Huei Chung Huang, Huei Rung Huang, Huei Luen Huang, and Yang Nene Huang.

S. 306. A bill for the relief of Sung Tung Wang and Wen Fen Wang.

S. 307. A bill for the relief of Rosario O. Caladiao.

S. 308. A bill for the relief of Exequiel B. Cruz; and

S. 309. A bill for the relief of Dr. Hermenegildo M. Kadile. Referred to the Committee on the Judiciary.

S. 310. A bill to authorize the Secretary of the Army to convey certain lands originally acquired for the Garrison Dam and Reservoir project in the State of North Dakota to the Mountrail County Park Commission, Mountrail County, N. Dak. Referred to the Committee on Public Works.

S. 311. A bill to extend the provisions of section 403(b) of the Internal Revenue Code of 1954 to employees of public hospitals. Referred to the Committee on Finance.

S. 312. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred in connection with the adoption of a child. Referred to the Committee on Finance.

By Mr. ROBERT C. BYRD (for Mr. BENTSEN) (for himself and Mr. TOWER):

S. 313. A bill to establish the Amistad National Recreation Area in the State of Texas; and

By Mr. ROBERT C. BYRD (for Mr. BENSTEN):

S. 314. A bill to establish the Big Thicket National Park in Texas. Referred to the Committee on Interior and Insular Affairs.

By Mr. BENNETT:

S. 315. A bill for the relief of Elsa Bibiana Paz Soldan. Referred to the Committee on the Judiciary.

By Mr. JACKSON (for himself, Mr. BUCKLEY, Mr. CHURCH, Mr. GRIFFIN, Mr. HART, Mr. CHILES, Mr. HARTKE, Mr. CASE, Mr. MCGEE, Mr. STEVENSON, Mr. BROOKE, Mr. NELSON, Mr. MONDALE, Mr. JAVITS, Mr. PROXMIRE, Mr. RANDOLPH, Mr. METCALF, Mr. MANSFIELD, and Mr. SCOTT of Pennsylvania):

S. 316. A bill to further the purposes of the Wilderness Act of 1964 by designating certain lands for inclusion in the National Wilderness Preservation System, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. ALLEN (for himself and Mr. SPARKMAN):

S. 317. A bill to provide for the settlement of claims resulting from participation in a Public Health Service study to determine the consequences of untreated syphilis. Referred to the Committee on the Judiciary.

By Mr. WEICKER (for himself and Mr. BIBLE, Mr. BROOKE, Mr. CANNON, Mr. COOK, Mr. FANNIN, Mr. JAVITS, Mr. MOSS, Mr. PELL, Mr. TAFT, and Mr YOUNG):

S. 318. A bill to safeguard the professional news media's responsibility to gather information, and therefore to safeguard the public's right to receive such information, while preserving the integrity of judicial processes. Referred to the Committee on the Judiciary.

By Mr. RIBICOFF (for himself, Mr. MCINTYRE, Mr. STAFFORD, Mr. AIKEN, Mr. BROOKE, Mr. HATHAWAY, Mr. PASTORE, Mr. WEICKER, Mr. MUSKIE, Mr. COTTON, Mr. PELL, and Mr. KENNEDY):

S. 319. A bill relative to the oil import program. Referred to the Committee on Finance.

By Mr. JAVITS:

S. 320. A bill to amend title II of the Social Security Act, to provide that, for purposes of the provisions thereof relating to deductions from benefits on account of excess earnings, there be disregarded, in certain cases, income derived from the sale of certain copyrights, literary, musical, or artistic compositions, letters or memoranda, or similar property. Referred to the Committee on Finance.

By Mr. TAFT:

S. 321. A bill to exclude from gross income the first $500 of interest received from savings account deposits in lending institutions. Referred to the Committee on Finance.

By Mr. SCHWEIKER:

S. 322. A bill to amend the Fair Packaging and Labeling Act to provide for the establishment of national standards for nutritional labeling of food commodities. Referred to the Committee on Commerce.

S. 323. A bill to amend the tariff and trade laws of the United States, and for other purposes. Referred to the Committee on Finance.

S. 324. A bill to amend the Public Health Service Act to provide for nutrition education in schools of medicine and dentistry. Refererd to the Committee on Labor and Public Welfare.

By Mr. BIBLE (for himself and Mr. CANNON):

S. 325. A bill to expand the Boulder Canyon project to provide for the construction of a highway crossing the Colorado River immediately downstream from Hoover Dam. Referred to the Committee on Interior and Insular Affairs.

By Mr. STEVENSON:

S. 326. A bill for the relief of Minnie E. Solger. Referred to the Committee on the Judiciary.

S. 327. A bill to incorporate Recovery, Inc. Referred to the Committee on the Judiciary.

By Mr. HARRY F. BYRD, JR.:

S. 328. A bill to amend section 2307 of title 10, United States Code, to limit to $20 million the total amount that may be paid in advance on any contract entered into by the Departments of the Army, Navy, and Air Force, the Coast Guard, and the National Aeronautics and Space Administration. Referred to the Committee on Armed Services.

By Mr. THURMOND:

S. 329. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents. Referred to the Committee on Finance.

S. 330. A bill to amend chapter 67 (relating to retired pay for nonregular service) of title 10, United States Code, to authorize payment of retired pay actuarily computed to persons, otherwise eligible, at age 50, and for other persons. Referred to the Committee on Armed Services.

By Mr. THURMOND (for Mr. GURNEY):

S. 331. A bill to establish the Chassahowitzka National Wilderness Area in the State of Florida;

S. 332. A bill to establish the Saint Marks National Wilderness Area in the State of Florida;

S. 333. A bill to establish the Spessard L. Holland National Seashore in the State of Florida, and for other purposes; and

S. 334. A bill to authorize the acquisition of the Big Cypress National Fresh Water Reserve in the State of Florida, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. CHURCH (for himself, Mr. WILLIAMS, Mr. HUMPHREY, and Mr. MCCLURE):

S. 335. A bill to promote development and expansion of community schools throughout the United States. Referred to the Committee on Labor and Public Welfare.

By Mr. HART (for himself, Mr. METCALF, and Mr. CASE):

S. 336. A bill amending section 133(f) of the Legislative Reorganization Act of 1946 with respect to the availability of committee reports prior to Senate consideration of a measure of matter. Referred to the Committee on Government Operations.

By Mr. BROCK (for himself, Mr. ALLEN, Mr. BAKER, Mr. HARRY F. BYRD, JR., Mr. EASTLAND, Mr. GOLDWATER, Mr. HANSEN, Mr. STENNIS, Mr. THURMOND, Mr. TOWER, Mr. GRIFFIN, and Mr. BIBLE):

S.J. Res. 14. A joint resolution proposing an amendment to the Constitution of the United States relating to open admissions to public schools. Referred to the Committee on the Judiciary.

By Mr. SCOTT of Virginia:

S.J. Res. 15. A joint resolution proposing an amendment to the Constitution of the United States relating to the participation in nondenominational prayers in any building which is supported in whole or in part through the expenditure of public funds; and

S.J. Res. 16. A joint resolution proposing an amendment to the Constitution relating to the continuance in office of judges of the Supreme Court and of interior courts. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SCOTT of Virginia:

S. 287. A bill to clarify the jurisdiction of certain Federal courts with respect to public schools and to confer such jurisdiction upon certain other courts. Referred to the Committee on the Judiciary.

Mr. SCOTT of Virginia. Mr. President, I have a number of bills that, after brief remarks, I would like to send to the desk and have printed and referred to the proper committees. These are measures that have previously been introduced in the House. I think that they are meritorious measures, and I feel that they should receive consideration in the 93d Congress.

JURISDICTION OF FEDERAL COURTS OVER ISSUES AND CONTROVERSIES INVOLVING THE PUBLIC SCHOOLS

Mr. SCOTT of Virginia. Mr. President, the first of my bills relates to the jurisdiction of the Federal courts over the issues and controversies involving the public schools.

I think the State courts are the courts closest to the people, and I believe that we would not have the problems that have just been discussed on the floor of the Senate if the courts of original jurisdiction were State courts rather than Federal courts. Much of our problem has come from the Federal District courts and the actions that are taken by the judges in those courts.

TENURE OF FEDERAL JUDGES

Mr. President, my second bill relates to the tenure of our Federal judges. It seems to me that 10-year terms are reasonable. Anyone holding a public position should from time to time have to account for his stewardship, and 10 years is a reasonable time for a Federal judge to serve without having to come back to the President and to the Senate for reappointment and reconfirmation.

I believe that a bill on this matter should receive the attention of the Senate.

By Mr. SCOTT of Virginia:

S. 293. A bill to authorize the Secretary of the Interior to establish the George Washington Boyhood Home National Historic Site in the State of Virginia. Referred to the Committee on Interior and Insular Affairs.

ESTABLISHMENT OF BIRTHPLACE AND BOYHOOD HOME OF GEORGE WASHINGTON AS A NATIONAL SHRINE

Mr. SCOTT of Virginia. Mr. President, the third bill I send to the desk—and the only other one on which I will take the time of the Senate to discuss—is with regard to the establishing and preservation of Ferry Farms, the boyhood home of George Washington, as a national shrine.

We are getting almost to the time when we will commemorate the 200th birthday of this Nation. This is the place where legend tells us George Washington chopped down the cherry tree and threw a silver dollar across the Rappahannock River.

Mr. President, this area is now being threatened with commercial purposes. This place should be used in conjunction with Wakefield, the birthplace of George Washington. It is in the same area and should be preserved as a historic place for our Nation.

By Mr. HUMPHREY:

S. 294. A bill to make an assault on or murder of a State or local policeman, fireman, or prison guard a Federal offense. Referred to the Committee on the Judiciary.

THE KILLING OF POLICEMEN AND FIREMEN SHOULD BE A FEDERAL OFFENSE

Mr. HUMPHREY. Mr. President, I am today reintroducing my bill to make the assault on or the murder of a State or local policeman or fireman or prison guard a Federal offense.

This legislation was first introduced on March 15, 1972, and it was later adopted as an amendment to the Hand-Gun Control Act in the closing days of the 92d Congress. The Hand-Gun Control Act, however, failed to become law.

Mr. President, policemen and firemen put their lives on the line for the rest of us every day of the year. I think it is up to Congress now to assure that their safety is protected. And, the recent killings of law enforcement and public safety personnel in New Orleans highlights the need to make an assault on or a murder of a policeman or a fireman a Federal offense.

I would hope that the Senate Judiciary Committee would consider this legislation as promptly as possible. We need to take action and take it now.

Mr. President, I ask unanimous consent that a copy of my remarks of March 15, 1972, and a copy of the bill be printed at this point in the RECORD.

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

STATEMENT OF SENATOR HUMPHREY, MARCH 15, 1972

Mr. HUMPHREY. Mr. President, I am introducing legislation today which would make the crime of murder, or attempted murder, of a policeman, fireman, or penal institution guard a Federal offense. This action is sorely needed and long overdue, for the problem of crime in America, which affects the lives of all of us, has created a crisis situation with respect to the security of public safety officials. We are a nation founded on law. We can never have a lawful and just society when men charged with safeguarding the public welfare live in constant danger of physical attack. These people put their lives on the line for all of us every day. It is up to this Congress to assure that all that can be done, is indeed done, to assure their safety.

The problem of public safety personnel being put in the position of targets of public and political violence is increasing so rapidly that we can no longer stand back and watch these brave men fall in ever increasing numbers to the agents of lawlessness in our society. In 1961, when John Kennedy was inaugurated President, 37 policemen were killed in the line of duty in the United States. One decade later this figure has tripled to 125, with the rate increasing each year. Specifically, there were 48 policemen killed in 1962, 55 in 1963, 57 in 1964, 53 in 1965, 57 in 1966, 76 in 1967, 64 in 1968, 86 in 1969, 100 in 1970, and 125 in 1971. And in the first month of 1972 alone, 12 police officers were killed in the line of duty. This is obviously an intolerable trend which must be reversed.

During the same period of time that over 700 police officers were slain in the line of duty, 44 firemen met the same fate. And now we find ourselves in the grips of a new problem—the alarming increase in killing of penal institution guards. The deaths of men in these three groups of public safety officials tarnishes our Nation.

The legislation which I am introducing today may be one method which can successfully decrease the number of attacks made on public safety officers in our Nation. Let us remember that before the crime of kidnaping was made a Federal offense, kidnaping had reached catastrophic proportions in the United States, with almost 300 kidnapings alone in 1931. After this heinous crime was made a Federal offense, kidnapings have averaged at 28 per year—a startling reversal. Hopefully, the same kind of reversal might be effected by the threat of FBI investigation of crimes involving attacks on policemen, firemen, and prison guards. The Constitution authorizes us to legislate the public welfare. Certainly the safety of these men whose duty is to safeguard the public welfare is a constitutionally valid concern. Making these crimes a Federal offense will direct national attention to each of these attacks, and thus may serve to remind criminals or potential criminals of the seriousness of their actions.

Thus, for the sake of our brave public safety official, as well as for the sake of law, order, and justice in our society, the legislation which I propose today must be acted upon quickly.

S. 294

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 51 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1116. Murder, manslaughter, or attempt to commit murder or manslaughter of State law enforcement officers, firemen, or prison guards

"(a) Whoever commits murder or manslaughter, or attempts to commit murder or manslaughter, or aids or abets another in the commission of such murder or manslaughter, or attempts to commit such murder or manslaughter, of any State law enforcement officer, fireman, or prison guard while such officer, fireman, or guard is performing official duties, or because of the official position of such officer, fireman, or guard, shall be punished as provided under section 1111, section 1112, or section 1113 of this title.

"(b) As used in this section, the term—

"(1) 'law enforcement officer' means any officer or employee of any State who is charged with the enforcement of any criminal laws of such State.

"(2) 'fireman' means any person serving as a member of fire protective service organized and administered by a State or a volunteer fire protective service organized and administered by a State or a volunteer fire protective service organized and administered under the laws of a State;

"(3) 'prison guard' means any officer or employee of any State who is charged with the custody or control in a penal or correctional institution of persons convicted of criminal violations; and

"(4) 'State' means any State of the United States, the Commonwealth of Puerto Rico, any political subdivision of any such State or Commonwealth, the District of Columbia, and any territory or posession of the United States.".

(b) The chapter analysis of such chapter is amended by adding immediately after item 1115 the following new item:

"1116. Murder, manslaughter, or attempt to commit murder or manslaughter of State law enforcement officers, firemen, or prison guards.".

By Mr. HUMPHREY:

S. 295. A bill to amend the Federal Aviation Act of 1958 in order to authorize free or reduced rate transportation to handicapped persons and persons who are 65 years of age or older, and to amend the Interstate Commerce Act to authorize free or reduced rate transportation for persons who are 65 years of age or older. Referred to the Committee on Commerce.

REDUCED TRAVEL RATES FOR HANDICAPPED AND ELDERLY

Mr. HUMPHREY. Mr. President, the legislation I am introducing today is of great importance to millions of older Americans and handicapped persons who are, in effect, being denied the right to travel under present policies and by prohibitive costs. It is profoundly wrong that a disabled veteran confined to a wheelchair should be required to pay double fare to have an attendant on an airline flight. And it is wrong that an elderly couple should be isolated from their children or be denied the broad opportunities of retirement years because of the cost of air travel.

The bill which I am introducing, and which had been adopted, in part, by the Senate in the last Congress, would enable airlines to offer free or reduced rate transportation to handicapped persons and persons who are 65 years of age or older. It will extend the same permissive authorization to railroads and buslines to offer free or reduced fares to elderly persons that are available under existing law to the blind and to mentally or physically handicapped persons. Moreover, total or partial fare discounts on regular airline reservation tickets, also would be authorized for persons attending the physically or mentally handicapped on their flights.

I believe my bill offers the most comprehensive and equitable approach to guaranteeing the right to travel to handicapped persons and the elderly. In contrast to recent decisions of the Civil Aeronautics Board to terminate certain promotional fares offered by airlines, with the rationale that these fares had been discriminatory and had failed to increase passenger loads sufficiently to offset reduced revenues, I firmly believe that the fare reductions authorized in my bill would end an existing unjust discrimination and would result in substantially increased revenues. For the fourth year in a row, airlines are flying less than half full. Yet there have been impressive examples of senior citizen passenger load and revenue increases of up to 400 percent over the past few years where airlines have been authorized to offer fare reductions. Surely, there is clear evidence of an untapped market when senior citizens, comprising 10 percent of our population, account for only 5 percent of all airline passengers.

I also believe that a fundamental respect for human dignity and equal opportunity demands that all forms of de facto discrimination against mentally or physically handicapped persons be removed from American society. That is why, in addition to having previously introduced basic legislation to prohibit this denial of civil rights, I am particularly concerned in this specific instance that fare discounts be authorized on regular airline reservation tickets, to the blind, the physically and mentally handicapped, and persons traveling in their attendance, as further defined by regulations of the Civil Aeronautics Board—an authorization already applied to railroads and buslines under existing law.

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

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

S. 295

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 403(b) of the Federal Aviation Act of 1958 is amended (1) by inserting after "persons in connection with such accident;" the following: "persons who are sixty-five years of age or older, and handicapped persons and persons traveling with and attending such handicapped persons when the handicapped person requires such attendance;", and (2) by inserting at the end thereof the following: "As used in this section the term 'handicapped person' means the blind and other persons who are physically or mentally handicapped, as further defined by regulations of the Board.".

SEC. 2. Section 22 of the Interstate Commerce Act is amended by inserting after "or commutation passenger tickets;" the following: "nothing in this part shall be construed to prohibit the transportation of persons who are sixty-five years of age or older free or at reduced rates;".

By Mr. BENNETT (by request):

S. 297. A bill to regulate State taxation of federally insured financial institutions. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. BENNETT. Mr. President, I introduce, by request, a bill to regulate State taxation of federally insured institutions. I introduced, by request, a similar bill in May of last year. The bill last year, however, had an elaborate provision intended to prevent discrimination between taxation of banks and other financial institutions and businesses. When our Banking, Housing and Urban Affairs Committee met in executive session on the proposal, it was tabled without full consideration of its merits. At that time, it was argued that there was a proposal pending before the House Banking and Currency Committee which would more nearly put into legislation recommendations of the Federal Reserve Board regarding the taxation of banks and that it would be appropriate to delay further Senate action until the House committee had acted on its bill. The House committee did not complete consideration of its bill during the last session.

As the result of this action, or inaction, on the legislation last year, a provision called a permanent amendment contained in legislation enacted in 1969, removing all restrictions on the taxation of banks by States, went into effect on January 1, 1973. Because Members of Congress were concerned that the effects of the removal of all restrictions on the authority of States to tax federally chartered banks could be adverse to the banking system and the overall economy, the same act, Public Law 91-156, required the Federal Reserve Board to make a study of the probable effects and to report its recommendations which would then be considered by the Congress before the permanent amendment was scheduled to go into effect. The Federal Reserve Board made such a report in May of 1971, with five recommendations. First, intangibles owned by all insured depositories should be exempt from taxation. Second, limitations should be placed on the imposition of "doing business" and similar taxes by foreign States on all depositories. Third, measures should be taken to prevent discrimination between one class of bank and another, between home State and foreign State banks, and between banks and other business firms. Fourth, States should be permitted to tax interest on Federal obligations in order to permit States flexibility in their taxing methods. Fifth, currency and coins should be considered intangible

personal property for State and local tax purposes.

The Federal Reserve report stated that there may be a danger of disintermediation as a result from taxation of bank-owned intangible personal property. In addition, the Board's report points out the dangers which might result from State taxation which might discriminate between national and State banks, between home State banks and out-of-State banks, between banks and other businesses generally, or between banks and other competing financial institutions. The Board has made it clear that any State taxation which might result in such disintermediation or such discrimination might have seriously adverse effects on the Nation's financial mechanisms and the functions of the Nation's payments system and thereby on the Nation's commerce and on the maintenance of government itself.

The bill which I introduce today is intended to carry out the recommendations of the Federal Reserve Board and is the same as title II of H.R. 15656 which was approved by the Subcommittee on Bank Supervision and Insurance of the House Banking and Currency Committee last year, except for two changes. First, a provision exempting deposits in banks, which was not recommended by the Federal Reserve Board, is not included. I am informed that such a provision if retained would cause serious problems for existing tax laws of Ohio and Michigan. In addition, title II of H.R. 15656 was limited to the taxation of insured commercial banks, while the bill which I have been requested to introduce follows the Federal Reserve Board's recommendation to cover all federally insured institutions and thus applies to commercial banks and savings banks insured by the Federal Deposit Insurance Corporation, savings and loan associations insured by the Federal Savings and Loan Insurance Corporation, and members of the Federal Home Loan Bank System.

In introducing this proposal by request, I do not necessarily indicate support for all of its provisions. I do believe, however, that it deserves careful consideration by the Congress.

By Mr. MOSS:

S. 302. A bill to authorize and direct the acquisition of certain lands within the boundaries of the Wasatch National Forest in the State of Utah by the Secretary of Agriculture. Referred to the Committee on Interior and Insular Affairs.

ADDITIONS TO WASATCH NATIONAL FOREST

Mr. MOSS. Mr. President, I introduce for appropriate reference, a bill to authorize the U.S. Forest Service to purchase up to 3,000 acres of private land to be added to the Wasatch National Forest in Utah. The bill authorizes a sum not to exceed $2 million for the purchase.

The land is located in Mill Creek Canyon above the diversion point for the proposed Little Dell Reservoir, and in Little Cottonwood and Big Cottonwood Canyons.

I first introduced this bill in January 1967, because of my growing concern that proposed private development in the areas in question would create serious sanitary and stream pollution problems and would prevent the use of the land for public recreation purposes. My concern was and is shared by the Salt Lake City Commission, which originally asked me to introduce this bill, and by Utah conservationists anxious to act before the land is damaged beyond repair.

Public testimony taken last summer at hearings on an identical bill, revealed the continuing interest and support this measure has with local and State agencies in Utah. The only negative testimony among Utah representatives came from private development interests who stand to gain economically from the retention of land in private ownership.

In hearings on August 4, 1972, in Washington, D.C., the Forest Service declined to support the bill on grounds that local government agencies should take the lead in solving private land-use matters through prudent land-use zoning restrictions and enforcement of applicable environmental quality standards. However, it appears obvious from testimony received that the pressures created by private development have far outpaced the effectiveness of regulation. Furthermore, Governor Rampton of Utah stated:

It is the feeling of the state government that our mountain heritage should be regarded as a public trust. In this regard, an effective argument can be made that the greatest public benefit of such critical areas as our canyons can best be realized under the multiple use management principles of the U.S. Forest Service. I might say here that if there were in the State government the authority to acquire this land and administer it, I would oppose the bill. But there is not, and it would appear that the only way to get the proper regulation of these areas now is through the Forest Service.

The measure I introduced last Congress was passed by the Senate unanimously on September 19, 1972. However, due to the press of business the last days of the 92d Congress, the House failed to take action.

Plans for residential subdivisions or other developments on the lands have been expanded. All of the developments are close by the major sources of water for Salt Lake City and other populated areas. Both Little Cottonwood and Big Cottonwood Creeks presently are a major supply source of culinary water for Salt Lake City, and the waters of Mill Creek are under consideration for use as an additional source of water supply through construction of the Little Dell Reservoir.

The Forest Service cannot purchase these private lands through existing programs because the current administration's war-swollen budget has allocated insufficient funds to programs created to accomplish the purposes of his measure.

Nor can the Salt Lake City Corp. afford to make the necessary investment. Admittedly, it would be preferable if the city were able to assume some of the financial burden of purchase, particularly since failure to act will cause a pollution problem which will directly affect Salt Lake City and county. Nonetheless, since the city cannot handle the problem, it remains for the Federal Government to take the necessary steps to protect the watershed. The preservation of the vegetation on the Wasatch Front Range is essential for flood control, for the prevention of erosion and pollution, and is essential to the stability and continuity of water supplies. This can be accomplished only if the land is withheld from private developers.

This year, as never before, we are aware of the serious problems which have arisen and can still arise because we have not paid proper attention to our environment. There is much greater citizen demand for protection from pollution now than in 1967.

I recognize that the problem of watershed protection in the Wasatch Forest is only one small part of the national problem, but it is urgent that we begin, step by step, to act now before the damage is irreversible.

Mr. President, I ask unanimous consent that the bill which I introduce today, to acquire certain lands within the boundaries of the Wasatch National Forest, be printed in the RECORD.

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

S. 302

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to promote in a timely and adequate manner control of floods, the reduction of soil erosion and strean pollution through the maintenance of adequate vegetative cover, and the conservation of their scenic beauty and the natural environment, and to provide for their management, protection, and public use as national forest lands under programs of multiple use the Secretary of Agriculture is authorized and directed to acquire, as not to exceed the fair market value as determined by him, such of the nonfederally owned land, not to exceed three thousand acres, in the area described in section 2 hereof as he finds suitable to accomplish the purposes of this Act.

SEC. 2. This Act shall be applicable to lands within the boundary of the Wasatch National Forest in the watersheds of Mill Creek, Big Cottonwood Creek, and Little Cottonwood Creek, being portions of townships 1, 2, and 3 south, ranges 1, 2, and 3 east Salt Lake base and meridian.

SEC. 3. There is hereby authorized to be appropriated for the purposes of this Act not to exceed $2,000,000, to remain available until expended.

By Mr. MOSS:

S. 303. A bill to authorize and direct the Secretary of Agriculture to acquire certain lands and interests therein within the boundaries of the Cache National Forest in the State of Utah. Referred to the Committee on Interior and Insular Affairs.

ADDITIONS TO CACHE NATIONAL FOREST

Mr. MOSS. Mr. President, I am today introducing a bill to authorize the U.S. Forest Service to purchase approximately 23,000 acres of private land situated on the watershed of the Middle Fork of the Ogden River in Weber County, Utah, and to add these acres to the Cache National Forest. The bill authorizes the appropriation of a sum not to exceed $3,450,000 for the purchase.

This bill is identical to S. 2762 which I introduced during the 92d Congress and

which was passed by the Senate unanimously on September 19, 1972. The press of last minute business precluded House action before adjournment.

There is even greater urgency now for passage of this bill than I indicated during the last Congress. At that time I pointed out that the most urgent reason for authorizing the purchase of the privately owned lands in the area is to head off the threat of pollution to the water supply of Utah's second largest city, Ogden, caused by subdivision development and extensive livestock grazing. The drainage of the Middle Fork is a principal charge source of artesian wells which serve the county. Any pollution at the drainage area would also endanger the quality of water flowing into Pine View Reservoir, which is the primary source of culinary water for a large number of Weber County residents.

A considerable expansion in subdivisions for summer homes and other developments in the Ogden River Valley is now underway. During the hearings I conducted last year, a representative of one development company which owns approximately one-third of the land in question, indicated the company's intent to continue to develop and subdivide all or part of its land. Although expressing regret in having to sell such beautiful land, the economic pressures created by people wanting to own mountain property were so overwhelming that the company could not afford to retain its lands. Testifying further, this representative indicated that any attempts by local agencies to prevent their logical development of the lands would be strenuously opposed. He also stated that the general public would not be permitted access to any of the company's lands.

In 1971 I discovered that several roads had already been built into the Middle Fork watershed, that 42 parcels of 40 acres each had been sold at $300 to $400 per acre and that plans for subdivision had been submitted to the Weber County Planning Commission. A second source of potential contamination to the water supply was the reported livestock grazing of approximately 2,000 head of sheep and 200 head of cattle on the lands of the B&B Land and Livestock Co.

Since 1971, I am advised that two development companies, Sun Ridge, Inc., and Patio Springs, Inc., have gained control of approximately two-thirds of the 23,000 acres in question and are moving rapidly to assure full development of their holdings. Approval for three subdivisions has been granted reluctantly by the Weber County Planning Commission. These subdivisions contain 90 units in cluster arrangements in approximately 1,000 acres. Whereas the selling price in 1971 was $300 to $400 per acre, current buyers seem willing now to pay $750 per acre for choice sites.

The county planning commission has been advised that the Patio Springs Co. is developing plans for a 1,000 unit recreational complex located at the mouth of the Middle Fork. The company has already filed an application with the State engineer for 5,000 acre feet of water from the Middle Fork to serve this development. The city of Ogden has protested the application.

Although the planning commission has observed increased activity, they have not observed the start of any construction. There may be mobile homes located on some sites but very little fixed improvement in the value of property held seems to have occurred. Livestock grazing is still the highest valued use for a substantial portion of the land.

The pattern emerging in the Middle Fork watershed is all too familiar. The opportunity for economic gain combined with the normal desire of an increasingly affluent fraction of society for summer homes in the mountains will most certainly cause deterioration to the water supply of the vast majority of citizenry in the Ogden River Valley.

Both random and uncontrolled subdivision development and extensive grazing are, of course, recognized threats to a water supply, as they can spoil and pollute surface and subsurface waters.

Although the county has moved quickly to enact comprehensive zoning regulations, in concert with a county master plan, it is convinced that adequate and permanent protection of this area can only be accomplished through both public acquisition and management utilizing accepted techniques.

It is obvious, however, that action must be taken soon. Otherwise the value of this land will increase substantially and place its purchase out of reach. It is with the idea of preventing pollution before it happens at a reasonable cost, rather than trying to rectify it after it happens, at a greatly inflated price, that I present this bill.

I do so at the request of the board of county commissioners of Weber County, the Ogden City Council, the Weber County Watershed Protection Corp., and the Greater Ogden Chamber of Commerce. I ask unanimous consent that position statements presented by each of these organizations at hearings held July 6, 1972, be printed in full in the RECORD. I ask unanimous consent also that the full text of the bill I am introducing be printed in full in the RECORD.

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

POSITION STATEMENT BY WEBER COUNTY COMMISSION AND WEBER COUNTY PLANNING COMMISSION, OGDEN, UTAH, ON SENATE BILL NO. 2762

REPRESENTATION

This presentation is made on behalf of the Weber County Commission and the Weber County Planning Commission. Both of these bodies in their line of duty to promote the welfare of the citizens of Weber County as elected and appointed officials, have gone on official record as supporting the proposal that the Middle Fork drainage of the Ogden River in Weber County, consisting of approximately 20,000 acres be acquired by the Federal Government and administered by the Forest Service under the Multiple Use Concept as proposed by Senate Bill 2762.

PURPOSE

The purpose of the proposed acquisition is to preserve as far as possible this area in its natural state in order to protect one of the major drainages of the Ogden River, which is recognized as a major contributor to the artesian basin underlying Pine View Reservoir from which Ogden City, the center of this metropolitan area of 180,000 people, draws a major part of its water supply.

A secondary reason for this recommendation is to maintain the area as a wildlife habitat. This area has historically supported a large population of deer, elk, and other wildlife providing valuable winter range which is being rapidly depleted in surrounding areas due to human intrusions.

REASON FOR CONCERN

Reed W. Bailey in his book, *Utah's Watersheds* describes the Wasatch Mountain Range as "humid islands in the sky" which sustains life as we know it in this arid land. Without these mountains, civilization could not exist. The mountains receive between 30 to 50 inches of precipitation annually, which generates stream flows, the mountains' most valuable resource which provides the basis for living. In our area, the quantity and quality of water available from the mountains determines the degree of urbanization that will occur.

The keen interest of the municipalities along the urban corridor in the preservation of these mountain areas as prime watersheds to secure their lifeblood is thus readily apparent. Especially at this time is this so, since the long time use as summer livestock range land is now in jeopardy due to the economic crisis for the industry and the heightened activity of land dividers to subdivide the mountains for summer home activities.

FRAGILITY OF MOUNTAINS

Many studies have pointed out the fact that the mountain areas generally over 6,500 to 7,000 foot elevation are among the most fragile pieces of real estate that man deals with. The mantle of soil cover has developed a "balance of nature" over thousands of years which has resulted in a generally stable and permanent ecological condition. This condition is delicate and can be disrupted by relatively minor (less than ten percent area disruption) man-made changes.

Man, with the limited controls that local government can apply, possesses not only the ability, but the history of accomplishing this disruption.

RESULT OF OVER OCCUPATION

The unwise and overuse of mountain land by excessive grazing, timber cutting, clearing of natural vegetation and grasses, road cutting, summer home development, over intensive recreation use, and fire as a result of man's increasing presence will destroy the balance ecology and as a consequence will bring about:

a. A deterioration and reduction of the stabilizing land coverage, causing excessive erosion, increased siltation in the streams, increase in stream flows and changes in accelerated cutting of stream channels, the deposition of silt in the lower stream beds leading to a plugging of the recognized underground aquifers and excessive silt deposition in the water storage reservoir of the urban population.

b. The destruction of the natural wildlife habitat and consequent wildlife removal from the general area.

c. Human over-pollution of the soils and streams which together with siltation from eroded soils, fouls the mountain streams and endangers the urban water supply in terms of both quality and quantity.

d. A marked reduction of the steeper sloping soils' ability to withstand the high intensity summer rain storms leading to flash floods, mud flows, heavy erosion, etc.

e. A "ripple" effect, in that changes in the higher elevation and stream ecological balance will alter and sometimes with disastrous results, the lower or downstream soil and water balance thereby increasing the proportional damage inflicted.

f. Other indications of pollution due to man's presence, such as fertilizers, insecticides, oil, gasoline and garbage, become evi-

dent in the streams and in the ground water supply which all result in the lessening of the water quality.[1]

BEGINNINGS OF MOUNTAIN OCCUPATION IN WEBER COUNTY

Weber County has commenced to experience significant pressure for large scale mountain summer home developing in these watershed mountains, and can foresee the far reaching and adverse effects on the purity and quality of the urban populations' water supplies, the silting up of the stream beds in their lower courses which give access to the artesian basin underlying Pine View Reservoir from which Ogden draws its water supply, and the pollution injected into the underground water flow from individual septic tanks in mountain subdivisions[2] as well as other human debris that has an accumulating pollution effect.

INCREASE IN COUNTY REGULATIONS

In the exercise of the police power vested in County Government, through zoning and subdivision regulations, the County Commission has increased the minimum parcel size allowable from one acre to ten and forty acre parcels. In the case of the Middle Fork Area approximately 80 to 90 percent of the land is zoned Forest Zone F-40 requiring forty acre minimum parcels with the remainder requiring ten acre parcels. Future development is subject to the County Subdivision Regulations which establish standards and requirements for the provisions of adequate access, water and sewer.

LIMITATIONS OF COUNTY TO CONTROL

However, even with these comprehensive requirements, which the County feels represents the limit of its power to require, considerable development, road construction, and summer home activity on these 20,000 acres, can take place.

The adopted County Master Plan establishes the mountain areas as "open green space" to maintain or enhance the conservation of this natural and scenic resource, and to protect the natural streams or water supply.[3] The plan does not prevent the use of these private lands, which consist of approximately 82 percent of the total area in Weber County; for limited development since the taking away of development rights can only be properly accomplished through acquisition. Therefore, the County is convinced that adequate and permanent protection of these vital reserves can only be accomplished through both public acquisition and management utilizing accepted techniques.

MIDDLE FORK WATERSHED IMPORTANT

The County also recognizes that while all of the Ogden River watershed area consisting of some 200,000 acres deserves protection for these same reasons, it is not possible to place in public management this total area. The Commission does agree, however, that the Middle Fork drainage is one of the most important contributors to the surface and underground water reservoirs in the Ogden Valley. It is an area owned primarily by six private groups. It is still in its pristine state, is relatively inaccessible, and a major habitat for wildlife existing in the area. It is the considered opinion of these two public bodies, that it should remain such forever as a natural preservation to provide protection to our future generations' vital water supplies, and also to ensure for our future urban population a piece of permanent mountain open space, uncluttered by man-made developments, in a state which God made it.

POSITION STATEMENT

Therefore, the Weber County Commission on June 17, 1971 in regular session, and the Weber County Planning Commission at its meeting of March 23, 1971 passed resolutions supporting the proposal that the Middle Fork drainage of the Ogden River be brought under the jurisdiction of the U.S. Forest Service for proper preservation and management of this vital natural resource in behalf of the public interest.

The official actions and recommendations of these public bodies are therefore submitted to your Subcommittee for consideration.

Respectfully,

WILLIAM S. MOYES,
Acting Chairman, Weber County Commission.

RONALD R. SMOUT,
Chairman, Weber County Planning Commission.

Date: July 6, 1972—Ogden, Utah.

STATEMENT OF R. L. LARSEN, CITY MANAGER, OGDEN CITY, UTAH

Ogden City is a municipal corporation with a population of approximately 70,000 people located in Weber County, Utah.

The principal source of Ogden City's culinary water supply is wells located on the edge of, or under Pine View Reservoir which is a reservoir created by a dam constructed by the Bureau of Reclamation in the Ogden River about eight miles east of the city. These wells vary in depth from 200 to 400 feet deep.

During 1971, the city used 17,517 acre feet of culinary water. Of this amount 10,601 acre feet or 60.6 percent came from these wells.

An additional source of city water is water rights in the Pine View Reservoir itself. That water is processed through the city's processing plant located below Pine View Dam and then taken into the culinary lines. The average annual use of water, for the past five years, from this source, is 1,700 acre feet or 10 percent of the city's total usage.

In addition to the water actually used from these sources, Ogden City has additional water rights which, as future needs and demands require, will be used. These total rights are 16,000 acre feet per year through the wells and 8,200 acre feet per year through the processing plant. These two water sources comprise about 67 percent of the city's water rights and, if preserved and maintained, will take care of the city's needs for the foreseeable future.

According to geology reports and engineering studies, the water which is taken through the city's wells percolates into the underground reservoir from the water which flows through the South Fork, Middle Fork and North Fork of the Ogden River, the three principal streams which feed Pine View Reservoir.

The recharging of that underground reservoir from which the city obtains most of its water is a year around occurrence, not just during the high spring runoff through the streams.

Each and all of these streams are critical not only to the water that is drawn through the city's wells but also to the water in Pine View Reservoir.

The city is very concerned about development in any of these three canyons. Certainly, that development at some time will reach the point that the city's water supply will be adversely affected by contamination or by interference with the natural growth which will seriously change the runoff patterns. The shorter the period of time for runoff of water from these streams, the less water percolates into the city's underground reservoir and the less there is available for the city's wells to produce for the city's needs. A long year-round runoff increases the underground supply. Interference with the foliage and vegetation can severely reduce the underground water supply.

The distance between the city's wells and the proposed development in Middle Fork is from a mile to ten miles.

The city has no evidence of contamination of its underground wells at this time. However, the potential problem can be approached in one of two ways: (1) Wait until there is contamination and then try to remove it or control it; or (2) Prevent the threat of contamination now.

The city and its health services feel that the only safe way to proceed is method two—Seek to prevent the threat of contamination now. The acquisition of the lands proposed to be acquired by the Federal Government by the Bill here under consideration is critical to prevent contamination of the city's water supplies and it will also prevent interference with the runoff patterns so that the percolation patterns into the underground reservoir will not be adversely affected. Such land acquisition will prevent the contamination now rather than allow the contamination and then seek to clean it up.

As to the water in Pine View Reservoir itself which is drawn by the city through its processing plant—This water, to some extent, is already prejudiced and exposed to contamination by the residential and other developments in the immediate vicinity of Pine View Reservoir. There are no sanitary sewer collection or treatment facilities in the entire valley where that reservoir is located. Either septic tanks or cesspools are used. This results in a present contamination, to some extent of the water in that reservoir. The present contamination does not prevent the processing of the water and its use through the city's processing plant, however, the contamination of that reservoir can and will, unless something is done, reach the point where the city's processing facilities will not handle the excess contamination.

Extensive and uncontrolled development in the Middle Fork area by residential building will certainly increase the contamination of the Pine View Dam water. The Bill under consideration will thus, not only help to protect the city's water supply through its wells, but will also help to protect the city's water supply taken through Pine View Reservoir itself.

It appears that there are three general ways activities in Middle Fork which will be detrimental to the city's present and future water supplies can be adequately controlled or prohibited:

The first way is as proposed in the Bill here under consideration, that is, the Federal Government purchase the land and turn it over to the Forest Service to administer. Another theoretical available method is for the State of Utah, Ogden City or some local agency to purchase and administer the land and the third is by the use of zoning ordinances.

Method two, that is, the purchase by Ogden City or some other local agency while theoretically possible as a practical matter is not possible because the city and no other local agency has the funds or the know how to properly handle this matter. The amount of money involved puts the project totally beyond the city or any other local agency's resources.

The use of zoning ordinances is totally inadequate. The owners of the property involved are entitled to either be paid the reasonable value of their land or they should have the right to put it to use. For zoning ordinances to adequately protect this watershed, they would have to prohibit practically, any development of, or use of the land and, thus would unreasonably interfere with the private ownership thereof.

Only the acquisition of the land by the

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[1] Probable Effects of Suburbanization of the Recharge Area of the Pine View Artesian Aquifer, by E. Fred Pashley Jr., Geology Department and Environmental Studies, Weber State College, 1972.

[2] The Bad Effects of Developing Weber County's Watersheds, by E. Fred Pashley Jr., Associate Professor of Geology, Weber State College, 1972 (See Appendix).

[3] Physical Development Plan, Weber County, Utah, July 1969, p. 86.

Federal Government will adequately solve this problem. Such acquisition would not only give the Federal Government ownership and control but, by turning it over to the Forest Service, it would be properly administered by an agency who has vast experience in this field and who is qualified to carry out this duty.

Ogden City respectfully urges the Congress to acquire the 23,000 acres of Middle Fork land here proposed and put it under the control of the Forest Service to protect Ogden City's principal water sources now, rather than to hazard the contamination of and interference with critical water supplies.

STATEMENT OF CHARLES KELLY, REPRESENTING, GREATER OGDEN CHAMBER OF COMMERCE PRESENTATION, OGDEN, UTAH

INTRODUCTION

I appreciate this privilege of appearing before your honorable body to present the views of the Greater Ogden Chamber of Commerce concerning the Middle Fork Drainage Area. This organization is the representative of all the business community throughout this County of Weber.

It is our intention to keep this presentation factual and to submit all arguments with proper logic, in accordance with the policy of the local Chamber. Information given is on record in previous engineering and business reports of this area, and based on personal knowledge acquired through years of Engineering Practice; and as Public Works Director and City Manager of Ogden City and as an active member of the Greater Ogden Chamber of Commerce and the Weber County Industrial Development Commission.

There can be no argument about a large source of clean potable water being a necessity for the growth and development of a Community. Also, that such water must be made available at the lowest possible cost, not only for the benefit of the tax paying residents but to keep community competitive in retaining existing Commerce and Industries and in attracting new Commerce and Industries.

ARTESIAN BASIN

This area is somewhat unique in that a major source of its potable water is derived from an Artesian Basin located in Ogden Valley which lies about 6 miles east of Ogden City behind the front range of the Wasatch Mountains at an elevation about 1,000 ft. higher than the main valley of the Great Salt Lake where Ogden City and the main portion of the populated area of Weber County is located.

The artesian Basin may be compared to a large underground reservoir with the impervious mountains as its sides, and a clay cap, which covers most of the Ogden Valley floor, as its top. Like any reservoir it must be continuously recharged with water to replace that which is drawn out of it. In this particular case there are three main sources of supply from the waters which flow from the drainage areas of major canyons. These are the South Fork, North Fork and Middle Fork.

Waters recharging the Artesian Basin enter it from percolation of surface waters into the ground before they reach the clay cap and from the normal movement of underground waters following the canyons, which has percolated below the surface further up the canyons. Such waters would have fairly rapid movement through the soil because of the steep grade of the canyons, in a similar manner to water flowing in a canal or pipe.

DOMESTIC USE

Water from the Artesian Basin has been obtained for many years by Ogden City through a series of Wells under existing Water Rights and Decree for the use of waters in the Ogden River. There are also other individual wells in the Valley.

Additional water for Ogden City is obtained from water stored in the Pine View Reservoir and made potable by passing it through a water treatment plant. All surface waters flowing into the Ogden Valley, which do not percolate underground, flow into this reservoir.

CONTAMINATED WATER

Any use of land in the drainage areas which would cause contamination of the waters in either the Artesian Basin or Pine View Dam would create serious problems in their use as potable waters in the following manner.

(1) Waters drawn from the artesian basin would all have to be treated, which would create a large immediate cost for the treatment plant plus the annual cost, forever, of the treatment process.

(2) Pine View waters would also require new and additional treatment costs to eliminate the bacteria that could attack the human body.

(3) Pine View waters would also become a health hazard to the thousands of people who use it for recreational purposes each year under Park Service supervision.

If any doubt this could happen, I point out the present example of the Ogden City well field becoming contaminated from algae. Although not dangerous to health it is requiring the expenditure of over 2.5 million dollars to correct the situation, with one million provided by the Dept. of HUD. Bacteria harmful to health in the water supply could cost a great deal more, would be a permanent hazard once it occurred, and it could easily happen.

AREA CONCERN

As a Chamber of Commerce we are vitally concerned about any item which could create damage to the economy of this area. I would like to point out some specifics to show the critical situation business wise of this area and why we are so concerned.

INDUSTRIAL DEVELOPMENT

Weber County has a population of 128,300 according to the latest census. The State Employment Security Office in Ogden reports that on June 1st there were a total of 47,530 persons in the Civilian Labor Force in Weber County and of this amount there were 3,010 unemployed, which is 6.3% of the total. These totals do not include the new graduates from College, those from High School who want to join the labor force or the many married women who desire employment.

Adding to the problem is a severe imbalance in total of persons working for the government as compared to private industry. In recognition of this situation the Chamber of Commerce and Industrial Bureau recently took decisive action to do something to correct this by sponsoring a campaign to raise over a million dollars by public donation to create an Industrial Park.

The public and business men responded by pledging 1.3 million dollars. The county has purchased 470 acres of land, and development has started. It is anticipated that matching funds from the Economic Development Authority will be provided in the next few months to complete its development. The Industries which locate in this Park will create 6,000–10,000 new jobs and bring greater economic stability to this area.

This entire effort by the citizens of this area to lift themselves up by their own bootstraps from the economic famine they are now in could be badly damaged, if not destroyed by the pollution of our domestic water supply.

SUMMARY

(1) It is critically important that the domestic water supply be protected from contamination of bacteria injurious to health.

(2) Development of places of residence in the Middle Fork drainage area without complete sewage treatment to produce an effluent fit to drink, and proper reservoirs to hold sewage in the event of mechanical failure would create a contamination problem. Such sewage treatment is not feasible at this time for the planned development from both design and financial positions.

(3) Excessive use of the Middle Fork Area could result in soil erosion and contamination from animals which would effect the quality of the water flowing from this area.

(4) The greater good for the people of the area would be created by closing the drainage areas to residential developments; through the protection of the water supplies, the savings in water treatment costs of polluted water, and the development and expansion of Industrial Growth and Commerce made possible by maintaining an adequate supply of potable water at low cost.

(5) The local governments who are hard pressed for the finances to maintain present services, in spite of levying one of the highest taxes in the State, have no way to finance the purchase of this property in the Middle Fork Drainage Area.

The Greater Ogden Chamber of Commerce does hereby support the position that the Middle Fork Drainage Area be purchased by the Federal Government to protect this valuable watershed, and urges your consideration and early approval of this matter, as being in the best interests of the citizens of this area and the State of Utah and therefore the United States of America.

STATEMENT OF FRED L. MONTMORENCY, PRESIDENT, WEBER COUNTY WATERSHED PROTECTION CORP.

The Weber County Watershed Protective Corporation is a voluntary, non-profit organization whose officers and directors serve without monetary compensation. It was incorporated 25 years ago for the principal purpose of assisting the U.S. Forest Service in acquiring private lands which had been badly overgrazed, with resulting erosion and flooding problems. It has assisted in the acquisition of approximately 16 sections of land in Weber County, principally in the North Fork area and has cooperated with the Wellsville Mountain Corporation which has similar objectives in Box Elder and Cache Counties.

Originally its funds came from public contributions and from Weber County. Land, which for some reason or other, the Forest Service was unable to purchase at a particular time, was acquired by the corporation and later sold to the Forest Service. The money received from the Forest Service was then used to purchase more land and the process repeated.

The corporation also was instrumental in obtaining the passage of public law, 84–781, in 1956, which appropriated $200,000 for use by the Cache National Forest for the purchase of overgrazed land within the forest boundaries, providing that equal matching funds were furnished by the public. The corporation and the Wellsville Mountain Corporation have furnished such matching funds for the purchase of large areas of overgrazed land.

In recent years the rapid increase in the asking price for mountain grazing lands, due in part to the potential for mountain home subdivision, has greatly reduced the ability of both corporations to assist the Cache National Forest in acquiring needed land. The magnitude of the area involved in the Middle Fork of the Ogden River put it far beyond the financial ability of the corporation to do anything substantial in assisting the Forest Service.

When the directors of the corporation became aware last year of the acquisition of a large area of the upper part of the Middle Fork drainage by a group who were planning to subdivide it for mountain homes we became very concerned about the potential for erosion and for possible pollution of sources of culinary water supply for Ogden

City in the Pine View Reservoir area in Ogden Valley. Ogden City's new wells are directly opposite the mouth of Middle Fork and the charge area would appear to be fed by it. The history of erosion and flooding in Utah has been that the problem has been allowed to develop before anything was done about it. Here we felt was an opportunity to prevent the problem from developing. Control by the Forest Service, who could permit reasonable grazing and recreational use of the land, seemed the logical solution.

The directors therefore sent a resolution to Senators Moss and Bennett and to Congressman McKay requesting a bill authorizing the Cache National Forest to purchase the land in the Middle Fork drainage which they did not already control. We appeared before the Weber County Commission and the Ogden City Council, explained the situation and urged that they send similar resolutions, which they did. We also arranged for a field trip with an eminent hydrologist and a well qualified geologist to get their opinions. Tentatively they confirmed our apprehensions.

It is scarcely necessary for us to point out to Congress how fast and how greatly land, water and air pollution is threatening our land. Here is one place where there is still time to prevent the damage but it will take federal authority and funds to do it. Our directors are all dedicated citizens who will work willingly to save our environment, but none of us are skilled professionals so we must leave the burden of providing detailed technical information to Ogden City and Weber County who can provide such skills.

FRED L. MONTMORENCY.

S. 303

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, to promote in a timely and adequate manner the protection of the culinary and municipal water supply of Ogden city and other Weber County areas, the control of floods, the minimizing of soil erosion and stream pollution through the maintenance of adequate vegetative cover, and the conservation of the scenic beauty, wildlife habitat, and natural environment of certain nonfederally-owned lands within the Cache National Forest in the State of Utah, and to provide for their management, protection, and public use and enjoyment as national forest lands under the provisions of the Multiple-Use Sustained-Yield Act of 1960 (74 Stat. 215), the Secretary of Agriculture is authorized and directed to acquire, at not to exceed the fair market value, as of the time of such acquisition, as determined by him after appraisal, such of the non-federally-owned land not to exceed in the aggregate 23,000 acres, in the area described in section 2 of this Act as he finds suitable to accomplish the purposes of this Act.

SEC. 2. This Act shall be applicable to lands within the boundary of the Cache National Forest in the watershed of the Middle Fork of the Ogden River, being portions of townships 6, 7, and 8 north, ranges 2 and 3 east, Salt Lake base and meridian.

SEC. 3. There is hereby authorized to be appropriated for the purposes of this Act not to exceed $3,450,000, to remain available until expended.

By Mr. ROBERT C. BYRD (for Mr. BENTSEN) (for himself and Mr. TOWER):

S. 313. A bill to establish the Amistad National Recreation Area in the State of Texas; and

S. 314. A bill to establish the Big Thicket National Park in Texas. Referred to the Committee on Interior and Insular Affairs.

Mr. ROBERT C. BYRD. Mr. President, on behalf of the distinguished Senator from Texas (Mr. BENTSEN), I ask unanimous consent to introduce two bills, one dealing with the establishment of the Big Thicket National Park in Texas, the other with the establishment of the Amistad National Recreation Area in the State of Texas.

I ask that the bills be appropriately referred, and I ask unanimous consent that they be printed in the RECORD and that statements in connection with each, by Mr. BENTSEN, be printed in the RECORD.

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

S. 313

A bill to establish the Amistad National Recreation Area in the State of Texas

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That, in order to provide for public outdoor recreation and use and enjoyment of that portion of the Amistad Reservoir in the United States on the Rio Grande, Devils, and Pecos Rivers and surrounding lands in the State of Texas, and for the conservation of scenic, scientific, historic, and other values contributing to public enjoyment of such lands and waters, there is established the Amisted National Recreation Area in the State of Texas. The boundary of the national recreation area shall be that generally depicted on drawing numbered RA–AMI–20013, dated April 1968, entitled "Proposed Amistad National Recreation Area, Texas", which is on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary of the Interior may by publication of notice in the Federal Register make minor adjustments in the boundary, except that the total acreage of the area may not be increased to more than a total of sixty-five thousand acres.

SEC. 2. (a) Within the boundary of the Amistad National Recreation Area the Secretary of the Interior may acquire lands and interests in lands by donation, purchase with donated or appropriated funds, or exchange. Such acquisitions shall be in addition to lands and interests therein acquired for the purposes of the Amistad Dam and Reservoir as contemplated in the treaty between the United States and Mexico regarding the utilization of the Colorado, Tijuana, and Rio Grande Rivers, signed at Washington February 3, 1944 (59 Stat. 1219) described in minute numbered 207 adopted June 19, 1958, by the International Boundary and Water Commission, United States and Mexico, and authorized by the Act of July 7, 1960 (74 Stat. 360).

(b) In exercising his authority to acquire property by exchange, the Secretary of the Interior may accept title to any non-Federal property within the Amistad National Recreation Area, and in exchange therefor he may convey to the grantor of such property any federally owned property under his jurisdiction which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances requires.

(c) The Commissioner for the United States, International Boundary and Water Commission, United States and Mexico, may on request of the Secretary of the Interior, act as his agent with respect to the land acquisition program authorized by subsection (a) and the Secretary may transfer to the Commission from time to time the funds necessary for such purposes.

SEC. 3. (a) The Secretary of the Interior shall administer the Amistad National Recreation Area in a manner that is coordinated with the other purposes of the reservoir project, and in a manner that in his judgment will best provide for public outdoor recreation benefits and conservation of scenic, scientific, historic, and other values contributing to public enjoyment.

(b) In the administration of the national recreation area the Secretary may utilize the Act of August 25,1916 (39 Stat. 535), as amended and supplemented, and such other statutory authorities relating to areas of the national park system and such statutory authorities otherwise available to him for the conservation and management of natural resources as he deems appropriate for recreation and preservation purposes and for resource development not incompatible therewith.

(c) Employees of the Department of the Interior designated for the purpose may make arrests for violations of any Federal laws or regulations applicable to the area and they may bring the accused person before the nearest United States magistrate, judge, or court of the United States.

(d) Any United States magistrate appointed for the Amistad National Recreation Area may try and sentence persons committing minor offenses, as defined in title 18, section 3401(f), United States Code, except that the magistrate shall apprise the defendant of his right to elect to be tried in the district court of the United States, and the magistrate may try the case only after the defendant signs a written consent to be tried before the magistrate. The exercise of additional functions by the magistrate shall be consistent with and be carried out in accordance with the authority, laws, and regulations of general application to United States magistrates. The provisions of title 18, section 3402, United States Code, and the rules of procedure and practice prescribed by the Supreme Court pursuant thereto, shall apply to all cases handled by such magistrate. Chapter 231, title 18, United States Code, shall be applicable to persons tried by the magistrate and he shall have power to grant probation.

SEC. 4. The Secretary of the Interior shall permit hunting and fishing on the lands and waters under his jurisdiction within the national recreation area in accordance with the applicable laws of the State of Texas, except that the Secretary may establish periods when, and designate zones where, no hunting or fishing shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any regulations of the Secretary under this section shall be issued after consultation with the Park and Wildlife Commission of the State of Texas.

SEC. 5. Nothing in this Act shall be construed to be in conflict with the commitments or agreements of the United States with respect to the use, storage, or furnishing of water and the production of hydroelectric energy made by or in pursuance of the treaty between the United States of America and Mexico regarding the utilization of the Colorado and Tijuana Rivers and of the Rio Grande, signed at Washington, February 3, 1944 (59 Stat. 1219), or the Act of July 7, 1960 (74 Stat. 260).

SEC. 6. There are hereby authorized to be appropriated not to exceed $1,020,000 for acquisition of land and $18,000,000 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 and cost indexes applicable to the types of construction involved herein.

STATEMENT BY SENATOR BENTSEN

Mr. President, I introduce today a bill to create the Amistad National Recreation Area in the State of Texas along our border with the United States of Mexico.

The purpose of this Recerational area will be to provide for the fullest public recrea-

tional use and enjoyment of the area's land and water resources and to conserve its scenic, historical, and other values which contribute to this recreational experience.

The Amistad Recreational Area will preserve for our Nation the plants and animals of the historical Chaparral Country of Southwest Texas, as well as an intermingling of species from the great Chihuahuan desert of Mexico.

Our good friends and neighbors to the South are eager to cooperate in this new international effort. This can provide us with another chance to show the world what two Nations can accomplish by working together. This can be a first step of great importance to future planning of joint efforts to make life more enjoyable to millions of United States and Mexican citizens alike.

Mr. President, this is not a new issue, nor is this a new bill. I introduced this bill in the last Congress where it received careful consideration and was unanimously passed. Unfortunately, the House was not able to act on the bill prior to adjournment.

It is my sincere hope that this bill will once again receive quick approval by the Interior Committee and the Senate and that the House will follow suit so that the Amistad National Recreation Area may become a reality.

S. 314

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 an area in the State of Texas possessing outstanding botanical, zoological, geological, archeological, and ecological values, together with recreational, historical, scenic and other natural values of great significance as free-flowing streams and wildlife habitat, and to provide for the use and enjoyment of the outdoor recreation resources thereof by the people of the United States, the Secretary of Interior (hereinafter referred to as the "Secretary") shall acquire, in accordance with the provisions of this Act, one hundred thousand acres of lands and interests in lands in Hardin, Jasper, Jefferson, Liberty, Orange, Polk, and Tyler Counties, Texas, including the most significant ecological units of the area and acreage along important rivers and streamways, and shall establish such one hundred thousand acres of lands and interests so acquired as the Big Thicket National Park.

SEC. 2(a) In order to establish the Big Thicket National Park, the Secretary may acquire land or interests therein by donation, purchase with donated or appropriated funds, exchange, or in such other manner as he deems to be in the public interest. Wherever feasible, land shall be acquired by transfer from other Federal agencies.

Any property, or interest therein, owned by the State of Texas or political subdivision thereof may be acquired only with the concurrence of such owner.

(b) In order to facilitate the acquisition of privately owned lands in the park by exchange and avoid the payment of severance costs, the Secretary may acquire land which lies adjacent to or in the vicinity of the park. Land so acquired outside the park boundary may be exchanged by the Secretary on an equal-value basis, subject to such terms, conditions, and reservations as he may deem necessary, for privately owned land located within the park. The Secretary may accept cash from or pay cash to the grantor in such exchange in order to equalize the values of the properties exchanged.

SEC. 3. When title to all privately owned land within the boundary of the park, other than such outstanding interests, rights, and easements as the Secretary determines are not objectionable, is vested in the United States, notice thereof and notice of the establishment of the Big Thicket National Park shall be published in the Federal Register. Thereafter, the Secretary may continue to acquire the remaining land and interests in land within the boundaries of the park.

SEC. 4. The Big Thicket National Park shall be administered by the Secretary in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1–4), as amended and supplemented.

SEC. 5. There are hereby authorized to be appropriated such funds as are necessary to accomplish the purposes of this Act.

STATEMENT BY SENATOR BENTSEN

Mr. President, I introduce for appropriate reference a bill to establish a Big Thicket National Park in Southeast Texas.

This is the same bill I introduced at the beginning of the 92d Congress and is a piece of legislation which has been with us through four Congresses. I am hopeful it will be during this session of the 93d Congress that this proposal ceases to be a bill and becomes instead the Big Thicket National Park. Indeed, Mr. President, if the Congress does not act soon we will find a situation in which there is not enough of the Thicket left to be worth saving.

The Big Thicket once was a vast wilderness in East Texas which covered an area of three million acres of greatly varying landscape. Now that area includes but 300,000 acres, and that size decreases daily due to the incursions of men upon this land.

Mr. President, there is much talk about the environment today. The Big Thicket is a living "environmental laboratory." It is a place where people can observe many of the plant and animal communities common to our continent within a limited area. Within its diminishing boundaries, the Thicket has elements common to all areas of the country, the Everglades, the Appalachian region and the piedmont forests. This is why the phrase "biological crossroads of North America" is so often used in reference to this area.

But the Big Thicket is not simply a preserve; it is also an area which has potential as a recreation site for tourists who visit Texas each year, as well as the residents of nearby metropolitan areas of Dallas and Houston.

Aside from the abundance of wild animals and vegetation within the confines of the present 300,000 acres, there are also numerous connecting waterways, which can serve as havens for canoe trips and primitive camping areas.

The Big Thicket Park would serve two important functions. It would preserve for our posterity important ecological features which are a treasured part of our heritage and would allow tourists to benefit from the recreational advantages of the area.

Mr. President, this issue is not new, but time has not diminished its critical importance. If we do not act quickly and decisively, there is a good chance that we will lose this great American treasure. Time is the crucial factor. Daily acres of the Big Thicket are destroyed. Now is the time to take the final steps to preserve this unique area for our children.

By Mr. JACKSON (for himself, Mr. BUCKLEY, Mr. CHURCH, Mr. GRIFFIN, Mr. HART, Mr. CHILES, Mr. HARTKE, Mr. CASE, Mr. MCGEE, Mr. STEVENSON, Mr. BROOKE, Mr. NELSON, Mr. MONDALE, Mr. JAVITS, Mr. PROXMIRE, Mr. RANDOLPH, Mr. METCALF, Mr. MANSFIELD, and Mr. SCOTT of Pennsylvania):

S. 316. A bill to further the purposes of the Wilderness Act of 1964 by designating certain lands for inclusion in the national wilderness preservation system, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

DESIGNATING CERTAIN LANDS FOR INCLUSION IN THE NATIONAL WILDERNESS PRESERVATION SYSTEM

Mr. JACKSON. Mr. President, for myself and the junior Senator from New York (Mr. BUCKLEY) and a number of our colleagues, I introduce an important bill to further the purposes of the Wilderness Act of 1964. This measure, which is very similar to the bill we introduced last year, S. 3792, has become widely known as the "Eastern Wilderness Areas Act." It is the purpose of this bill to take a bold and significant new step in the wilderness preservation program of the United States, first established by the Congress in the landmark Wilderness Act 8 years ago.

The purpose is, first, to designate 28 new wilderness areas. These areas, in 16 States, total some 471,186 acres, and will become units of the national wilderness preservation system, administered for the benefit of present and future generations as an enduring resource of wilderness.

There is also a further purpose behind this bill. As it will be considered by the Committee on Interior and Insular Affairs, we will focus on a most serious question of interpretation involving the integrity of the Wilderness Act and our wilderness preservation policy. A serious and fundamental misinterpretation of the Wilderness Act has recently gained some credence, thus creating a real danger to the objective of securing a truly national wilderness preservation system. It is my hope to correct this false so-called "purity theory" which threatens the strength and broad application of the Wilderness Act.

Those who make this misinterpretation argue that the Wilderness Act definition of what is wilderness sets some kind of narrow, 100 percent "pure" standard. The basic act is not that strict in its intent. Congress in its wisdom retains the authority to designate areas for inclusion in the system. During the course of hearings on this measure, the Senate Interior and Insular Affairs Committee will carefully examine the definition and interpretation of the criteria which determines what lands are suitable for inclusion in the national wilderness preservation system. I am confident that this will serve to clear the air of any misunderstanding.

The 28 areas making up this bill are of two kinds. The first 16 areas have been proposed by groups of citizens and conservationists. The remaining 12 areas derive from a listing which the U.S. Forest Service has made available to the Congress. I distinguish this second group of 12 Forest Service areas from the others for this reason: The Forest Service has asserted to the Congress that each of these areas is not qualified to be designated wilderness under the terms of the Wilderness Act. While the Forest Service has apparently studied these areas in a general way, they have not, for the most part, given the public the kind of detailed information and formal opportunities for participation as are involved

in the procedures for studying potential wilderness areas.

In mid-1971, the heads of the two regions of the Forest Service which embrace the East, South, and Midwest submitted a joint report to the Chief of the Forest Service. The report stated:

The criteria for adding wilderness to the National Wilderness Preservation System do not fit conditions in the South and East.

I remind my colleagues again that a central purpose of the Wilderness Act of 1964 was to reserve to the Congress the authority for determining what areas could be designated as wilderness. It is not up to an administrative agency to make this decision as seems to be the case here.

Mr. President, this bill will find a place on the priority list of environmental legislation in the 93d Congress. It has wide public support as does the wilderness program as a whole.

Our objective is to preserve a decent sampling of wilderness for ourselves and for those who come after us. The original Wilderness Act called for the creation of a national wilderness preservation system and passage of this bill will go far toward the realization of that goal.

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

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

S. 316

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

STATEMENT OF FINDINGS

SECTION 1. The Congress finds that—

(a) in the vicinity of major population centers and in the more populous eastern half of the United States there is an urgent need to identify, designate, and preserve areas of wilderness by including suitable lands within the national wilderness preservation system;

(b) in recognition of this urgent need, certain suitable lands in the national forest system in the eastern half of the United States were designated by the Congress as wilderness in the Wilderness Act of 1964 (78 Stat. 890); certain suitable lands in the national wildlife refuge system in the eastern half of the United States have been designated by the Congress as wilderness or recommended by the President for such designation; and certain suitable lands in the national park system in the eastern half of the United States have been recommended by the President for designation as wilderness;

(c) there exist in the national forest system in the vicinity of major population centers and in the eastern half of the United States additional areas of undeveloped land which meet the definition of wilderness in section 2(c) of the Wilderness Act but which are not required by that Act to be reviewed as to their suitability for preservation as wilderness and have not been so reviewed, systematically and with full public participation, by the Secretary of Agriculture acting on his own initiative;

(d) these and other lands in the United States which are suitable for designation as wilderness are increasingly threatened by the pressures of a growing and concentrated population, expanding settlement, spreading mechanization, and development and uses inconsistent with the protection, maintenance and enhancement of their wilderness character;

(e) the Wilderness Act established that an area is qualified and suitable for designation as wilderness which (1), though man's works may have been present in the past, has been or may be so restored by natural influences as to generally appear to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable (2) which may encompass within its boundaries greater or lesser areas of private or other non-federal lands and waters, or interests therein, and (3) which may, upon designation as wilderness, contain certain pre-existing nonconforming uses, improvements, structures or installations; and the Congress has reaffirmed these established policies in the subsequent designation of additional areas, exercising its sole authority to determine the suitability of such areas for designation as wilderness;

(f) in certain areas of the National Forest System in the eastern half of the United States which are suitable for designation as wilderness there is an urgent need to acquire non-Federal lands and waters, or interests therein, in order to assure the proper preservation and management of such areas as wilderness; and

(g) therefore, the Congress further finds and declares that it is in the national interest that these areas and similar suitable areas be promptly designated as wilderness within the National Wilderness Preservation System, in order to preserve such areas as an enduring resource of wilderness which shall be managed to promote, perpetuate, and, where necessary, restore the wilderness character of the land and its specific values of solitude, physical and mental challenge, scientific study, inspiration, and primitive recreation for the benefit of all of the American people of present and future generations.

DESIGNATION OF WILDERNESS AREAS

SEC. 2. (a) In furtherance of the provisions of the Wilderness Act, the following lands are hereby designated as wilderness:

(1) certain lands in the Bankhead National Forest, Alabama, which comprise about twelve thousand acres and which are generally depicted on a map entitled "Sipsey Wilderness—Proposed" and dated April 1971, which shall be known as the "Sipsey Wilderness";

(2) certain lands in the Ouachita National Forest, Arkansas, which comprise about fourteen thousand four hundred and thirty-three acres and which are generally depicted on a map entitled "Caney Creek Wilderness—Proposed" and dated December 1972, which shall be known as the "Caney Creek Wilderness";

(3) certain lands in the Ozark National Forest, Arkansas, which comprise about ten thousand five hundred and ninety acres and which are genrally depicted on a map entitled "Upper Buffalo Wilderness—Proposed" and dated November 1972, which shall be known as the "Upper Buffalo Wilderness";

(4) certain lands in the Appalachicola National Forest, Florida, which comprise about twenty-four thousand five hundred and twelve acres and which are generally depicted on a map entitled "Bradwell Bay Wilderness—Proposed" and dated September 1972, which shall be known as the "Bradwell Bay Wilderness";

(5) certain lands in the Chattahooche and Cherokee National Forests, Georgia and Tennessee, which comprise about sixty-one thousand five hundred acres and which are generally depicted on a map entitled "Cohutta Wilderness—Proposed" and dated December 1972, which shall be known as the "Cohutta Wilderness";

(6) certain lands in the White Mountain National Forest, Maine, which comprise about twelve thousand acres and which are generally depicted on a map entitled "Caribou-Speckled Mountain Wilderness—Proposed" and dated January 1973, which shall be known as the "Caribou-Speckled Mountain Wilderness";

(7) certain lands in the Mark Twain National Forest, Missouri, which comprise about seventeen thousand eight hundred and eighty acres and which are generally depicted on a map entitled "Irish Wilderness—Proposed" and dated June 1972, which shall be known as the "Irish Wilderness";

(8) certain lands in the White Mountain National Forest, New Hampshire, which comprise about twenty thousand acres and which are generally depicted on a map entitled "Wild River Wilderness—Proposed" and dated January 1973, which shall be known as the "Wild River Wilderness";

(9) certain lands in the White Mountain National Forest, New Hampshire, which comprise about thirty-four thousand acres and which are generally depicted on a map entitled "Dry River-Rocky Branch Wilderness—Proposed" and dated January 1973, which shall be known as the "Dry River-Rocky Branch Wilderness";

(10) certain lands in the White Mountain National Forest, New Hampshire, which comprise about twenty-four thousand acres and which are generally depicted on a map entitled "Kilkenny Wilderness—Proposed" and dated January 1973, which shall be known as the "Kilkenny Wilderness";

(11) certain lands in the White Mountain National Forest, New Hampshire, which comprise about ten thousand acres and which are generally depicted on a map entitled "Carr Mountain Wilderness—Proposed" and dated January 1973, which shall be known as the "Carr Mountain Wilderness";

(12) certain lands in the Nantahala and Cherokee National Forests, North Carolina and Tennessee, which comprise about thirty two thousand five hundred acres and which are generally depicted on a map entitled "Joyce Kilmer Wilderness—Proposed" and dated June 1972, which shall be known as the "Joyce Kilmer-Slickrock Wilderness";

(13) certain lands in the Monongahela National Forest, West Virginia, which comprise about thirty-six thousand three hundred acres and which are generally depicted on a map entitled "Cranberry Wilderness—Proposed" and dated 1967, which shall be known as the "Cranberry Wilderness";

(14) certain lands in the Monongahela National Forest, West Virginia, which comprise about twenty thousand acres and which are generally depicted on a map entitled "Otter Creek Wilderness—Proposed" and dated 1967 and revised August 1971, which shall be known as the "Otter Creek Wilderness";

(15) certain lands in the Monongahela National Forest, West Virginia, which comprise about ten thousand two hundred and fifteen acres and which are generally depicted on a map entitled "Dolly Sods Wilderness—Proposed" and dated 1967, which shall be known as the "Dolly Sods Wilderness";

(16) certain lands in the George Washington National Forest, Virginia and West Virginia, and the Monongahela National Forest, West Virginia, which comprise about eleven thousand six hundred and fifty-six acres and which are generally depicted on a map entitled "Laurel Fork Wilderness—Proposed" and dated December 1972, which shall be known as the "Laurel Fork Wilderness";

(17) certain lands in the Jefferson National Forest, Virginia, which comprise about eight thousand eight hundred acres and which are generally depicted on a map entitled "James River Face" and dated January 1973, which shall be known as the "James River Face Wilderness";

(18) certain lands in the Cherokee National Forest, Tennessee, which comprise about one thousand one hundred acres and which are generally depicted on a man entitled "Gee Creek" and dated January 1973, which shall be known as the "Gee Creek Wilderness";

(19) certain lands in the George Washington National Forest, Virginia, which comprise about six thousand seven hundred acres and which are generally depicted on a map entitled "Ramsey's Draft" and dated January 1973, which shall be known as the "Ramsey's Draft Wilderness";

(20) certain lands in the Daniel Boone National Forest, Kentucky, which comprise about five thousand five hundred acres and which are generally depicted on a map entitled "Beaver Creek" and dated January 1973, which shall be known as the "Beaver Creek Wilderness";

(21) certain lands in the Sumter National Forest, South Carolina, which comprise about three thousand six hundred acres and which are generally depicted on a map entitled "Ellicott's Rock" and dated January 1973, which shall be known as the "Ellicott's Rock Wilderness";

(22) certain lands in the Green Mountain National Forest, Vermont, which comprise about nine thousand one hundred acres and which are generally depicted on a map entitled "Lye Brook" and dated January 1973, which shall be known as the "Lye Brook Wilderness";

(23) certain lands in the Green Mountain National Forest, Vermont, which comprise about four thousand nine hundred acres and which are generally depicted on a map entitled "Bristol Cliffs" and dated January 1973, which shall be known as the "Bristol Cliffs Wilderness";

(24) certain lands in the Chequamegon National Forest, Wisconsin, which comprise about six thousand six hundred acres and which are generally depicted on a map entitled "Rainbow Lake" and dated January 1973, which shall be known as the "Rainbow Lake Wilderness";

(25) certain lands in the White Mountain National Forest, New Hampshire, which comprise about 47,300 acres and which are generally depicted on a map entitled "Presidential Range" and dated January 1973, which shall be known as the "Presidential Range Wilderness";

(26) certain lands in the Clark National Forest, Missouri, which comprise about three thousand acres and which are generally depicted on a map entitled "Rockpile Mountain" and dated January 1973, which shall be known as the "Rockpile Mountain Wilderness";

(27) certain lands in the Hiawatha National Forest, Michigan, which comprise about six thousand six hundred acres and which are generally depicted on a map entitled "Big Island Lake" and dated January 1973, which shall be known as the "Big Island Lake Wilderness"; and

(28) certain lands in the Mark Twain National Forest, Missouri, which comprise about sixteen thousand four hundred acres and which are generally depicted on a map entitled "Hercules Area" and dated January 1973, which shall be known as the "Glades Wilderness."

(b) The maps referenced in this section shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

FILING OF MAPS AND DESCRIPTIONS

SEC. 3. As soon as practicable after this Act takes effect, a map and a legal description of each wilderness area shall be filed with the Interior and Insular Affairs Committees of the United States Senate and House of Representatives, and such maps and descriptions shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

MANAGEMENT OF AREAS

SEC. 4. (a) Except as otherwise provided by this section, the wilderness areas designated by this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

(b) Notwithstanding the provisions of section 4(d)(2) of the Wilderness Act and subject to valid existing rights, federally owned lands within areas designated as wilderness by this Act or hereafter acquired within the boundaries of such areas are hereby withdrawn from all forms of appropriation under the mining laws, and from disposition under all laws pertaining to mineral leasing and all amendments thereto.

(c)(1) Notwithstanding the provisions of section 5 of the Wilderness Act, within areas designated as wilderness by this Act the Secretary of Agriculture may acquire by purchase with donated or appropriated funds, by gift, exchange, condemnation, or otherwise, such lands, waters, or interests therein as he determines necessary or desirable for the purpose of this Act and the Wilderness Act.

(2) In exercising the exchange authority granted by paragraph (1) of this subsection, the Secretary may accept title to non-Federal property for federally owned property located in the same State, of substantially equal value, or if not of substantially equal value, the value shall be equalized by the payment of money to the grantor or to the Secretary as the circumstances require.

(d) Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the several States with respect to wildlife and fish in the national forests.

AUTHORIZATION OF APPROPRIATIONS

SEC. 5. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

THE EASTERN WILDERNESS AREAS ACT

Mr. BUCKLEY. I am again pleased to join my distinguished colleague, the chairman of the Comn.ittee on Interior and Insular Affairs, in sponsoring important legislation to further the purposes of the Wilderness Act of 1964. We are today reintroducing, in elaborated form, the bill we jointly sponsored last session as the Eastern Wilderness Areas Act.

As a Senator from a very large, populous eastern State, I am particularly aware of the importance our people attach to wilderness areas. As the pressures and pace of urban living intensify, and as more and more people discover the subtler, quieter, perhaps richer pleasures of solitude in wild country, the demand for this kind of primitive, unencumbered, nonautomated outdoor recreation is certainly increased. At the same time, the benefits of the American wilderness resource do not extend solely to those who have the firsthand experience of a trip through a wilderness area. Millions view these areas of undeveloped, preserved land from the edges, probing with their minds and senses the vastness of the wild landscape. Others cherish the wilderness we are preserving for the inner perspective they find in simply knowing it is there, as an anchor to windward. The novelist, Wallace Stegner, has expressed this notion eloquently:

> The reminder and the reassurance that it is still there is good for our spiritual health even if we never once in ten years set foot in it. It is good for us when we are young, because of the incomparable sanity it can bring briefly, as vacation and rest, into our lives. It is important to us when we are old simply because it is there—important, that is, simply as an idea.

We simply need that wild country available to us, even if we never do more than drive to its edge and look in. For it can be a means of reassuring ourselves of our sanity as creatures, a part of the geography of hope.

In the same vein, John Stuart Mill caught the idea as well as anyone:

> A world from which solitude is extirpated is a very poor ideal . . . Nor is there much satisfaction in contemplating the world with nothing left of the spontaneous activity of nature.

No doubt because most of the areas originally set aside for protection under the 1964 Wilderness Act are located in the Western United States, and because most of the other areas now being formally studied under that act for wilderness suitability are also in the West, it may come as a surprise to some to discover that we have, in the eastern half of the country, an opportunity to identify and preserve a number of areas which are suitable for inclusion within the national wilderness preservation system. The point of introducing the Eastern Wilderness Areas Act today is to demonstrate that we can have a system of wilderness areas nationwide, not merely regional, in scope, representative of the diversity of our land, of its flora and fauna, and history.

The Wilderness Act gives us this opportunity in its practical program for identifying and preserving areas of all varieties. As Aldo Leopold, who pioneered the setting aside of wilderness areas, expressed it:

> In any practical program the unit areas to be preserved must vary greatly in size and degree of wildness.

This practical approach, as Senator JACKSON has said, is exactly what the authors of the Wilderness Act intended. The distortion of this approach by efforts to straitjacket the Wilderness Act into some kind of "purer-than-driven-snow" standard has no merit at all.

In the late 1950's, during the time the Wilderness Act was under consideration in Congress, the congressionally established Outdoor Recreation Resources Review Commission thoroughly studied the demands we face for all varieties of recreational pursuits, and began the process of trying to meet those demands. As a part of the studies which went into the final report of that Commission, a special study was made of wilderness resources and wilderness recreation. That study was contracted to the Wildlands Research Center, and included a beginning inventory of potential wilderness areas. In deciding how to define wilderness for the purposes of that inventory, the investigators wrestled with a number of problems—among them what to do about roads, and what to do about once-disturbed lands among them.

On the subject of past human impact on candidate wilderness areas, the ORRRC investigators point out the practical situation in the eastern half of the country:

> The 98th meridian separates two very different climatic and geologic regimes, reflected in different biological conditions and, consequently, different technological development. All of these factors are pertinent to present land conditions. It must be recognized that there is no significant area of land

within the continental United States which has not at some time been put to a utilitarian use by men of European stock. Except in a very few places in the northern Rockies, all western lands have been heavily grazed by sheep and cattle; mining and prospecting have been widespread. As these uses withdraw, some of the land is gradually reverting to a natural appearance. The definition accepts early logging in the East for the same reason that it accepts grazing in the West—because logging has occurred nearly everywhere in the region. But also, early forms of eastern logging took place in winter; the logs were skidded on ice and usually transported by rail or water, resulting in less damage to forest sites than occurs in western summer logging with heavy machinery. Thirdly, eastern forest species regenerate more rapidly and with greater stand density than western species. Fire from natural and aboriginal causes is widely recognized as an integral part of certain ecosystems, though its effects are often indirect and hard to identify. Suppression of fire has had an important on-site effect on natural conditions, but if its effects were not acceptable in the definition there would be no wilderness tracts to inventory.

Mr. President, I cite these conclusions of the ORRRC study on wilderness because they exemplify a thoughtful, deliberate and sensible standard for wilderness assessment. Of course, we begin from the ideal, just as the Wilderness Act does. But, if we are to have a national system of wilderness areas, as the drafters of the Wilderness Act obviously intended, less than pristine standards would be necessary for practical application. As a basis for public policy I believe it would be a mistake to assume that the Wilderness Act can have no application to once-disturbed areas.

In this regard, I trust we will continue to have an ally in the President of the United States, who argued for a practical and balanced approach to a national wilderness preservation policy in his 1972 environmental message. Upon transmitting to Congress 18 new wilderness proposals President Nixon stated:

Unfortunately, few of these wilderness areas are within easy access of the most populous areas of the United States. The major purpose of my Legacy of Parks program is to bring recreation opportunities closer to the people, and while wilderness is only one such opportunity, it is a very important one. A few of the areas proposed today or previously are in the eastern sections of the country, but the great majority of wilderness areas are found in the West. This of course is where most of our pristine wild areas are. But a greater effort can still be made to see that wilderness recreation values are preserved to the maximum extent possible, in the regions where most of our people live.

The bill we are introducing today represents such a "greater effort," particularly on the part of citizen groups throughout the East, South, and Midwest.

The first 16 proposed areas in our bill reflect the work and dedication of local groups and teams of people in each area, the balance, taken from a Forest Service listing, requires further examination. This is one of the most wholesome elements of the wilderness program—its strong reliance on the involvement and recommendations of those who have the most intimate knowledge of the areas selected for protection.

Mr. President, unlike a number of cosponsors of the Eastern Wilderness Areas Act, I was not a Member of Congress when the Wilderness Act was passed in 1964, but I have observed with satisfaction the progress made under that act by the Forest Service and the Department of the Interior. I am privileged to sponsor the Eastern Wilderness Areas Act at this time, because I have also observed that further legislation is needed to realize the still great potential of the national wilderness preservation system. I would be loathe to see the strength and momentum of the development of this system drained by the creation at this time of a competing system. Yet just such a competing system was proposed by the U.S. Forest Service in response to the direction of the President to accelerate the identification of areas in the Eastern United States having wilderness potential. That is, instead of identifying potential eastern wilderness areas the Forest Service sought an alternative system. This was based on what I believe is a false premise; namely, that—

There are simply no suitable remaining candidate areas for wilderness classification in this (east of the 100th meridian) part of the national forest system.

To my mind the Wilderness Act has been misinterpreted by those who insist that most natural eastern areas do not qualify, because at one time in the past they had been logged or cultivated or mined. The Wilderness Act defines a wilderness as an "area where the earth and its community of life are untrammeled by man." I take this to mean that the primitive area in question will remain untrammeled and undisturbed by man's activities in the future. If an area has recovered from man's past activities and nature's healing processes have restored its character, so that it is impossible to distinguish it from a pristine area. I believe it is fully consistent with the intent of the Wilderness Act to include the area in the national wilderness preservation system.

By Mr. ALLEN (for himself and Mr. SPARKMAN):

S. 317. A bill tc provide for the settlement of claims resulting from participation in a Public Health Service study to determine the consequences of untreated syphilis. Referred to the Committee on the Judiciary.

Mr. ALLEN. Mr. President, I introduce on behalf of my distinguished senior colleague (Mr. SPARKMAN) and myself a bill to compensate certain individuals for physical and mental damages sustained as a result of their participation in a continuing experiment conducted by the Public Health Service in Macon County, Ala., which began in 1932. The purpose of the experiment was to determine the mental and physical consequences of untreated syphilis. The participants in the experiment were not informed of the nature of their affliction or of the potentially deadly consequences which would likely result from their participation.

Mr. President, this is the identical bill which Mr. SPARKMAN and I introduced on Wednesday, August 9, 1972. Some of the compelling reasons for introducing the bill are set out in the CONGRESSIONAL RECORD. My continuing feeling of concern is indicated by statements and colloquies which appeared in the CONGRESSIONAL RECORD on July 26, August 1, August 9, and August 17, 1972.

Mr. President, I am glad to say that shortly after knowledge of this experiment was made public, a citizens advisory panel, designated the Tuskegee Syphilis Study Ad Hoc Advisory Panel, was appointed by the Department of Health, Education, and Welfare to formulate recommendations concerning the experiment. On October 25, 1972, the panel recommended termination of the experiment in this language:

The study of untreated syphilis in black males in Macon County, Alabama, now known as the "Tuskegee Syphilis Study," should be terminated immediately.

It was also recommended that the participants involved be given the medical care required to treat disabilities resulting from their participation. These two recommendations were implemented immediately.

Mr. President, all of the recommendations made by the panel demonstrate an ethical responsibility to provide compensation for physical disabilities attributable to participation in the experiment. I urge Members of the Senate to carefully evaluate these recommendations and I request unanimous consent that a copy of the "Initial Recommendation of the Tuskegee Syphilis Study Ad Hoc Advisory Panel" dated October 25, 1972, be printed in the CONGRESSIONAL RECORD.

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

INITIAL RECOMMENDATION OF THE TUSKEGEE SYPHILIS STUDY AD HOC ADVISORY PANEL

The Charter of the Tuskegee Syphilis Study Ad Hoc Advisory Panel, issued on August 28, 1972, mandates advice on three specific aspects of the study of untreated syphilis initiated by the Public Health Service in 1932. Item two of the three charges requires the Panel to:

"Recommend whether the study should be continued at this point in time, and if not, how it should be terminated in a way consistent with the rights and health needs of its remaining participants."

Initially, the Panel has limited its deliberations and recommendations exclusively to this charge, and the recommendations contained in this report are intended to respond solely to this specific issue.

In determining our initial recommendations, the Panel has made inquiries which have led us to accept certain evidence outlined here. Though our research on the background and conduct of the Tuskegee Syphilis Study has not been completed, the Panel is satisfied that in the light of its preliminary findings, which will be fully documented at a later date, the recommendations set forth below are fully justified.

BACKGROUND

Since 1932, under the leadership, direction, and guidance of the U.S. Public Health Service, there has been a continuing study, centered in Macon County, Ala., of the effect of untreated syphilitic infection in approximately 400 Black male human beings previously infected with syphilis as subjects. In the pursuit of this study approximately 200 Black male human beings without syphilis were followed as controls. No convincing evidence has been presented to this Panel that participants in this study were adequately informed about the nature of the experiment, either at its inception or subsequently.

The United States Public Health Service from the onset of the study has maintained a continuous policy of withholding treatment for syphilis from the infected subjects. There was common medical knowledge, before this study, that untreated syphilitic infection produces disability and premature mortality. To date, including its earliest reports, this study has confirmed that untreated syphilitic infection produces disability and premature mortality. Since the later 1940's numerous medical authorities have recommended treatment for syphilis with penicillin in all stages of the disease, including late latent syphilis and tertiary syphilis.

A technical and medical advisory panel convened in 1969 by the United States Public Health Service is reported to have recommended, with some ambiguity, that the participants surviving at that time should not be treated. It is estimated that approximately 125 of the participants, including 50 of the controls, are still alive; and the current health status of the participants in the Tuskegee study is not known.

RECOMMENDATIONS

I. Termination

The study of *untreated* syphilis in Black males in Macon County, Alabama, now known as the "Tuskegee Syphilis Study," should be terminated immediately. With this most basic recommendation, the participants involved in this study are to be given the care now required to treat any disabilities resulting from their participation. In furtherance of this goal we recommend:

A. That Select Specialists Group, composed of competent doctors and other appropriate persons, with experience in the problems arising from this study, be appointed by the Assistant Secretary for Health and Scientific Affairs, DHEW, no later than fifteen days after the adoption of these recommendations.

B. That the members of the Select Specialists Group have had no prior involvement in the Tuskegee Syphilis Study.

C. That the Select Specialists Group be composed of, but not necessarily be limited to, a dermatologist with experience in syphilology who will serve as Chairman, two internists (at least one of whom shall be a cardiologist), a radiologist, a neurologist, an ophthalmologist, a psychiatrist, a doctor of dental surgery, and a social worker.

D. That the Select Specialists Group be solely charged to apply its expert diagnostic and therapeutic skills in order to safeguard the best interests of the participants and of others who may have been infected as a result of the withholding of treatment from the participants.

E. That the Select Specialists Group be vested with the full legally permissible medical authority, medical supervision and medical judgment with regard to the treatment or referral of all of the surviving participants and others within and outside Macon County who may be identified, in cooperation with the appropriate medical societies and Health Departments.

F. That the Public Health Service immediately inform all surviving participants of the nature of their participation in the study and the desire of the Public Health Service to assess their current health status.

G. That the members of the "Subcommittee on Medical Care" of the Tuskegee Syphilis Study Ad Hoc Panel be ex-officio members of the Select Specialists Group to function primarily as liaison between the Select Specialists Group and the entire Panel.

H. That on completion of its charge, the Select Specialists Group submit a detailed report about its activities to the Tuskegee Syphilis Study Ad Hoc Advisory Panel through its Chairman. This report shall include, but by no means be limited to, the reasons for administering or withholding penicillin and other drug treatment for syphilis from untreated participants who are infected with syphilis.

I. That the highest priorities be given to this mission so that the charge to the Select Specialists Group shall be completed at the earliest possible date consistent with the best interests of the participants and the ethnical responsibilities of the Department of Health, Education, and Welfare.

II. Assessment, treatment, and care

A. That arrangements be made with *all speed* for the immediate health assessment, treatment and care of all persons included in the study in a suitably adequate facility easily accessible to the surviving participants. That whenever a participant expresses the wish to be cared for or treated by physicians of his own choice, such choices be respected and given all necessary support.

B. That every effort be made to preserve confidentiality with respect to the identification of any participant.

C. That the United States Public Health Service's epidemiologists be mobilized, on a highest priority basis, to assist in locating all surviving particpants as well as others who may have been infected as a result of the withholding of treatment from the participants.

III. Encouragement of participation

A. That adequate arrangements be provided for maintaining present standards of living during the evaluation and treatment periods in order to minimize any economic barriers to the cooperation of the participants.

B. That at a minimum, any benefits which have been promised to the participants in the past continue to remain in effect.

Respectfully submitted,

Broadus N. Butler, Ph. D., Fred Speaker, Ronald H. Brown, Barney H. Weeks, Jeanne C. Sinkford, D.D.S., Ph. D., Jean L. Harris, M.D., Vernal Cave, M.D., Jay Katz, M.D., Seward Hiltner, Ph. D. D.D.

Mr. ALLEN. Mr. President, the ad hoc advisory panel is headed by Dr. Broadus N. Butler, chairman. On November 30, 1972, the panel provided additional recommendations. This last report indicates that progress is being made toward acquiring additional information and in the preparation of documents. The tenure of the commission has been extended to March 31, 1973. Mr. President, I ask unanimous consent that a summary statement concerning the ad hoc advisory panel meeting of November 30, 1972, be printed in the RECORD.

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

TUSKEGEE SYPHILIS STUDY AD HOC ADVISORY PANEL

(Summary statement on meeting of November 30, 1972)

At the fourth Tuskegee Syphilis Study Ad Hoc Advisory Panel meeting on November 30, 1972, Departmental plans for implementation of the Panel's initial recommendations were reviewed. Subcommittee progress reports on Panel Charges One and Three were given with plans for undertaking further information gathering and preparing Subcommittee documents.

Extension of tenure was requested by the Panel to March 31, 1973, to provide time for it to assimilate the large amount of documentary material that is accumulating and for it to prepare background and position papers in support of recommendations it will make on the basis of the information available to the Panel. In acceding to this request the Assistant Secretary for Health pointed out the urgency for the Panel to forward those recommendations it feels it can make by December 31, 1972, to meet Federal scheduling of administrative initiatives for the new legislative year. He also indicated that the original provision for closed meetings would not extend beyond January 1, 1973, and that no additional extension beyond March 31, 1973, would be made.

R. C. BACKUS, Ph. D.
Executive Secretary, Tuskegee Syphilis Study, Ad Hoc Advisory Panel
DECEMBER 4, 1972.

Mr. ALLEN. Mr. President, I know that Members of the Senate recognize that the "Tuskegee Syphilis Study" involves profound ethical questions relating to human experimentation. In my judgment there is a need for congressional investigation into the extent, scope, and ethical implications involved in this and other experiments of a related nature involving the health and safety of human lives. This need is forcefully demonstrated by an article which appeared in the December 5, 1972, issue of World magazine in an article entitled "The Human Guinea Pig: How We Test New Drugs," by Aileen Adams and Geoffrey Cowan. Mr. President, I request unanimous consent that this article be printed in the CONGRESSIONAL RECORD.

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

THE HUMAN GUINEA PIG: HOW WE TEST NEW DRUGS

(By Aileen Adams and Geoffrey Cowan)

A cheerful, cartoon-studded brochure entitled *Malaria Volunteer* invites inmates at the Jackson County, Missouri, jail to join a six-week program that provides "additional food, ice cream, fruit juice, improved quarters," and a $50 honorarium. On completing the program, participants are awarded a diploma-sized "Certificate of Merit," suitable for framing, commending them for their "display of social responsibility and unselfishness." In return they must submit to infection with a live malaria virus, as subjects to test new cures being developed by the United States Army.

The Jackson County inmates are typical of tens of thousands of people in the United States who each year "volunteer" to test the new drugs being developed by pharmaceutical companies and the United States government. Poor, often black, institutionalized in public facilities including prisons, hospitals, and homes for the mentally retarded, they are accessible and often can be persuaded to participate in virtually any experiment recommended by a physician.

Such tests frequently have been conducted with discomforting, and sometimes fatal, results. This past summer a test by the United States Public Health Service made national headlines when the Associated Press revealed that 431 black men from Tuskegee, Alabama, most of them poor and uneducated, were deliberately permitted to suffer the ravages of syphilis for forty years without benefit of such modern drugs as penicillin. According to doctors in charge of the study, at least 28, and perhaps close to 100, of the men died as a direct result of untreated syphilis—all in the interests of medical science. The news provoked a wave of indignation.

Unpublicized experiments on similar test populations are now occurring almost daily throughout the United States; for human experimentation is, and will continue to be, an important American growth industry—fueled, ironically, by the requirements of recent liberal legislation. The Harris-Kefauver drug law of 1962, enacted after the thalidomide disaster, requires pharmaceutical companies to conduct three stages of human trials before the Food and Drug Administration allows a drug to be marketed. According to FDA records, more than 3000 drugs currently are being tested, and more than 500 of them were first tested on humans in 1971. In addition, federal programs, on matters

ranging from population control to cancer, finance researchers who utilize test subjects to develop new cures. Thus, with the lofty intention of discovering safe, effective medical cures, we have created a new form of public-service employee: the human guinea pig.

Though all of us who use drugs are in their debt, no one, including the FDA, has attempted to take a hard look at the test subjects themselves. Physicians have developed a vast literature on the ethics of human experimentation, but such reports never examine one ethical consideration that would seem paramount: the background or class composition of the people on whom the most dangerous tests are conducted. After visiting drug-testing facilities in eleven states, we concluded that the people who become "volunteers" for the early, riskiest stage of drug development tend to be "captive populations" institutionalized in prisons, public hospitals, and homes for the mentally retarded; they also tend to be poor and ill-educated.

Medical testing, of course, is not generally a simple matter of exploiters and exploited. For many sick volunteers, such as cancer patients, experimental cures offer the only hope. By law even healthy test subjects must be told what they are letting themselves in for. For one reason or another they do it anyway. At he Jackson County jail, for instance, the *Malaria Volunteer* brochure warns participants to exepect "fever, chills, nausea, vomiting, and headaches"; and it notes that there is a "real possibility" of subsequent relapse. After living through a week of violent, uncontrollable hot-and-cold shivers, many volunteers wish they'd never heard of malaria. Nevertheless, drug researchers at the jail had no trouble finding 107 malaria volunteers last year.

"Money, that's why they do it," says Steve Ward, a wiry black inmate who worked full time for the project. Inmates run up huge gambling debts in jail, he explains, and the malaria money offers the only escape from what amounts to a kind of slavery to their cellblock creditors. Others apparently enter the program simply to escape their tedious, cramped existence in the jail.

State prisons are probably the most widely used institutions for the first stage of medical experimentation, partly because they offer a ready supply of healthy volunteers. Though testing is generally not allowed by the Federal Bureau of Prisons, more than half the states and countless cities permit testing on their prison inmates. FDA officials estimate that more than 90 per cent of the first trials for drug safety in humans are conducted on prisoners.

Prison officials we talked with emphasized the variety of ways that prisoners benefit from testing programs. Louie Wainwright, the chief of the Florida Division of Corrections, points out that prison hospitals are generally under-financed and neglected in major respects. Drug companies which pay for the tests, says Wainwright, contribute significantly to the improvement of substandard medical facilities at prisons. Wainwright's former research assistant, Charles Eichman, says that he changed his negative opinion of drug testing when he learned that the intensive physical examinations given each participant were actually saving lives. "One inmate volunteered for an aspirin study," Eichman recalls, "and his doctor found he had cancer." "It's the only legitimate way prisoners here can earn money," says the young nurse who ran the Jackson County malaria testing program. "It also appeals to their sense of patriotism, because they know they're contributing to the guys in Vietnam."

But some prison testing programs have been riddled with abuses. They have been linked to prison drug traffic, forced homosexual encounters, injuries to inmates, and highly questionable test results. A 1968 government study of the Holmesburg Prison in Philadelphia found that inmate workers for the University of Pennsylvania Medical School testing project frequently stole and sold drugs used on various experiments. Moreover, since the testing program was the prisoners' principal source of income—distributing to inmates more than a quarter of a million dollars each year—it gave great patronage power to the inmate who controlled the selection of test participants. According to the study, at least one such inmate, a fraud artist, used his position to induce men to serve as his homosexual companions for fees of about $1600 a year.

No one can estimate how many casualties there may have been from prison testing. Since the FDA doesn't interview inmates directly and the "release forms" signed by test participants make it unlikely that many cases will reach court, one must rely on anecdotal impressions. According to the report on the Philadelphia prison system, some prisoners "ended up with bodies crazy-quilted with different-colored reactions and scars."

Some adverse side effects may not show up until after the inmate leaves prison. Three years ago thirty inmates in the Nevada state prison participated in a test to produce Rhogam, a widely used serum designed to help women with Rh-negative blood deliver healthy babies. The inmates, all of whom were Rh negative, were injected with Rh-positive blood to help them develop the antibodies that institute the Rhogam serum. An unfortunate side effort of the test is that the blood of the paricipants, all of whom are Rh negative, permanetly looks as if it is Rh positive. If any of the test subjects subsequently need a transfusion, therefore, doctors might mistakenly give him a fatal transfusion of the wrong blood type. Such a mix-up almost occurred recently when one of the Nevada inmate-participants tried to commit suicide and a test by attendants at the prison hospital showed his blood to be Rh positive. Fortunately, the prison doctor was called at home and remembered that the inmate had been a test participant.

There are also reasons to doubt the results of tests conducted in prisons. "If the drug comes in tablet form, you can never be sure they take it," says the medical director of the Nevada state prison system. "That's why I prefer injections." "Inmates know how to tongue a pill, cheek it, or palm it, and you can't really tell whether they swallow it," said a prison guard.

Homes for mentally retarded children are favorite testing places for new drugs and vaccines. The live-virus rubella vaccine for German measles was first tested at the Arkansas Children's Colony, a school for the mentally retarded near Conway, Arkansas. Rather than contending that the vaccine would particularly benefit the children, researchers from the National Institute of Health explained that the test required "carefully controlled conditions" where "susceptible persons are shielded from those who have been vaccinated," and they chose the school because it was in a rural setting and the 700 students "reside in widely scattered cottages that are functionally independent."

The mentally retarded children who are used for hepatitis experiments at the Willowbrook State School in Staten Island, New York, are among the most famous test subjects in the country. In 1967 the late Senator Robert Kennedy uncovered one reason why children at Willowbrook were willing participants. Parents, he discovered, had been told that the school was too crowded and that their child couldn't get in—unless the parents would agree to let the youngster join the school's hepatitis testing program.

Nearly 1500 mentally retarded children over the past eighteen years have been injected with hepatitis virus by physicians at Willowbrook. The children then participate in tests designed to analyze the disease and to find an effective cure. Critics, like Harvard Medical School Professor Emeritus Henry K. Beecher, call it a moral outrage to infect mental retardates in order to search for a cure. The test's director, Dr. Saul Klugman, disagrees. He contends that unsanitary habits of mental retardates ensure that most of the children would get hepatitis anyway and that it is therefore in their interest to be treated by a highly experienced staff under controlled conditions.

During the past two years, the Florida Mental Retardation Division has become unusually hospitable to drug investigators. With the assistance of Dr. Charles Weiss—a former research official at Parke Davis & Co., who is now a drug investigator and the medical consultant to the chief of the division—products ranging from influenza vaccine to pinworm medication have been tested on many of the several thousand mentally retarded children interned at the division's eight Sunland training centers.

An important current experiment at the Sunland Center in Fort Myers involves a vaccine for Shigella, a severe form of dysentery that occurs primarily in custodial institutions. Under the auspices of the U.S. Center for Disease Control, the vaccine has already been tested on prisoners and mentally retarded children in Maryland. The vaccine was next scheduled for use at Willowbrook, according to physicians involved in the present study, but the CDC moved the test to Fort Myers when poor conditions at Willowbrook became a public *cause celebre* in New York City last spring. While the incidence of Shigella is lower in Sunland than in many other institutions, CDC officials explain that they chose the Fort Myers facility "because of the considerable cooperation from Dr. Weiss and his department."

Financial pressures have led some municipal hospitals to set up entire units devoted to evaluating new drugs. For example, under a contract originally negotiated with the city of Newark, New Jersey, in 1963, the huge Swiss drug company Hoffman-La Roche until recently maintained and staffed a complete ward on the fourteenth floor of Martland Medical Center. Martland happened to be the only hospital easily accessible for most of the city's poor residents. The drug company paid Newark $25,000 for the use of the city hospital, according to a 1966 renegotiated contract, in return for which the company, at its own expense, provided care for patients and conducted research on new drugs. Originally, patients apparently were assigned to the drug company's floor on a random basis, without being told that they were entering a company-financed testing unit. Better procedures were adopted in 1966 when operation of the hospital was taken over by the New Jersey College of Medicine, and the entire unit was moved to a private hospital in April 1971.

Until its operations came to public light in 1971, the Pentagon's Nuclear Defense Agency for eleven years had financed a University of Cincinnati study of the effects of atomic radiation on human beings. Under an $850,000 contract, the university's medical school treated 111 terminal cancer patients, who were told that there was a good chance the treatment would reduce the size of their tumors and relieve some of the pain. A number of radiologists disputed the therapeutic values of the treatment and charged that it was used as a device to obtain participants in the Defense Department study. All but three of the patients were charity cases from Cincinnati General Hospital. Most had I.Q.'s below 90 (100 is average), and their average length of schooling was six years.

Even some of the most important (and ultimately life-saving) tests conducted in

public hospitals involve significant risks. Though never fully studied for use in infants, the antibiotic Chloramphenicol for several years was widely used as a prophylactic to counteract the high infection rate in premature newborns—until two studies by Dr. Joan Hodgman revealed that the drug appeared to be killing a significant number of infants to whom it was administered. Both studies were conducted in the Premature Center of Los Angeles County Hospital, where virtually all of the infant participants were from poor families, most of them black or Chicano.

The first study demonstrated that at some dosage levels Cloramphenicol is extremely toxic for premature infants. The study also found that antibiotics did not lower the mortality level when given as a prophylactic to certain healthy prematures. Consequently the Premature Center, concluding that the potential risk outweighed the possible benefits, discontinued the use of the drug for helping prematures.

Believing that "Chloramphenicol would still be useful for the treatment of infected prematures if a safe dosage schedule were established," Dr. Hodgman and her colleagues then conducted a second test. This time they gave varying dosages of Chloramphenicol to 126 prematures, most of whom were "in good condition," but who had been exposed to staphylococcal infection. Six of the infants developed symptoms associated with Chloramphenicol toxicity—such as refusing to nurse, regurgitating a formula, abdomens becoming distended, loose green stools, and, within twenty-four hours after the appearance of toxic symptoms, becoming ashen gray and lethargic. Three of the infants who developed these symptoms survived; three died. Although the deaths may have been due to other causes, the study concluded that "it is possible that these three infants represent a toxic reaction [to Chloramphenicol] at relatively low blood levels." Partly as a result of Dr. Hodgman's test, Chloramphenicol now is seldom given to premature infants, and then only in very small dosages.

Public hospital patients are rarely in a position to evaluate the merits of an experiment that they are asked to join. In her office at New Orleans's Charity Hospital, Dr. Margaret Smith, who is a member of the Public Health Service's Committee on Immunology Practices, described the parents from whom she had received "informed consent" for their children to participate in a meningitis study: "Most of the parents are uneducated blacks. Some of them can't read—they're not very sophisticated people."

In defense of public-hospital tests, Dr. Smith contends that according to nurses at the hospital, "public patients get much better care when they're part of a drug study." While undoubtedly true, this explanation raises as many questions as it answers. Because treatment at public hospitals and prisons is often substandard, physicians may justifiably believe that the medical benefits of testing outweigh the risks. But is it just to ask the poor to accept the risks of medical experimentation in order to obtain adequate health care?

A similar problem arises with the legal requirement to obtain a patient's "informed consent" before beginning the test. Technically, the researcher must clearly explain the drug's potential risks and the available alternative, non-experimental forms of medication. Researchers often find it easiest to obtain the consent of poor or institutionalized populations. More than one drug investigator told us that their poor patients would cut a finger or an arm off without asking questions if they recommended it. For people living under such circumstances, one wonders whether the phrase "informed consent" has meaning.

Yet even such heretofore acquiescent groups are beginning to resist medical experimentation. During the summer of 1969, 398 women in San Antonio, Texas, participated in a test designed to evaluate the side effects produced by various kinds of oral contraceptives. Most of the women were Mexican-Americans who had been referred to the test by Planned Parenthood. Activists in the Chicano community later became outraged when it was revealed that seventy-six of the participants had been given a placebo, or sugar pill, instead of an oral contraceptive, and that seven of those women had become pregnant. Although executives at Syntex Laboratories, sponsor of the test, admitted to us that they had anticipated that as many as nine of the women given the placebos would become pregnant, apparently none of the women were apprised of this possibility. As a result of an investigation by the Chicano-dominated local Community Action Board of the OEO, which provides the city's Planned Parenthood program with most of its funds, Planned Parenthood's executive director resigned, and new, tougher guidelines on human experimentation were adopted. Finally, this spring, after a prolonged investigation, the FDA officially found that in several crucial respects the test had been improperly conducted. Two years ago a proposed test of the amphetamine-like drug Nitalin on preschool children of Florida migrant workers was abandoned after an emotion-packed newspaper article on it generated a series of local protests. And in 1968, in response to parents' complaints, the D.C. Children's Clinic in Laurel, Maryland, stopped testing all drugs on mentally retarded children after participants in its test of TriA were hospitalized with serious liver dysfunctions.

These are not isolated examples. Several trends in American society are combining to complicate the task of finding suitable and willing test populations. Ethnic groups have become increasingly suspicious of those who wish to perform experiments—medical or social—on members of their communities. Increased interest in prison reform has begun to focus attention on medical problems in state and local prisons, and the current trend in mental retardation is to confine only hard-core cases, leaving institutions with fewer good subjects for tests that require a modicum of intelligence.

Nevertheless, there is still a clear need to test some new drugs and vaccines on human subjects. Few would contest the importance of the development in recent years of drugs and vaccines to treat matters ranging from birth control to polio. Before such products are put on the maket, they must be carefully tested to find effective dosages and to make certain that they don't produce intolerable side effects. Indeed, many leading physicians and government officials have said that drugs, particularly those used on children and the elderly, may require a great deal *more* testing than they presently receive. Dr. Harry Shirkey, chairman of the Department of Pediatrics at Tulane University, believes that prior to receiving FDA approval, all drugs that may be used by children should be specifically tested on children.

Dr. Shirkey notes that many if not most drugs on the market today have not been tested for use on children; such tests are expensive and present enormous ethical problems. Although these drugs must contain a warning that they are not approved for use on children, parents who have successfully used the medication sometimes give it to a sick child, and it is not uncommon for doctors who have heard that it works on children to prescribe it. Due to the impact of a few "pediatric catastrophes" like Chloramphenicol and the efforts of pediatricians like Dr. Shirkey, several high-ranking FDA officials advocated the adoption of a regulation stating that no new drug which may be given to children can be approved for marketing until adequate studies have been conducted in a series of tests in various age groups up to fourteen years. This proposal was rejected, however, after the pharmaceutical industry explained that it would be far less expensive to agree not to let the drug be used on children than to conduct the needed experiments. FDA officials say they are making every effort to persuade drug manufacturers to perform such tests voluntarily.

As with many areas in which scientific development has created significant ethical and political dilemmas, there is no single simple solution to the problem of testing new drugs. But here are some possible reforms:

Drug companies should use greater restraint before testing new drugs that duplicate, with minor variations, the functions of drugs now on the market.

Medical schools and the scientific community should encourage greater professional responsibility. Though strict codes of research ethics have been adopted by the American Medical Association, a recent study found that most physicians engaged in clinical research never studied the ethics of testing while in medical school, and that a "significant minority" place personal and scientific achievement ahead of their responsibility to the test population.

Institutions where new drugs are tested should establish effective, broadly based review committees in accordance with rules adopted by the Food and Drug Administration and the Public Health Service. Though such committees are now required by law, the Food and Drug Administration makes no systematic effort to ensure that they are established and function effectively. These committees would examine the scientific merits of proposed tests and protect the rights of test subjetcs. They should be composed of clergymen, lawyers, and community representatives as well as scientists. The Florida prison system's new citizens' committee plans to visit state institutions regularly and ask inmates for their comments on the tests.

Congress could adopt legislation proposed by Sen. Gaylord Nelson of Wisconsin that would increase the government's role in the selection of clinical investigators. Senator Nelson notes that at present, since drug firms select their own researchers and pay them to accumulate data demonstrating that a new drug is safe and effective enough to be allowed on the market, researchers have a vested interest in highlighting the drug's good points, not its potential dangers.

Another possible legislative reform would provide insurance for the subjects of medical experimentation. When the details of the Public Health Service's syphilis test were revealed last summer Alabama senators James B. Allen and John J. Sparkman introduced legislation to provide financial compensation for test participants who had needlessly suffered from syphilis.

None of these reforms, however, will remove the special risks of drug experimentation from the powerless segments of our society. That can only be done by having each citizen, rich or poor, undertake an ethical, and perhaps legal, responsibility to share the risks as well as the benefits of the experimentation. Even if Senator Nelson's bill is passed, questionable research is likely to be conducted on poor and institutionalized subjects. Some of the most troubling tests, including the Alabama syphilis experiment and the Cincinnati cancer test, are financed by the federal government. Despite the FDA's finding that the San Antonio test cited above was improper, the physician who diretced it is now conducting a disturbingly similar study under a $2 million contract from the Agency for International Development.

Furthermore, funds from the federal government, like funds from private companies, will continue to seduce the administrators of institutions such as hospitals, prisons, and homes for mentally retarded children. In the

absence of decent public financing, they will be persuaded that it is humane to fund an institution by allowing inmates to serve as test subjects. And the poor and institutionalized, needing money themselves and having little power to resist, will often succumb.

Mr. ALLEN. Mr. President, I am glad to say that the competent Tuskegee Syphilis Study Advisory Ad Hoc Panel, under the direction of Dr. Broadus N. Butler, is moving forward with commendable zeal in its investigation of this problem. I am confident that the appropriate Senate committee will schedule hearings and move expeditiously toward reporting this bill for Senate action.

By Mr. WEICKER (for himself, Mr. BIBLE, Mr. BROOKE, Mr. CANNON, Mr. COOK, Mr. FANNIN, Mr. JAVITS, Mr. MOSS, Mr. PELL, Mr. TAFT, and Mr. YOUNG):

S. 318. A bill to safeguard the professional news media's responsibility to gather information, and therefore to safeguard the public's right to receive such information, while preserving the integrity of judicial processes. Referred to the Committee on the Judiciary.

NEWS MEDIA SOURCE PROTECTION

Mr. WEICKER. Mr. President, today I am introducing the "News Media Source Protection Act." I have taken this step in recognition that the time has come, in the constant evolution of this Nation's institutions, to insure that he flow of information—from individuals, through the media, to the public remains free from unreasonable Government intrusion.

It is assumed, of course, that we want a free press. Such is synonomous with democracy, and this democracy like any form of government will be known by the institutions it keeps. This Nation, however, is concerned with more than its press. The first amendment to our Constitution, as Justice Learned Hand expressed so well—

> Presupposes that right conclusions are more likely to be gathered out of a multitude of tongues than through any kind of authoritative selection. To many this is, and always will be folly; but we have staked upon it our all.

For this reason, I do not propose a newsman's privilege law—though that is what it may be called by some. It is not for newsmen, it is for the American public.

A "privilege," in the legal sense, is a complex concept, developed in the "common law" over hundreds of years. Newsmen do not meet the common law standards for a "privilege" and to break down centuries of tradition and make an exception for newsmen would create a precedent that could lead to widespread disruption of the laws of evidence.

And it would be wrong, because we do not need to protect newsmen. Rather, we must protect a constitutional right we all have in the free flow of news. If newsmen are forced to reveal their sources there is every danger that some of those sources will dry up. That will infringe upon your right to hear the full story. That is what we are protecting.

The "News Media Source Protection Act" operates from the proper, and only responsible, legal foundation for legislation. It avoids extremes, by recognizing that in a democratic society all rights and freedoms are necessarily interdependent.

It is not simplistic or casually vague. This is a complex legal question, and it cannot be properly legislated unless we very carefully define "who" gets to invoke this protection of news sources, "what" news sources are protected, "when" they are protected, and "how" we invoke protection. We must have precise standards, to assure that these rights are not abused.

The "News Media Source Protection Act" does this. In good conscience, it must. Because we are, in fact, balancing two fundamental rights—your right to your neighbor's testimony when you're accused, versus your right to the news. We cannot, and we must not, override your right to witnesses unless we set out hard and fast guidelines to insure against casual or capricious determinations.

To illustrate how the bill accomplishes this result, the standards that spell out "who" can invoke protection of a news source, limit this protection to what I call "legitimate member of the professional news media." What this means is quite simple: nobody's going to interfere with your witnesses unless they are in the ongoing business of substantial, professional news reporting, of sufficient magnitude to warrant overriding other rights. Carefully drawn standards are the only way this can be assured.

As to "what" is protected, the bill is again unique. It protects only the "identity of sources" of information, or the content of information that would affect a source. It does not protect "information" in a vacuum.

As to "when" these protections are invoked, this legislation recognizes for the first time that we need a definite procedure or method to deal responsibly with such a complex issue. It therefore sets up two tiers of protection, on the ground, primarily, that disclosure is warranted only when a specific crime is being tried.

This is necessary to prevent the Government from calling in reporters and going on a "fishing" expedition. That is cheap prosecution—it is also using the media as an investigative arm of the Government, and it's wrong. For that reason, legitimate news professional have "absolute" protection, under my bill, from revealing sources before grand juries, congressional committees, commissions, agencies, and departments—in other words, everywhere but in open court.

This proposal recognizes that there is a difference between what happens in a full-fledged trial before a legitimate court and other types of Government proceedings. In all of these other proceedings the bill provides absolute protection.

Once we get to trial and a specific crime is being tried—in other words no more "fishing"—we have a different type of protection, a so-called "qualified protection." This means that under very strict circumstances we will "qualify" the protection we give to news sources. If those qualifications can be met, fine. If not, there is no protection, and the "right to every man's testimony," prevails.

These qualifications basically require first, that there is independent evidence that the material sought is substantial evidence, direct evidence, and essential evidence, as to a central issue being tried. Second, that with reasonable diligence there was not or is not any other way to get the evidence. Third, the trial must be for murder, rape, aggravated assault, kidnapping, hijacking—or, once a national security breach has been proved, there is a central issue as to breach of classified "national security" documents, or breach of a court order made pursuant to a "national security" statute.

If these criteria cannot be met, then legitimate newsmen are immune from testimony. The binding criteria is "bona fide" newsman, with suggestive language that he regularly earn his income, or be regularly engaged as a profession, in news activities.

"Source" would include the identity of a source, as well as "content" if first, it would directly or indirectly identify the source, or second, was not published by agreement or understanding with the source, or third, was not published in reasonable belief that it would affect the source. A judge would make this determination in chambers—away from the person seeking disclosure—with a legal presumption operating in favor of the newsman.

It is hoped that these criteria, limiting the protections being given out to legitimate news personnel, will prevent this law from becoming a "sham wall" which hoards of witnesses might scramble to hide behind.

That is the substance of what I am presenting to the Congress—a carefully delineated guide as to who, what, when, and how our news will be protected. Exhaustive research has been undertaken prior to introducing this proposal to produce the full range of standards that are necessary for this kind of legislation. It is also the first time that the full complement of appeal procedures, trial procedures, as well as a full statement of congressional findings and policies have been set forth. It is the kind of effort that has been long needed.

I might add that one of the provisions of this bill provides that news sources cannot be revealed in cases "involving abuse of power by public officials." Why? The answer is simple. With minor exceptions, research shows that every major scandal in public office over the past 20 years was uncovered by the press. Sometimes, it seems, we must look outside our Government for help in uncovering Government abuses. If we didn't protect this news we might never hear about these abuses again. This is so important that it must never be discouraged.

This, in fact brings me back to the thrust of my statement—we are not protecting newsmen, we are protecting the public.

It only seems appropriate, at this time, to remind ourselves of some considered thoughts by Justice Black on first amendment guarantees:

> Since the earliest days philosophers have dreamed of a country where the mind and spirit of men would be free; where there would be no limits to inquiry; where men would be free to explore the unknown, and to challenge the most deeply rooted beliefs

and principles. Our First Amendment was a bold effort to adopt this principle—to establish a country with no legal restrictions of any kind upon the subjects people could investigate, discuss and deny. The Framers knew, perhaps better than we today, the risks they were taking. . . . With this knowledge they still believed that the ultimate happiness and security of a nation lies in its ability to explore, to change, to grow and ceaselessly to adapt itself to new knowledge born of inquiry free from any kind of government control over the mind and spirit of man. Loyalty comes from love of good government, not fear of a bad one.

As legislators, we must not shrink from innovation to effectuate these guarantees in the constant evolution of our institutions.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 318

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 "News Media Source Protection Act."

STATEMENT OF POLICY AND FINDINGS

SEC. 2. (a) (1) It is the policy of the United States to permit the flow of information from individuals through the media to the public with reasonable freedom from governmental intrusion, so that constitutional protection of a free flow of news is divested only when a compelling and overriding interest in the source of such information can be demonstrated.

(2) It is further the policy of the United States that the news media not serve as an investigative arm of the government.

(3) It is at the same time the policy of the United States that its tradition of maintaining the "right to everyman's testimony" in courts of law shall not be casually disturbed. This tradition, which safeguards the integrity of our judicial processes, shall be outweighed by interests in a free flow of news only when legitimate, substantial, and ongoing professional news media operations are at stake. In addition, the balancing of such fundamental interests must be evaluated at a responsible level of judicial competence, guided by complete standards and procedures to insure uniformity of enforcement and permit substantial predictability for those who seek to operate within the law.

(b) (1) The Congress finds that to protect such constitutional and common law principles, as well as to prevent the use of news media for investigative purposes, two procedural safeguards are needed, as threshold determinations, prior to any consideration of compulsory disclosure of news media sources. First, it must be demonstrated that there is probable cause to believe a crime has been committed, and that the testimony sought is directly relevant to a central issue in that criminal allegation, thereby limiting so-called "fishing expeditions." Second, it must be demonstrated that no reasonable alternative for obtaining the testimony is available, assuring that constitutional protection of the free flow of news shall not be divested while reasonable alternatives exist. The nature and interests of Federal grand juries, Federal congressional committees, as well as agencies, departments, or commissions of the Federal Government do not, within the safeguards of strict judicial processes, make a threshold legal determination of probable cause that a crime has been committed or that testimony is of direct relevance to such a crime. In addition, such bodies can normally fulfill their functions by alternative means less destructive of first amendment protection than by compulsory testimony as to news media sources. The Congress therefore finds that absolute testimonial protection as to news sources shall be granted with respect to all Federal bodies, excepting only Federal district courts, Federal circuit courts, and the Supreme Court.

(2) The Congress finds that in keeping with stated policies there shall be qualified testimonial protection, based on the two procedural safeguards, as well as three substantive safeguards, before all such Federal courts. Such qualifications shall be interpreted according to specific standards as to the relevance and weight of the evidence sought, alternative available evidence, the person seeking to invoke protection, the sources or material to be protected, and the specific crime at issue. The Congress finds that any order thus compelling testimony, while an order other than a final judgment, is nevertheless an interlocutory decision having a final and irreparable effect on the rights of parties, thus necessitating that courts of appeals have jurisdiction over immediate appeals from such orders. The Congress further finds that due to the nature of certain defamation proceedings, testimonial protection shall be generally divested in such cases, and that to preserve the flow of information as to abuses of power by public officials testimonial protection shall not be divested in such cases.

LEGITIMATE MEMBER OF THE PROFESSIONAL NEWS MEDIA

SEC. 3. (a) As used in sections 5 and 6 of this Act, a legitimate member of the professional news media shall include any bona fide "newsman", such as an individual regularly engaged in earning his or her principal income, or regularly engaged as a principal vocation, in gathering, collecting, photographing, filming, writing, editing, interpreting, announcing, or broadcasting local, national, or worldwide events or other matters of public concern, or public interest, or affecting the public welfare, for publication or transmission through a news medium.

(b) Such news medium shall include any individual, partnership, corporation or other association engaged in the business of—

(1) publishing any newspaper that is printed and distributed ordinarily not less frequently than once a week, and has done so for at least one year, or has a paid general circulation and has been entered at a United States post office as second-class matter, and that contains news, or articles of opinion (as editorials), or features, or advertising, or other matter regarded as of current interest; or

(2) publishing any periodical containing news, or advertising, or other matter regarded as of current interest which is published and distributed at regular intervals, and has done so for at least one year, or has a paid general circulation and has been entered at a United States post office as second-class matter; or

(3) collecting and supplying news, as a "news agency," for subscribing newspapers, and/or periodicals, and/or newsbroadcasting facilities; or

(4) sending out syndicated news copy by wire, as a "wire service," to subscribing newspapers, and/or periodicals, and/or news broadcasting facilities; or

(5) gathering and distributing news as a "press association" to its members as an association of newspapers, and/or periodicals, and/or news broadcasting facilities; or

(6) broadcasting as a commercially licensed radio station; or

(7) broadcasting as a commercially licensed television station; or

(8) broadcasting as a community antenna television service; or

(9) regularly making newsreels or other motion picture news for paid general public showing.

(c) Any protections granted pursuant to sections 5 and 6 of this Act shall extend only to activities conducted by a legitimate member of the professional news media while specifically acting as a bona fide "newsman", such as while acting as a reporter, photographer, journalist, writer, correspondent, commentator, editor or owner.

NEWS MEDIA SOURCES

SEC. 4. (a) Any protections granted under sections 5 and 6 of this Act shall extend only to sources of written, oral, or pictorial information or communication, as well as such of its content that affects sources, whether published or not published, concerning local, national, or worldwide events, or other matters of public concern or public interest, or affecting the public interest, obtained by a person acting in the status of a legitimate member of the professional news media.

(b) Source of written, oral, or pictorial information or communication shall include the identity of the author, means, agency, or person from or through whom information or communication was procured, obtained, supplied, furnished, or delivered. Any protection of such sources shall also include written, oral, or pictorial information or communication that could directly or indirectly be used to identify its sources, or any information or communication withheld from publication pursuant to an agreement or understanding with the source or in reasonable belief that publication would adversely affect the source. Such information or communication shall specifically include written notes, tapes, "outtakes," and news film. Information or communication used for blackmail, or for illegal purposes not related to publication of such information or communication, is specifically not protected under the provisions of this Act.

ABSOLUTE TESTIMONIAL PROTECTION

SEC. 5. Notwithstanding the provisions of any law to the contrary, no legitimate member of the professional news media, as set forth in section 3 of this Act, shall be held in contempt, or adversely prejudiced, before any grand jury, agency, department, or commission of the United States or by either House of or any committee of Congress for refusing to disclose information or communication as to news media sources, as set forth in section 4 of this Act.

QUALIFIED TESTIMONIAL PROTECTION

SEC. 6. (a) Notwithstanding the provisions of any law to the contrary, where a person seeks disclosure of any news media information or communication from a person who may be or have been a legitimate member of the professional news media and who refuses to make such disclosure in a proceeding before any Federal court of the United States, such person seeking disclosure may apply to a United States District Court for an order providing such disclosure. Such application shall be made to the district court in the district wherein there is then pending the proceeding in which the information or communication is sought. The application shall be granted only if the court, after hearing the parties, determines that the person seeking the information or communication, by clear and convincing evidence, has satisfied the requirements set forth in section 7 of this Act.

(b) In any application for the compulsory disclosure of news media information or communication, the person or party, body or officer, seeking disclosure must state in writing—

(1) the name of any specific individual from whom such disclosure is sought, if such individual may have been acting as a legitimate member of the professional news media at the time the source disclosed its information or communication; and

(2) the name of any news medium with which such person may have been connected at the time the source disclosed its information or communication; and

(3) the specific nature of the source, or content of information or communication, that is sought to be disclosed; and

(4) the direct relevance and essential nature of such evidence as to a central issue of the action which is the subject of the court proceeding; and

(5) any information demonstrating that evidence to be gained by compulsory disclosure is not reasonably available by alternative means, and that reasonable diligence has been exercised in seeking such evidence otherwise.

(c) Any order entered pursuant to an application made according to the provisions of this Act shall be appealable as a matter of right under Rule 4 of the Federal Rules of Appellate Procedure (1968), and is subject to being stayed. In case of an appeal, the protections available according to the provisions of this Act, were such application denied, will remain in full force and effect during the pendency of such appeal. Section 1292 of Title 28, United States Code, is therefore amended by inserting after subsection (4), the following:

"(5) Interlocutory orders in civil or criminal actions granting, modifying, or refusing an application for compulsory disclosure or news media sources, or information or communication affecting news media sources."

STANDARDS FOR QUALIFIED TESTIMONIAL PROTECTION

SEC. 7. (a) An application for disclosure, as provided for under section 6 of this Act, shall be granted, so long as it is in accordance with any other applicable general or specific law or rule, when the applicant has established that the person seeking protection of a source is not a legitimate member of the professional news media, as set forth in section 3 of this Act.

(b) Such application for disclosure shall be granted, so long as it is in accordance with any other applicable general or specific law or rule, when the applicant has established that the information or communication sought is not a news media information source, or information or communication affecting a news media source, as set forth in section 4 of this Act. Determination of whether the contents of information or communication could directly or indirectly be used to identify its source, or whether information or communication was withheld from publication pursuant to an agreement or understanding with the source or in reasonable belief that publication would adversely affect the source shall be made in camera, out of the presence of the applicant on the basis of the court being informed of some of the underlying circumstances supporting the person seeking protection from disclosure, with a presumption in favor of the person seeking protection from disclosure.

(c) Such application for disclosure shall be granted, should the applicant be unable to meet the requirements of subsections (a) or (b) of this section, only when—

(1) the applicant has established by means of independent evidence that the source to be disclosed is of substantial and direct relevance to a central issue of the action, and is essential to a fair determination of the action, which is the subject of the court proceeding; and

(2) the applicant is able to demonstrate that the source is not reasonably available by alternative means, or would not have been available if reasonable diligence had been exercised in seeking the source otherwise; and

(3) the action which is the subject of the court proceeding is murder, forcible rape, aggravated assault, kidnapping, airline hijacking, or when a breach of national security has been established, involving classified national security documents or details ordered to be kept secret, such classification or order having been made pursuant to a Federal statute protecting national security matters. In no case, however, shall the application be granted where the crime at issue is corruption or malfeasance in office, except according to the provisions of subsection (d) of this section.

(d) Notwithstanding the provisions of subsections (c)(1), (c)(2), and (c)(3) of this section, an application for disclosure shall be granted in any case where the defendant, in a civil action for defamation, asserts a defense based on the source of his or her information or communication.

(e) A complete and public disclosure, with knowledge of the available protections, of the specific identity of a source or content of information or communication protected by the provisions in sections 5 and 6 of this Act shall constitute a waiver of rights available as to such identity or such contents according to the provisions of this Act. A person likewise waives the protections of section 5 and 6 of this Act, if, without coersion and with knowledge of the available protections, such person consents to complete and public disclosure of the specific identity of a source or content of information or communication by another person. The failure of a witness to claim the protections of this Act with respect to one question shall not operate as a waiver with respect to any other question in a proceeding before a Federal court.

Mr. TAFT. Mr. President, in recent months the press has come under renewed attack. As a result of some decisions, newsmen are now being forced to turn over their notes to grand juries or be sentenced to jail. In my judgment the confidential relationship between a newsman and his sources is essential to the protection of first amendment guarantees. The freedom to publish is a hollow one if newsmen are unprotected in the gathering of news from news sources. This could happen if their confidential sources believe that the newspaper is an extension of the prosecutor's office.

In Ohio we have recognized for many years the basic value of protecting the confidential relationship between a newsman and his source. Section 2739.12 of the Ohio Revised Code goes much further than this proposal and provides:

No person engaged in the work of, or connected with, or employed by any newspaper or any press association for the purpose of gathering, procuring, compiling, editing, disseminating, or publishing news shall be required to disclose the source of any information procured or obtained by such person in the course of his employment, in any legal proceeding, trial, or investigation before any court, grand jury, petit jury, or any officer thereof, before the presiding officer of any tribunal, or his agent, or before any commission, department, division, or bureau of this state, or before any county or municipal body, officer or committee thereof.

This statute reflects the judgment of the people of Ohio that a newsman's access to news is an essential part of his right to publish. Even this broad protection has not been abused in Ohio, and some lesser protection seems desirable at the Federal level as well.

Consequently, I am today pleased to join with the distinguished Senator from Connecticut (Mr. WEICKER) in cosponsoring the News Media Source Protection Act and I hope that it will be quickly enacted into law.

The framers of our Constitution understood the critical importance of protecting free speech and free press. They merely had to look at the English experience and our own colonial experience to satisfy themselves as to the central position which freedom of speech and freedom of press must play in safeguarding a free people.

By Mr. RIBICOFF (for himself, Mr. MCINTYRE, Mr. STAFFORD, Mr. AIKEN, Mr. BROOKE, Mr. HATHAWAY, Mr. PASTORE, Mr. WEICKER, Mr. MUSKIE, Mr. COTTON, Mr. PELL, and Mr. KENNEDY):

S. 319. A bill relative to the oil import program. Referred to the Committee on Finance.

NEW ENGLAND STATES FUEL OIL ACT

Mr. RIBICOFF. Mr. President, each winter, homeowners in New England face a critical shortage of home heating oil for their homes. The situation this year promises to be worse than ever and to cover more States than ever.

The Midwest and Rocky Mountain States already have suffered from a shortage of fuel resulting in school closings and shortened workdays. New Englanders, who rely almost completely on home heating oil as their source of heat, have lived with similar conditions for years. The seriousness of the crisis in the region has only depended on the severity of the winter.

Extremely cold weather has now hit Connecticut and its neighboring States. The present supply of home heating oil may be insufficient for the area's needs. In order to counter that possibility I am today introducing the New England States Fuel Oil Act. If enacted, this legislation would insure the homeowners of New England a reliable and less expensive supply of this vital fuel.

The present oil import quota program, which restricts the importation of crude oil and finished products, is the main reason for past, present, and future shortages. By all reasonable estimates, New England could use up to 90,000 barrels per day of No. 2 home heating oil.

Nevertheless, Oil Import District No. 1 which encompasses the entire east coast including New England is limited to only 45,000 barrels per day.

The situation is further aggravated by the fact that the independent dealer-distributors, which sell over 70 percent of the home heating oil in New England, cannot get enough fuel to meet their customer's demands. The quota system, which freezes imports at the 1957 level and allocates them according to import history, penalizes the independents and gives most of the imports to the major integrated oil companies. Thus the independents are forced to rely on their much larger competitors for an adequate supply. Moreover, since the major companies find gasoline and other refined products to be more profitable, they have no incentive for increasing sales of home heating oil to New England.

In addition to the supply shortage, New Englanders pay higher prices for their fuel oil than any other section of the Nation. In fact, the cost of home heating oil in Hartford, Conn., is often the highest in the Nation. It has been estimated that the oil import program costs a Connecticut family of four over $120 every year in unnecessary expenditures.

The obvious solution to the problem is the abolition of the present oil import program. For years the only advocates of such an approach were Senators and Congressmen from New England. But, in 1970 President Nixon's Task Force on Oil Import Control reached the same conclusion. Unfortunately, the task force's recommendations were buried by the White House.

After being petitioned constantly by myself and other Members of Congress from New England, President Nixon last year made a token gesture by suspending for 4 months ending April 30 the requirement that No. 2 fuel oil be purchased only in the Western Hemisphere. Unfortunately, that was too little and too late.

The homeowners of Connecticut and New England should not have to rely each winter on last minute emergency programs. Unless steps are taken to insure the independent dealer of a low cost, year-round supply of fuel oil the danger of serious shortages will continue to exist.

Recognizing that it is unlikely that the entire oil import program will be abolished any time in the near future, the bill I introduce today will make a small but important dent in it by withdrawing home heating oil from the program's controls.

Title I of the New England States Fuel Oil Act would allow the uncontrolled importation of No. 2 home heating oil into the six New England States. Just as the west coast States, with their special problems have a separate oil district so would the New England States. Under this provision the independent importers and retailers would be able to end their reliance on the major oil companies and finally be able to seek out overseas suppliers and guarantee themselves and their customers of a proper supply of fuel.

Title II of the bill removes the tariff on all oil imports into the United States from non-Communist nations. The removal of the tariff would relieve consumers of a $90 million burden they have suffered each year.

Finally, title III would direct the Secretary of State to enter into negotiations with Canada for the establishment of a "Northeast Regional Oil Area." This would allow free trade in petroleum between the New England States and the eastern provinces of our northern neighbor.

For too many winters homeowners in Connecticut and the other New England States have had to live with the fear that they might run out of fuel to heat their homes. This threat will continue until the present discriminatory import program is dismantled. The first positive step in this direction should be the expeditious enactment of the New England States Fuel Oil Act.

I ask unanimous consent that the text of the act be printed at this point in the RECORD, and that two recent articles in the Wall Street Journal be printed following the bill.

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

S. 319

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 "New England States Fuel Oil Act of 1973".

TITLE I

SEC. 101. The Congress finds that—

(1) the availability of fuel oil for residential heating at reasonable prices should be assured throughout the United States;

(2) adequate supplies of home heating oil at reasonable prices are essential to the health, safety, and economic development of the New England States;

(3) a major cause of the comparatively higher prices for home heating oil in the New England States is the limitation on imports of petroleum and petroleum products established by Presidential Proclamation 3279, as amended (the oil import program);

(4) while reasonable limitation of imports of petroleum and some petroleum products is necessary to the national security, measures must be taken to assure an adequate supply at reasonable prices of home heating oil within the New England States;

(5) the special supply and demand relationships for petroleum and petroleum products existing in States along the west coast have required creation of a separate import control system for that area (Petroleum Administration for Defense District V);

(6) the special supply and demand problems relating to home heating oil in the New England States requires creation of a separate import control system for that area.

SEC. 102. For the purpose of this Act—

(1) the term "home heating oil" means number 2 fuel oil;

(2) the term "New England States" means the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island.

SEC. 103. After the effective date of this Act, no quantitative limitations under the authority of section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862) or other import restrictions shall be imposed on the importation of home heating oil into the New England States.

TITLE II

Effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after January 1, 1972, items 475.05, 475.10 475.25, 475.30, 475.35, 475.40, 475.45, 475.55, 475.60, and 475.65 of the Tariff Schedules of the United States are each amended by striking out the matter in rate column numbered 1 and inserting in lieu thereof "Free".

TITLE III

SEC. 301. The Secretary of State is authorized and directed to enter into negotiations with the Government of Canada for establishment of a "northeast regional oil area" consisting of eastern Canada and the New England States. The purpose of such negotiations is the elimination (within such area) of all restrictions on trade in petroleum and petroleum products between the United States and Canada to effectively provide finished petroleum products at a reasonable cost, consistent with the national security.

SEC. 302. Within twelve months of the effective date of this Act, the Secretary of State shall report to the Congress on the results of such negotiations and each year thereafter until such negotiations shall have been successfully completed.

[From the Wall Street Journal, Jan. 9, 1973]

FUEL-OIL SHORTAGE NEARS THE CRITICAL STAGE IN PARTS OF NATION AS TEMPERATURES DROP

Low temperatures are depleting already-short fuel oil supplies to near-critical levels in parts of the nation.

In Denver, where temperatures have been hovering around zero at night, some schools are open only part-time and the Gardner-Denver Co. plant is closed because of a lack of fuel. On Midwest waterways, grain shipments are stalled because not enough fuel is available to move them. And in the Boston area, fuel-oil suppliers and terminal operators report they're in desperate straits.

"We're living from ship-to-ship delivery," Herbert Sostek, executive vice president of Gibbs Oil Co., Revere, Mass., said. "If this weather keeps up, there will be a real clamoring for oil in about seven days.

So far, at least, suppliers have been able to keep up with home-heating requirements for fuel oil. But much depends on the weather. And in Washington, government officials were pessimistic on the outlook for the next several days.

The Office of Emergency Preparedness, which is coordinating federal fuel-supply efforts, cautioned that weather predictions indicate temperatures for the next five days in the Midwest will average 10 degrees below normal. Nationwide the five-day forecast is for temperatures five to 10 degrees below normal. "That means a lot more fuel consumption; nothing could be plainer," a spokesman for the OEP, said.

ANOTHER DARK FACTOR

Government officials also see another dark factor in the fuel outlook. They fear a Penn Central Railroad strike may be inevitable and that it will compound the tightening fuel supply problem, particularly in the Midwest, where shortages and cutbacks have already developed.

The OEP spokesman said it has been advised by the Interstate Commerce Commission that a settlement of the conflict between the carrier and the United Transportation Union before the 12:01 a.m. Friday deadline is unlikely. (The UTU called for the strike after Penn Central announced plans for a unilateral cut in train crew size.) The OEP spokesman added that the railroad carries some fuels and large amounts of coal for utilities. If the utilities couldn't get coal, they'd have to run on fuel oil, the spokesman said.

The Nixon administration is proceeding with previously announced plans to expand the oil import program so that more fuel oil—specifically No. 2, the main home-heating oil—can be brought into the U.S. Federal agencies also are trying to round up emergency supplies of fuel for the hardest-hit areas.

Over the weekend, the OEP, the Interior Department and the Colorado Public Utilities Commission collected 258,000 gallons of fuel oil so Denver's public schools could open, if only part-time, this week.

Last night, the Interior Department ordered the release of imported jet fuel held in bond in New York to prevent a threatened close-down of some airline operations at Kennedy, LaGuardia and Newark airports.

OTHER CUTBACKS

Airlines as well as railroads and other transporters face cutbacks in parts of the Midwest. Standard Oil Co. (Indiana) announced yesterday that it is reducing fuel oil deliveries to commercial customers by 25% in the central Midwest states, excluding Wisconsin and Illinois.

An Indiana Standard spokesman said commercial customers including rail, airline, trucking and utility companies will receive deliveries cut to 75% of those of January 1972.

Several other oil companies also have recently rationed fuel oil to their customers, generally giving them as much, but not more, than they received a year ago. Shell Oil Co. has notified its regular customers they can count on supplies only equal to what they ordered last year. Shell also is declining to take on new fuel oil customers.

Exxon Corp., formerly Standard Oil Co. (New Jersey), said it has asked heating oil

distributors in the Carolinas to temporarily reduce their inventories to alleviate what the company calls a "temporary supply problem" in that area.

Exxon and other major oil companies said they are producing more heating oil this winter than last. Latest refining statistics support their point. In the week ended Dec. 29, the nation's refiners processed nearly 21 million barrels of No. 2 fuel, up from 18.9 million barrels in the year-earlier period.

HARDLY ENOUGH

This is hardly enough, however, to keep pace with the increasing demand for No. 2 fuel. Home-heating oils are being consumed at a rate nearly 7% higher than last winter, and No. 2 fuel is being burned at a weekly rate of 28 million barrels while the refiners are turning out 21 million barrels weekly.

As a result, stocks of No. 2 fuel have plummeted to less than 160 million barrels, over 34 million barrels below the level of a year ago when inventories were considered satisfactory for only a "normal" winter.

Petroleum refiners say they are operating at capacity. But government officials monitoring supplies aren't convinced the oil industry is doing all it should to prevent shortages. OEP Director George A. Lincoln has been urging refiners to increase their No. 2 output even more.

[From the Wall Street Journal, Jan. 11, 1973]

FUEL OIL PINCH TIGHTENS; TEXACO SETS RATIONING BELOW YEAR-AGO LEVELS

NEW YORK.—The nation's fuel oil supplies continued to shrink, and another major oil company began rationing deliveries.

Stocks of light fuels, or distillates used largely for home heating and industrial purposes, declined nearly 4.8 million barrels to 154.4 million barrels in the week ended last Friday, the American Petroleum Institute reported. That is less than six weeks' supply at present rates of consumption and 36 million barrels below year-earlier inventories.

Citing the general tightness in supply, Texaco Inc. said it had begun allocating supplies of distillate fuels to customers. Included in the allocations, the company said, are home heating oils, kerosene, diesel fuel and aviation jet fuel.

Texaco, which is the nation's biggest gasoline marketer, also ranks among the largest suppliers of distillates. It declined to say how much it was cutting back deliveries or what fuels might be reduced the most.

Most other major oil companies that have gone on an allocation basis in recent days are holding deliveries to established customers at year-ago levels. Texaco, indicated, however, that it was reducing deliveries on some fuels below your-earlier amounts.

HARDSHIP CASES CITED

"Because of varied supply-and-demand patterns," the company said, "allocations will vary, depending upon the type of fuel used and the supply location involved." Texaco added, however, that it will attempt, "to the best of our ability," to maintain essential supplies to schools, hospitals and other places where lack of fuels would create unusually severe hardships.

"The allocation program results from a general shortage of middle distillate fuels and is in the face of dwindling domestic crude oil production, unreasonable import restrictions on major refiners and other factors beyond our control," Texaco said.

The company contended that a solution to "this current crisis in middle distillate supply" was being hampered by "inequitable oil import regulations, by unrealistic environmental restrictions and by restrictive price controls on heating oils, natural gas and crude oil."

"OTHER FACTORS" BLAMED

Texaco said its refineries had been producing as much of distillates as possible since early fall. "But other factors," the company asserted, "have restricted production of middle distillates and prevented us from keeping pace with unusually strong increases in demand."

Other major oil companies that have gone to allocations of distillates include Shell Oil Co. and Mobil Oil Corp. This week, Standard Oil Co. (Indiana) announced it was reducing fuel oil deliveries to commercial customers 25% in some Midwest areas.

According to the American Petroleum Institute report, the nation's refineries, operating at 89.4% of capacity, produced 21.5 million barrels of light fuels in the Jan. 5 week, 507,000 barrels more than the preceding week and 3.1 million barrels more than a year earlier.

This has been hardly enough, however, to keep up with distillate demand, which has been increased sharply by cold weather over much of the country.

By Mr. JAVITS:

S. 320. A bill to amend title II of the Social Security Act, to provide that, for purposes of the provisions thereof relating to deductions from benefits on account of excess earnings, there be disregarded, in certain cases, income derived from the sale of certain copyrights, literary, musical, or artistic compositions, letters or memorandums, or similar property. Referred to the Committee on Finance.

EXEMPTION FROM SOCIAL SECURITY OF INCOME RECEIVED BY ARTISTS AND COMPOSERS

Mr. JAVITS. Mr. President, I rise to introduce a bill to amend the Social Security Act with respect to exclusion of certain income received by artists and composers from the sale after age 65 of works created prior to their reaching age 65.

This measure is similar to the bill, S. 961, which I introduced in the last Congress and which was included as section 143 of H.R. 1, the revisions to the Social Security Act, which passed the Senate on September 5 last year. Unfortunately, this provision was lost in conference and must now be considered anew.

The Social Security Act now provides that individuals 65 years and over who are receiving royalty income attributable to copyrights or patents obtained before age 65 may exclude such income from their gross income in determining their social security entitlement.

The bill I am introducing today extends the provision to artists and composers who sell uncopyrighted works; thereby placing them on an equal basis with artists and composers receiving royalty income from copyrighted or patented works. The burden of proof remains upon the individual artist or composer to establish to the satisfaction of the Secretary of Health, Education, and Welfare when the art work, or composition, was created and when sold.

Although no precise estimates are available as to the number of individuals who would become eligible under this amendment, it should be noted that, in order to be eligible, an individual author or artist must have created the work prior to age 65; and that he must remain inactive past age 65 so that his outside income does not exceed $2,100, the figure at which social security benefits are reduced. Estimates of the numbers of artists taking advantage of the present royalty-income exclusion range in the low hundreds.

Thus, we are talking about a relatively few individuals out of almost 28.1 million social security recipients.

This proposal should be relatively easy to administer. By placing the burden of proof upon the individual we have followed the pattern of the 1965 amendments to the Social Security Act. The individual is thus required to prove his claimed exclusion to the Secretary's satisfaction consistent with existing law. Finally, the Secretary already has general rulemaking powers under the law with which to establish an orderly procedure for individuals claiming the right to exclude income under this amendment.

I hope, Mr. President, that the Congress will favorably consider this proposal to correct an inequity in the law which penalizes older artists and composers at a time when they are living upon modest fixed incomes and dependent upon social security benefits.

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

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

S. 320

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 203(f)(5) of the Social Security Act is amended by inserting after subparagraph (D) the following new subparagraph:

"(E) For purposes of this section, there shall be excluded from the gross income of any individual for any taxable year the gain from the sale or other disposition, during such year, of any property of such individual which is not, by reason of the provisions of section 1221 (3) (A) or (B) of the Internal Revenue Code of 1954, a capital asset of such individual as a taxpayer if—

"(i) such individual attained age 65 on or before the last day of such taxable year; and

"(ii) such individual shows to the satisfaction of the Secretary that such property was created by him or (in the case such property consists of a letter, memorandum, or similar property) was prepared or produced for him prior to the date such individual attained age 65."

SEC. 2. The amendment made by this Act shall be effective in the case of taxable years beginning after December 31, 1972.

By Mr. TAFT:

S. 321. A bill to exclude from gross income the first $500 of interest received from savings account deposits in lending institutions. Referred to the Committee on Finance.

SAVINGS ACCOUNT DEPOSITS

Mr. TAFT. Mr. President, in order to meet the Nation's housing needs of the 1970's, it is essential that there be an adequate supply of mortgage money for home loans. We have been extremely fortunate in this regard over the past few years. As of late November, the 1972 mortgage lending volume of $60 billion was up 30 percent over the 1971 pace. This accomplishment in large part facilitated the second record-breaking year in a row for housing construction.

Despite the progress we have made, however, there is still a danger that housing will suffer if money becomes tight again. We know from past experience that when interest rates rise, a

large volume of funds is diverted from home mortgages to other investments.

I believe that high mortgage interest rates can be averted. This can be done in large part by encouraging people to deposit more money in institutions which consistently specialize in home mortgages. Savings and loan institutions in particular have provided approximately 45 percent of all home loan money in the United States.

Today I am introducing for appropriate reference, a measure aimed at strengthening the mortgage market in this way. My legislation would exclude from gross income for tax purposes the first $500 of interest received from savings account deposits in lending institutions. In all fairness it should be pointed out that exempting the first $500 of earnings paid to savers would mean an initial loss to the U.S. Treasury of more than $1.5 billion annually. Tax losses, however, would be counter-balanced by increased tax receipts as a result of additional employment and income in the building-related trades, as well as a reduction in the need for costly Federal housing subsidies. The result of encouraging Americans to initiate, build up, and maintain savings accounts will be considerably reduced mortgage interest rates and a much less volatile supply of funds for housing.

This legislation is all the more timely in view of the recently announced cutbacks in housing programs. Because less of our taxpayers' money will be channeled into housing subsidies, private industry must assume greater responsibility for providing adequate and affordable housing for low- and moderate-income groups. I am confident that the housing industry can move in this direction, but only to the extent that interest rates for home loans are reasonable. A reduction of perhaps 2 to 3 percent in prevailing mortgage interest rates as a result of this bill would thus represent a major step forward as we strive to meet the housing challenge.

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

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

S. 321

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part III of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to items specifically excluded from gross income) is amended by redesignating section 123 as section 124 and by inserting after section 122 the following new section:

"SEC. 123. DIVIDENDS FROM SAVINGS ACCOUNT DEPOSITS IN LENDING INSTITUTIONS.

"(a) GENERAL RULE.—Gross income does not include amounts received by, or credited to the account of, a taxpayer as dividends or interest on savings deposits or withdrawable savings accounts in lending institutions as this term is defined by section 571 of part I of subchapter H of chapter 1 and by section 591 of part II of subchapter H of chapter 1.

"(b) LIMITATION.—The exclusion allowed to each taxpayer under this section shall in the aggregate not exceed $500 for any taxable year, and shall be allowed only once for taxpayers filing a joint return."

SEC. 2. The amendments made by this Act shall apply only with respect to taxable years ending after the date of enactment of this Act.

By Mr. SCHWEIKER:

S. 322. A bill to amend the Fair Packaging and Labeling Act to provide for the establishment of national standards for nutritional labeling of food commodities. Referred to the Committee on Commerce.

NUTRITIONAL LABELING ACT OF 1973

Mr. SCHWEIKER. Mr. President, I introduce for appropriate reference a bill to amend the Fair Packaging and Labeling Act to provide for the establishment of national standards for nutritional labeling of food commodities.

As a member of the Senate Select Committee on Nutrition and Human Needs, I have been concerned for some time about the problems confronting consumers in attempting to select foods which are healthful and nutritious. Most people generally understand that there are four basic food groups from which we make our selections, but we know very little about the specific nutritional values in a particular food.

I think, for example, that most consumers would be surprised to learn that a quarter pound of cooked ground round contains more protein, less fat, less calories, and is generally more nutritious than a quarter pound of sirloin steak. Similarly, how many consumers would know that one cup of spaghetti contains less calories than two cooked frankfurters? Without nutritional labeling, very few homemakers would know that one wedge of cheese pizza contains as much protein as an egg and far less calories than a quarter-pound of hamburger. Watermelon is another surprising example, supplying half the daily requirement of vitamins A and C.

The point I am making is that without some organized system of comparing various types of foods, consumers simply cannot tell either which foods are more nutritious than others or how much of a particular nutrient is provided in a normal serving of a specific food.

In September 1971, a Washington, D.C., supermarket chain, Giant Food, Inc., in cooperation with the Food and Drug Administration, initiated a testing program on nutritional labeling. The program was developed by a committee of consumer, industry, and governmment representatives and nutritional experts headed by Dr. Jean Mayer, professor of nutrition at Harvard University and Chairman of the White House Conference on Food, Nutrition and Health. Since then a number of other supermarket chains and individual food companies have voluntarily established their own nutritional labeling programs. The results of these programs have been very encouraging. Consumers have indicated that they do want and will use nutritional labeling.

I believe that this is something which has been needed for a long time. It is vital, too, that a single, consistent national program be adopted so that consumers can use a single system to compare many different types of foods. The system used in one testing program, for example, provides a rounded percentage of recommended daily allowance for each of 10 elements provided by a normal serving of food. A rating of "1," for example, indicates that there is at least 10 percent of the recommended dietary allowance of a certain element within that particular portion. Similarly, a rating of "5" means that 50 percent of the recommended daily allowance is provided. The result is that it is very easy for a consumer to add up the nutrients provided in the various servings of food during the day to determine whether the recommended dietary allowances are being met.

The bill I am introducing today, the Nutritional Labeling Act of 1973, is designed to assist consumers by requiring that information relating to the nutritional value of food commodities is included on the label of such commodities. Any person engaged in the packaging or labeling of any food commodity for distribution in commerce, and wholesale or resale food distributors who prescribe or specify the manner in which food is packaged or labeled, would be responsible for seeing that the label contains the information required.

The Secretary of Health, Education, and Welfare would promulgate regulations after consulting with the National Academy of Sciences as to the specific types of nutrients which should be listed on the label.

If there is a representation on the label as to the number of servings contained in the package, the label must provide a breakdown of the nutritional value of each serving. My bill would also permit the Secretary of Commerce to request various manufacturers, packers, and distributors to get together and develop a single voluntary standard label for this purpose.

As I have indicated, each label would specify the nutritional value of the food contained in the package. The nutritional value would be expressed in terms of the relationship of the amount of each nutrient contained in the food to the total recommended daily requirement of each such nutrient required to maintain a balanced diet.

The term, "nutrient" includes protein, vitamin A, the B vitamins—thiamin riboflavin, niacin—vitamin C, carbohydrates, fat, calories, vitamin D, calcium, iron, and such additional nutrients as may be prescribed by regulation.

I believe this legislation can provide an invaluable aid to consumers in trying to determine what and how much to eat. Testimony before the Select Committee on Nutrition and Human Needs has pointed out time and time again that we have serious problems of nutrition not only among our low-income citizens, but also in families which can afford to purchase almost any food commodity available. This is a nutritional education problem. Without having a simple system to guide us to what nutrients are contained in the foods we eat, it is virtually impossible for us to know whether we are getting enough of a particular nutrient, or too much. This applies not only to vitamins and minerals, but also to protein, fat, carbohydrates, and calories.

My legislation will provide for a simple, uniform system which all consumers can easily use. Testing programs are showing that this can be done. For the

health and welfare of all of our citizens, it is time to expand this program nationwide.

I am pleased to see that the Food and Drug Administration is now in the final stages of preparing regulations to provide for nutritional labeling nationally. Since they have not yet been published, I am uncertain as to the final form these regulations will take, but I will be very interested in reviewing them. If a good national nutritional labeling program can be established by regulations, legislation may not be necessary. Any such regulations, however, must assure that the information provided by the labels is sufficient to meet the needs of consumers today.

Mr. President, I ask unanimous consent that the text of the Nutritional Labeling Act of 1973 be printed in the RECORD at this point.

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

S. 322

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 "Nutritional Labeling Act of 1973".

SEC. 2. The Fair Packaging and Labeling Act (15 U.S.C. 1451–1461) is amended as follows—

(1) by inserting "TITLE I—FAIR PACKAGING AND LABELING" immediately above the heading of section 2;

(2) by redesignating sections 2 through 5 as sections 101 through 104, respectively;

(3) by striking out "section 3" in section 103(a), as redesignated by clause (2) of this section, and inserting in lieu thereof "section 102";

(4) by striking out "section 6" in section 103(b), as redesignated by clause (2) of this section, and inserting in lieu the thereof "section 301";

(5) by striking out "section 4" and "section 2" in section 104(b), as redesignated by clause (2) of this section, and inserting in lieu thereof "section 103" and "section 101", respectively;

(6) by striking out "section 4" in section 104(c), as redesignated by clause (2) of this section, and inserting in lieu thereof "section 103"; and

(7) by adding immediately after section 104, as redesignated by clause (2) of this section, the following new title:

"TITLE II—NUTRITIONAL LABELING

"STATEMENT OF FINDINGS AND PURPOSE

"SEC. 201. (a) The Congress finds that—

"(1) food consumption patterns in the United States are undergoing significant changes; and

"(2) the labeling on the packages of all food commodities should be required to clearly and accurately indicate the nutritional value of such commodities and thus facilitate maintenance of a nutritionally balanced diet.

"(b) It is, therefore, the purpose of this Act to assist consumers of food commodities by requiring that information relating to the nutritional value of food commodities be included on the label of such commodities.

"PROHIBITIONS

"SEC. 202. (a) It shall be unlawful for any person engaged in the packaging or labeling of any food commodity for distribution in commerce, or for any person (other than a common carrier for hire, a contract carrier for hire, or a freight forwarder for hire) engaged in the distribution in commerce of any packaged or labeled food commodity, to distribute or to cause to be distributed in commerce any such commodity if it is contained in a package, or if there is affixed to that commodity a label, which does not conform to the provisions of this title and regulations promulgated under the authority of this title.

"(b) The prohibition contained in subsection (a) shall not apply to persons engaged in business as wholesale or retail food distributors except to the extent that such persons (1) are engaged in the packaging or labeling of such food, or (2) prescribe or specify by any means the manner in which such food is packaged or labeled.

"LABELING REQUIREMENTS

"SEC. 203. (a) No person subject to the prohibition contained in section 202 shall distribute or cause to be distributed in commerce any packaged or labeled food commodity except in accordance with regulations which shall be prescribed by the Secretary of Health, Education, and Welfare pursuant to this title. Such regulations shall require that any food commodity distributed in interstate commerce bear a label containing a statement specifying the nutritional value of the food commodity contained therein, that the label on such commodity appear in a uniform location on the package, and that such label—

"(1) appear in conspicuous and easily legible type in distinct contrast (by typography, layout, color, embossing, or molding) with other matters on the package;

"(2) contain letters or numerals in type size which shall be (A) established in relationship to the area of the principal display found on the package, and (B) uniform for all packages of substantially the same size;

"(3) be placed so that the lines of printed matter included in that statement are generally parallel to the base on which the package rests as it is designed to be displayed; and

"(4) bear a statement of the nutritional value of each serving if the label appears on a packaged food commodity which bears a representation as to the number of servings of the food commodity contained in the package.

"(b) The Secretary may by regulations require additional or supplementary words or phrases to be used in conjunction with the statement of nutritional values appearing on the label whenever he determines that such regulations are necessary to prevent the deception of consumers or to facilitate value comparisons as to any food commodity. Nothing in this subsection shall prohibit supplemental statements, which are not misleading or deceptive, at other places on the package, describing the nutritional value of the food commodity contained in such package.

"(c) Whenever the Secretary of Commerce determines that there is undue proliferation of methods of indicating the nutritional value of food commodities or reasonably comparable food commodities which are being distributed in packages for sale at retail and such proliferation unreasonably impairs the ability of consumers to make comparisons with respect to the nutritional values of such food commodities, he shall request manufacturers, packers, and distributors of the commodities to participate in the development of a voluntary product standard (relating to nutritional values) for such commodities under the procedures for the development of voluntary product standards established by the Secretary of Commerce pursuant to section 2 of the Act of March 3, 1901 (31 Stat. 1449, as amended; 15 U.S.C. 272). Such procedures shall provide adequate manufacturer, packer, distributor, and consumer representation.

"(d) If (1) after one year after the date on which the Secretary of Commerce first makes the request of manufacturers, packers, and distributors to participate in the development of a voluntary product standard as provided in subsection (c) of this section, he determines that such a standard will not be published pursuant to the provisions of such subsection (c), or (2) such a standard is published and the Secretary of Commerce determines that it has not been observed, he shall promptly report such determination to the Congress with a statement of the efforts that have been made under the voluntary standards program and his recommendation as to whether Congress should enact legislation providing regulatory authority to deal with the situation in question.

"DEFINITIONS

"SEC. 204. For the purpose of this title—

"(1) The term 'food commodity' means articles used for food or drink for man or other animals, and articles used for compouents of any such article.

"(2) The term 'nutritional value' means the amount of nutrients contained in the food expressed in terms of the relationship of the amount of each nutrient contained in the food to the total recommended daily requirement of each such nutrient required to maintain a balanced diet as determined by the Secretary of Health, Education, and Welfare after consultation with the National Academy of Sciences.

"(3) The term 'nutrient' includes protein, vitamin A, B Vitamins (Thiamin, Riboflavin, Niacin), Vitamin C, Vitamin D, carbohydrates, Fat, Calories, Calcium, Iron, and such other nutrients as may be prescribed by regulation."

SEC. 3. (a) The Fair Packaging and Labeling Act is further amended by inserting "TITLE III—GENERAL PROVISIONS" above the heading for section 6, and by redesignating sections 6 through 13 as sections 301 through 308, respectively.

(b) Section 301 of such Act, as redesignated by subsection (a) of this section, is amended by striking out "section 4 or 5 of this Act" in subsections (a) and (b) and inserting in lieu thereof "section 103, 104, or 203 of this Act".

(c) Section 302 of such Act, as redesignated by subsection (a) of this section, is amended—

(1) by striking out "section 3" in subsection (a) and inserting in lieu thereof "sections 102 and 202"; and

(2) by striking out "sections 4 and 5" in subsection (c) and inserting in lieu thereof "sections 103, 104, and 203".

(d) Section 303 of such Act, as redesignated by subsection (a) of this section, is amended by striking out "section 5(d)" and inserting in lieu thereof "sections 104(d) and 203(c)".

(e) Section 307 of such Act, as redesignated by subsection (a) of this section, is amended—

(1) by inserting "and for the labeling of the nutritional value of contents of the package of any food commodity covered by this Act" immediately after "Act" where it first appears in that section; and

(2) by striking out "section 4" and inserting in lieu thereof "sections 103 or 202".

SEC. 4. The Secretary of Health, Education, and Welfare may by regulation postpone, for a period of twelve months after enactment, the effective date of this Act with respect to any class or type of food commodity on the basis of a finding that such a postponement would be in the public interest.

By Mr. SCHWEIKER:

S. 323. A bill to amend the tariff and trade laws of the United States, and for other purposes. Referred to the Committee on Finance.

THE FAIR INTERNATIONAL TRADE ACT OF 1973

Mr. SCHWEIKER. Mr. President, I introduce a bill to amend the tariff and trade laws of the United States, and for

other purposes, and ask that it be appropriately referred.

This bill, with a few revisions, is identical to a bill I introduced on June 15, 1972, in the 92d Congress, S. 3708.

This legislation is designed to modernize existing law regarding the regulation of the dumping of foreign merchandise in the U.S. market, to make our countervailing duty law more effective, to provide for more liberal tariff adjustment and adjustment assistance relief for business and labor, and to provide for private treble damage actions based on international price discrimination.

Dumping is basically a form of international price discrimination, under which sellers subsidize low-price sales in foreign markets with high-price sales at home. In other words, dumping is the sale of a foreign product in the United States at a price lower than the price prevailing for the same product in the exporting country. Such sales, if they are injurious to U.S. products, become subject to a dumping duty equivalent to the difference between the market price domestically and the lower export price to the United States, after various adjustments are made. The reason this country has felt it appropriate to impose an additional duty on such imports is to neutralize the subsidization of low price export sales by high profits received from sales in what is often a protected domestic market of the exporting country.

Under existing law, there are two requirements essential for a dumping finding:

First, a determination of sales at "less than fair value" must be made by the Treasury Department; and

Second, a determination of injury must be made by the Tariff Commission.

The Bureau of Customs initially determines whether the necessary price difference exists. This finding is then confirmed by the Secretary of the Treasury. I should point out that the Treasury Department has made changes in procedures in order to improve the handling of antidumping cases. In addition, the Treasury Department has been more liberal in making dumping findings under the Nixon administration than had previously been the case.

After the Treasury finds dumping has occurred, the case is transferred to the Tariff Commission for an investigation to determine whether American industry is being injured. If such a finding is made, dumping duties are assessed against the product. Recent Tariff Commission decisions have established that anything more than de minimus or immaterial injury to the U.S. industry is sufficient.

The Antidumping Act was amended in 1954 to limit Tariff Commission consideration to 3 months. In 1958, it was further amended to provide that a tie vote by the Tariff Commission constituted an affirmative finding of injury.

Although antidumping procedures are being streamlined, I believe legislative changes are in order at this time.

Furthermore, I believe it is appropriate to revise existing provisions of the Tariff Act of 1930, the Trade Expansion Act of 1962 and the Revenue Act of 1916 to accomplish an overall modernization of our laws against unfair competition.

Let me make it clear that this bill does not represent protectionist legislation. It is not an attempt to hinder or prevent legitimate foreign competition. International trade is a good thing, and I want to encourage it. However, we are seeing increasing efforts on the part of foreign governments to subsidize their domestic industries through a variety of mechanisms. Foreign governments are teaming up with industry to compete in our markets. Our firms are faced with competition, then, not only from their counterparts overseas, but also from other governments. This is improper, and unfair. This is what our laws were designed to deal with. Unfortunately, since these laws were enacted, circumstances have changed, and we now need legislative changes to keep up with the times.

Title I of the Fair International Trade Act of 1972, which amends the Antidumping Act of 1921, contains the following major provisions:

First, the time limit for a tentative LTFV determination by Treasury is set at 6 months. Currently, there is no statutory timetable for reaching such a decision, although under new regulations such proceedings are required to be completed within 6 months, or in more complicated investigations, within 9 months. Additional time may be taken under the regulations if notice of that fact is published in the Federal Register. However, this timetable is not binding on Treasury, as the statutory limit would be.

Second, all proceedings and determinations are made subject to the Administrative Procedure Act, and judicial review is made available to all parties.

Third, since injurious price discrimination by U.S. companies selling in our domestic market is a violation of our antitrust laws, my bill would bring the basic injury standard of the Antidumping Act of 1921 more in harmony with the laws that govern domestic business conducts by specifically incorporating the Clayton act's line of commerce" and "section of the country" market concepts.

Fourth, the legislation would codify the present Tariff Commission standard with reference to the quantum of injury required. That is, Tariff Commission decisions have established that anything more than de minimus or immaterial injury to the U.S. industry is sufficient. The legislation would incorporate this standard into law.

Fifth, the bill would codify the present Tariff Commission causation standard that LTFV imports need only be more than a de minimus factor in bringing about injury to the U.S. industry.

Sixth, my legislation would adopt recent Tariff Commission decisions which suggest that injury can be found where there is a reasonable likelihood that LTFV sales will cause future injury.

Title II contains amendments to the Tariff Act of 1930 and includes the following major changes:

First, the present provisions of the Tariff Act of 1930, which provide for countervailing duties equal to the amount of any bounty or grant given in a foreign country to subsidize exports to the U.S. market, is not as effective as it ought to be because of often substantial delays in enforcement. My bill would amend the present law to require the Secretary of the Treasury to make a determination as to whether imported goods receive a bounty or grant within 12 months after the question is presented.

Second, while under present law countervailing duties can be imposed only with respect to dutiable imports, my bill would provide that countervailing duties would be applicable to subsidized duty-free imports if the Tariff Commission determined that such subsidized imports were injuring a domestic industry.

Third, the Secretary of the Treasury would have discretion to impose countervailing duties on articles subject to quotas or to voluntary agreements limiting exports to this country.

Fourth, as under title I, the Clayton Act's "any section of the country" and "any line of commerce" concepts would be applied in an effort to make foreign competitors subject to the same kind of laws domestic industries fall under in our marketplace.

Fifth, the size of the Tariff Commission would be increased from 6 to 7 and their terms increased from 6 to 7 years. The purpose of this provision is to decrease the likelihood of tie votes, and to enlarge and strengthen the Commission.

Title III of the Fair International Trade Act of 1972 contains amendments to the Trade Expansion Act of 1962:

First, these provisions would expand the President's authority to cope with foreign import restrictions and other discriminations against exports from the United States. The President's authority to impose duties or other restrictions would be extended to products of any country maintaining unjustifiable restrictions against any U.S. product, not merely U.S. agricultural products, as under present law.

My bill provides for a complaint procedure similar to that utilized in antidumping, countervailing duty, and "escape clause" cases. Any interested party could request the Tariff Commission to investigate restrictions against U.S. exports. The Tariff Commission would then have 3 months to investigate, and within 3 months following an affirmative Commission finding, the President would be required to inform Congress of his actions with regard to the situation.

Second, this bill would remove some of the barriers to relief currently faced by U.S. industries, individual firms and groups of workers that have been injured by imports. At the present time "escape clause"—tariff adjustment—relief is available only when the Tariff Commission determines that as a result in major part of concessions granted under trade agreements, an article is being imported in such increased quantities as to "cause or threaten to cause" serious injury to a domestic industry. My bill would liberalize the causal connection that must be shown between the increase in imports and injury to the domestic industry, and would broaden the definition of increased imports. Although the bill would maintain the present limitation of escape clause action to imports which have been the subject of prior U.S. trade concessions, the bill would eliminate the necessity of proving a causal connection

between the tariff concession itself and the increase in imports. In essence, these provisions provide for relief where the imports contribute substantially toward causing and threatening to cause serious injury to the domestic industry, whether or not such increased imports are the major factor or the primary factor causing the injury.

Third, the Tariff Commission's authority to determine the nature and extent of relief granted in "escape clause" cases would be increased. While under present law, Tariff Commission findings with respect to relief amount to little more than recommendations to the President, my bill would require the President to implement the specific tariff adjustments determined by the Tariff Commission, unless he determined that such action would not be in the national interest.

Fourth, more liberalized standards for obtaining adjustment assistance would be available for workers and individual firms. In addition, the level of adjustment assistance for workers would be increased from the present 65 percent of average weekly wages to 75 percent of such wages. This would help U.S. workers, who generally have very little control over their own fate in such situations, by providing them with three-fourths of their weekly wages.

Title IV of this legislation amends the Revenue Act of 1916 by providing for a practically available procedure for maintaining private treble-damage actions against international price discrimination in the form of dumping. Again, the purpose is to subject offshore competitors to essentially the same rules of business conduct that are applied to domestic companies in the U.S. marketplace.

I feel confident that because this bill is directed against unfair trade practices it will receive broad support on a bipartisan basis in Congress, and the support of both business and labor. This legislation does not attempt to build a protective wall around the United States. Rather, it is designed to promote fair international trade practices.

Mr. President, I ask that a title-by-title analysis of the Fair International Trade Act be printed at this point in the RECORD.

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

TITLE-BY-TITLE ANALYSIS OF "THE FAIR INTERNATIONAL TRADE ACT OF 1973"

I. AMENDMENTS TO THE ANTIDUMPING ACT OF 1921

Title I of the "Fair International Trade Act of 1973" would amend the Antidumping Act of 1921 to provide faster and more practical relief against dumping. Dumping is essentially a form of international price discrimination, under which sellers subsidize low-price sales in foreign markets with higher-price sales at home. The Antidumping Act of 1921 is intended to protect U.S. industries from injury caused by foreign companies dumping in the U.S. market.

Injurious price discrimination by U.S. companies selling in the U.S. market is a violation of our antitrust laws. Title I of the "Fair International Trade Act of 1973" would bring the basic injury standard of the Antidumping Act of 1921 more in harmony with the laws that govern domestic business conduct by specifically incorporating the Clayton Act's "line of commerce" and "section of the country" market concepts.

A major problem that U.S. companies have encountered over the years in attempting to secure antidumping relief is inconsistency in Tariff Commission interpretations of the Antidumping Act's injury requirement. Title I would add new subsections (d) and (e) to section 201, to codify the Tariff Commission's more recent and realistic interpretations of the injury requirement. It would also add a new subsection (f), which would direct that related antidumping investigations be consolidated, so that, where appropriate, the Tariff Commission would have before it evidence of the cumulative effect of dumping from different foreign sources.

Title I also addresses itself to one of the most frustrating aspects of the Antidumping Act from the standpoint of injured U.S. companies—delayed enforcement. Thus, Title I would require the Secretary of the Treasury to determine within four months after initiating an antidumping investigation whether there was reason to suspect dumping and, if so, to issue a notice of withholding of appraisement. The Secretary would also be required to initiate a formal investigation within 60 days after receiving a complaint unless his summary investigation indicated the complaint was clearly not meritorious.

Title I also would make the Antidumping Act practically as well as theoretically applicable to dumping by sellers from controlled economy countries, as to whom normal cost-price comparisons cannot be made.

Finally, Title I would amend the Antidumping Act of 1921 to make available to all parties the procedural protections of the Administrative Procedure Act, and to make decisions by the Secretary of the Treasury and the Tariff Commission subject to judicial review on the petition of any interested party. Under present law, aggrieved importers and foreign sellers, but not U.S. industries, have standing to seek review.

II. AMENDMENTS TO THE TARIFF ACT OF 1930

Countervailing Duties. Chapter 1 of Title II of the "Fair International Trade Act of 1973" would amend section 303 of the Tariff Act of 1930, which provides for the imposition of countervailing duties equal to the amount of any bounty or grant given in a foreign country to subsidize exports to the U.S. market. As in the case of the present antidumping statute, the effectiveness of official action with respect to countervailing duties is often weakened as a result of substantial delays in enforcement. Chapter 1 of Title II would amend the present countervailing duty law to require the Secretary of the Treasury to make a determination as to whether imported foreign articles receive a "bounty or grant" within twelve months after the question is presented.

Chapter 1 of Title II would also make other changes. Under present law, countervailing duties can be imposed only with respect to "dutiable" imports. Chapter 1 would amend the law to provide that countervailing duties would be applicable to subsidized duty-free imports if the Tariff Commission determined that such subsidized imports were injuring a domestic industry. Chapter 1 would also clarify that subsidies by private companies or industries are encompassed by the statute.

Chapter 1 of Title II would also amend the countervailing duty provisions to grant the Secretary of the Treasury discretion with respect to the imposition of countervailing duties on articles subject to quotas or to an agreement limiting exports to the United States.

Finally, Chapter 1 of Title II would, like Title I, attempt to harmonize our foreign trade laws with domestic antitrust law by specically introducing in appropriate contexts the Clayton Act's "any section of the country" and "any line of commerce" concepts. It would also harmonize the corresponding injury standards of the Antidumping Act and the countervailing duty law, as amended, and would make available procedural protections and judicial review.

Tariff Commission. Chapter 2 of Title II would amend the Tariff Act of 1930 to increase the number of Commissioners from six to seven and to increase their terms from six to seven years. The principal purpose would be to decrease the likelihood of tie votes and, at the same time, to enlarge and strengthen the Commisison.

III. AMENDMENTS TO THE TRADE EXPANSION ACT OF 1962 FOREIGN IMPORT RESTRICTIONS AND DISCRIMINATION

Chapter 1 of Title III of the "Fair International Trade Act of 1973" would expand in several respects the President's power under the Trade Expansion Act of 1962 to cope with foreign import restrictions and other discriminatory actions against United States exports. It would strengthen the sanctions available to the President in dealing with particular foreign restrictions or discrimination currently recognized by the Trade Expansion Act of 1962. In addition, Chapter 1 would extend the President's authority to impose duties or other import restrictions on the products of any country maintaining unjustifiable import restrictions against U.S. products, not merely U.S. agricultural products, as under present law. It would also require the President to impose duties or other restrictions on the products of countries whose governments provide subsidies on thier exports to third counries which unfairly affect sales in those countries of competitive U.S. products.

Chapter 1 also provides a complaint procedure for affected persons to bring to the President's attention evidence of trade restrictions against U.S. exports. The procedure would be similar to that utilized in antidumping, countervailing duty and "escape clause" cases, and would allow any interested party to request the Tariff Commission to investigate whether particular activities of a foreign country or instrumentality constitute the kind of trade restrictions these provisions of the Act are directed against. The Commission would have three months to conduct its investigation, and within three months following an affirmative Commission finding, the President would be required to inform Congress of his actions with regard to these foreign restrictions.

The "Escape Clause". Chapter 2 of Title III would amend the Tariff Adjustment and Adjustment Assistance sections of the Trade Expansion Act of 1962 to remove some of the barriers to relief currently faced by United States industries, individual companies and groups of workers that have been injured by imports.

Under present law, "escape clause" (tariff adjustment) relief—which consists of increased duties, quotas or such other import restrictions as are necessary to prevent or remedy serious injury from imports—is available only when the Tariff Commission determines that as a result in major part of concessions granted under trade agreements, an article is being imported in such increased quantities as to "cause or threaten to cause" serious injury to a domestic industry.

Chapter 2 of the "Fair International Trade Act" would amend these critieria by liberalizing the causal connection that must be shown between the increase in imports and injury to the domestic industry, and by broadening the definition of increased imports. In addition, while Chapter 2 would maintain the present limitation of escape clause action to imports which have been the subject of prior U.S. trade concessions, the bill would eliminate the necessity of prov-

ing a causal connection between the tariff concession and the increase in imports.

Chapter 2 would make parallel changes in the standards for obtaining adjustment assistance by workers or firms, would permit petition for adjustment assistance directly to the President, and would increase the adjustment assistance benefits available to workers who meet the amended injury standards.

In addition to liberalizing the standards for obtaining "escape clause" relief by injured U.S. industries, Chapter 2 would also signicantly increase the Tariff Commission's authority to determine the nature and extent of the relief granted. Under present law, Tariff Commission findings with respect to relief amount to little more than recommendations to the President. Chapter 2 would require the President to implement the specific tariff adjustments—or the specific increases or extensions of prior adjustments—determined by the Tariff Commission, unless he determined that such action would not be in the national interest. Chapter 2 would also limit the President's authority to reduce or terminate existing tariff adjustments under the statute.

Other provisions of Chapter 2 include a definition of "domestic industry" that provides for more equitable treatment of U.S. multi-product or multi-industry companies, application of the Administrative Procedure Act to Tariff Commission procedures under the statute, and the availability to all interested parties of judicial review from Commission determinations.

IV. AMENDMENTS TO THE REVENUE ACT OF 1916

Title IV of the "Fair International Trade Act of 1973" amends the Revenue Act of 1916 to provide an additional deterrent to international price discrimination—a practically available procedure for maintaining private treble damage actions. This is accomplished by amending the 1916 Act to permit private recovery for injurious international price discrimination without requiring the plaintiff to prove specific unlawful intent. Here again the purpose is to subject off-shore competitors to essentially the same business rules that govern the conduct of domestic companies.

The Revenue Act of 1916, though providing for treble damage recovery in certain cases, has not provided an effective means of discouraging international price discrimination or compensating those injured by it. The reason has been the Act's onerous intent requirement. As amended by Title IV of the "Fair International Trade Act of 1973", the 1916 statute would become a more effective antitrust tool against international price discrimination. Under the amendments, the requirement of showing injury to competition would be harmonized both with the Antidumping Act of 1921 and the domestic anti-price discrimination law, the Robinson-Patman Act.

Title IV would also amend the Revenue Act of 1916 by providing that decisions of the Treasury Department and the Tariff Commission in proceedings under the Antidumping Act of 1921 would be given *prima facie* effect in private suits under the 1916 Act. This is a device borrowed from the Clayton Act and, once again, is for the purpose of harmonizing domestic and foreign antitrust trade policy.

The criminal provisions of the 1916 Act would be retained and the penalty for violation increased to $50,000, which is the level of fine that may be imposed for violation of domestic antitrust law. However, there would be no criminal liability in the absence of a willful violation of the statutory pricing and injury standards.

Mr. President, I ask that the complete text of the Fair International Trade Act of 1973 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. 323

A bill to amend the tariff and trade laws of the United States, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Fair International Trade Act of 1973".

TITLE I—AMENDMENTS TO THE ANTIDUMPING ACT OF 1921

SEC. 101. Section 201 of the Antidumping Act of 1921 (19 U.S.C. 160) is amended to read as follows:

"DUMPING INVESTIGATION

"SEC. 201. (a) Whenever the Secretary of the Treasury (hereinafter called the Secretary) determines that a class or kind of foreign merchandise is being or is likely to be sold in the United States or elsewhere at less than its fair value, he shall so advise the United States Tariff Commission (hereinafter called the Commission). The Commission shall determine within three months after notification from the Secretary whether an industry in the United States is being, or is likely to be, injured in any line of commerce in any section of the country, or is prevented from being established in any line of commerce in any section of the country by reason of the importation of such merchandise into the United States from one or more foreign sources or countries. The Commission, after such investigation as it deems necessary, shall notify the Secretary of its determination, and, if that determination is in the affirmative, the Secretary shall make public a notice (hereinafter in this Act called a finding) of his determination and the determination of the Commission. For the purposes of this subsection, the Commission shall be deemed to have made an affirmative determination if the Commissioners voting are evenly divided as to whether its determination should be in the affirmative or in the negative. The Secretary's findings shall include a description of the class or kind of merchandise to which it applies in such detail as he shall deem necessary for the guidance of customs officers.

"(b) In the case of any imported merchandise of a class or kind as to which the Secretary has not so made public a finding, he shall, within four months after the question of dumping was raised by or presented to him or any person to whom authority under this section has been delegated—

"(1) determine whether there is reason to believe or suspect, from the invoice or other papers or from information presented to him or to any other person to whom authority under this section has been delegated, that the purchase price is less, or that the exporter's sales price is less or likely to be less, than the foreign market value (or, in the absence of such value, than the constructed value); and

"(2) if his determination is affirmative, publish notice of that fact in the Federal Register, and require, under such regulations as he may prescribe, the withholding of appraisement as to such merchandise entered, or withdrawn from warehouse for consumption, on or after the date of publication of that notice in the Federal Register (unless the Secretary determines that the withholding should be made effective as of an earlier date in which case the effective date of the withholding shall be not more than one hundred and twenty days before the question of dumping was raised by or presented to him or any person to whom authority under this section has been delegated), until the further order of the Secretary, or until the Secretary has made public a finding as provided for in subsection (a) in regard to such merchandise; or

"(3) if his determination is negative, publish notice of that fact in the Federal Register, but the Secretary may within three months thereafter order the withholding of appraisement if he then has reason to believe or suspect, from the invoice or other papers or from information presented to him or to any other person to whom authority under this section has been delegated, that the purchase price is less, or that the exporter's sales price is less or likely to be less, than the foreign market value (or, in the absence of such value, than the constructed value) and such order of withholding of appraisement shall be subject to the provisions of paragraph (2).

For purposes of this subsection, the question of dumping shall be deemed to have been rasied or presented on the date on which a notice is published in the Federal Register that information relating to dumping has been received in accordance with regulations prescribed by the Secretary, or on the date sixty days after receipt of such information by the Secretary, whichever date occurs earlier."

SEC. 102. Section 201 of the Antidumping Act of 1921 (19 U.S.C. 160) is further amended by adding after subsection (c) of section 201 the following new subsections:

"(d) Injury to a domestic industry shall be established, and the Commission shall make an affirmative determination, when the Commission finds that the sale of foreign merchandise determined to have been sold at less than its fair value has caused more than de minimus or immaterial injury in any line of commerce in any section of the country.

"(e) The Commission shall render an affirmative determination of likelihood of injury when it finds a reasonable likelihood that injury cognizable under subsection (d) of this section will tend to occur by reason of sales of the class or kind of foreign merchandise involved at less than its fair value.

"(f) The Secretary shall consolidate in a single dumping investigation all complaints received as of the institution of such investigation and when instituted on his own initiative all information available to him at that time from the invoice or other papers regarding the same class or kind of merchandise regardless of the number of importers, exporters, foreign manufacturers, and countries involved."

SEC. 103. Section 205 of the Antidumping Act of 1921 (19 U.S.C. 164), is amended by inserting "(a)" immediately after "SEC. 205.", and adding at the end thereof the following new subsection:

"(b) If available information indicates to the Secretary that the economy of the country from which the merchandise is exported is state controlled to an extent that sales or offers of sales of such or similar merchandise in that country or to countries other than the United States do not permit a determination of foreign market value under subsection (a), the Secretary shall determine the foreign market value of the merchandise on the basis of the normal costs, expenses, and profits as reflected by either—

"(1) the prices at which such or similar merchandise of a non-state-controlled-economy country is sold either (A) for consumption in the home market of that country, or (B) to other countries, including the United States; or

"(2) the constructed value of such or similar merchandise in a non-state-controlled-economy country as determined under section 206 of this Act.".

SEC. 104. Section 210 of the Antidumping Act of 1921 (19 U.S.C. 169) is amended to read as follows:

"JUDICIAL REVIEW

"SEC. 210. (a) All Treasury and Commission proceedings under the Act shall be in accordance with subchapter II of chapter 5 of title 5 of the United States Code. All final determinations issued by the Secretary or the Commission shall be made on the records made in the Secretary's investigation and Commission investigation.

"(b) Any interested party shall be entitled to seek in the United States Court of Customs and Patent Appeals judicial review of questions of law relating to any final determinations of the Secretary or the Commission under this Act, within thirty days after its publication in the Federal Register."

(e) The amendments of the Antidumping Act of 1921, as amended, provided for herein shall apply to all investigations instigated by the Secretary on or after the expiration of one hundred and eighty days from the date of enactment of this Act and to all Commission investigations resulting therefrom.

TITLE II—AMENDMENTS TO THE TARIFF ACT OF 1930

CHAPTER 1—COUNTERVAILING DUTIES

SEC. 201. Section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) is amended to read as follows:

"SEC. 303. COUNTERVAILING DUTIES.

"(a) LEVY OF COUNTERVAILING DUTIES.—(1) Whenever any country, dependency, colony, province, or other political subdivision of government, or any private person, partnership, association, cartel, or corporation, shall pay or bestow, directly or indirectly, any bounty or grant upon the manufacture or production or export of any article or merchandise manufactured or produced in such country, dependency, colony, province, or other political subdivision of government, then upon the importation of such article or merchandise into the United States, whether the same shall be imported directly from the country of production or otherwise, and whether such article or merchandise is imported in the same condition as when exported from the country of production or has been changed in condition by remanufacture or otherwise, there shall be levied and paid, in all such cases, in addition to any duties otherwise imposed, a duty equal to the net amount of such bounty or grant, however the same be paid or bestowed. The Secretary of the Treasury shall conduct an investigation and shall determine, within twelve months after the date on which the question is presented to him, whether any bounty or grant is being paid or bestowed.

"(2) In the case of any imported article or merchandise which is free of duty, duties may be imposed under this section only if there is an affirmative determination by the Tariff Commission under subsection (b)(1).

"(3) The Secretary of the Treasury shall from time to time ascertain and determine, or estimate, the net amount of each such bounty or grant, and shall declare the net amount so determined or estimated.

"(4) The Secretary of the Treasury shall make all regulations he may deem necessary for the identification of such articles and merchandise and for the assessment and collection of the duties under this section. All determinations by the Secretary under this subsection and all determinations by the Tariff Commission under subsection (b)(1), whether affirmative or negative, shall be published in the Federal Register.

"(b) INJURY DETERMINATIONS WITH RESPECT TO DUTY-FREE MERCHANDISE; SUSPENSION OF LIQUIDATION.—(1) Whenever the Secretary of the Treasury has determined under subsection (a) that a bounty or grant is being paid or bestowed with respect to any article or merchandise which is free of duty, he shall—

"(A) so advise the United States Tariff Commission, and the Commission shall determine within three months thereafter, and after such investigation as it deems necessary, whether an industry in the United States is being or is likely to be injured in any line of commerce in any section of the country, or is prevented from being established in any line of commerce in any section of the country, by reason of the importation of such article merchandise into the United States; and the Commission shall notify the Secretary of its determination; and

"(B) require, under such regulations as he may prescribe, the suspension of liquidation as to such article or merchandise entered, or withdrawn from warehouse, for consumption, on or after the thirtieth day after the date of the publication in the Federal Register of his determination under subsection (a)(1), and such suspension of liquidation shall continue until the further order of the Secretary or until he has made public an order as provided for in paragraph (2) of this subsection.

"(2) For the purposes of subparagraph (A) injury to a domestic industry shall be established, and the Commission shall make an affirmative determination, when it finds that the sale of foreign merchandise determined to have been sold at less than its fair value has caused more than de minimus or immaterial injury in any line of commerce in any section of the country.

"(3) For the purposes of subparagraph (A) the Commission shall render an affirmative determination of likelihood of injury when it finds a reasonable likelihood that injury cognizable under subsection (2) of this section will tend to occur by reason of sales of the class or kind of foreign merchandise involved at less than its fair value.

"(4) If the determination of the Tariff Commission under subparagraph (A) is in the affirmative, the Secretary shall make public an order directing the assessment and collection of duties in the amount of such bounty or grant as is from time to time ascertained and determined, or estimated, under subsection (a).

"(c) APPLICATION OF AFFIRMATIVE DETERMINATION.—An affirmative determination by the Secretary of the Treasury under subsection (a)(1) with respect to any imported article or merchandise which (1) is dutiable, or (2) is free of duty but with respect to which the Tariff Commission has made an affirmative determination under subsection (b)(1), shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the thirtieth day after the date of the publication in the Federal Register of such determination by the Secretary.

"(d) SPECIAL RULE FOR ANY ARTICLE SUBJECT TO A QUANTITATIVE LIMITATION.—No duty shall be imposed under this section with respect to any article which is subject to a quantitative limitation imposed by the United States on is importation, or subject to a quantitative limitation on its exportation to or importation into the United States imposed under an agreement to which the United States is a party unless the Secretary of the Treasury determines, after seeking information and advice from such agencies as he may deem appropriate, that such quantitative limitation is not an adequate substitute for the imposition of a duty under this section.

"(e) JUDICIAL REVIEW.—(1) All Treasury and Commission proceedings under this section shall be in accordance with subchapter II of chapter 5 of title 5 of the United States Code. All final determinations issued by the Secretary or the Commission shall be made on the records made in the Secretary's investigation and Commission investigation.

"(2) Any interested party shall be entitled to seek in the United States Court of Customs and Patent Appeals judicial review of questions of law relating to any final determination of the Secretary or the Commission under this Act, within thirty days after its publication in the Federal Register."

SEC. 202. (a) Except as provided in paragraph (b), the amendments made by section 201 shall take effect on the date of the enactment of this Act.

(b) The last sentence of section 306(a)(1) of the Tariff Act of 1930 (as added by section 201 of this Act) shall apply only with respect to questions presented on or after the date of the enactment of this Act.

CHAPTER 2—TARIFF COMMISSION

SEC. 211. (a) The first sentence of section 330(a) of the Tariff Act of 1930 (19 U.S.C. 1330) is amended to read as follows: "The United States Tariff Commission (referred to in this Act as the 'Commission') shall be composed of seven Commissioners appointed by the President by and with the advice and consent of the Senate."

(b) The third sentence of such section is amended by striking out "three" and inserting in lieu thereof "four."

SEC. 212. Section 330(b) of the Tariff Act of 1930 (19 U.S.C. 1330) is amended to read as follows:

"(b) TERMS OF OFFICE.—Terms of office of the Commissioners which begin after the date of the enactment of the Fair International Trade Act of 1973 shall be for seven years; except that the first term of office for the seventh Commissioner shall expire on June 16, 1979. The term of office of a successor to any Commissioner appointed to a term of office beginning after the date of the enactment of such Act shall (except as provided in the preceding sentence) expire seven years from the date of the expiration of the term for which his predecessor was appointed. Any Commissioner appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.".

SEC. 213. Section 330(d) of such Act is repealed.

TITLE III—AMENDMENTS TO THE TRADE EXPANSION ACT OF 1962

CHAPTER 1—FOREIGN IMPORT RESTRICTIONS AND DISCRIMINATORY ACTS

SEC. 301. Section 252(a)(3) of the Trade Expansion Act of 1962 (19 U.S.C. 1882(a)(3)) is amended by striking out the word "agricultural" each place it appears.

SEC. 302. Section 252(b) of such Act is amended by striking out "or" at the end of paragraph (1), by adding "or" at the end of paragraph (2), and by adding after paragraph (2) the following new paragraph:

"(3) provides subsidies (or other incentives having the effect of subsidies) on its exports of one or more products to other foreign markets which unfairly affect sales of the competitive United States product or products to those other foreign markets,".

SEC. 303. Section 252(b) of such Act is further amended by striking out "or" at the end of clause (A), by striking out the period at the end of clause (B) and inserting in lieu thereof ", or", and by adding at the end thereof the following new clause:

"(C) notwithstanding any provision of any trade agreement under this Act and to the extent he deems necessary and appropriate, impose duties or other import restrictions on the products of any foreign country or instrumentality maintaining such nontariff trade restrictions, engaging in such acts or policies, or providing such incentives when he deems such duties and other import restrictions necessary and appropriate to prevent the establishment or obtain the removal of such restrictions, acts, policies, or incentives and to provide access for United States products to foreign markets on an equitable basis."

SEC. 304. Section 252(c) of such Act is amended by striking out "President may" and inserting in lieu thereof "President shall".

SEC. 305. Section 252(c)(1) of such Act is amended to read as follows:

"(1) impose duties or other import restrictions on, or suspend, withdraw, or prevent the application of trade agreement concessions to, products of such country or instrumentality, or".

SEC. 306. Section 252(d) of such Act is amended to read as follows:

"(d)(1) Upon request of any interested party, the Tariff Commission shall immediately make an investigation to determine whether any specified restriction established or maintained by, act engaged in, or subsidy provided by a foreign country or instrumentality constitutes—

"(A) a foreign import restriction referred to in subsection (a),

"(B) a nontariff trade restriction, discriminatory or other act, or subsidy or other incentive referred to in subsection (b), or

"(C) an unreasonable import restriction referred to in subsection (c).

"(2) Within three months after the submission of a request under paragraph (1), the Tariff Commission shall publish in the Federal Register the results of the investigation made pursuant to such request, together with its findings with respect thereto. In any case in which the Commission makes an affirmative determination of a restriction, act, or subsidy referred to in subsection (a), (b), or (c) such finding shall be immediately reported to the President. Within three months after receipt of such report, the President shall report to the Congress the action taken by him under subsection (a), (b), or (c) with respect to such restriction, act, or subsidy.".

SEC. 307. The heading of such section is amended to read as follows:

"SEC. 252. FOREIGN IMPORT RESTRICTIONS AND DISCRIMINATORY ACTS.".

CHAPTER 2—TARIFF ADJUSTMENT AND ADJUSTMENT ASSISTANCE

PETITIONS AND DETERMINATIONS

SEC. 311. (a) Section 301 of the Trade Expansion Act of 1962 (19 U.S.C. 1901) is amended to read as follows:

"(a)(1) A petition for tariff adjustment under section 351 may be filed with the Tariff Commission by a trade association, firm, certified or recognized union, or other representative of an industry.

(2) A petition for a determination of eligibility to apply for adjustment assistance under chapter 2 may be filed with the President by a firm or its representative, and a petition for a determination of eligibility to apply for adjustment assistance under chapter 3 may be filed with the President by a group of workers or by their certified or recognized union or other duly authorized representative.

"(b)(1) Upon the request of the President, upon resolution of either the Committee on Finance of the Senate or the Committee on Ways and Means of the House of Representatives, upon its own motion, or upon the filing of a petition under subsection (a)(1), the Tariff Commission shall promptly make an investigation to determine whether an article that has been the subject of concessions under trade agreements is being imported into the United States in such increased quantities, either actual or relative as to contribute substantially (whether or not such increased imports are the major factor or the primary factor) toward causing or threatening to cause serious injury to the domestic industry producing articles like or directly competitive with the imported article.

"(2) For the purposes of this section, the duty-free 'binding' of any article shall be considered a trade concession under trade agreement.

"(3) In arriving at a determination under paragraph (1), the Tariff Commission, without excluding other factors, shall take into consideration a downward trend of production, prices, profits, or wages in the domestic industry concerned, a decline in sales, an increase in unemployment or underemployment, loss of fringe benefits, stagnant wages, an increase in imports, either actual or relative to domestic production, a higher or growing inventory, and a decline in the proportion of the domestic market supplied by domestic producers.

"(4) For purposes of paragraph (1), the term 'domestic industry producing articles like or directly competitive with the imported article' means that portion or subdivision of the producing organizations manufacturing, assembling, processing, extracting, growing, or otherwise producing like or directly competitive articles in commercial quantities. In applying the preceding sentence, the Tariff Commission shall (so far as practicable) distinguish or separate the operations of the producing organizations involving the like or directly competitive articles referred to in such sentence from the operations of such organizations involving other articles.

"(5) If a majority of the Commissioners present and voting make an affirmative injury determination and under paragraph (1) the Commissioners voting for such affirmative injury determination shall also determine the amount of the increase in, or imposition of, any duty or other import restriction on such article which is necessary to prevent or remedy such injury. No import restriction shall be determined which exceeds the limitations set forth in section 351(b) of the Act. For purposes of this title, a remedy determination by a majority of the Commissioners voting for the affirmative injury determination shall be treated as the remedy determination of the Tariff Commission.

"(6) In the course of any proceeding initiated under paragraph (1), the Tariff Commission shall investigate any factors which in its judgment may be contributing to increased imports of the article under investigation and, whenever in the course of its reason to believe that the increased imports are attributable in part to circumstances which come within the purview of the Antidumping Act, 1921, section 303 or 337 of the Tariff Act of 1930, section 801 of the Revenue Act, 1916, or other remedial provisions of law, the Tariff Commission shall promptly notify the appropriate agency and take such other action as it deems appropriate in connection therewith.

"(7) In the course of any proceeding initiated under paragraph (1), the Tariff Commission shall, after reasonable notice, hold public hearings and shall afford interested parties opportunity to be present, to present evidence, and to be heard at such hearings.

"(8) The Tariff Commission shall report to the President the determinations and other results of each investigation under this subsection, including any dissenting or separate views, and any action taken under paragraph (6).

"(9) The report of the Tariff Commission of its determination under this subsection shall be made at the earliest practicable time, but not later than six months after the date on which the petition is filed (or the date on which the request or resolution is received or the motion is adopted, as the case may be). Upon making such report to the President, the Tariff Commission shall promptly make public such report and shall cause a summary thereof to be published in the Federal Register.

"(10) No investigation for the purposes of this subsection shall be made, upon petition filed under subsection (a)(1), with respect to the same subject matter as a previous investigation under this subsection, unless one year has elapsed since the Tariff Commission made its report to the President of the results of such previous investigation.

"(c) (1) In the case of a petition by a firm for a determination of eligibility to apply for adjustment assistance under chapter 2, the President shall detemine whether an article that has been the subject of concessions under trade agreements like or directly competitive with an article produced by the firm, or an appropriate subdivision thereof, is being imported into the United States in such increased quantities, either actual or relative, as to contribute substantially (whether or not such increased imports are the major factor or the primary factor) toward causing or threatening to cause serious injury to such firm or subdivision. In making such determination the President shall take into account all economic factors which he considers relevant, including idling of productive facilities, inability to operate at a level of reasonable profit, and unemployment or underemployment, loss of fringe benefits, and decreased or stagnant wages.

"(2) In the case of a petition by a group of workers for a determination of eligibility to apply for adjustment assistance under chapter 3, the President shall determine whether an article that has been the subject of concessions under trade agreements, like or directly competitive with an article produced by such workers' firm, or an appropriate subdivision thereof, is being imported into the United States in such increased quantities, either actual or relative, as to contribute substantially (whether or not such increased imports are the major factor or the primary factor) toward causing or threatening to cause unemployment or underemployment of a significant number or proportion of the workers of such firm or subdivision.

"(3) In order to assist him in making the determinations referred to in paragraphs (1) and (2) with respect to a firm or group of workers, the President shall promptly transmit to the Tariff Commission a copy of each petition filed under subsection (a) (2) and, not later than five days after the date on which the petition is filed, shall request the Tariff Commission to conduct an investigation relating to questions of fact relevant to such determinations and to make a report of the facts disclosed by such investigation. In his request, the President may specify the particular kinds of data which he deems appropriate. Upon receipt of the President's request, the Tariff Commission shall promptly institute the investigation and promptly publish notice thereof in the Federal Register.

"(4) In the course of any investigation under paragraph (3), the Tariff Commission shall, after reasonable notice, hold a public hearing, if such hearing is requested (not later than ten days after the date of the publication of its notice under pargraph (3)) by the petitioner or any other interested person, and shall afford interested persons an opportunity to be present, to produce evidence, and to be heard at such hearing.

"(5) The report of the Tariff Commission of the facts disclosed by its investigation under paragraph (3) with respect to a firm or group of workers shall be made at the earliest practicable time, but not later than sixty days after the date on which it receives the request of the President under paragraph (3).

"(d)(1) All Tariff Commission proceedings under this section and section 351 of the Act shall be in accordance with subchapter II of chapter 5 of title 5 of the United States Code. Any final determinations in such proceedings shall be on the records made in the Commission investigation.

"(2) Any interested party shall be entitled to seek in the United States Court of Customs and Patent Appeals judicial review of questions of law relating to any final determinations of the Commission under this section and section 351 of the Act, within thirty days after its publication in the Federal Register."

(b)(1) For purposes of section 301(b)(1) of the Trade Expansion Act of 1962, reports

made by the Tariff Commission during the one-year period ending on the date of the enactment of this Act shall be treated as having been made before the beginning of such period.

(2) Any investigation by the Tariff Commission under subsection (b) or (c) of section 301 of the Trade Expansion Act of 1962 (as in effect before the date of the enactment of this Act) which is in progress immediately before such date of enactment shall be continued under such subsection (b) or (c) (as amended by subsection (a) of this section) in the same manner as if the investigation had been instituted originally under the provisions of such subsection (b) or (c) (as so amended). For purposes of section 301 (b)(9) or (c)(5) of the Trade Expansion Act of 1962 (as added by subsection (a) of this section) the petition for any investigation to which the preceding sentence applies shall be treated as having been filed, or the request or resolution as having been received or the motion having been adopted, as the case may be, on the date of the enactment of this Act.

(3) If, on the date of the enactment of this Act, the President has not taken any action with respect to any report of the Tariff Commission containing an affirmative determination resulting from an investigation undertaken by it pursuant to section 301(c)(1) or (2) of the Trade Expansion Act of 1962 (as in effect before the date of the enactment of this Act), such report shall be treated by the President as a report received by him under section 301(c)(5) of the Trade Expansion Act of 1962 (as added by subsection (a) of this section on the date of the enactment of this Act.

PRESIDENTIAL ACTION WITH RESPECT TO ADJUSTMENT ASSISTANCE

SEC. 312. (a) Section 302(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1902(a)) is amended to read as follows:

"(a)(1) If after receiving a report from the Tariff Commission containing an affirmative injury determination under section 301(b) with respect to any industry, the President provides tariff adjustment for such industry pursuant to section 351 or 352, he may—

"(A) provide, with respect to such industry, that its firms may request the Secretary of Commerce for certifications of eligibility to apply for adjustment assistance, under chapter 2,

"(B) provide, with respect to such industry, that its workers may request the Secretary of Labor for certifications of eligibility to apply for adjustment assistance under chapter 3, or

"(C) provide that both firms and workers may request such certifications.

"(2) If after receiving a report from the Tariff Commission containing an affirmative injury determination under section 301(b) with respect to any industry the President does not provide tariff adjustments for such industry pursuant to section 351 or 352, he shall promptly provide that both firms and workers of such industry may request certifications of eligibility to apply for adjustment assistance under chapters 2 and 3.

"(3) Notice shall be published in the Federal Register of each action taken by the President under this subsection in providing that firms or workers may request certifications of eligibility to apply for adjustment assistance. Any request for such a certification must be made to the Secretary concerned within the one-year period (or such longer period as may be specified by the President) after the date on which such notice is published."

(b) Section 302(b) of such Act is amended—

(1) by striking out "subsection (a)(2)," in subparagraph (1) and inserting in lieu thereof "subsection (a),";

(2) by striking out "subsection (a)(3)," in paragraph (2) and inserting in lieu thereof "subsection (a),"; and

(3) by adding at the end of paragraph (2) thereof the following new sentence: "A certification under this paragraph shall apply only with respect to individuals who are, or who have been, employed regularly in the firm involved within one year before the date of the institution of the Tariff Commission investigation under section 307(b) relating to the industry with respect to which the President has acted under subsection (a)."

(c) Section 302(c) of such Act is amended to read as follows:

"(c)(1) After receiving a report of the Tariff Commission of the facts disclosed by its investigation under section 301(c)(3) with respect to any firm or group of workers, the President shall make his determination under section 301 (e)(1) or (c)(2) at the earliest practicable time, but not later than thirty days after the date on which he receives the Tariff Commission's report, unless, within such period, the President requests additional factual information from the Tariff Commission. In this event, the Tariff Commission shall, not later than twenty-five days after the date on which it receives the President's request, furnish such additional factual information in a supplement report, and the President shall make his determintaion not later than fifteen days after the date on when he receives such supplemental report.

"(2) The President shall promptly publish in the Federal Register a summary of each determination under section 301(c) with respect to any firm or group of workers.

"(3) If the President makes an affirmative determination under section 301(c) with respect to any firm or group of workers, he shall promptly certify that such firm or group of workers is eligible to apply for adjustment assistance.

"(4) The President is authorized to exercise any of his functions with respect to determinations and certifications of eligibility of firms or workers to apply for adjustment assistance under section 301 and this section through such agency or other instrumentality of the United States Government as he may direct."

(d) The heading of such section 302 is amended to read as follows:

"SEC. 302. PRESIDENTIAL ACTION WITH RESPECT TO ADJUSTMENT ASSISTANCE."

SEC. 313. (a) Paragraphs (1) and (2) of section 351(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1981(a)) are amended to read as follows:

"(1) After receiving an affirmative injury determination of the Tariff Commission under paragraph (1) of section 301(b), the President shall proclaim the increase in, or imposition of, any duty or other import restriction on the article concerned determined and reported by the Tariff Commission pursuant to paragraph (4) of section 301(b), unless he determines that such action would not be in the national interest.

"(2) If the President does not, within sixty days after the date on which he receives an affirmative injury determination, proclaim the increase in, or imposition of any, duty or other import restriction on such article determined and reported by the Tariff Commission pursuant to section 301(b), or if he proclaims a modified increase or imposition—

"(A) he shall immediately submit a report to the House of Representatives and to the Senate stating why he has not proclaimed, or why he has modified, such increase or imposition, and

"(B) such increase or imposition shall take effect (as provided in paragraph (3)) upon the adoption by both Houses of Congress (within the sixty-day period following the date on which the report referred to in subparagraph (A) is submitted to the House of Representatives and the Senate), by the yeas and nays by the affirmative vote of a majority of the authorized membership of each House, of a concurrent resolution stating in effect that the Senate and House of Representatives approve the increase in, or imposition of, any duty or other import restriction on the article determined and reported by the Tariff Commission pursuant to section 301(b).

Nothing in subparagraph (A) shall require the President to state considerations of national interest on which his decision was based. For purposes of subparagraph (B), in the computation of the sixty-day period there shall be excluded the days on which either House is not in session because of adjournment of the Congress sine die. The report referred to in subparagraph (A) shall be delivered to both Houses of the Congress on the same day and shall be delivered to the Clerk of the House of Representatives if the House of Representatives is not in session and to the Secretary of the Senate if the Senate is not in session."

(b) Paragraph (3) of such section 351(a) is amended by striking out "found and reported by the Tariff Commission pursuant to section 301(e)." and inserting in lieu thereof "determined and reported by the Tariff Commission pursuant to section 301(b).".

(c) Paragraph (4) of such section 351(a) is amended by striking out "affirmative finding" each place it appears and inserting in lieu thereof "affirmative injury determination".

(d) Section 351(c) of such Act is amended to read as follows:

"(C)(1) Any increase in, or imposition of, any duty or other import restriction proclaimed pursuant to this section or section 7 of the Trade Agreements Extension Act of 1951—

"(A) may be reduced or terminated by the President only after a determination by the Tariff Commission under subsection (d)(2) of this section that the probable economic effect of such reduction or termination will be inconsequential, and his determination, after seeking advice of the Secretary of Commerce and the Secretary of Labor, that such reduction or termination is in the national interest, and

"(B) unless extended under paragraph (2), shall terminate not later than the close of the date which is four years (or, in the case of any such increase or imposition proclaimed pursuant to such section 7, five years) after the effective date of the initial proclamation or October 11, 1962, whichever date is the later.

"(2) Any increase in, or imposition of, any duty or other import restriction proclaimed pursuant to this section or section 7 of the Trade Agreements Extension Act of 1951 shall be extended in whole or in part by the President for such periods (not in excess of four years at any one time) as shall be determined by the Tariff Commission under subsection (d)(3) of this section, unless, after seeking advice of the Secretary of Commerce and the Secretary of Labor, he determines that such extension is not in the national interest."

(e) Section 351(d) of such Act is amended to read as follows:

"(d)(1) So long as any increase in, or imposition of, any duty or other import restriction pursuant to this section or pursuant to section 7 of the Trade Agreements Extension Act of 1951 remains in effect, the Tariff Commission shall keep under review developments with respect to the industry concerned, including the specific steps taken by the firms in the industry to enable them to compete more effectively with imports, and shall make annual reports to the President concerning such developments.

"(2) Upon request of the President or upon its own motion, the Tariff Commission shall determine, in the light of specific steps taken by the firms in such industry to enable them to compete more effectively with im-

ports and all other relevant factors, as to the probable economic effect on the industry concerned, and (to the extent practicable) on the firms and workers therein of the reduction or termination of the increase in, or imposition of, any duty or other import restriction pursuant to this section or section 7 of the Trade Agreements Extension Act of 1951, and shall so advise the President.

"(3) Upon petition on behalf of the industry concerned, filed with the Tariff Commission not earlier than the date which is one year, and not later than the date which is nine months, before the date any increase or imposition referred to in paragraph (1) or (2) of subsection (c) is to terminate by reason of the expiration of the applicable period prescribed in paragraph (1) or an extension thereof under paragraph (2), the Tariff Commission shall determine the probable economic effect on such industry of such termination and unless it determines that such probable economic effect will be inconsequential it shall prescribe a period during which the increase or imposition shall be extended and it shall report in its determination to the President. The report of the Tariff Commission on any investigation initiated under this paragraph shall be made not later than the ninetieth day before the expiration date referred to in the preceding sentence.

"(4) In advising the President under this subsection as to its determination of the probable economic effect on the industry concerned, the Tariff Commission shall take into account all economic factors which it considers relevant, including idling of productive facilities, inability to operate at a level of reasonable profit, and unemployment or underemployment.

"(5) Determinations of the Tariff Commission under this subsection shall be reached on the basis of an investigation during the course of which the Tariff Commission shall hold a hearing at which interested persons shall be given a reasonable opportunity to be present, to produce evidence, and to be heard."

ORDERLY MARKETING AGREEMENTS

SEC. 314. Section 352(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1982(a)) is amended to read as follows:

"(a) If the President has received an affirmative injury determination of the Tariff Commission under section 301(b) with respect to an industry, he may at any time negotiate international agreements with foreign countries limiting the export from such countries and the import into the United States of the article causing or threatening to cause serious injury to such industry whenever he determines that such action would be appropriate to prevent or remedy serious injury to such industry. Any agreement concluded under this subsection may replace in whole or in part any action taken pursuant to the authority contained in paragraph (1) of section 351(a); but any agreement concluded under this subsection before the close of the period during which a concurrent resolution may be adopted under paragraph (2) of section 351(a) shall terminate not later than the effective date of any proclamation issued by the President pursuant to paragraph (3) of section 351(a)."

INCREASED ASSISTANCE FOR WORKERS

SEC. 315. (a) Section 323(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1942(a)) is amended by striking out "an amount equal to 65 percent of his average weekly wage or to 65 percent of the average weekly manufacturing wage," and inserting in lieu thereof "an amount equal to 75 percent of his average weekly wage or to 75 percent of the average weekly manufacturing wage,".

(b) The second sentence of section 326(a) of such Act is amended to read as follows: "To this end, and subject to this chapter, adversely affected workers shall be afforded, where appropriate, the testing, counseling, training, and placement services and supportive and other services provided for under any Federal law.".

(c) The amendment made by subsection (a) shall apply with respect to assistance under chapter 3 of the Trade Expansion Act of 1962 for weeks of unemployment beginning on or after the date of the enactment of this Act.

CONFORMING AMENDMENTS

SEC. 316. (a) Section 242(b)(2) of the Trade Expansion Act of 1962 (19 U.S.C. 1872 (b)(2)) is amended by striking out "section 301(e)" and inserting in lieu thereof "section 301(b)".

(b) Section 302(b)(1) of such Act (19 U.S.C. 1962(b)) (as amended by section 112 (b) of this Act) is further amended by striking out "(which the Tariff Commission has determined to result from concessions granted under trade agreements) have caused serious injury or threat thereof to such firm" and inserting in lieu thereof "have contributed substantially toward causing or threatening to cause serious injury to such firm".

(c) Section 302(b)(2) of such Act (as amended by section 112(b) of this Act) is further amended by striking out "(which the Tariff Commission has determined to result from concessions granted under trade agreements) have caused or threatened to cause unemployment or underemployment" and inserting in lieu thereof "have contributed substantially toward causing or threatening to cause unemployment or underemployment".

(d) Section 311(b)(2) of such Act is amended by striking out "by actions taken in carrying out trade agreements, and" and by inserting in lieu thereof "by the increased imports identified by the Tariff Commission under section 301(b)(1) or by the President under section 301(c)(1), as the case may be, and".

(e) Section 317(a)(2) of such Act is amended by striking out "by the increased imports which the Tariff Commission has determined to result from concessions granted under trade agreements" and inserting in lieu thereof "by the increased imports identified by the Tariff Commission under section 301(b)(1) or by the President under section 301(c)(1), as the case may be".

TITLE IV—AMENDMENTS TO THE REVENUE ACT OF 1916

SEC. 401. (a) Section 801 of the Act of September 8, 1916, entitled "An Act to raise revenue, and for other purposes," (15 U.S.C. 72) (hereinafter referred to as the "Revenue Act, 1916"), is amended to read as follows:

"(a) No person selling, exporting, or importing any articles from any foreign country into the United States shall knowingly sell, export, or import within the United States at a price less than the actual market value or wholesale price of such articles, at the time of their importation into the United States, in the principal markets of the country of their production, or of other foreign countries to which they are commonly exported, after adding to such market value or wholesale price, freight, duty, and other charges and expenses necessarily incident to the importation and sale thereof in the United States where the effect of the sale of such articles at such price is or is likely to cause injury to an industry in the United States in any line of commerce in any section of the country or to substantially lessen competition or tend to create monopoly in any line of commerce in any section of the country or to injure, destroy, or prevent competition with any person. For purposes of any civil action to enforce this provision any person in the United States who imports an article from a foreign country shall be conclusively presumed to know the actual market value or wholesale price of such article in the principal markets of the country of its production or other foreign countries to which it is commonly exported unless such person has no direct or indirect corporate affiliation with the foreign seller or producer of such article.

"(b) An affirmative determination by the Secretary of the Treasury under section 201 (b) of the Antidumping Act, 1921 (19 U.S.C. 160(b)), with regard to any article shall constitute prima facie evidence of the sale of such article at less than its actual market value or wholesale price for purposes of subsection (a) of this section.

"(c) A determination of injury to any industry in the United States by the Tariff Commission under section 201(a) of the Antidumping Act, 1921 (19 U.S.C. 160(a)), shall constitute prima facie evidence of injury to an industry in the United States for purposes of subsection (a) of this section."

(b) The second paragraph of such section is amended by inserting in the subsection designation "(d)" before such paragraph by inserting "willfully" before the word "violates", and by striking out "$5,000" in such paragraph and inserting in lieu thereof "$50,000".

(c) The third paragraph of such section is deleted and the section is further amended to read:

"(e) Whenever it shall appear to the court before which any proceeding under this Act may be pending that the ends of justice require that other parties should be brought before the court, the court may cause them to be summoned, whether they reside in the district in which the court is held or not, and subpenas to that end may be served in any district by the marshal thereof.

"(f) If a defendant, in any civil proceeding brought under this section in any court of the United States, fails to comply with any discovery order, or other order or decree, of such court, the court shall have power to enjoin the further importation into the United States, or distribution in interstate commerce within the United States, by such defendant of articles which are the same as, or similar to, those articles which are alleged in such proceeding to have been sold or imported in violation of the provisions of subsection (a) of this section, until such time as the defendant complies with such order or decree.

"(g) This section shall be held and considered to be an antitrust law of the United States, and any law of the United States which is applicable to the enforcement of the antitrust laws shall be applicable to the enforcement of this section, except to the extent that any provision of this section is inconsistent with such application."

(d) The last paragraph of such section is amended by inserting the subsection designation "(h)" before such paragraph.

By Mr. SCHWEIKER:

S. 324. A bill to amend the Public Health Service Act to provide for nutrition education in schools of medicine and dentistry. Referred to the Committee on Labor and Public Welfare.

THE NUTRITIONAL MEDICAL EDUCATION ACT OF 1973

Mr. SCHWEIKER. Mr. President, I introduce a bill to amend the Public Health Service Act to provide for nutrition education in schools of medicine and dentistry.

The Nutritional Medical Education Act of 1973 will provide Federal grants from the Department of Health, Education and Welfare to schools of medicine and dentistry to permit them to plan, develop and implement programs of nutrition education within their curriculum.

As a member of the Senate Select

Committee on Nutrition and Human Needs, I have become very much aware of the urgent need for more and better practical education in nutrition for our doctors. Although medical and dental schools do have courses in biochemistry, physiology and pharmacology which deal with various aspects of nutrition, most medical and dental schools do not have courses in nutrition which deal with the basic relationship between good nutrition and good health.

It is important to point out that problems of inadequate nutrition are not confined simply to poor people in our society. Testimony before the Select Committee on Nutrition and Human Needs on many occasions has indicated that people at the middle and upper income levels often also suffer from poor nutrition. The primary reasons appear to be lack of knowledge about proper nutrition, and lack of interest in it. The advice of family doctors and dentists carries a great deal of weight with most people, but unfortunately most doctors simply do not receive sufficient training in nutrition while they are at medical or dental school to enable them to give sound advice on nutrition.

It is entirely clear that many diseases are related either directly or indirectly to nutritional factors. In a follow-up report to the White House Conference on Food, Nutrition, and Health, the Panel on Advanced Academic Teaching of Nutrition pointed out that:

Atherosclerosis (including coronary heart disease), obesity, diabetes mellitus, hypertension, and osteoporosis are representative of many disorders in which nutritional factors are either of principal or contributory importance. In addition, new trends in food processing and environmental concerns require a great expansion of research in the area of trace minerals, "secondary vitamins," pollutants, and involuntary and voluntary food additives. Much of the research directed toward these problems must be conducted by individuals who have received (or should receive) advanced academic training in nutrition.

I think it is also important to point out that sound nutritional practices are vital to the maintenance of health and prevention of medical disorders. In other words, it is vitally important that doctors and dentists have enough knowledge of the relationship between nutrition and health to prevent medical and dental problems from occurring. As ranking minority member of the Health Subcommittee of the Senate Labor and Public Welfare Committee, I am very conscious of the need for more emphasis on the maintenance of good health, as opposed to the curing of medical and dental problems after they have already become serious.

Beyond that, however, many doctors today have not been given sufficient knowledge of nutrition to deal with the nutritional aspects of diseases patients already have. In that regard, the White House Panel said:

The effectiveness of physicians in providing optimal care for the many patients who have diseases with an important nutritional component is dependent in considerable part on the kind of nutrition teaching offered them at medical school and thereafter. At the present time, nutrition teaching in medical schools and in teaching hospitals is woefully inadequate.

The 1969 White House Conference on Food, Nutrition, and Health also recommended that dentists become more knowledgeable about nutrition and recommended that all dental schools and dental hygiene schools should offer an identifiable course in the science and practice of nutrition.

When should nutrition be taught? I believe the fundamentals of nutrition should be taught early in the medical and dental school educational program, with follow-up courses later which are more detailed and sophisticated.

Interestingly, a study by one medical school indicated that in general, the physicians questioned were more knowledgeable of the theoretical aspects of nutrition than of the applied aspects. The study indicated that younger doctors do not know as much about nutrition as they should and that they want to know more. In contract, the study indicated that many older doctors did not know much about nutrition, but did not particularly feel the need for more education in this area.

Food faddism and folk medicine are becoming more and more popular today. Many people are turning away from physicians and dentists to obtain the information about nutrition. I believe part of the problem is that many doctors simply are not in the position of being able to provide their patients with the kind of nutrition information patients need and desire for the maintenance of good health. We urgently need more scientific information about nutrition and health. We need more and better nutrition research. We will not get it unless our medical and dental schools are able to provide the kind of training needed.

Only a few medical and dental schools have separate divisions or departments of nutrition. Special courses in nutrition are rare, particularly in applied nutrition as opposed to the biochemical aspects of nutrition. There is a significant shortage of trained people in this field, and grants to stimulate the teaching of nutrition education in medical schools will help to develop an adequate supply of competent people.

The White House Conference Panel on Advanced Academic Teaching of Nurtition made the following recommendation:

In each of the professional schools in a university such as medicine, dentistry and dental hygiene, nursing, public health, food science and technology, or applied health sciences, an individual or committee should be assigned responsibility for the surveillance of nutrition teaching in that school.

"In some professional schools, it will be desirable to teach nutrition in a designated course dealing with basic scientific principles of nutrition and their application to human health. In many schools, nutrition teaching will be incorporated in courses such as biochemistry, physiology and certain clinical specialties. Regardless of the plan of instruction, basic nutrition should be part of the required or core curriculum.

"In schools where trained nutrition personnel are not available because of financial restrictions, grants should be established to support nutrition for teaching in the categories listed above.

The legislation I am introducing today will make a significant start toward meeting that goal. I introduced similar legislation last year, S. 3696. This bill has been expanded to provide funds for both the approximately 100 medical schools and the approximately 60 dental schools to establish courses in nutrition education. The Nutritional Medical Education Act of 1973 will provide $10 million for each of the next 5 fiscal years for grants by the Secretary of Health, Education, and Welfare to public or nonprofit private schools of medicine or dentistry to plan, develop, and implement a program of nutrition education within the curriculum. These grants should be structured by HEW to assure that properly trained staff members are available. The purpose of this program is to provide a single focus on applied nutrition education in our medical and dental schools.

The Comprehensive Health Manpower Training Act of 1971 provides general authority for grants for training and research in nutrition. My bill, however, would set up a special grant program to fund the teaching of nutrition in medical and dental schools.

Mr. President, I believe this program will save the American public many times what it will cost. This is really a program of preventive medicine. Our people need to know more about nutrition, and they should be able to rely on their doctors and dentists to give them sound advice. Most doctors and dentists and medical and dental schools recognize the need for more training in applied nutrition. This legislation will help our doctors keep our people healthy, and I hope the Senate will act swiftly on it.

Mr. President, I ask unanimous consent that the text of the Nutritional Medical Educational Act of 1973 be reprinted in the RECORD at this point.

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

S. 324

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 Nutritional Medical Education Act of 1973.

SEC. 2. Section 769B of the Public Health Service Act is amended by redesignating such section as "769C" and by inserting after section 769A the following new section:

"GRANTS FOR NUTRITION EDUCATION

"SEC. 769B. There are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1974, and each of the next succeeding 4 years, for grants by the Secretary to public or nonprofit private schools of medicine or dentistry to plan, develop, and implement a program of nutrition education within their curriculum.

SEC. 3. (a) Subsection (a) of section 769C, as amended by this Act, is further amended by striking "and" in the first sentence, and inserting after "769A" ", and 769B".

(b) Subsection (c) of such section is amended by striking "or" in the first sentence and inserting after "769A" ", or 769B".

By Mr. BIBLE (for himself and Mr. CANNON):

S. 325. A bill to expand the Boulder Canyon project to provide for the construction of a highway crossing the Colorado River immediately downstream from Hoover Dam. Referred to the Committee on Interior and Insular Affairs.

TO EXPAND THE BOULDER DAM PROJECT

Mr. BIBLE. Mr. President, on behalf of myself and my colleague, Senator CANNON, I introduce for proper reference a bill to expand the Boulder Canyon project to provide for the construction of a highway crossing of the Colorado River immediately downstream from Hoover Dam.

Since at least 1967, a serious traffic situation has existed at the crossing of the Colorado River in the vicinity of Hoover Dam on U.S. Highway 93–466, in both Nevada and Arizona. The excessive traffic over this narrow and dangerous facility resulted in a decision by Senator CANNON and myself to request an alternative traffic crossing to relieve the existing congestion and hazards present in the continuation of the highway across the crest of Hoover Dam.

In December of 1970, the Bureau of Reclamation awarded a contract to make a study of improvements in the accommodations for visitors at Hoover Dam. The report submitted in April 1971 included consideration of the impact that construction of the proposed bridge might have on visitor attendance, traffic congestion, parking, and existing facilities at the dam. The recommendations, relative to the bypass bridge crossing the Colorado River below Hoover Dam, are that plans for the planning, design, and execution of the highway bypass be started as soon as possible. It concludes by saying that by 1975, without a bypass, through traffic will have to be diverted or else traffic in, around, and through the project area will be unmanageable, with restrictions on visitation at the dam.

We anticipate that the new crossing will be designed so as not to impair tourist access to the dam itself, southern Nevada communities, and the Lake Mead National Recreation Area.

We urge the administration to report promptly on this bill and early action by the Congress.

Mr. President, I send the bill to the desk for appropriate reference.

By Mr. HARRY F. BYRD, JR.:

S. 328. A bill to amend section 2307 of title 10, United States Code, to limit to $20,000,000 the total amount that may be paid in advance on any contract entered into by the Departments of the Army, Navy, and Air Force, the Coast Guard, and the National Aeronautics and Space Administration. Referred to the Committee on Armed Services.

Mr. HARRY F. BYRD, JR. Mr. President, I send to the desk a bill and ask that it be appropriately referred, and I ask unanimous consent that it be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred and, without objection, the bill will be printed in the RECORD.

The text of the bill is as follows:

S. 328

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that Subsection (b) of Section 2307 of Title 10, United States Code, is amended to read as follows:

"(b) Payments made under Subsection (a) in the case of any contract may not exceed $20,000,000, except with the prior approval of the Congress, and in no case may the amount of any such payment exceed the unpaid contract price."

SEC. 3. The enactment of this Act does not reduce or increase the retired or retainer pay to which a member or former member of an armed force was entitled on the day before its effective date.

SEC. 4. This Act becomes effective on the first day of the first calendar month beginning after the date of enactment.

Mr. HARRY F. BYRD, JR. Mr. President, the purpose of this bill is to close what might be a loophole in the various laws pertaining to loans and advances to defense contractors.

In 1970, the Senate amended the Defense Production Act and put a ceiling of $20 million on any loans or advances that might be made by the Defense Department to defense contractors. That legislation was written into law by the Senate by unanimous vote, on a recorded vote.

We now learn that the Department of the Navy has $54 million in outstanding loans to the Grumman Corp.

I have been informed indirectly that there is another section in the law separate from the Defense Production Act under which the Navy has acted. The Subcommittee on General Legislation of the Committee on Armed Services, the subcommittee of which I am chiarman, will hold a hearing on Monday to go into this question.

I am introducing legislation today to place a $20 million ceiling on the other section of the code to which the Navy Department has informally indicated it is relying. It may develop in the hearings that a $20 million ceiling is too low; that it should be greater than $20 million. The committee may favor a higher ceiling; the Senate may favor a higher ceiling. But I am introducing this legislation so there can be a hearing on it, so we can hear witnesses, and so that the Senate and Congress might place some limit on the amount of tax funds that can be expended as loans or advances by the Defense Department.

We thought we had covered that in 1970 when my legislation directed itself to the Defense Production Act. But now we find there is another section in the code upon which the Navy says it can rely, and that section is open ended. There is no limit. Whether the limit should be $20 million or a different figure, I submit there should be a limit.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HUGHES. Mr. President, I ask that I be recognized in my own right.

The PRESIDING OFFICER. The Senator is recognized.

Mr. HUGHES. Mr. President, I yield my 3 minutes to the distinguished Senator from Virginia.

Mr. HARRY F. BYRD, JR. I thank the Senator from Iowa.

The PRESIDING OFFICER. The Senator may proceed.

Mr. HARRY F. BYRD, JR. Mr. President, there should be a limit. I am willing to listen to the views of the Department of Defense. As much as I can I want to be guided by those views. If they have good reasons why the $20 million ceiling is too low, I am willing to give consideration to changing the situation I have just presented, but I do believe that we must not have these open-ended pieces of legislation permitting the departments of Government to spend tax moneys as they wish without any limitation.

We talk a lot in the Senate and in the House of Representatives about the Chief Executive assuming prerogatives. The Chief Executive did not assume this prerogative. Congress itself passed legislation of an open-ended nature; so I have been blaming Congress just as much as I have been blaming the executive branch of Government for the fact that Congress finds itself having either given away or having had taken away some of its responsibilities and some of its powers.

So the purpose of this legislation I introduce today is to focus attention on this question of open-ended loans and advances to defense contractors and to let Congress decide whether there should be a limitation. I have suggested the figure of $20 million but if the Senate feels that that figure should be changed then, of course, the Senate has the right to increase the figure as it thinks best.

In any case, there will be a hearing on Monday. The Subcommittee on General Legislation of the Committee on Armed Services will go into this question of advances and loans by the various departments to Government contractors.

I thank the distinguished Senator from Iowa for yielding to me his time.

By Mr. THURMOND:

S. 329. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents. Referred to the Committee on Finance.

CREDIT AGAINST THE INDIVIDUAL INCOME TAX FOR TUITION PAID FOR ELEMENTARY AND SECONDARY EDUCATION OF DEPENDENTS

Mr. THURMOND. Mr. President, in this year when it appears evident that our Federal income tax will undergo extensive revisions, I want to propose that provisions be made to allow individuals whose dependents attend nonpublic elementary or secondary schools to utilize a tax credit to assist in offsetting the costs of tuitions.

This proposal has received wide attention in recent years. Since parents who send their children to nonpublic schools are supporting public education through the payment of taxes and are also relieving public schools of the expense of educating their children, a strong case can be made for Government assistance to these parents. The bill I am introducing was considered at length by the House Committee on Ways and Means. That committee and its staff conducted public hearings in August and September 1972, and considered the bill in executive session near the end of the 92d Congress. At the hearing spokesmen for the administration expressed their support of the intent of this bill. It appears evident that a bill similar to this proposal will be reported by that committee to the full House of Representatives for consideration early in this Congress.

The more important aspects of this bill provide for determining the amount of credit allowable, determining what

type education qualifies, and finally a provision determining the constitutionality of the credit. In computing the amount of credit that can be claimed, a $200 maximum tax saving per child for any school year is imposed. Also to be considered in determining the amount of credit is the provision in subsection (b) (2) which provides for phasing out the credit as an individual's income exceeds $18,000 per year.

The second major aspect of the bill limits the credit to those individuals whose dependents attend "private nonprofit schools" enjoying tax exempt status with the Internal Revenue Service. Also the credit is limited to tuition paid for education not to include kindergarten, nursery, or other preschool education and below the level of the 12th grade. The final major aspect of the bill anticipates questions relating to the constitutionality of the credit and provides for expeditious handling in resolving this conflict.

I am also enclosing at the end of my remarks a table prepared by the staff of the Joint Committee on Internal Revenue Taxation on January 2, 1973. The important conclusions reached in this study reveal that approximately 1.727 million families will save a total of $362.4 million in taxes.

Mr. President, I ask unanimous consent that the table prepared by the staff of the Joint Committee on Internal Revenue Taxation on January 2, 1973, and this bill be printed in the RECORD at the conclusion of my remarks.

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

ESTIMATED REDUCTION IN FEDERAL INDIVIDUAL INCOME TAX LIABILITY UNDER A PROPOSAL TO GRANT AGAINST INCOME TAX OTHERWISE PAYABLE A TAX CREDIT EQUAL TO 50 PERCENT OF TUITION PAID FOR DEPENDENTS ATTENDING PRIVATE NONPROFIT ELEMENTARY AND SECONDARY SCHOOLS UP TO AN OVERALL LIMIT OF $200 PER DEPENDENT WITH A REDUCTION IN THE TOTAL CREDIT EQUAL TO 5 PERCENT OF THE EXCESS OF THE TAX RETURN ADJUSTED GROSS INCOME OVER $18,000.

[1973 tax law and estimated enrollment and tuition levels for school year 1972–73]

Adjusted gross income class (thousands)	Estimated number of families		Estimated number of students		Amount of tuition		Reduction of tax credit from simple 50 percent under the proposal [3] (millions)	Net tax credit under the proposal (millions)
	Total (thousands)	Benefiting [1] (thousands)	Total (thousands)	Benefiting [1] (thousands)	Total (millions)	50 percent [2] (millions)		
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
0 to $3	47.1	0	94.2	0	$2.8	$1.4	$1.4	0
$3 to $5	116.5	38.8	232.9	77.6	10.3	5.1	4.1	$1.0
$5 to $7.5	275.0	252.5	687.5	597.3	55.2	27.6	6.2	21.4
$7.5 to $10	436.9	426.0	1,092.3	1,065.0	152.7	76.3	5.5	70.8
$10 to $15	617.9	617.9	1,544.9	1,544.9	301.2	150.6	23.6	127.0
$15 to $20	283.2	283.2	708.1	708.1	388.8	194.4	82.2	112.2
$20 to $25	92.1	83.7	230.4	221.9	209.9	105.0	79.4	25.6
$25 to $50	85.7	24.9	214.3	84.6	217.6	108.8	104.4	4.4
$50 and over	21.6	0	53.9	0	60.9	30.5	30.5	0
Total	1,976.0	1,727.0	4,858.5	4,299.4	1,399.4	699.7	337.3	362.4

[1] Reduced because of nontaxable returns and the phaseout.
[2] Cost of a proposal for a payment equal to 50 percent of tuition without any limitations.
[3] Reduction in credit because of nontaxable returns, because of inadequacy of tax in some cases to absorb the tax credit fully, because of the limitation of the credit to $200 per student, and because of operation of the phaseout.

Source: Staff of the Joint Committee on International Revenue Taxation, Jan. 2, 1973.

S. 329

A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents

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

SECTION 1. ALLOWANCE OF CREDIT.

(a) GENERAL RULE.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by redesignating section 42 as section 43, and by inserting after section 41 the following new section:

"SEC. 42. TUITION PAID FOR ELEMENTARY OR SECOND EDUCATION.

"(a) GENERAL RULE.—There shall be allowed to an individual, as a credit against the tax imposed by this chapter for the taxable year, the amount determined under this section for tuition paid by him during the taxable year to any private nonprofit elementary or secondary school for the elementary or secondary education as a full-time student of any dependent with respect to whom the taxpayer is allowed an exemption for the taxable year under section 151 (e).

"(b) DETERMINATION OF AMOUNT.—

"(1) AMOUNT PER DEPENDENT.—The amount allowable under subsection (a) for the taxable year with respect to any dependent shall not exceed the lesser of—

"(A) 50 percent of the tuition paid by the taxpayer during the taxable year to a private nonprofit elementary or secondary school for the elementary or secondary education as a full-time student of such dependent during a school year which begins or ends in such taxable year, or

"(B) $200.

For purposes of this paragraph, the amount of the tuition with respect to any student which may be taken into account for any school shall not exceed $100.

"(2) REDUCTION OF CREDIT.—The aggregate amount which would (but for this paragraph) be allowable under subsection (a) shall be reduced by an amount equal to $1 for each full $20 by which the adjusted gross income of the taxpayer (or, if the taxpayer is married, the adjusted gross income of the taxpayer and his spouse) for the taxable year exceeds $18,000. For purposes of this paragraph, marital status shall be determined under section 143.

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

"(1) TUITION.—The term 'tuition' means any amount required for the enrollment or attendance of a student at a private nonprofit elementary or secondary school. Such term does not include any amount paid directly or indirectly for meals, lodging, transportation, supplies, equipment, clothing, or personal or family expenses. If the amount paid for tuition includes any amount (not separately stated) for an item described in the preceding sentence, the portion of the amount paid for tuition which is attributable to such item shall be determined under regulations prescribed by the Secretary or his delegate.

"(2) PRIVATE NONPROFIT ELEMENTARY OR SECONDARY SCHOOL.—The term 'private nonprofit elementary or secondary school' means an educational organization described in section 17(b)(1)(A)(ii)—

"(A) which is described in section 501 (c)(3) and which is exempt from tax under section 501(a),

"(B) which regularly offers education at the elementary or secondary level, and

"(C) attendance at which by students who are subject to the compulsory education laws of the State satisfies the requirements of such laws.

"(3) ELEMENTARY OR SECONDARY EDUCATION.—The term 'elementary or secondary education' does not include (A) kindergarten, nursery, or other preschool education, and (B) education at a level beyond the 12th grade. In the case of individuals who are mentally or physically handicapped, such term includes education offered as a substitute for education at the elementary or secondary level.

"(4) SECOND YEAR.—The term 'school year' means a one-year period beginning July 1 and ending June 30.

"(5) FULL-TIME STUDENT.—An individual is a full-time student for a school year if he is a student at one or more private nonprofit elementary or secondary schools during each of 5 calendar months during the school year.

"(d) APPLICATION WITH OTHER CREDITS.—The credit allowed by subsection (a) to the taxpayer shall not exceed the amount of tax imposed on the taxpayer for the taxable year by this chapter (computed without regard to the tax imposed by section 56), reduced by the sum of credits allowable under this subchapter (other than under this section and sections 31 and 39).

"(e) AMOUNTS NOT TO BE TAKEN AS DEDUCTIONS.—Any payment which the taxpayer elects (in such manner as the Secretary or his delegate shall by regulations prescribe) to take into account for purposes of determining the amount of the credit under this section shall not be treated as an amount paid by the taxpayer for purpose of determining whether the taxpayer is entitled to (or the amount of) any deduction (other than for purposes of determining support under section 152).

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

(b) LIMITATIONS ON EXAMINATION OF BOOKS AND RECORDS.—Section 7605 of the Internal Revenue Code of 1954 (relating to

time and place of examination) is amended by adding at the end thereof the following new subsection:

"(d) EXAMINATION OF BOOKS AND RECORDS OF CHURCH-CONTROLLED SCHOOLS.—Nothing in section 42 (relating to tuition paid for elementary or secondary education) shall be construed to grant additional authority to examine the books of account, or the activities, of any school which is operated, supervised, or controlled by or in connection with a church or convention or association of churches (or the examination of the books of account or religious activities of such church or convention or association of churches) except to the extent necessary to determine whether the school is a 'private nonprofit elementary or secondary school' within the meaning of section 42(c)(2)."

(c) CLERICAL AMENDMENT.—The table of sections for such subpart A is amended by striking out the item relating to section 42 and inserting in lieu thereof the following:

"Sec. 42. Tuition paid for elementary or secondary education.
"Sec. 43. Overpayments of tax."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid on or after August 1, 1973, for school periods beginning on or after such date.

SEC. 2. JUDICIAL DETERMINATION OF CONSTITUTIONALITY.

(a) TAXPAYERS HAVE STANDING TO SUE.—Notwithstanding any other law or rule of law, any taxpayer of the United States may commence a proceeding (including a proceeding for a declaratory judgment or injunctive relief) in the United States District Court for the District of Columbia within the 3-month period beginning on the date of the enactment of this Act to determine whether the provisions of section 42 of the Internal Revenue Code of 1954 (as added by section 1 of this Act) are valid legislation under the Constitution of the United States. Proceedings commenced under this subsection may, at the discretion of the court, be consolidated into one proceeding.

(b) JUDICIAL DETERMINATION.—Notwithstanding any other law or rule of law, the United States District Court for the District of Columbia shall have jurisdiction of any proceeding commenced as provided in subsection (a) and shall exercise the same without regard to whether a person asserting rights under this section shall have exhausted any administrative or other remedies which may be provided by law. Such proceeding shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28, United States Code, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited.

By Mr. THURMOND:

S. 330. A bill to amend chapter 67—relating to retired pay for nonregular service—of title 10, United States Code, to authorize payment of retired pay actuarily computed to persons, otherwise eligible, at age 50, and for other persons. Referred to the Committee on Armed Services.

PAYMENT OF RETIREMENT TO RESERVISTS AND GUARDSMEN AT AGE 50

Mr. THURMOND. Mr. President, in the 92d session of Congress I introduced a bill which would provide retired pay for nonregular military service at age 50 on an elective basis, at a reduced rate.

This legislation provoked heavy and favorable correspondence to my office and a number of my colleagues joined as cosponsors. Because it is my belief this legislation is fiscally sound and fully justified I wish to reintroduce this bill today.

Chief among my reasons for reintroduction is the need to provide incentives to keep young reservists and guardsmen in uniform as we move from the draft to the all-volunteer armed forces concept.

Mr. President, experience has shown that title III retirement at age 60 for guardsmen and reservists has not proven to be an effective retention incentive. This is significantly true among enlisted personnel where retention is most critical.

If this trend is not reversed, it will never be possible to retain effective Reserve forces under a volunteer concept without a draft. I propose to help reverse this trend and create a greater incentive for enlisted personnel to remain active in the Reserve components by authorizing eligible personnel to elect retirement after age 50.

The great majority of personnel currently drawing retired pay under title III are officers, and it is probable that many of these officers would have served 20 or more years even without retirement benefits.

As currently structured, retirement represents a substantial added cost without meeting the full potential return in the way of increased retention. It does, however, provide retired pay starting at age 60 for those individuals who have served their country for 20 or more years, even though all requirements have been met at an earlier age.

In searching for ways to reduce the dependency of the Guard and Reserves on the draft, it is appropriate to first look at ways for enhancing current benefits and incentives to make them more effective in recruiting and retention. In this regard, the Department of Defense Five Percent Reserve Survey of 1969 indicated a surprising potential in earlier age retirement for increasing recruitment and retention in the National Guard and Reserves.

For example, only 5.2 percent of the Army Guardsmen in grade E–1 and E–2 who were surveyed said that they would reenlist in the Guard after completing their 6 years of obligated military service without additional incentives. However, 28.8 percent of this same group indicated that they would reenlist in the Guard if retirement were to be granted at age 50. While these individuals may change their mind by the time they have served a full 6 years, the fact remains that a surprisingly high percentage of these young men were interested in retirement benefits right from the start of their military careers. This interest could mean that earlier age retirement would provide an excellent "door opener" for Guard and Reserve recruiting campaigns.

This same survey showed that only 7.8 percent of the enlisted Guardsmen polled, who were in their last—6th—year of obligated service, planned on reenlisting. However, with an earlier age retirement plan, 22.9 percent of these same personnel indicated they would reenlist.

Obviously, if an earlier age retirement plan alone would increase retention by nearly 300 percent, it would provide a major incentive for attracting combat veterans separating from active service and for retaining Guardsmen who have already completed 6 years of service. Such retention would represent a major saving in tax dollars required to train new recruits, and would represent an invaluable increase of experienced personnel for the Guard and Reserves who would materially increase unit combat readiness.

Mr. President, most importantly, it is possible to evaluate the effectiveness of an earlier age retirement as a recruitment and retention incentive without significantly increasing the cost of this program. This is possible by basing earlier age retirement on an actuarial plan depending upon the individual's age at the time he elects to take his retirement. Under an actuarial plan these individuals electing to start their retirement earlier would draw proportionately less per month.

For most Guardsmen and Reservists, the option of taking their retirement at age 50 or after completion of 20 years of creditable service would be much more attractive than retirement at age 60. Age 60 does not represent a realistic incentive for today's youth. Moreover, it is not consistent with active service 20- and 30-year retirement programs.

Currently, most Guardsmen and Reservists who are required to retire, because of years of service must suffer a loss in income corresponding to their Guard or Reserve pay. There is no opportunity to recover any part of this lost income through severence pay or through retired pay until age 60. Many Guardsmen and Reservists would appreciate the opportunity to arrange their retired service pay so as to commence at the time of their retirement from their primary civilian employment. Such a combination of retirement pay would provide added income at just the time when it is needed most. All of these options could be made possible under a revised earlier age retirement program.

One question concerning earlier age retirement is that it might increase turnover in the Guard and Reserve by enticing personnel to retire early so as to qualify for retired pay. While little factual data has been gathered which either refutes or confirms this possibility, it is doubtful that there would be much of an increase in early retirements resulting from earlier age retirement. This judgment is based primarily on experience with senior personnel who are forced out of the Guard and Reserve by provisions of the Reserve Officers Personnel Act—ROPA. It should be noted, however, that any added early retirements resulting from earlier age retirement pay would have offsetting value in that they would tend to stimulate promotions in the higher grades thus alleviating a current series problem in selected Reserve units.

Mr. President, in addition to enhancing recruitment and retention, earlier age retirement would provide the individual with a means for closing the gap in protection for his survivors by reducing the period between 20 qualifying years

for retirement and the time at which he receives his first retirement paycheck.

Mr. President, I request that this bill be appropriately referred and ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

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

S. 330

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1331(a) of title 10, United States Code, is amended by adding the following flush sentence to the end:

"However, a person who is under the age prescribed in clause (1), but is at least 50 years of age, is entitled to retired pay computed under section 1401 of this title, based upon mortality rates, among those who are currently retired, actuarily computed and prescribed for his age in the following table:

"For ages:	*Rate per $100 of retired pay*
50	$49.19
51	52.44
52	55.97
53	59.83
54	64.06
55	68.68
56	73.77
57	79.37
58	85.55
59	92.40."

SEC. 2. Section 1335 (a) of title 10, United States Code, is amended by striking out "60" and inserting in place thereof "50".

SEC. 3. The enactment of this Act does not reduce or increase the retired or retainer pay to which a member or former member of an armed force was entitled on the day before its effective date.

SEC. 4. This Act becomes effective on the first day of the first calendar month beginning after the date of enactment.

By Mr. THURMOND (for Mr. GURNEY):

S. 331. A bill to establish the Chassahowitzka National Wilderness Area in the State of Florida;

S. 332. A bill to establish the St. Marks National Wilderness Area in the State of Florida;

S. 333. A bill to establish the Spessard L. Holland National Seashore in the State of Florida, and for other purposes; and

S. 334. A bill to authorize the acquisition of the Big Cypress national fresh water reserve in the State of Florida, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. THURMOND. Mr. President, on behalf of the distinguished Senator from Florida (Mr. GURNEY), I introduce four bills, and I ask unanimous consent that a statement prepared by him in connection with these bills be printed in the RECORD.

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

STATEMENT BY SENATOR GURNEY

Today I am introducing four bills dealing with the preservation and the protection of our natural environment. These four pieces of legislation were introduced in the last Congress, but were never enacted into law. They represent unfinished business which I hope the 93d Congress will complete.

Mr. President, I represent citizens who have as one of their primary goals the preservation of the natural beauty and wonders of their state. While Florida has an abundance of such resources she also, like other states, faces the problem of trying to stop the depletion of and encroachments upon her natural environment.

I intend to devote a great deal of my personal time and effort to this general legislative area during the 93d Congress and I can think of no better way of beginning than to introduce the following legislation.

SPESSARD L. HOLLAND NATIONAL SEASHORE PARK

Mr. President, for over fifty years Spessard Lindsey Holland of Bartow, Florida, served the citizens of his state, most notably as a prime mover behind legislation to preserve Florida's natural environment. He wrote legislation that created one of the county's largest National Parks—The Everglades National Park. I think it is fitting that a park section in Florida be named after this distinguished statesman and defender of the environment.

On April 19, 1971, I introduced a bill which would establish the Canaveral National Seashore Park in the State of Florida. It is this parcel of land which I propose as the Spessard L. Holland National Seashore Park.

The parcel of property involved is an idyllic one, teeming with indigenous wildlife. For instance, the adjacent Merritt Island Wildlife Refuge has had 265 bird species identified within its boundaries.

The area to be included within this proposal for the National Seashore is an eighteen-mile stretch of beachfront. There are appoximately 35,000 acres involved of which some 24,421 acres have recently been turned over to the Department of Interior for management. This transfer of land was necessary to secure the area for the establishment of the Park.

I ask that my colleagues join with me in honoring one of Florida's respected servants.

BIG CYPRESS NATIONAL WATERSHED

Mr. President, Big Cypress Swamp and the Everglades have remained relatively untouched by the effects of man for many years. It was not until early in this century, with the rapid development of Florida, that these areas became threatened, particularly from the disturbance of water flows through the swamp lands. Recognizing the fantastic wild land resources which this entire region constitutes and the imminent threat to its preservation. Congress, in 1934, authorized establishment of the Everglades National Park.

However, when this was done, it was without the incorporation of portions of the Big Cypress watershed that were originally included in the proposed park boundary.

The Administration, realizing the need to secure this area, proposed legislation to acquire the Big Cypress watershed and insure the existence of the Everglades.

Therefore, I am re-introducing this legislation in the hopes that my colleagues will join with me in the protection of this area.

CHASSAHOWITZKA NATIONAL WILDERNESS AREA AND THE ST. MARKS NATIONAL WILDERNESS AREA.

Mr. President, today I am introducing two bills providing for the preservation, as wilderness areas, appropriate sections of the St. Marks Wildlife Refuge and the Chassahowitzka Wildlife Refuge. It was the purpose of the 1964 Wilderness Act to secure for the American people of present and future generations, the benefits of an enduring source of wilderness.

Wilderness areas are fast disappearing in this Country. These proposals would set some 48,000 acres aside to remain in their natural state.

The hearings and extensive studies which have been held on these proposals have served only to underline the overwhelming desire of residents and organizations to insure the preservation of these areas. All that is needed now is for Congress to pass this enabling legislation.

By Mr. CHURCH (for himself, Mr. WILLIAMS, Mr. HUMPHREY, and Mr. MCCLURE):

S. 335. A bill to promote development and expansion of community schools throughout the United States. Referred to the Committee on Labor and Public Welfare.

COMMUNITY SCHOOL CENTER DEVELOPMENT ACT

Mr. CHURCH. Mr. President, on behalf of myself and the Senators from New Jersey (Mr. WILLIAMS), from Minnesota (Mr. HUMPHREY), and from Idaho (Mr. MCCLURE), I introduce for appropriate reference the Community School Center Development Act.

Many schools in our land, unfortunately, have now become "sleeping giants." The lights go out and the school plant closes down in midafternoon. The schoolhouse doors are locked on weekends and throughout the summer months.

These schools are using only a small part of their capacity to meet the needs of the communities they serve. They are directed at only one segment of the community—the young who receive their education behind the walls of these single-purpose institutions of learning.

And yet, in almost every municipality in the United States, the largest investment of public funds in physical facilities is the public school plant. Furthermore, these buildings, usually within walking distance of the neighborhoods they serve, are also frequently among the best and newest facilities in the area.

The bill which we introduce today—the Community School Center Development Act—meets the problem of the wasteful underuse of our schools by promoting the development and expansion of community schools in all 50 States.

Through implementation of the community school concept, the neighborhood school becomes a total community center for people of all ages and backgrounds, operating extended hours throughout the year. The school works in partnership with other groups in the community to provide recreational, educational, and a variety of other community and social services. Every community school designs its program to meet the needs of the particular people it serves. Economy results from new uses of existing resources and the elimination of duplication of effort.

This act would aid in developing community school in three ways:

First, Federal grants would be made available to strengthen and sustain existing community education centers, located at colleges and universities throughout the Nation, which train community school leaders and, in general, promote and assist the community school movement. Federal grants would also be available to institutions of higher learning to develop and establish new community education centers.

Second, Federal grants in each of the 50 States would be available for the establishment of new community school programs and the expansion of existing ones. These grants would help pay for the training and salaries of community school directors as well as other program expenses.

Third, the Commissioner of Education, who would administer this act, would also be charged with the added responsibility of promoting community schools through specific national programs of advocacy and education.

Mr. President, community education is a demonstrated success in our Nation today. The concept was developed in Flint, Mich., in the 1930's, under the leadership of the Charles Stewart Mott Foundation. Now there are over 600 established community school programs in the United States, and the number is growing steadily.

It is time for the Federal Government to recognize the worth of community schools by contributing to their further growth. The Mott Foundation has supported the community school concept consistently and generously over the years. The programs fostered by the Community School Center Development Act would build on such experience and give impetus and financial support to continuing expansion.

The added expenses involved in operating a community school program are small indeed. The very successful program in Flint, Mich., has increased the school budget by only about 6 percent. The many benefits of the program are estimated to cost the average Flint homeowner just a few pennies a day.

A greater return for every dollar spent means that community schools provide improved educational programs in a more economical way.

All segments of our population would benefit from this act. As chairman of the Special Committee on Aging, I want to emphasize the advantages to our elderly through its enactment. Programs of education, health, recreation, nutrition, and transportation—possibly with schoolbuses—could be established through community schools. The variety of possible programs of assistance and interest to the senior citizen is almost unlimited. Older Americans would join with their neighbors in serving on the community school councils that help devise programs to serve the special needs of each community.

Community schools are also ideally suited to play a major role in the expanded vocational training effort that this Nation must undertake. More people than ever before are changing jobs and careers during their lifetimes. Those in a given job often need more training to remain proficient at what they are required to do. The unemployed must develop new skills or improve existing ones to join the labor force.

Community schools are conveniently located to those who seek vocational training. School personnel know the particular needs of the people they serve. The community school's extended hours and year-round operation provide desirable flexibility to the potential trainee. The teachers and facilities of the community school represent a vast resource uniquely fit for the vital task of vocational training.

Using the schools to train our fellow Americans for jobs is a prudent investment for this Nation. Many people can be helped to avoid the welfare rolls. Still others can be moved from the welfare rolls onto the employment rolls, becoming tax-paying citizens with a new dignity and respect.

Community schools may be called innovative and modern in concept by some. Yet they are truly based on the "little red schoolhouse" of our past. This traditional institution of an earlier America is being brought back to modern America through community schools and the idea of continuing community education. Today, through the community schools, the school can once again contribute in full measure to the people and community it serves.

I wish to acknowledge with much gratitude the assistance of the Charles Stewart Mott Foundation and the National Community School Education Association in providing information which proved useful in the preparation of this bill.

Mr. President, I ask unanimous consent that the text of this 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. 335

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

SECTION 1. This Act may be cited as the "Community School Center Development Act".

STATEMENT OF PURPOSE

SEC. 2. It is the purpose of this Act to provide recreational, educational, and a variety of other community and social services through the establishment of the community school as a center for such activities in cooperation with other community groups.

DEFINITIONS

SEC. 3. As used in this Act the term—

(1) "Commissioner" means the Commissioner of Education;

(2) "State" includes, in addition to the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

(3) "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of State elementary and secondary education or if there is no such officer or agency, an officer or agency designated by the Governor or State law;

(4) "Council" means the Community Schools Advisory Council;

(5) "institution of higher education" means an educational institution in any State which (A) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (B) is legally authorized within such State to provide a program of education beyond secondary education, (C) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree, (D) is a public or other nonprofit institution, and (E) is accredited by a nationally recognized accrediting agency or association or, if not so accredited, (i) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time, or (ii) is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited. Such term also includes any school which provides not less than a one-year program of training to prepare students for gainful employment in a recognized occupation and which meets the provision of clauses (A), (B), (D), and (E). For purpose of this subsection, the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered;

(6) "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or any combination thereof as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school; and

(7) "community school program" means a program in which a public elementary or secondary school is utilized as a community center operated in cooperation with other groups in the community to provide recreational, educational, and a variety of other community and social services for the community that center serves.

TITLE I—COMMUNITY EDUCATION CENTER GRANTS

SEC. 101. (a) The Commissioner shall make grants to institutions of higher education to develop and establish programs in community education which will train people as community school directors.

(b) Where an institution of higher learning has such a program presently in existence, such grant may be made to expand the program.

APPLICATIONS

SEC. 102. A grant under this title may be made to any institution of higher education upon application to the Commissioner at such time, in such manner, and containing and accompanied by such information as the Commissioner deems necessary. Each such application shall—

(1) provide that the programs and activities for which assistance under this title is sought will be administered by or under the supervision of the applicant;

(2) describe with particularity the programs and activities for which such assistance is sought;

(3) set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this title; and

(4) provide for making such reasonable reports in such form and containing such information as the Commissioner may reasonably required.

AUTHORIZATION OF APPROPRIATIONS

SEC. 103. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

TITLE II—GRANTS FOR COMMUNITY SCHOOLS

SEC. 201. (a) The Commissioner may, upon proper application, make grants to local educational agencies for the establishment of new community school programs and the expansion of existing ones.

(b) Grants shall be available for the training and salaries of community school directors as well as actual and administrative and operating expenses connected with such programs.

APPORTIONMENT

SEC. 202. The number of project grants available to each State, subject to uniform criteria established by the Commissioner, shall be as follows:

(1) States with a population of less than five million shall receive not more than four projects;

(2) States with a population of more than five million but less than ten million shall receive not more than six projects;

(3) States with a population of more than ten million but less than fifteen million shall receive not more than eight projects; and

(4) States with a population of more than fifteen million shall receive not more than ten projects.

CONSULTATION WITH STATE EDUCATIONAL AGENCY

SEC. 203. In determining the recipients of project grants the Commissioner shall consult with each State educational agency to assure support of a program particularly suitable to that State and providing adequate experience in the operation of community schools.

AUTHORIZATION OF APPROPRIATIONS

SEC. 204. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

TITLE III—COMMUNITY SCHOOL PROMOTION

PROMOTION

SEC. 301. In order to promote the adoption of community school programs throughout the United States the Commissioner shall—

(1) accumulate and disseminate pertinent information to local communities;

(2) appoint twenty-five teams, consisting of not more than four individuals on each team, to assist communities contemplating the adoption of a community school program; and

(3) establish a program of permanent liaison between the community school district and the Commissioner.

ADVISORY COUNCIL

SEC. 302. (a) There is hereby established in the office of the Commissioner a Community Schools Advisory Council to be composed of seven members appointed by the President for terms of two years without regard to the provisions of title 5, United States Code.

(b) The Council shall select its own Chairman and Vice Chairman and shall meet at the call of the Chairman, but not less than four times a year. Members shall be appointed for two-year terms, except that of the members first appointed four shall be appointed for a term of one year and three shall be appointed for a term of two years as designated by the President at the time of appointment. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall serve only for the remainder of such term. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office. A vacancy in the Council shall not affect its activities and four members thereof shall constitute a quorum. The Commissioner shall be an ex officio member of the Council. A member of the Council who is an officer or employee of the Federal Government shall serve without additional compensation.

(c) The Commissioner shall make available to the Council such staff, information, and other assistance as it may require to carry out its activities.

FUNCTIONS OF THE COUNCIL

SEC. 303. The Council shall advise the Commissioner on policy matters relating to the interests of community schools.

COMPENSATION OF MEMBERS

SEC. 304. Each member of the Council appointed pursuant to section 302 shall receive $50 a day, including traveltime, for each day he is engaged in the actual performance of his duties as a member of the Council. Each such member shall also be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of his duties.

AUTHORIZATION OF APPROPRIATIONS

SEC. 305. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

TITLE IV—MISCELLANEOUS

PROHIBITIONS AND LIMITATIONS

SEC. 401. (a) Nothing contained in this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school system.

(b) Nothing contained in this Act shall be construed to authorize the making of any payment under this Act for the construction of facilities as a place of worship or religious instruction.

JUDICIAL REVIEW

SEC. 402. (a) If any State or local educational agency is dissatisfied with the Commissioner's final action with respect to the approval of applications submitted under title II, or with his final action under section 405, such State or local educational agency may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such agency is located a petition for review of that action. A copy of that petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner shall file promptly in the court the record of the proceedings on which he based his action, as provided for in section 2112 of title 28, United States Code.

(b) the findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(c) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

ADMINISTRATION

SEC. 403. (a) The Commissioner may delegate any of his functions under this Act to any officer or employee of the Office of Education.

(b) In administering the provisions of this Act, the Commissioner is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement as may be agreed upon.

PAYMENTS

SEC. 404. Payments under this Act may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of underpayment or overpayment.

WITHHOLDING

SEC. 405. Whenever the Commissioner, after giving reasonable notice and opportunity for hearing to a grant recipient under this Act, finds—

(1) that the program or activity for which such grant was made has been so changed that it no longer complies with the provisions of this Act; or

(2) that in the operation of the program or activity there is failure to comply substantially with any such provision; the Commissioner shall notify in writing such recipient of his findings and no further payments may be made to such recipient by the Commissioner until he is satisfied that such noncompliance has been, or will promptly be, corrected. The Commissioner may authorize the continuance of payments with respect to any programs or activities pursuant to this Act which are being carried out by such recipient and which are not involved in the noncompliance.

AUDIT AND REVIEW

SEC. 406. The Commissioner and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination, to any books, documents, papers, and records of a grantee, under this Act, that are pertinent to the grant received.

REPORTS TO THE CONGRESS

SEC. 407. The Commissioner shall transmit to the President and to the Congress annually a report of activities under this Act, including the name of each applicant, a brief description of the facts in each case, and the number and amount of grants.

Mr. WILLIAMS. Mr. President, in the 19 years since I first came to Congress, I have witnessed some dramatic changes in the education system in the United States.

The launching of sputnik had a profound effect upon us.

Education shifted from a matter of local and State concern to a national priority.

As we moved into the decade of the 1960's our increasing awareness of the inequities of "the system" as a whole led us to begin to spend substantial amounts of our Federal dollars on college scholarships, library programs, and the compensatory education of disadvantaged children.

And these were landmark programs of which we can all be proud.

Unfortunately, this has not been enough. We are faced with a greater crisis in our schools than ever before. And this is particularly true in our cities and in low-income areas.

There have been numerous reasons given for this crisis—nonresponsive curricula; inadequate distribution of teachers; inadequate and unfair local taxing policies; lack of public support for education; insensitivity to individual student needs—the list seems endless.

What is really happening, however, is that in large part education is serving classes of people in different ways but there is no force binding these classes together. In short, school are not serving their communities as a community.

Why is it that so many parents ask their kids each night at the dinner table—"What did you do at your school today?" Why is it that there are only a few nights each year when a parent visits the local school and then only to find out how their child is progressing? Why has it become so difficult for localities to win approval of school bond issues?

There are no easy answers to these and countless other questions which are being

asked with regard to our present system of education.

But one of the answers is that the increasing fragmentation in our society has blinded us to the fact that education can become a community affair, and as such can provide a priceless service to all the people of that community.

Over 30 years ago in Flint, Mich., under the direction and leadership of Charles Stewart Mott and the Mott Foundation, the concept of the community school center was first conceived. As this program developed the school became a complete neighborhood facility serving not only schoolchildren but adults, senior citizens, and community groups with a full complement of education, social, recreational, health, local government, public safety and vocational services.

In fact, the community school has become an institution which is tailor made for the job of expanding and extending opportunities within the framework of elementary and secondary education. The programs which it offers grow out of the needs of society and the personal and social requirements of the community. These centers have clearly demonstrated their potential to respond to society's changing needs in ways that bring about improvement to the localities they serve.

Today, there are over 300 established community school programs throughout the United States—and that number is growing steadily. A Senator from a large urban State such as my own does not have to go beyond the boundaries of his constituency to see how quickly community education is catching on. In New Jersey there are at least six districts which have active and successful community school center programs. And the list is growing. Other school districts are in the process of starting such programs or are actively considering their implementation. Montclair State College has a program funded by the State and the Mott Foundation for the training of community school directors. There is a center in southern New Jersey which serves eight counties in the area. Indeed, I was most gratified to note the commitment which was made by New Jersey's Commissioner of Education, Dr. Carl Marburger, at the Sixth Annual Adult and Continuing Education Resident Institute held in May of this year. He said:

> I believe that only now are we beginning to appreciate the real need for community involvement in education—although, of course, the idea is not new. At one time, the school *was* the community; but as our way of life became more complex and moved at a more rapid pace, the schools began to drift away from the idea, to become more isolated from the mainstream of community life. In our striving to keep up with technological progress *and* sheer bigness, we educators have built islands in our culture—honest, decent islands, to be sure, but often lacking relevance to the real world around them.

And there are many other examples of State and local commitment to the community school center. We saw dramatic evidence of the value of this concept here in Washington, D.C., where 13 community schools have grown up. The results have been that daily attendance increased; there was improved participation at PTA meetings, vandalism at these schools sharply declined, the libraries were used to a fuller extent, children's reading ability improved, and there was a remarkable rise of pride and involvement in the educational process on the part of parents, teachers, students, and the citizens in the surrounding neighborhoods. Similar reports have come in from across the Nation from Wisconsin, Ohio, Idaho, Kentucky, Arizona and Utah.

As my colleagues know, a few years ago I became interested in a movement which was gaining momentum in higher education—the comprehensive community colleges. In many respects community colleges fulfill the same role as community school centers. They are close to the people who they are designed to serve. They give young and old alike the opportunity to develop and express themselves in a wide variety of living and learning situations. They are flexible institutions and try to foster a sense of community spirit. And much like the community school movement they were making it on their own, expanding at a phenomenal rate, but with minimal support from the Federal Government.

In response to a clear national need I introduced legislation to provide substantial Federal financial assistance to both expand and also to establish comprehensive community colleges. I am happy to say that the major substance of this bill was included in the Higher Education Amendments of 1972 which were enacted in June of last year.

It was for virtually the same reasons that I joined with Senator CHURCH in the last Congress in introducing that Community School Center Development Act. And it is why we are reintroducing this bill today.

It is my feeling that this legislation will provide the boost which is needed to make community schools a reality throughout the United States. Only a coordinated national effort can bring this about.

The Community School Center Development Act will not, at the outset, be a comprehensive bill reaching every school district in the Nation. It is a pilot program designed to serve as the beginning of an all-out Federal effort. It will work in several ways.

First, it authorizes Federal grants to be made to colleges and universities interested in developing or expanding community education centers for the training of community school directors. This group of community education personnel serve as the key to successful community school programs and will provide the leadership necessary to follow through on our commitment.

Second, it will make Federal funds available to a specified number of school districts in each State which want to establish new community school programs or expand existing programs. These grants will be available to help cover the training and salary costs of community school directors as well as other program expenses.

Third, the Commissioner of Education will be charged with the responsibility of promoting the adoption of community school programs throughout the country. He will have at his disposal 25 teams whose job it will be to lend advice and assistance to communities wishing to adopt these programs.

In addition, the bill establishes a Community School Advisory Council to advise the Commissioner on policy matters relating to the interests of community schools.

Since Senator CHURCH and I first introduced this bill on October 12, 1971, we have received a remarkable and most welcome response in support of our efforts. While the press of other legislative business made further action impossible in the last Congress, I am most anxious to move ahead on the bill this year. The whole structure of American education must be infused with fresh and flexible approaches. The Community School Center Development Act will be an important part of that new look.

By Mr. HART (for himself, Mr. METCALF, and Mr. CASE):

S. 336. A bill amending section 133(f) of the Legislative Reorganization Act of 1946 with respect to the availability of committee reports prior to Senate consideration of a measure of matter. Referred to the Committee on Government Operations.

AMENDING THE LEGISLATIVE REORGANIZATION ACT OF 1946

Mr. HART. Mr. President, I am today introducing two measures which deal with the operation of the Senate. They are both geared to helping this body become more responsible, efficient, and better informed.

The first (S. 336), which is cosponsored by Senators METCALF and CASE, deals with adequacy of notice and information to Senators before Senate floor consideration.

As originally reported in 1967, the Legislative Reorganization amendments provided that a measure or matter reported by any standing committee of the Senate could not be considered in the Senate unless the report of the committee had been available for at least 3 calendar days—excluding Saturdays, Sundays, and legal holidays.

On the Senate floor, the bill was amended by voice vote to permit waiving of this provision by joint agreement of the majority leader and the minority leader.

Mr. President, I mean no disrespect whatsoever to the present majority and minority leaders when I say I believe the original language was preferable. In order for Senators to legislate intelligently, and on the basis of the facts, it seems to me essential that at a minimum they have available—reasonably in advance of floor debate—the report of the committee involved, together with such minority or supplemental views as committee members may wish to add.

The essential spirit of the Reorganization Act was to assure sufficient time for Senators to make informed decisions. Yet this provision makes it possible for legislation to be debated and voted upon—as has happened—through agreement of the leaders or their designees as the 1967 debate stipulated, without

this most elementary information being in the hands of the Senators in time to be studied.

We would be better off, in my opinion, to strike this waiver. Then, if sudden action were essential, the unanimous-consent device could be utilized and all Senators would be on notice. In my view, we place an impossible burden on the leadership to do otherwise.

Accordingly, (S. 336) simply strikes subsection (1) of section 133(f) of the Legislative Reorganization Act of 1946, thus restoring the 3-day rule except for, first, declaration of war or national emergency; or, second, any executive decision which would become effective absent action by the Congress.

By Mr. BROCK (for himself, Mr. ALLEN, Mr. BAKER, Mr. HARRY F. BYRD, JR., Mr. EASTLAND, Mr. GOLDWATER, Mr. HANSEN, Mr. STENNIS, Mr. THURMOND, Mr. TOWER, and Mr. GRIFFIN):

S.J. Res. 14. A joint resolution proposing an amendment to the Constitution of the United States relating to open admissions to public schools. Referred to the Committee on the Judiciary.

(The remarks of Mr. BROCK and other Senators upon the introduction of this joint resolution are printed earlier in the RECORD under "Compulsory School Busing.")

ADDITIONAL COSPONSORS OF BILLS

S. 49, S. 59 AND S. 284

Mr. WILLIAMS. Mr. President, after Congress had adjourned sine die last October, Mr. Nixon vetoed two pieces of legislation which were vital to the welfare of certain veterans and their families. With these vetoes, he effectively slammed the door in the face of those veterans who have anticipated a burial in a national cemetery or who have been massively disabled in military service to America.

The men whose hopes and welfare were dashed by this callous disregard to their sacrifice are the same men who followed their orders and either defended our country in perilous times or participated in the tragedy we have perpetrated in Vietnam. Now their service is over, their commitment has been met and in the course of fulfilling that service they have died or been disabled, but the benefits approved in Congress by a substantial margin will not be received.

I am most gratified that identical legislation has been reintroduced early in this session and today I am adding my name as a cosponsor of both the National Cemeteries Act of 1973, S. 49, and the Veterans Health Care Expansion Act of 1973, S. 59.

In the near future, we must terminate the shameful, destructive war in Vietnam which Mr. Nixon insists on sustaining and we must improve Government assistance to those Americans who have suffered dearly during military service. As a result, I am again supporting these two important bills and urge Congress to approve them rapidly.

The National Cemetery Act of 1973 establishes within the Veterans' Administration a national cemetery system and realistically increases the existing burial allowance. Congress has been studying and developing legislation to achieve these basic goals since 1966. And while this sort of revision has been pending in Congress, the national cemetery system has not been expanded. As a result, most of these cemeteries are full and veterans are either unable to be buried in a national cemetery or must be buried in such a cemetery several hundred miles from their homes.

For example, in New Jersey there are over 1,100,000 veterans, yet except for a very few Vietnam casualties the Beverly National Cemetery has been closed to new burials since the end of 1965.

Last year I emphasized the critical shortage of burial space in New Jersey by introducing legislation to expand the Beverly National Cemetery. Unfortunately, action was not taken on that bill and now New Jersey veterans must seek burial space as far away as Long Island or North Carolina.

Under S. 49, the Administrator of the Veterans' Administration would be in a position to resolve this situation by conducting a survey to determine the need for national cemeteries throughout the country and then requesting authorization from Congress for the acquisition and development of the most sorely needed cemeteries.

Mr. President, I am joining as a sponsor of Senator CRANSTON's bill, the Veterans Health Care Expansion Act. This legislation would open up our veterans' hospital system to the wives and children of veterans who were totally disabled in combat and to the wives and children of men who died in service to their country. It extends to those men who have 80-percent service-connected disabilities the full benefits of the VA medical system.

With regard to the facilities and services available, the bill requires that the separate medical departments of each VA hospital bring their staff to patient ratio up to the same level of hospitals in the community and provides for improved structural safety of all VA facilities. Finally, this bill establishes a sickle cell anemia program in the veterans' health care system.

This bill would have a substantial impact on New Jersey's large veteran population. For example, the families of nearly 8,000 New Jerseyites who died in service, the 2,000 veterans who are 80- or 90-percent disabled, and the families of veterans who are totally disabled would be brought into the VA hospital system for the first time.

Apparently, Mr. Nixon in vetoing this bill did not feel that these men and their wives and children who gave their all to America should be able to have the assurance that their health needs will be met by their Government.

Today I am also pleased to cosponsor Senator CRANSTON's bill, S. 284, which provides comprehensive treatment and rehabilitative services for veterans who suffer from alcoholism and drug abuse. The war in Vietnam has led to a new series of problems for the military services which we must confront. Just as we are experiencing the return of more totally disabled veterans who were whisked from the Vietnam battlefield in helicopter medivacs, so also great numbers of American veterans are returning from war addicted to drugs for the first time.

All of these men must be cared for and assisted in this time of need. Fortunately, Senator CRANSTON has reintroduced the Veterans Drug and Alcohol Treatment and Rehabilitation Act of 1973 which passed the Senate last year but died in the House.

I am pleased to support these three pieces of legislation as Congress again is demanding that the sacrifices made by so many Americans in the service of our country must be recognized. Despite anticipated administration opposition, we shall strive to insure that veterans receive the benefits and care they rightfully expect and deserve from their Government.

I commend Senators HARTKE and CRANSTON for their important leadership in veterans matters. I trust that Congress will give speedy approval to these bills.

S. 250

At the request of Mr. RIBICOFF, the Senator from New Hampshire (Mr. MCINTYRE) was added as a cosponsor of S. 250, to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents.

S. 260

At the request of Mr. CHILES, the Senator from Maryland (Mr. BEALL), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Florida (Mr. GURNEY), and the Senator from Illinois (Mr. PERCY) were added as cosponsors of S. 260, to provide that meetings of Government agencies and of congressional committees shall be open to the public, and for other purposes.

SENATE RESOLUTION 14—SUBMISSION OF A RESOLUTION TO AMEND RULE XXVII

(Referred to the Committee on Rules and Administration.)

Mr. SCHWEIKER. Mr. President, I submit a resolution to amend rule XXVII of the standing rules to provide for the appointment of Senate Conferees.

This proposal would add to the Senate rules a requirement that the majority of the members of a conference committee must be in favor of the legislation as passed by the Senate, as well as in favor of the prevailing opinion of the Senate on the major matters in disagreement with the House of Representatives. In addition, the rules change would formalize existing precedent that the conferees need not be members of the Senate committee which has reported the original measure to the Senate.

Similar provisions have already been adopted by the Democratic conference by a vote of 42 to 1 in 1972. I think this overwhelming vote reflects the logic and appropriateness of this approach to the selection of the members of a conference committee.

Mr. President, I am pleased that the following Senators are joining me as cosponsors of this resolution: CRANSTON, CHURCH, HART, HATFIELD, HUGHES, JAVITS, MATHIAS, MOSS, PROXMIRE, RIBICOFF, STAFFORD, STEVENSON, and TAFT.

This is a very simple resolution, which has already been agreed to by a substantial portion of the Senate. Therefore, I am hopeful it will receive speedy consideration by the Rules Committee so that it can be passed by the Senate and incorporated into the standing rules at an early date.

Mr. President, I ask that the text of the resolution be printed in the RECORD at this point.

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

S. RES. 14

Resolved, That Rule XXVII of the Standing Rules of the Senate is amended—

(1) by striking out of the heading "REPORTS OF"; and

(2) by adding at the end thereof the following new paragraph:

"3. The chairman of a committee reporting a measure to the Senate shall, in nominating Senate conferees to serve on a committee of conference considering such measure, make certain insofar as practicable that at least a majority of the conferees he nominates shall have indicated their support of such measure as passed by the Senate and their support for the prevailing opinion of the Senate on each of the principal matters of disagreement with the House of Representatives on such measure. A Senator need not be a member of the committee of the chairman nominating such conferees in order to serve as a conferee considering such measure."

SENATE RESOLUTION 15—SUBMISSION OF A RESOLUTION

FOR STUDY OF SENATE HEARING OFFICER SYSTEM

(Referred to the Committee on Rules and Administration.)

Mr. HART. Mr. President, certainly few days pass in the Senate without several of its Members complaining about the impossible schedule they are attempting to follow.

Anyone who has had more than an hour's contact with the Senate, would—in fairness I think—agree that as the years have passed the schedule has become humanly impossible.

Much of this is due to the weight of subcommittee and committee meetings which—especially when they are constantly interrupted by other business as they inevitably are—seem unending.

Each of us frequently faces a schedule card in the morning that will list three, four, or as many as five hearings, conferences, executive sessions, or such committee business for the day. Most likely all are running concurrently.

Mr. President, the present committee hearing system I suspect made good sense when being a Member of Congress was a part-time job and when the world moved much more slowly.

Unfortunately, today's world cannot accommodate a Senate hearing system reflecting the world that was.

Therefore, I today submit a resolution which would establish a special committee to investigate the feasibility of improving the efficiency of the Senate's hearings. In particular, this committee—consisting of 19 members of the Senate—would be charged with examining the feasibility and desirability of adopting a Senate hearing officer system.

Let me explain a little as to how I conceive such a system might operate—and the advantages it would hold for making it possible for each of us to do a better job.

These are, of course, initial impressions—subject to rejection or more hopefully, improvement by the special committee.

Basically, the function of the hearing officers would be to preside over hearings and to present a condensed report to members of the subcommittee—or committee—sitting en banc.

The committee itself would have full discretion and responsibility for matters which would be assigned to the hearing officers—and at what point of the information gathering process those matters would return to the committee for further work or solution.

Hearings would be conducted, under hearing officers, much as they now are when a Senator is presiding. In other words, majority and minority staff would present both sides of the questions.

When the report of the hearing officer is presented to the committee or subcommittee, minority and majority counsel would be responsible for time-limited, oral arguments. Hearing officers would be empaneled before the committee to respond to specific questions and to receive instructions for additional hearings or remand of the subject for additional work.

Senate hearing officers would be restricted to those matters specifically referred by the committees and subcommittees and would not have original jurisdiction for either legislative or investigative proceedings.

Mr. President, the advantages of this system, I think, are evident.

First, of course, it would give each of us hundreds of hours every session to devote to matters now getting too little attention. This may be floor work, research, meetings with constituents or really delving into matters before the committees.

Second, and perhaps of first importance to the Nation—legislative and investigative hearings, which these days never are held simply because there is no Senator to chair, will be held. Further, the legislative process could be taken more easily to the people rather than reserved almost exclusively for Washington.

Not being able to hold hearings has been a real problem for all of us, I am sure. Perhaps the Senate Antitrust and Monopoly Subcommittee, which I chair, is as good an example this year as any.

Two months of hearings were wiped out because of the Kleindienst matter which was before the full committee. Two more weeks were lost for the Democratic convention and two more for the Republican convention. Additional weeks were lost because the majority leader found it necessary to restrict severely hearings preceding these recesses—and the adjournment we are now trying to achieve—in order to have Senators on the floor.

Once adjournment is reached, the subcommittee will not be able to hold hearings until after the election because of other commitments by its members. The same may hold true until after the first of February next year.

So, it is entirely possible that from February 1972 to February 1973, the subcommittee staff would have only 4 or 5 months in which to schedule hearings.

Which brings up the third advantage of adopting a new hearing system—the more efficient use of committee staff. I would hesitate to estimate how many hours under the present system are wasted because of rescheduling of hearings due to conflicts in the presiding Senator's schedule or waiting in hearing rooms while we respond to vote calls or other duties.

To understand just how long and drawn out the hearings process can be, perhaps we should once more look at the Senate Antitrust and Monopoly Subcommittee.

An important study done by this group was that of economic concentration. Hearings spread over 7 years, 1964–1970. Yet, they covered only 50 hearing days—something that could easily be handled by hearing officers in a few months if it were deemed desirable.

The fourth advantage of such a system would be that Senators would escape the tedium of sitting through the lengthy oral-information-gathering process—and still have the advantage of summaries of the significant detail necessary to making responsible decisions.

Further—since I would hope the hearing officers would be allowed to depose witnesses and accept return of subpenaed material—we would be relieved from such journeys as the famous Dita Beard Denver trip.

We would be served by a professional staff of hearing officers—split into several panels, each gaining expertise in the subject matter it handles. The hearing officers might be appointed by the Democratic and Republican caucus at the beginning of each Congress and the panels would be organized in proportion to the representative memberships of the parties.

Mr. President, I recognize the irony in suggesting establishing another committee when the thrust of these remarks is to outline the committee burden members now have.

However, I do not conceive that the work of this committee would be either heavy—or long lived. The resolution suggests a life of 8 months—reporting back in time to adopt the recommendations during the 93d Congress. Now, that may seem a short period of time, but in some initial shopping around we have discovered that several organizations are ready and willing to do the research necessary to give a full picture of the pros and cons of the system.

Further, we do not necessarily have to think of this as a system to be adopted immediately across the board by the entire Senate committee system. I—as one subcommittee chairman—would en-

tertain happily the idea of participating in a demonstration project.

It seems entirely practical to me that three or four committees and subcommittees might test out the hearing officer system before deciding whether the full Senate wants to adopt it.

So the information needed to develop a sound idea of the merits and the mechanics is not so difficult. It is my hope that we will move quickly to get the research underway.

The resolution is as follows:

S. RES. 15

Resolved, That (a) there is hereby established a special committee of the Senate which shall be known as the Special Committee To Investigate Improvement in the Senate Hearing Process (hereinafter referred to as the "committee") consisting of nineteen Members of the Senate to be designated by the President of the Senate, as follows:

(1) one Senator from the majority party who shall serve as chairman;

(2) two Senators who are members of the Committee on Rules and Administration;

(3) two Senators who are members of the Committee on Banking, Housing and Urban Affairs;

(4) two Senators who are members of the Committee on Agriculture and Forestry;

(5) two Senators who are members of the Committee on Commerce;

(6) two Senators who are members of the Committee on Finance;

(7) two Senators who are members of the Committee on Government Operations;

(8) two Senators who are members of the Committee on Interior and Insular Affairs;

(9) two Senators who are members of the Committee on the Judiciary; and

(10) two Senators who are members of the Committee on Labor and Public Welfare.

One Senator appointed from each such committee under clauses (3)–(10) of this subsection shall be a member of the majority party and one shall be a member of the minority party.

(b) Vacancies in the membership of the committee shall not affect the authority of the remaining members to execute the functions of the committee. Vacancies shall be filled in the same manner as original appointments are made.

(c) A majority of the members of the committee shall constitute a quorum thereof for the transaction of business, except that the committee may fix a lesser number as a quorum for the purpose of taking testimony. The committee may establish such subcommittees as it deems necessary and appropriate to carry out the purpose of this resolution.

(d) The committee shall keep a complete record of all committee actions, including a record of the votes on any question on which a record vote is demanded. All committee records, data, charts, and files shall be the property of the committee and shall be kept in the offices of the committee or such other places as the committee may direct. The committee shall adopt rules of procedure not inconsistent with the rules of the Senate governing standing committees of the Senate.

(e) No legislative measure shall be referred to the committee, and it shall have no authority to report any such measure to the Senate.

(f) The committee shall cease to exist on June 30, 1974.

SEC. 2. It shall be the duty of the committee—

(a) to make a full and complete study and investigation of the extent to which the Senate investigative and legislative hearings can be conducted by Senate hearing officers who shall be professional staff members appointed by the Senate in accordance with rules to be adopted by the full Senate based on the report and recommendation of this committee.

(b) to make recommendations with respect to the foregoing, including proposed Senate rules, improvements in the administration of existing rules, laws, regulations, and procedures, and the establishment of guidelines and standards for the conduct of Senate hearings.

(c) on or before January 31, 1974, the committee shall submit to the Senate for reference to the standing committees a final report of its study and investigation, together with its recommendations. The committee may make such interim reports to the standing committees of the Senate prior to such final report as it deems advisable.

SEC. 3. (a) For the purposes of this resolution, the committee is authorized to (1) make such expenditures, (2) hold such hearings; (3) sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate; (4) require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents; (5) administer such oaths; (6) take such testimony orally or by deposition; and (7) employ and fix the compensation of such technical, clerical, and other assistants and consultants as it deems advisable, except that the compensation so fixed shall not exceed the compensation prescribed under chapter 51 and subchapter III of chapter 53 of title 5, United States Code, for comparable duties.

(b) The committee may (1) utilize the service, information, and facilities of the General Accounting Office or any department or agency in the executive branch of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Senate, or any subcommittee thereof, the committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the chairman of the committee determines that such action is necessary and appropriate.

(c) Subpenas may be issued by the committee over the signature of the chairman or any other member designated by him, and may be served by any person designated by such chairman or member. The chairman of the committee or any member thereof may administer oaths to witnesses.

SEC. 4. The expenses of the committee under this resolution, which shall not exceed $250,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

NOTICE OF HEARING ON A NOMINATION

Mr. JACKSON. Mr. President, I wish to announce for the information of the Members of the Senate and other interested persons that the Committee on Interior and Insular Affairs has scheduled open public hearings for Tuesday, January 16, 1973, on the nomination by President Nixon of Dr. John C. Whitaker to be Under Secretary of the Interior.

I ask unanimous consent that a brief biographical sketch of Dr. Whitaker be printed in the RECORD at this point in my remarks.

The hearing will begin at 10 a.m. in room 3110 of the Dirksen Senate Office Building. Any Members of the Senate wishing to testify or submit statements for the hearing record should so advise the staff of the Committee on Interior and Insular Affairs.

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

BIOGRAPHICAL SKETCH OF DR. JOHN C. WHITAKER, UNDER SECRETARY OF THE INTERIOR, DESIGNATE

Dr. John C. Whitaker brings to this challenging post a sound record of achievement in environmental and natural resource programs that spans almost two decades.

A graduate of Georgetown University, Dr. Whitaker received his PhD in geology from Johns Hopkins University in 1953, and has had extensive experience cataloguing and evaluating natural resources for the private sector, industry, and the United States and foreign governments.

Dr. Whitaker's intense concern for the relationship between man and his environment has had a profound influence on his career.

Prior to his appointment as Secretary to the Cabinet in 1969, Dr. Whitaker was the Vice President of the International Aero Service Corporation of Philadelphia and headed numerous studies of natural resources in the fields of land use, mineral, petroleum, timber and soil evaluaion.

While a member of the White House staff, Dr. Whitaker served as a Deputy Assistant to the President coordinating inter-departmental task forces to develop executive initiatives annunicated in the President's Messages on the Environment and the President's Clean Energy Message.

A member of the American Association of Petroleum Geologists, the Geological Society of America, the Society of Exploration Geophysicists, the American Congress on Surveying and Mapping and the American Institute of Mining and Metallurgical Engineers, Dr. Whitaker is married to the former Elizabeth Bradley and resides in Bethesda, Maryland with their five sons.

Born: December 29, 1926 at Victoria, British Columbia, Canada, of U.S. citizen parents.

Education: Graduated Loyola High School, Baltimore, Maryland—1944 Bachelor of Social Science, Georgetown University, Washington, D.C.—1949.

Ph. D., Geology, Johns Hopkins University, Baltimore, Maryland—1953.

Special Courses: United States Navy Aerographers School (weather data compilation and forecasting); Lakehurst, New Jersey—1945.

Massachusetts Institute of Technology, Cambridge, Massachusetts, summer course in photogrammetry and aerial photograph interpretation—1958.

FAMILY

Married to the former Elizabeth Bradley; five children: John Clifford—13 years; Robert Carroll—11 years; Stephen Bradley—9 years; William Burns—7 years; James Ford—4 years.

Residence: 8013 Greentree Road, Bethesda, Maryland 20034.

POSITIONS

1947: Summer employment while in college—with the United States Coast and Geodetic Survey performing topographic mapping in the City of Philadelphia.

1948–49: Summer employment while in college—with the United States Geological Survey field party in Alaska investigating potential mineral deposits.

1951–53: Instructor, college level geology at Johns Hopkins University, Baltimore, Maryland while attending graduate school.

1953–55: Geologist for Standard Oil of California—performing exploration field petroleum geology—Utah, Nevada, California, Washington States.

1955–57: Manager—Geophysical sales—Lundberg Exploration, Ltd. Toronto, Canada (airborne and ground geophysical contracting).

1957–59: Manager, Geophysical sales, Hycon Aerial Survey, Inc., Pasadena, California (aerial mapping, photo interpretation, air and ground geophysical contracting).

1959–66: Vice President, International Aero Service Corp., Philadelphia, Pa.—airborne and ground geophysics; aerial mapping; aerial photographic interpretation for soils and forestry inventories; land use mapping; reconnaissance preliminary design.

1966–68: Private consultant, Washington, D.C. Natural resource sales and development of loan programs representing the Aero Service Corporation of Philadelphia and T. Ingledow & Associates, Ltd. of Vancouver, Canada.

1968: January 20th until November—Cabinet Secretary. Preparation of agenda for Cabinet meetings; assisted in domestic policy coordination for the in-coming Nixon administration cabinet.

1969: November until present—Deputy Assistant to the President for Domestic Affairs. Assisted in interdepartmental coordination for the President in the areas of natural resources and the environment. Coordination of the preparation of the President's three environmental messages to Congress (February 1970, 1971 and 1972) and the President's energy message to Congress of June 1971.

PROFESSIONAL PUBLICATIONS

Geology of Catoctin Mountain—Maryland and Virginia (PhD Thesis) Bulletin of the Geological Society of America, 1955.

Cross-bedding in some lower Cambrian clastics in Maryland Bulletin of the Geological Society of America, 1955.

The Proton Nuclear Precession Magnetometer for Airborne Geophysical Exploration—Oil and Gas Journal, 1957.

(The below listed are private reports for commercial companies or clients.)

Geological and Petroleum Exploration Analysis of the Fillmore Range, Utah.

Geological and Petroleum Exploration Analysis Clark County, Nevada.

Geological and Petroleum Exploration Analysis of Mohave Desert, California.

Geological and Petroleum Exploration Analysis of Olympic Range, Washington.

Airborne Geophysical Survey and Mineral Exploration Loan Application for the Government of Ghana to the Agency for International Development.

Aerial Photographic Airborne Geophysical Mapping Loan Application to the Agency for International Development for the Government of the United Arab Republic.

Airborne Magnetic Survey for Mineral Exploration Loan Application for the Government of Turkey to the Agency for International Development.

Air and Ground Mineral Exploration Program Loan Application for the Government of Surinam (Dutch Guiana) to the United Nations Special Fund.

Air and Ground Mineral Exploration Program Loan Application to the United Nations Special Fund for the Government of British Guiana.

Natural Resource Inventory and Preliminary Road Location and Engineering Resource Development Loan to the World Bank for the Government of Paraguay.

Natural Resources Inventory Loan Application to the Inter-American Development Bank for the Government of Chile.

Natural Resources Inventory Loan Application to the Organization of American States for the Government of Ecuador.

Federal Working Committees: White House staff inter-departmental coordination for the President's three environmental and one energy message to Congress.

Other Professional Activity: Member—American Association of Petroleum Geologists, American Congress on Surveying and Mapping, Geological Society of America, Society of Exploration Geophysicists and the American Institute of Mining and Metallurgical and Petroleum Engineers.

ADDITIONAL STATEMENTS

OUSTER OF GEOFFREY MOORE FURTHER ENDANGERS OUR ECONOMIC STATISTICS

Mr. PROXMIRE. Mr. President, many fine public servants have received their walking papers from Mr. Nixon in the past few weeks; and many are apparently to be replaced by persons of lesser stature. One of the most inappropriate of these personnel changes is the removal of Dr. Geoffrey H. Moore as Commissioner of Labor Statistics.

The position of the Commissioner of Labor Statistics is not one which should be regarded as a political appointment, and traditionally it has not been. Normally, Commissioners have continued to serve even when new Presidents have taken office. Ewan Clague, for example, served four different administrations, holding office from 1946 to 1964.

This nonpolitical approach to the managmeent of an important statistical agency has paid great benefits. The Bureau of Labor Statistics has built a splendid reputation for competence and objectivity in the collection, publication, and interpretation of statistics. BLS is responsible for the publication not only of the monthly price and employment data, but also of many, many other valuable economic series. Even a partial list includes series on wages, fringe benefits, collective bargaining, productivity, work experience and labor force participation. Each month the BLS publishes the "Monthly Labor Review," containing analytic articles by its own staff and by outside contributors. Our knowledge and understanding of how the economy works has been greatly enhanced by the analytic work of the BLS as well as by the statistics they prepare.

During the Nixon administration the Bureau of Labor Statistics has been subjected to improper political pressures. Because of its fine and dedicated staff, headed by Commissioner Moore, who is both a highly qualified professional economist and a man of personal integrity, the BLS has maintained its record for the accuracy of its data and the objectivity of its interpretations. However, political pressures have had their effect in more subtle ways:

Monthly press briefings have been discontinued;

Outstanding civil servants have been forced into early retirement;

Publication of quarterly data on unemployment in poverty neighborhoods has been suspended;

Plans for valuable interpretative work with special 1970 census data on low income areas have been canceled.

These actions have been forced on the BLS even when it has been headed by a competent and dedicated professional. Commissioner Moore has testified before the Joint Economic Committee on at least 22 occasions. I have been consistently impressed by his objectivity and his determination to protect the integrity of the BLS. I ask consent to have printed in the RECORD at the end of my remarks articles by J. A. Livingston, Hobart Rowen, and George Bevel, summarizing Dr. Moore's professional qualifications and documenting the widely shared concern at his dismissal. I also ask to have printed in the RECORD the text of a resolution just adopted by the Industrial Relations Research Association, protesting the political pressures being exerted on the Bureau of Labor Statistics.

No new appointment to the position being vacated by Dr. Moore has been announced. It will not be easy to find an adequate replacement.

As J. A. Livingston says in his article:

It will take a giant of a man in competence, impartiality, and integrity to overcome the political suspicion that will be attached to any Nixon appointee to the post.

I hope that this giant of a man can be found. I hereby serve notice that I will actively oppose any appointee whom I do not consider to be well qualified and dedicated to preserving the objectivity and integrity of the statistical programs.

I do not think the actual statistics prepared by BLS are themselves subject to political manipulation—the dedicated professional staff will be able to prevent that. But many other political manipulations are possible, such as slanted interpretation of the data or political timing of release dates. Equally serious would be the attrition of professional staff and the failure to attract capable new personnel which would take place in an agency where objective professional research was hampered.

The BLS statistical programs must not be allowed to become victims of misplaced political pressure. The nomination of a Commissioner of Labor Statistics is subject to confirmation by the Senate. I urge all Senators to join me in a careful examination of the qualifications of any new appointee.

I ask unanimous consent that several items appear in the RECORD at this time.

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

[From Philadelphia Inquirer, Dec. 20, 1972]

MOORE OUSTER IRKS ECONOMISTS

(By J. A. Livingston)

"But whom can they possibly get to replace him. Who, of comparable eminence in statistics, now would take the job?"

That was the instant reaction of economists and statisticians to the astonishing news that President Nixon had accepted the proforma, end-of-the-term resignation of Geoffrey H. Moore as Commissioner of Labor Statistics.

"I'm disappointed that the Administration did not see fit to retain a man of his caliber," said William H. Shaw, president of the American Statistical Association, "and I am hopeful that the Administration will find a person of his stature as a replacement." Shaw is assistant to the treasurer of Du Pont.

John R. Meyer, president of the National Bureau of Economic Research, with which Moore was associated before he went to Washington, declared:

"If ever a man was a perfect match for a job, Geoffrey Moore was for Commissioner of Labor Statistics. We'll welcome him back at the bureau if he decides to come."

A. Gilbert Heebner, senior vice president and economist of the Philadelphia National Bank, formerly on the staff of the Council of Economic Advisers as assistant first to Paul W. McCracken and then to Herbert Stein, said:

"Geoffrey Moore is a person of exceptional talent, integrity, and stature. His depar-

ture would be a loss to any statistical organization."

How surprisingly it came about! And how ironically. On Friday, Dec. 8, Moore testified before the Joint Economic Committee. Rep. Henry Reuss (D., Wis.), paid him this compliment: "I hope you're around as Commissioner of Labor Statistics for 20 years."

Six days later, Moore got his "Dear John" telephone call. Maybe approbation from a Democrat is the exit line for a Republican appointee.

I checked with Rep. Reuss to make sure his was not a Congressional courtesy. He responded: "Not at all. Moore is a competent professional. He's always dealt fairly and honestly with the committee."

When Chairman William Proxmire of the Joint Economic Committee, also a Democrat from Wisconsin, heard of Moore's firing, he said:

"The inclusion of Commissioner Moore in the current reshuffle of political appointees increases public anxiety about our basic statistics. Both the public and private sectors of our economy depend on accurate, unbiased and objective data, free of political management. Many millions of dollars in private contracts and public programs are determined by price, wage, and unemployment figures prepared at the Bureau of Labor Statistics."

It's an understatement to say that Moore was taken aback by his "disappointment." He had planned to stay on. And had reason to think he would. The BLS commissionership is a position considered above politics.

Moore's statistical competence, professional integrity, and immaculate objectivity have been recognized by his peers. He is a past president of the American Statistical Association. And for many years he was director of research of the National Bureau of Economic Research, renowned the world over for its saintly attitude toward data.

At the 50th anniversary celebration of the Bureau in 1970, Moore, Arthur F. Burns, chairman of the Federal Reserve Board, and Solomon Fabricant, now a professor of economics at New York University, were honored for their "high standards of objectivity, the quality of their own research and their overseeing the bureau's research programs over many years."

Economists and statisticians in government are shocked. None to whom I talked would be quoted in any fashion. One said, "Joe, mention me in your column about Moore, and you'll find my name in the Jobs-Wanted section of newspapers."

Under any circumstances, Moore would be a hard man to follow. But now it will take a giant of a man in competence, impartiality, and integrity to overcome the political suspicion that will attach to any Nixon appointee to the post.

[From the Washington Post, Jan. 7, 1973]

OUSTER OF GEOFFREY MOORE: THREAT TO BLS INTEGRITY?

(By Hobart Rowen)

The Nixon Administration coldbloodedly dropped a raft of top aides and officials after the election. It had the right to clean house, to be sure. But the rationale behind some of the dismissals is mystifying and, behind others, disturbing.

Take the case of Geoffrey H. Moore, commissioner of labor statistics, whose "resignation" was accepted after four years' service. Moore, in fact, was called out of a staff meeting and fired ("rather brutally," says one who knows) by Under Secretary Laurence Silberman. Almost simultaneously, the announcement appeared on the news tickers.

No one at the White House bothered then or since to explain why Moore was dismissed. He had, by all accounts performed his job in the professional, non-political tradition of the BLS, which goes back to 1884.

But in the eyes of the White House crowd, Moore made one bad blunder which, a reliable source says, "became a source of embarrassment to the administration," and in general "was not a team player."

Moore's specific mistake relates to an incident early in 1971 revolving about Assistant BLS Commissioner Harold Goldstein, a career technician who regularly had briefed the press on the monthly labor force numbers. Analyzing the February 1971, report, which showed a preliminary reading that the jobless rate had dropped from 6.0 to 5.8 per cent, Goldstein cautioned against attaching too much importance to it. He said the February performance was "mixed." But at almost the same time, Labor Secretary James Hodgson, harassed by continued high jobless rates, was trying to squeeze political capital out of that downward jiggle.

Hodgson termed the decline "favorable," "hopeful" and "indeed heartening," failing to mention the drop in actual employment and the reduction in the work week that had led to Goldstein's more cautious use of the phrase "mixed."

Later, Goldstein's unvarnished, unembellished evaluation of the data was proved right, and Hodgson's dead wrong. When revised, the February rate was 5.9 per cent and it was back to 6.0 per cent in March. But in the meantime, Hodgson ended the system of press briefings that Goldstein and his career predecessors had conducted for years, and transferred Goldstein to other duties. This not so subtle effort to choke off the flow of information was widely criticized, in the press and in Congress.

"If Moore had been running a tight ship," one who knows the story says, "the whole thing wouldn't have happened. There are ways of getting facts across without embarrassing the administration. So Moore got low grades for bad management."

The White House apparently felt that Moore should have taken the initiative, since unemployment was a touchy political issue, to discuss with Goldstein in advance the wisdom of not shooting down a "cheerful" piece of news. The way the White House looks at it, that's what a "team player" would do.

But all this simply shows that the House doesn't understand the role of BLS, or Moore's determination to preserve its integrity and independence. "He's a good soldier," says an associate, "and he'd put the best possible face on things. But he's also a very dogged and stubborn man, and he didn't want anybody tampering with the numbers."

Most of Moore's friends in the government, though appalled at what has happened to him, are afraid to talk to reporters about it, even outside of government offices. But one says:

"The White House considered Moore loyal enough. It wasn't like the (Commerce Secretary) Pete Peterson thing, where Pete was getting some attention on his own, besides fraternizing with people they didn't like.

"It just was that Moore wasn't tough enough or smart enough to make them look as good as they wanted to look."

Ironically, Moore's last achievement as BLS commissioner was to get Secretary Hodgson to issue a policy statement on Nov. 10, 1972, which says that the commissioner's decisions in producing statistics must be "in concert with the professional and technical expertise of the Bureau. Under these conditions, scientific independence will continue to be the hallmark of the Bureau of Labor Statistics."

In a conversation with this correspondent, Hodgson said: "I'm high on Jeff Moore, and I've spent the last three years telling the media that he's a man of rock-ribbed integrity. There's been no attempt to single anybody out. Change for change's sake is the order of the day, part of the concept that you can recapture some of the freshness and initiative of the first term. After all, the people staying are the exception rather than the rule."

A mild-mannered man, Moore will say only that he "had a good position and enjoyed the work, and had expected to stay on. I only hope that whoever is now appointed commissioner will be a professional man."

Sen. William Proxmire, who tangled with Moore in his 21 appearances before the Joint Economic Committee says that Moore is "a man of integrity, who may have been too loyal to the President. He wouldn't state a situation with objectivity when objectivity would hurt the White House."

That means that Moore retained his objectivity even when Proxmire was trying to make a political point.

The only real criticism of Moore among his colleagues is that he's not the best administrator that ever came down the pike. But as a vice president of the National Bureau of Economic Research, Inc., and a former president of the American Statistical Association, no BLS commissioner ever had better credentials for the job. (He will be returning to the National Bureau.)

As can be imagined, the firing of Moore has dropped a curtain of gloom on the professional, civil service-oriented staff of the BLS. Accustomed only to dealing with numbers on a nonpolitical basis, they wonder if Moore will be replaced with a pliant figure who will bend whichever way the White House does.

If this fear is unwarranted, the White House does nothing to negate it by an acceptable explanation of the Moore affair. This reporter asked White House press aide Gerald Warren on Tuesday why Moore's "resignation" was accepted. He said he didn't know, but would call back. I'm still waiting for the call.

[From the Commercial and Financial Chronicle, Jan. 4, 1973]

G. MOORE'S FIRING SHOCKS ECONOMISTS

(By George C. Bevel)

The general impression that has been left by extensive changes in the government by the Administration has been that President Nixon wanted to get better control of the bureaucracy, replace incompetents, and cut down spending.

Therefore, one of the firings has been something of a shock to members of the Joint Economic Committee and to the world of economists and statisticians. It is the replacement of the highly regarded Geoffrey H. Moore as Commissioner of the Bureau of Labor Statistics.

Once each month Moore went up the Hill to be confronted by the Joint Economic Committee and almost always came away with praise from administration antagonists Senator William Proxmire (D.-Wis.), chairman and Rep. Henry Reuss (D.-Wis.). Both heaped Moore with praise that last time he appeared, Dec. 8, only to be shocked a few days later when Nixon fired him.

Moore came from the National Bureau of Economic Research, which is now upset with Nixon, as is the American Statistical Association.

Sen. Proxmire is just a bit more than upset.

"I thought Moore was extraordinarily good. He stayed out of controversy and was nonpolitical. Furthermore, he degended the administration. Certainly I was startled," Sen. Proxmire said.

"If they don't come up with a top man they are going to be in trouble with the Congress," he added.

Moore was equally surprised. "There had been no indication that I would not be reappointed, and I had no idea when they did it," he said. Moore expects to leave some time after January 15, but doesn't know yet what he will do.

A return to the National Bureau of Eco-

nomic Research is a possibility, and they would like to have him.

In the meantime, there is some uncertainty among all of assistant secretaries in the Department of Labor.

RESOLUTION BY THE INDUSTRIAL RELATIONS RESEARCH ASSOCIATION EXECUTIVE BOARD, DECEMBER 29, 1972

The Executive Board of the Industrial Relations Research Association, having received and considered a report from its committee appointed to investigate recent events concerning the U.S. Bureau of Labor Statistics, resolves as follows:

1. that public confidence in the professional integrity and credibility of the Bureau of Labor Statistics is essential, because the Bureau publishes data and materials which are used regularly in labor-management relations, business contracts and economic forecasts;

2. that the credibility of the Bureau of Labor Statistics has been impaired by events of the last two years, including the termination of press conferences by Bureau of Labor Statistics personnel and the subsequent reassignment of key personnel in the Bureau;

3. that the Board views with particular concern the acceptance of the requested resignation of the Commissioner of Labor Statistics three months prior to the expiration of his statutory term of office, because this termination under these circumstances represents a sharp break with the long-established tradition that this position has not been regarded as a political appointment;

4. that it is most important, if further impairment of the credibility of the Bureau of Labor Statistics is to be avoided, that the new Commissioner be a person with the highest professional qualifications and objectivity;

5. that it is desirable that the decision to discontinue press briefings by the Bureau of Labor Statistics technical personnel should be carefully reconsidered;

6. that nothing in this resolution should be construed to indicate that this Association questions the integrity of the preparation of BLS figures.

To be signed by: Ben Aaron, President 1972, Douglas Soutar, President, 1973 David Johnson, Secretary-Treasurer.

LOS ANGELES TIMES AND WASHINGTON STAR EDITORIALS

Mr. SCOTT of Pennsylvania. Mr. President, I believe that editorials published in the Los Angeles Times of January 2 and the Washington Sunday Star of January 7 would be of interest to the Senate. I ask unanimous consent that the editorials be printed in the RECORD, and I call them to the attention of Senators on both sides of the aisle.

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

[From the Los Angeles Times, Jan. 2, 1973]

THE NIXON-CONGRESS TUG-OF-WAR

The 93rd Congress will convene Wednesday in a mood to do battle with President Nixon over what it sees as his excessive use of presidential power. But there is also a growing realization among the lawmakers that they have a responsibility to put their own house in order, too.

Aside from Vietnam, which continues to be a source of bitterness and friction, the major point at issue is Mr. Nixon's refusal to spend all the money appropriated last year.

The President has impounded billions of dollars in appropriated funds—including $6 billion of the $11 billion authorized by Congress for control of water pollution in fiscal 1973 and 1974. Lesser amounts are being withheld from programs in health, education, housing, flood control and other fields.

Many House and Senate members in both parties are disturbed by what they see as a flagrant violation of Congress' constitutional power of the purse. Sen. Sam Ervin (D-N.C.) says the Constitution compels the President to abide by appropriations statutes. Senate Majority Mike Mansfield says the issue should be taken to the U.S. Supreme Court, if necessary.

Meanwhile, several lawsuits have been filed by cities and states challenging Mr. Nixon's right to cut their allotments of federal funds below the levels prescribed by Congress, and Councilman Tom Bradley is urging the city of Los Angeles to take similar action.

There are, however, two sides to the question. Administration aides point out that the President has constitutional responsibilities, too, and that he is bound by law to look after the economic well-being of the country.

When Congress failed to hold spending for the current fiscal year to $250 billion—a figure that still leaves a federal deficit approaching $30 billion—Mr. Nixon had no alternative but to impound billions of dollars in appropriations or sit by while a massive new round of inflation gathered steam.

Mansfield says that if any trimming is to done, it should be done by Congress, and that makes sense. But if this is to be anything more than an irrelevant platitude, Congress must reform its archaic, totally inadequate system of dealing with the budget.

As things are, spending and taxes are handled by different committees that rarely feel the urge to consult with one another. Appropriations bills are passed one at a time, with small concern for what the total will be at the end of the year.

When they vote spending programs with scant regard for the budget deficits that may thereby be created, the lawmakers are actually forcing the President to impose his own sense of priorities. If Congress expects to exercise its rightful voice, the system has to be reformed. Many congressmen now concede the point.

Congress is historically slow to reform itself. But thanks in part to pressure from citizens' groups, a special joint committee has been appointed to study the problem, and chances look better than ever before that something will be done.

[From the Washington (D.C.) Sunday Star, Jan. 7, 1973]

VIETNAM PEACE: IS IT NOW FINALLY AT HAND?

Henry Kissinger and North Vietnam's Le Duc Tho will meet secretly tomorrow in Paris, and all the world awaits the outcome of their discussions. It is no exaggeration to say that the fate of nations, of generations yet unborn, hangs in the balance. We—and the North Vietnamese—are at a turning point. There is, must be, a momentum for peace. And yet, as French President Georges Pompidou observed last week, there is no "U.S. desire to make a deal at any price."

Nor do we think the United States will or should make peace at any price. It is desperately important that the North Vietnamese understand this. For if they do not, the war will go on.

The carpet-bombing of Hanoi and Haiphong by B52s we believe to have been a tragic mistake. Should the talks fail—and we have to be prepared for the possibility that they may—then we would oppose the resumption of this sort of warfare. But Hanoi should realize that failure to reach an accord in Paris necessarily will mean the continuation of air and naval strikes south of the 20th parallel, in South Vietnam, Laos and Cambodia.

Nor should the North Vietnamese be misled by the mischievous intervention into the negotiating process of the Democratic caucuses in the House of Representatives and the Senate.

The House Democrats voted 154–75 on Tuesday to cut off all funds for U.S. combat operations in Indochina as soon as American prisoners are returned and arrangements are made for the safe withdrawal of U.S. forces. Senate Democrats voted 36–12 for a similar resolution Thursday. Senate Majority Leader Mike Mansfield has indicated his intention of introducing legislation in the upper house to cut off federal funds for the war if it is not ended by inauguration day, January 20.

In a truly incredible statement, Senate Foreign Relations Committee Chairman J. William Fulbright said the other day that his committee does "not wish to do anything to prejudice" the Kissinger-Tho negotiations but would act "to bring the war to a close" if a settlement is not reached by January 20.

If that statement and the action by the two Democratic caucuses do not "prejudice" the negotiations, it's difficult to see what would. Having read that statement, what would you do if you were a member of the Hanoi politburo perhaps not too familiar with the intricacies of American politics? You would simply spin out the Paris talks until the 20th and wait for Congress to impose an end to the war on your own terms.

So it is important for Hanoi to realize that the resolutions of the Democratic caucuses have no binding effect; that a combination of Republican and Southern Democratic congressmen could still defeat such a rider to any appropriation bill; that if it passed Mr. Nixon could veto it and, even if his veto were overridden, funds have already been appropriated for the fiscal year ending June 30. In short, the only way there can be a speedy and just end to American participation in the Southeast Asian conflict is for both sides to negotiate in good faith and in the spirit of compromise.

In a New Year's speech, South Vietnam's president, Nguyen Van Thieu, said:

"Like Germany and Korea, Vietnam is divided into two regions. The military demarcation line between the two states is also the border between two different social regimes, two ideologies and two different worlds."

Although this in our view is not an inaccurate statement, we wonder if it is one over which it is worth prolonging American participation in the war. For this notion, reflected in Kissinger's December 16 remark that the U.S. wants some "indirect reference" to a commitment by both Vietnams "to live in peace" is one major point which appears to be troubling Hanoi.

The 1954 Geneva accords (which neither the U.S. nor South Vietnam signed) regarded the regimes in both North and South as provisional, with unity to come after national elections. Those elections have never been held and, given the truth of Thieu's statement and the bitter history of the last 19 years, are likely never to be held. The sovereignty of the Saigon regime, like that of Hanoi, rests finally on its ability to maintain itself in power through a combination of political skill and military strength.

Kissinger has made it clear that Saigon has no veto over any settlement which may be reached between Hanoi and Washington, which is as it should be. But the North Vietnamese should understand that, while we are ready to end our own participation in the war, we are not ready to hand them on a diplomatic platter what they have been unable to achieve by force of arms: a Communist regime in South Vietnam.

Neither Hanoi nor Washington has been making euphoric noises recently about the chances of a quick and positive end to tomorrow's talks between Kissinger and Tho. Nobody is talking any more about peace being at hand. And given the skill and duplicity of the North Vietnamese negotiators, perhaps that is as well. Indeed, Pompidou, who has been in touch with both sides throughout the whole business, said the other day that "real, precise difficulties

which will be hard to overcome" lie ahead in the talks.

We understand President Nixon's desire to attain a settlement which will bring real peace to the people of Indochina. We understand also the reluctance of the leaders of North Vietnam to sign any document which would sacrifice what they regard as the legitimate aspirations of the Vietnamese people a cause for which they have fought so hard for more than two decades. And we understand the determination of the people of South Vietnam to maintain their own sovereignty and independence.

Not every problem will yield to reason, and this may be one of those which will not. Successful negotiation of delicate political problems must presume a certain amount of common ground, of agreement on basic issues and fundamental tenets. When this is lacking, it may be the better part of wisdom to grasp the attainable and let tomorrow take care of what is unattainable.

For this reason, we would urge that, if an acceptable and honorable political settlement appears impossible, both parties abandon the search and secure what *is* in their power to achieve: the end, now and forever, of U.S. air and naval attacks against North Vietnam and the withdrawal of the remaining U.S. forces in South Vietnam in return for repatriation of the American prisoners of war.

A simple agreement such as this would not be open to misinterpretation by either side or by the world. It would meet the minimum needs and desires of both the North Vietnamese and the American people.

It would not establish the inviolability of the Demilitarized Zone. It would not compel the withdrawal of North Vietnamese troops from South Vietnamese soil or establish their legality there. It would not address itself to the legitimacy of the regimes in either Saigon or Hanoi. It would neither ensure the survival of the Thieu regime nor guarantee its overthrow. It would dishonor neither the United States nor North Vietnam.

It would say, simply, that the American role in the war was over. It would leave the determination of their own futures to the Vietnamese, Cambodian and Laotian peoples. Each side would be left to place that interpretation it wished on what has transpired these past ten years and more in Indochina. In the end, the historians will decide who was right and who was wrong. They always do.

AN END TO SPIRALING FOOD COSTS

Mr. RIBICOFF. Mr. President, every consumer in America has known for weeks that food prices have been spiraling upward at an alarming rate. On January 9, the Department of Labor confirmed this fact. During the last month of 1972, wholesale prices of farm products, processed foods, and feed increased 5.2 percent.

As recently as November, the administration predicted that retail food prices would rise only 3 percent in 1973. Now, however, it is expected that when the recent wholesale increases reach the supermarket level it will cost close to 5 percent more to feed a family this year than it did in 1972.

Families always find it difficult to absorb increases of such magnitude. This year many may find it impossible because their incomes have been frozen or drastically restricted by the administration's economic stabilization program, while prices have risen.

If Congress hopes to curb food costs, two important steps must be taken: Price controls must be extended to agricultural products, and price support programs must be reduced or eliminated.

While there is considerable debate whether the present wage-price freeze has been effective, one fact is clear—the system is not fair. By freezing wages without also freezing prices on all essential consumer goods, the administration has placed the wage-earners of America in an intense financial bind.

Congress can correct this. The authorization for wage-price controls expires on April 30 and the administration must come to Congress for an extension. When we consider extending legislation, we should require that controls be placed on agricultural products. In that way, no single element of society would suffer inordinate financial damage during the remainder of the program's existence. Hopefully, wage and price controls will not become a permanent part of American economic life and will be phased out as soon as the present inflation is brought under control.

Congress second step should be the abolition of the farm subsidy and price support programs. Under the present law farmers—no matter how wealthy and successful—are paid subsidies of up to $55,000 annually not to grow certain crops. By restricting productive acreage, this program reduces farm output and thereby raises market prices to the consumer.

Another program—price support loans—also leads toward artificially higher prices. Loans are given to farmers and the Federal Government holds their crop as collateral. If the ultimate market price of the crop turns out to be lower than the loan value, the farmer defaults and the Government is left with a crop costing more than the market price while the farmer is left with more money than he would have received in a free market.

These subsidies cost the American taxpayers over $5.2 billion each year. In addition, consumers pay $4.5 billion annually in artificially inflated prices pushed up by the Government's programs. Thus the total yearly cost of farm subsidies approaches $10 billion.

Americans should not be forced to pay such sums particularly when they primarily benefit large successful farming enterprises.

One of the best ways the Government could save money would be to eliminate the credit subsidy and direct cash payment programs for farmers.

SST ECONOMICS

Mr. GOLDWATER. Mr. President, ever since the Congress took its shortsighted action in cutting off funds for an American supersonic transport plane, the leaders of that folly have kept up a constant effort to try and justify what I am sure history will prove to be one of the greatest mistakes ever committed by a world power.

Every time the slightest thing occurs to detract from the SST products being turned out by our foreign competitors, these incidents have been gleefully reported in the CONGRESSIONAL RECORD with accompanying comments of the "I-told-you-so" variety. As might be expected, the British-French SST program, involving the Concorde, and the Russian SST program, involving the TU–144, have by their very size and nature encountered some difficulties and some cost problems which looked rather important to the layman but which can be reduced to their proper status when viewed in a professional perspective.

Of course, one of the things the SST critics never point out is the importance of this line of commercial aircraft endeavor to the entire future of civilian aviation. The SST, just like the 747 before it, is more than just an enormously fast product in a whole new family of commercial aircraft. It is the opening wedge to an enormous future market which will affect aeronautics industries throughout the world for many years to come. Some of us, during the ill-fated Senate debate on the SST, tried to impress upon the Senate and the taxpayers the amount of jobs and payrolls that would be involved in our forfeiting the SST market to our foreign competitors.

And now, Mr. President, we are beginning to find out that the foreign products which American SST critics jeered at and ridiculed and downgraded during the prolonged congressional debate on this subject are turning out to be something far more important than their downgraders claimed. Recent studies now show that the Concorde may ultimately be cheaper to operate than our 747's. In fact, the figures on supersonic economics are becoming so impressive that the Prime Minister of Great Britain recently commented that before long "no airline will be able to do without one."

I would ask the members of the Senate to consider carefully this remark by the British Prime Minister and to try and envision what this would mean to United States and to the American aviation industry if it turns out to be correct. It would put our domestic airlines in the position of having to go abroad to find the kind of equipment they would need to compete in the world travel market. And it would relegate our domestic aviation industry to the production of products which would rapidly be becoming outmoded.

Mr. President, because of the great importance of this whole question to the economic future of the United States, I call attention to a study published in Flight International magazine which shows that the Concorde will produce a substantial return on its investment. The article, entitled "Supersonic Economics—Concorde Returns," appeared in Flight International on October 12, 1972. I ask unanimous consent that it be printed in the RECORD.

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

SUPERSONIC ECONOMICS CONCORDE RETURNS

As supersonic man reaches 25, BOAC and Air France are preparing to introduce into service the Mach 2 Concorde. If this aircraft produces the returns the manufacturers claim, operators will find, as the Prime Minister said at the Iata annual general meeting, "No airline will be able to do without one."

British Aircraft Corporation and Aérospatiale have recently made available to the air transport industry a new study entitled Concorde General Economics. It brings together for the first time the manufacturers'

estimates of the aircraft's economic performance, provides most of the data needed to make a financial assessment of this supersonic transport and indicates the sort of presentation the Anglo-French sales teams are giving to airlines before becoming involved with individual route networks. The economic performance of the Boeing 747 is used throughout the study as a basis for comparison.

The Concorde's speed, size and market appeal make the application of normal cost assessment methods invalid and, while the new examination of the aircraft's economics is based on the best information available, subjective judgments have had to be made in some areas. The manufacturers point out, however, that these assumptions have been kept to a minimum.

General Economics uses the payload-range of the production aircraft powered by four R-R Snecma Olympus 593 Mk612 engines of 38,400lb, 174kN reheated thrust. It shows 25,000lb, 11,400kg of payload carried over 4,000 st miles, 6,450km with the fuel volume kink point at around 11,500lb, 5,220kg and 4,500 st miles, 7,250km. These figures assume a Mach 2.05 cruise climb under ISA still-air conditions with a 230 st mile, 370km diversion. The flight plan in the assessment complies with the proposed FAR 121–648 reserves which include 7 per cent block fuel, an instrument approach, missed approach, diversion, 30min hold at 1,500ft and 250kt, 460km hr, followed by an instrument approach and landing at the alternate. A summary of Concorde weights is given below for the aircraft in the 108-seat superior-class or 36 72 mixed-class configurations. Seating in the 747 varies widely and a 344 layout (52 first plus 292 economy) is used in the study as an arrangement typical of current and probable future international operations.

The calculation of direct operating costs is straightforward with airframe and engine spares holdings, which strictly depend on fleet size, being taken as 15 per cent of airframe price plus 40 percent of powerplant price coupled with a depreciation period of 12 years. Total investment, including spares and customers' furnishings and equipment, is taken as $45,944,000 for the Concorde and $28,348,000 for the 747. The shorter flight times of supersonic aircraft, and therefore the greater number of transit and turn-round operations in a year, is reflected in the annual utilisation of 3,600hr for the Concorde compared with 4,000hr assumed for the 747. An insurance rate of 2 per cent of the aircraft equipped price has been used as typical of mid-life. Based on airline experience, flight crew training is taken as 1.75 per cent of the sum of maintenance, flight crew, fuel landing and air navigation costs amortised over 12 years. The salaries of the three-man Concorde flight crew are assumed to be 5 per cent more than 747 levels although crew utilisation of 650 block hours per year remains the same. Total crew costs of $208/hr and $191/hr are used for Concorde and 747 respectively.

Maintenance costs are amongst the most important and the most difficult to calculate and are based on the latest assessment from the airframe and engine manufacturers. These estimates suggest costs of $422/hr plus $7299/flight for the Concorde and $428/hr plus $708/flight for the 747. An average price of 13.9c/US gal is used to calculate fuel costs. Average costs are also taken for landing fees and navigation charges, which vary from country to country and depend on take-off weight, and are calculated as plus $729/flight for the Concorde and $428/ and 747.

INDIRECT OPERATING COSTS

The sales departments concerned with the Concorde have devoted much effort to the calculation of realistic values for indirect operating costs to take into account the particular characteristics of the SST, and the method adopted is largely based on airline data obtained from annual operating statistics. Cabin service costs are a good example of the detail involved and take into account three cost elements—time dependent, distance dependent, and per flight.

The total cost of cabin staff assumes five crew on the Concorde and a crew of 14 plus one purser for the 747, their utilisation in both cases being 680 block hours per annum. Station costs, which vary with local conditions, have been derived from an average of actual airline costs on a suitable network of world routes.

Direct sales and advertising costs are assumed to be related to the basic subsonic fare on a given route and incorporate an allowance to cover any possible extra cost of selling a Concorde ticket. Commission costs are based on the actual fare charged. Corporation overhead is taken as 4 per cent of the total operating costs (including the overhead itself), a figure indicated by actual airline experience.

The all-important total operating costs, are, of course, the sum of directs and indirects and a comparative breakdown at 3,000 st miles, 4,830km with 50 per cent load factors illustrated. This stage length corresponds to block times of approximately 2•85 hr for Concorde and 5•66hr for the 747. The variation of total operating costs with range and load factor for the Concorde shows costs per seat and per aircraft statute mile.

In *Concorde General Economics* the manufacturers show the aircraft breaking even at 3,500 st miles, 5.620km (London-New York) with load factors below 45 per cent for revenue yields greater than 9c per passenger statute mile. On a 3,000 st mile, 4,830km stage, break-even load factors are 40 per cent, 35 per cent and 32 per cent for fare levels of first class minus 10 per cent, first class and first plus 10 per cent respectively. With a mixed-class layout break-even load factors are 51 per cent, 47 per cent and 43 per cent with fare levels of 10, 20 and 30 per cent above current levels. The 747 is shown breaking even with a 60•5 per cent load factor at average excursion yield and at 49•5 per cent load factor with an overall average yield.

SPECIFIC ROUTES

The manufacturers conclude their study by analysing Concorde operations on specific routes. Operating costs are calculated as outlined above but incorporate fuel costs, landing fees, station costs, etc., related to each particular route. The operating costs used are incurred at break-even load factors. Revenue yields on all the routes considered have been derived using the latest available information on current fare structures. The assumed traffic splits are for 1975, and take account of the trend towards rationalising fares particularly at the promotional end of the scale. Concorde fare dilution is taken as 5 per cent with a 747 dilution of 10 per cent. One of the most interesting cases studied is the transatlantic Paris-New York route, illustrated below, which compares the results for the single superior-class Concorde operating alongside the mixed-class 747. The Paris-Tokyo route, with Concorde fare levels again at first class minus 10 per cent, is illustrated in *General Economics* and shows both aircraft breaking even at load factors of 22 per cent. Similar break-even load factors of 43 per cent and 44•5 per cent for Concorde and 747 are also claimed on London-Johannesburg. On the London-Sydney route, with first-class SST fares, the Concorde break-even load factor of 48 per cent compares with 54 per cent for the 747.

Weights used in economic assessment

Max take-off weight	389, 000lb
Max landing weight	240, 000lb
Max zero-fuel weight	200, 000lb
Typical operating weight empty	172, 500lb
Typical payload	25, 000lb
Typical tankage	200, 000lb (plus pre-take-off)

HOURLY DIRECT OPERATING COSTS (AT 3,000 ST MILES 4,830KM)

	Concorde	747
Depreciation	$1, 061	$588
Insurance	209	119
Flight crew	208	191
Amortisation of introductory crew training	34	28
Maintenance	676	554
Fuel	822	498
Landing fees and air navigation charges	245	238
Total direct operating cost	3, 256	2, 214

HOURLY INDIRECT OPERATING COSTS (AT 3,000 ST MILES, 4,830KM WITH 50 PERCENT LOAD FACTOR)

	Concorde	747
Cabin crew	$82	$249
Cabin services	196	353
Station costs	314	603
Sales, advertising and commission	759	815
Corporation overhead	192	178
Indirect operating cost	1, 543	2, 198

CONCORDE RETURNS

With the advantage of the latest cost estimates from the British Aircraft Corporation and Aérospatiale, it is possible to refine the economic arguments used by Sir Peter Masefield in "Can Concorde make a Profit" and to take the comparison with the 747 one stage further. The latest figures from the manufacturers are based on a total investment, including spares, of $45•944 million (£18•7 million) for the Concorde and $28•348 million (£11•55 million) for the 747. It has been suggested that the utilisation expected of the Concorde by Sir Peter was a little too high, and the figure of 3,600hr per year used by the manufacturers for a representative SST route structure rather than North Atlantic-only operation is more conservative, and takes into account the increased importance of turn-around times as flight times decrease. It seems reasonable to suppose that a flying time of approximately 10hr/day (that is in the order of three single Atlantic crossings per day) could be achieved. Turn-round times should certainly be no longer than those of the 747, which is assumed to achieve a utilisation of 4,000hr/year. The large investment required by the 747 has provided the incentive to establish turn-round times similar to those of the 707. The scheduling of Concorde maintenance and route flying will probably place the greatest demand on airline organisation and it is unlikely to be turn-round-limited at 3,600hr/year. The manufacturers estimate ground times of around 30min at both en-route and turn-round stations.

The manufacturers' figures published last week in "Supersonic Economics" were based on well established direct operating cost methods, and indirect operating costs were derived from airline statistical returns. Aérospatiale and BAC stress that Concorde sales, advertising and commission costs are realistic. Maintenance costs and engine overhaul lives, which have given rise to some concern, are covered by manufacturers' guarantees. While Rolls-Royce and Snecma are likely to be cautious in their predictions for a new, unique, civil powerplant, the halving of subsonic block times makes comparisons of overhaul times with existing engines in terms of number of flight cycles more realistic than straight times between overhaul. If Olympus introductory overhaul lives were to be in the order of 1,500hr this would not necessarily compare unfavourably with 3,500hr for the JT3D.

If the data published last week in "Super-

sonic Economics" is accepted, the economics in terms of return on investment of Concorde and 747, can be compared for the simple, hypothetical route structure of exclusive North Atlantic operation following the elementary flow diagram illustrated on this page. The Paris-New York route has been chosen as this is Concorde's guaranteed range with 24,000lb, 10,900kg of payload against winter headwinds and with full fuel reserves, and because Concorde General Economics gives the expected revenue yield on this sector in 1975 with realistic fares and traffic splits. As in the manufacturers' all prices in this Flight study are quoted in terms of 1972 United States dollars.

Based on utilisations of 3,600hr and 4,000hr and average transatlantic eastbound and westbound flight times of 3.7hr and 7.5hr, the maximum annual number of single transatlantic trips which could be flown is 972 for Concorde and 332 for the 747. Taking data extrapolated from the illustrations published last week in Flight, page 466, total operating costs per aircraft statute mile of 3,710 st miles, 6,000km range (Concorde track plus 1 per cent) are $4.50 and $8 for Concorde and 747 respectively. Multiplying by the number of single flights and range, total annual costs are $16.25 million and $15.85 million. Indirects are calculated at 50 per cent load factor and show the contrast between the SST, with indirects approximately half directs, and the 747 where costs are approximately equal. This highlights the need for a rigorous approach to supersonic indirects as opposed to taking a "ballpark" number for total costs equal to twice directs. Average revenue is calculated at first-class rates minus 10 per cent for Concorde and with the fare and traffic splits on page 498 for the 747. A fare dilution of 5 per cent for the Concorde and 10 per cent for the 747 has been assumed. The annual operating surpluses of $3.85 million and $1.65 million result in returns on investment of 8.4 per cent and 5.8 per cent for Concorde and 747 respectively. With break-even load factors of 35.5 per cent and 44 per cent (see illustration last week), load factors of greater than 50 per cent would provide the Concorde with a greater return on investment advantage.

Production aircraft weight breakdown

	Pounds
Aircraft weight less navigation and communication and furnishings	150.846
Navigation and communication	1,647
Furnishings:	
Technicial furnishings	1,756
Customer furnishings	3,172
Constructor's furnishings	5,951
Oxygen	496
Fire precautions	361
Manufacturers Weight Empty	164,229
Operator's equipment	2,830
Crew, crew baggage, etc	1,527
Undrainable fuel	364
Oil	220
Basic Operating Weight Empty	169,170

Of course a comparison of a single Concorde with a single 747 is not philosophically correct. A more general study should take into account a typical spectrum of operations or a realistic demand for transatlantic passenger trips. For a second look at Concorde's profitability, therefore, a more detailed study of the London-New York route will be made to compare the economics of a fleet of 747s with a mixed fleet of 747s and Concordes. It is necessary to make some estimate of the likely traffic figures for later in the decade. Without becoming too involved with highly complex traffic prediction studies, it is possible to extrapolate the 1971 BOAC North Atlantic traffic of 687,998 passengers. Suppose it is assumed that on average 83 per cent fly on the London-New York sector and 10 per cent of these fly first-class. This gives a total of 570,000 passengers of whom 57,000 are first-class.

If these are escalated at a growth rate of 10 per cent per year for the five-year period ending 1976 this gives a total of 920,000 passengers of whom 92,000 are first-class. This is the traffic which might be expected without the introduction of an SST.

Estimates vary of the stimulus and effect of Concorde's introduction. It has been suggested that the doubling of speed will introduce an elasticity of 0.25; that is the doubled speed will increase traffic by 25 percent. This growth is the result of generating new traffic from passengers not prepared to travel at present speeds and new customers who would be willing to travel more often given decreased travelling times. If it is assumed that Concorde has this effect, and half of the additional first-class passengers come from existing non-first-class passengers previously unwilling to pay more to travel in the same aircraft at the same speed as others paying less, and half are captured from other airlines or are new travellers, traffic becomes 816,500 plus 115,000 first-class. Although these figures might be dismissed as pure speculation by *Flight*, they do allow the analysis to be carried one stage further.

Having established the traffic, the next step is to determine aircraft requirements. These depend on the load factor used for fleet planning, and for the *Flight* study this has been taken as 50 per cent for the Concorde, which operates an on-demand premium service, an overall 55 per cent for a mixed-class 747 and 65 per cent for all-economy-class 747 operated in a mixed-fleet alongside the all-first-class SST. The high load factor for the all-economy 747 is associated with a 447-seat, nine-abreast layout with 34in pitch. The low revenue yield and large proportion of excursion passengers who are more likely to book in advance influence the choice of this high load factor. Average flight times London-New York of 3.5hr for Concorde and 7.1hr for the 747 allow 1,025 and 562 single crossings per year. A fractional number in the fleet will be justified by assuming aircraft are used on other routes when not needed on London-New York.

PROJECTED 1975 PARIS-NEW YORK FARES AND TRAFFIC SPLITS FOR 747

	Fare	Split percent
First class	$444	10
Economy (high season)	318	5
Economy	215	18
Excursion	207	25
Excursion	135	15
Group etc	130	27
Average fare	206.2	
Average revenue yield/passenger-statute mile with 10 percent dilution	.0512	

COMPARATIVE ECONOMICS ON PARIS-NEW YORK

	Concorde	747
Accommodation	108 superior or 36+72 mixed class.	52+292 mixed or 400 all economy.
Utilization	3,600 hr	4,000 hr.
Average flight time	3.7 hr	7.5 hr.
Number of single trips of 3,710 st miles/6,000 km.	972	532.
Direct operating cost/aircraft st mile	$3.05	$4.10.
Indirect operating cost/aircraft st mile.	$1.45	$3.90.
Total operating cost/aircraft st mile	$4.50	$8.00.
Annual cost	$16,250,000	$15,850,000.
Average revenue/passenger st mile	c10.3	c5.12.
No. of passengers (50 percent load factor).	54	172.
Annual revenue	$20,100,000	$17,500,000.
Annual operating surplus	$3,850,000	$1,650,000.
Return on investment	8.4 percent	5.8 percent.

DIRECT OPERATING COST ASSUMPTIONS

	Concorde	747
Aircraft price	$37,500,000	$23,002,000
Customers furnishings and equipment	160,000	850,000
Aircraft equipped price	37,660,000	23,852,000
Spares	8,285,000	4,496,000
Total investment	45,944,000	28,348,000

Given the total traffic of 920,000 passengers, a fleet of 8.6 mixed-class 747s with 344 seats would be required for exclusive London-New York operation. The mixed Concorde and 747 fleet would require five 747s with 447 single-class seating, and 2.07 Concordes with 108 first-class seats.

The comparative economics are shown below and were calculated using the fares and traffic splits for the mixed-class 747 detailed previously. A Concorde first-class revenue yield of 11.4 cents/passenger-st mile including 5 per cent dilution was assumed together with a yield of 4.6 cents/passenger-st mile for an all-economy 747, derived from the Paris-New York splits with first-class removed, and including 10 per cent dilution. As the manufacturers' figures for Paris-New York are on a per-statute-mile basis it seems a reasonable approximation to use these together with the London-New York mileage.

COMPARATIVE ECONOMICS WITH CONCORDE OPERATING AT 50 PERCENT LOAD FACTOR, THE MIXED CLASS 747 AT 55 PERCENT AND THE ALL-ECONOMY 747 AT 65 PERCENT LOAD FACTOR

	Mixed fleet (millions)	747 (millions)
Total investment	$236.7	$244.0
Annual cost	114.7	138.5
Annual revenue	178.3	166.5
Annual operating surplus	63.6	28.0
Return on investment (percent)	26.7	11.5

This calculation shows the mixed fleet with a distinct advantage, providing a larger return from a smaller investment. To illustrate that this is not the result of choosing advantageous load factors, the exercise has been repeated with all aircraft at 50 per cent load factor. A mixed fleet of 2.07 Concordes and 6.5 747s retains an economic advantage over 9.5 mixed-class 747s.

COMPARATIVE ECONOMICS WITH ALL AIRCRAFT OPERATING AT 50 PER CENT LOAD FACTOR

	Mixed fleet (millions)	747 (millions)
Total investment	$279.0	$270.0
Annual cost	138.7	153.0
Annual revenue	178.3	166.5
Annual operating surplus	39.6	13.5
Return on investment (percent)	14.2	5.0

The Aérospatiale and British Aircraft Corporation publication *Concorde General Economics* contains total operating costs, revenue yields, fares and traffic splits for Paris-New York, Paris-Tokyo, London-Johannesburg and London-Sydney. A glance at the globe will show that these are all routes suitable for Concorde. If the revenue per mile and traffic splits for operations from Paris are taken to be similar to those from London it is possible to use these figures to investigate the profitability of a simple route network from London to New York, Tokyo, Johannesburg and Sydney. The Concorde is assumed to operate on all first-class service.

The *ABC World Airways Guide* gives BOAC's present VC10, 707 and 747 flights

on these routes. Using typical Corporation seating arrangements for the VC10 and 707 of 139, and 347 for the 747, the total available seats on each route can be calculated. The percentage of first-class traffic on each route given in *Concorde General Economics* allows the number of first-class seats which should be made available, given flexible seating arrangements, to be estimated. From these figures, the capacities of 108 for a single-class Concorde, 347 for a mixed-class 747 and 447 for an all-economy 747, it is possible to calculate the number of flights per week required to provide these available seats from either a mixed fleet of Concordes and single-class 747s, or a fleet of mixed-class 747s. The number of flights required is rounded to a whole number where necessary, taking care to balance load factors achieved by each fleet on a given route by rounding either both frequencies up or both frequencies down. In this example *Flight* is using 1972 summer frequencies with no increase in the traffic because of SST operations and no attempt has been made to predict the traffic likely when Concorde enters service.

AVAILABLE SEATS AND SUGGESTED FREQUENCIES

Route	London-New York	London-Tokyo	London-Johannesburg	London-Sydney
No. of flights/week VC 10:				
707	14	9	1	9
747	14	0	7	7
Total available seats/week	6,800	1,250	2,569	3,680
Percentage first class	10	12	9	5
Number of first class seats/week	680	150	232	184
Number of flights/week required from: Mixed fleet Concorde+747	6+14	2+3	1+5	2+8
747 fleet	20	4	7	11

Using the manufacturers' results for total operating costs on each of the four routes and taking realistic flight paths, including a 1 per cent track allowance, the operating cost of each aircraft and hence each fleet can be calculated. If the single-class Concorde takes all the first-class traffic and the all-economy 747 takes all other passengers, then the revenue obtained from the mixed aircraft fleet remains the same as for the mixed-class 747.

During 1971 the average BOAC passenger load factor was 51.4 per cent. Concorde's manufacturers suggest average revenue yields of 5•12, 10•15, 5•93 and 5•11 cents per passenger-statute mile for the New York, Tokyo, Johannesburg and Sydney routes. Using these figures, together with the total available seats, allows an estimate of the total revenue per week to be made.

COSTS, REVENUES AND SURPLUSES PER WEEK

[Amounts in dollars]

Route	London-New York	London-Tokyo via Norilisk	London-Johannesburg via Lagos	London-Sydney via Tokyo and Port Moresby
Trip cost 747	28,600	48,000	62,200	110,000
Trip cost Concorde	16,050	26,100	37,800	66,000
Total mixed fleet cost/week	496,500	196,200	386,600	1,012,000
Total 747 fleet cost/week	572,000	192,000	435,000	1,210,000
Total revenue/week	635,000	415,000	529,000	1,110,000
Mixed fleet surplus/week	138,500	218,800	142,400	98,000
747 fleet surplus/week	63,000	223,000	94,000	−100,000

While the mixed fleet consistently returns a profit, the 747 fleet makes a loss on London-Sydney with the assumed traffic. This is partly the result of the low revenue yield. The mixed-class 747 would break even at around 54 per cent load factor, which could be obtained by reducing frequency. The fare structure on London-Tokyo does not depend on the route taken and provides the exceptional revenue yield when flying via Norilsk. As shown below the mixed fleet provides an outstanding margin on turnover. In this example total investment has not been calculated as this would require an assessment of scheduling arrangements.

COMPARATIVE MARGINS ON TURNOVER

	Mixed fleet	747
Total revenue/week	$2,689,000	$2,689,000
Total cost/week	2,091,300	2,409,000
Total surplus/week	597,700	280,000
Margin on turnover (percent)	22	10.4

There is no doubt that the *Flight* calculations show airline fleets including Concorde providing a substantial return on investment. It might be argued that the traffic, load factors and routes have been chosen to highlight the SST's economic performance, but this is not the case—the data given in *Concorde General Economics* published last week provides anyone sufficiently interested with enough information to attempt a similar calculation for himself.

A 12-year depreciation period has been assumed for both aircraft throughout this study. Only annual returns on investment have been considered, as discounting returns over equal periods would not have produced any different comparative results. The introduction of the 747 brought with it the requirement for airlines, airports and governments to make large investments in equipment, runways and facilities. It is often argued that the operating cost/seat advantage of the 747 over the 707 does not fully take this into account. A large investment in airfield equipment will not be required for the Concorde, which has a maximum weight similar to the 707 and exit heights close to those of the 747. The financial investment in aircraft, customer furnishing and equipment and spares used in this study therefore are likely, if anything, to have underestimated 747 requirements.

The productivity of the supersonic Concorde in terms of seat-miles/hr is similar to that of the DC–10 and TriStar. When operated as a single-class aircraft, or a mixed-class aircraft at premium fares, there could be a restricted market unless some credit is taken for elasticity in demand due to increased speed. Nevertheless the present BOAC subsonic fleet has an available capacity of approximately 2,230 million first-class seat statute miles. Ignoring any restrictions placed on supersonic overflights or Concorde night take-offs, this traffic would require six Concordes with 108 seats, utilisations of 3,600 hr/year operating at realistic SST block speeds. In 1971 a total of 7.53 million passengers flew across the North Atlantic. If 10 per cent of these are first-class there is a potential market here for around 15 Concordes at 50 per cent load factor. Although the examples in this article have used a single-class arrangement, "Can Concorde Make a Profit?" showed that Concorde is economically viable at premium mixed-class fares.

By spring 1975, when Concorde enters service, air traffic is likely to have increased by at least one quarter. Much of the growth will be on the prime supersonic routes across the Atlantic, Pacific, Indian Ocean and Siberia. Given the supersonic flights overland are likely to be banned, and night curfews at major airfields would place severe demands on scheduling, speed and frequency will undoubtedly stimulate traffic, particularly business traffic. Speed elasticities as high as 0.8 have been suggested. If only a proportion of this increase should occur, and the international air transport market continues to grow, as seems likely, Concorde will achieve substantial sales.

WISCONSIN STUDENT LEADER COMMENTS ON THE DEMOCRATIC CONVENTION—1972

Mr. PROXMIRE. Mr. President, in the fall of 1972 the Campus Studies Institute Division of World Research, Inc. held seminars at both the Republican and Democratic conventions in Miami, Fla. The purpose of the seminars was to offer student leaders attending the conventions to express their perceptions of the democratic process and to allow the directors of the program to record their on-the-spot evaluations for distribution to other students.

One of my constituents, Thomas Bowen, student body treasurer at the University of Wisconsin-Whitewater, was a member of the seminar. I feel that the views of our younger citizens are of great importance to this country and to the Senate of the United States. I therefore ask unanimous consent that Mr. Bowen's record of the 1972 Democratic National Convention, which was published by World Research, Inc., in a special edition entitled "Perched Like a Weathervane," be printed in full in the RECORD.

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

PERCHED LIKE A WEATHER VANE

Perched Like a Weather Vane is quite simply the individual observations of six outstanding students on the American political process and those who participate in it . . . observations which are based on their first-hand experiences at both national conventions and their youthful but well qualified background in political and economic philosophy. It is not intended to be any great in-depth analysis of our political system, nor is it intended to be representative of any group of students.

As director of program development for the Campus Studies Institute Division of World Research, Inc., I was put in charge of this particular program. The first order of business was, of course, to choose the specific six students who would participate.

Hour by hour, day by day, I read over 2,000 student letters (letters written to CSI from students across the nation). I'm not at all sure I can say exactly what that certain something was that made six particular letters stand out from the multitude. There was a certain something . . . a certain ability to express (or at least detect) the basic philosophy inherent in individual liberty.

However, as the reality of the undertaking got closer, that "something" began to be more nebulous. At my desk I sat and stared at the six letters—so much ink on so much paper. Six names—four males and two females. It was true that, judging from their letters, the six under consideration just had to be rational, mature, "good" kids. But from a more realistic judgment, I really had no idea at all if they were "good." I didn't even know if they were Republicans or Democrats. Further, I didn't know (not that it really mattered) whether they were white, black, skybluepink, long-haired, bearded, hippie, square . . . all I actually knew was that they apparently shared a basic respect for individualism. After lengthy staff consultation the decisions were made.

The chosen six. Put them all together in a convention seminar and have a nervous breakdown wondering what the results would be after living together for seven days at each convention . . . wondering if they would be compatible, if they'd be drags or bores, if . . . if, if, if.

It was only ten days before the Democratic convention when the choice of these six students was completely finalized. I picked up

the phone to make the all-important calls. Through a great deal of patience on the part of the long-distance operator and the cooperation from the registrar's offices at the six different schools (student's home phone numbers are not supposed to be given out—not even parent's first name and naturally I had chosen a Smith living in the Detroit area and a Brown living in Manhattan), the six home phone numbers were obtained. One by one I checked them off and a pattern—almost identical pattern—began to form.

"Are you serious?" "With *World Research*?" "Is this for real?"

And then:

"Wow" or "Gosh."

And then:

"Why me?" Followed by, "I can't understand—I was kinda rough on you all" or "I wrote that so fast—I never thought you'd even answer" or "I remember my typewriter was broken and I just had to say something so I scrawled it on note paper" or "I didn't ever try to write some great letter—I was just saying what I felt."

My reply to their question of "why me?" was simply to tell them no matter how long or short, spontaneous or unspontaneous their letter had been, there was something—a depth of understanding, a glimpse of insight into the philosophy of freedom, a spirit of individuality, the ability to think before blindly agreeing or disagreeing with any given group or philosophy, and obviously, from their student body office on campus, a quality of leadership . . . all of these were the "why," nothing more, except perhaps a bit of hopeful intuition on my part.

Not one conversation lasted more than five to ten minutes. Each of the six adjusted their summer plans and accepted our invitation with the eagerness and excitement that only warm, alert and eager young people with open minds and adventurous souls can possess. My confidence returned . . . that is, it returned until I began to think of other things. Specific things, like just exactly *how* this whole project was going to be directed once we all got to Miami.

There were two schools of thought about the direction—mine and everyone else's.

Most opinions were that definite assignments should be made, definite questions written down so each participant would be asking the same questions thus giving a statistical base for comparison, deep analyses should be made of the mechanics and structure of each delegation, *x* number of hours should be assigned for watching TV and reading the papers, etc. etc. etc.

My opinion was that these six young people weren't the type who needed detailed instructions on how to be intelligent and creative. The purpose of the seminar was not so much to obtain an in-depth analysis of the political mechanics (that's been done by professionals since the inception of politics—i.e. man), but more—to come up with an in-depth story of what intelligent individuals left free—on their own—free from the overwhelming authority of organizational structure—could produce. I wanted to see what *they* could do. I wanted to learn what *they* saw, what things *they* though were important, what conclusions *they* would draw, and just exactly how *they* would go about choosing and carrying out their own assignments. These students were not children, nor were they stupid, dull, or unimaginative. I felt that their own wings were strong enough and their sense of responsibility adequate enough to gamble.

Believe me, I had my moments of doubt. Was I expecting too much? Would they end up having had a "great time" at the conventions and in essence nothing of significance beyond that? There is, after all, much to be said for the proven methods: You do it this way because that's the way it's done. But, since have always rebelled against control over the responsible adult's creativity and productivity, I decided on the nonbureaucratic approach and ended giving no instructions other than routine directions for frequent check-in calls, overall instructions as to the fact that they were representatives of CSI and to conduct themselves accordingly . . . and that we wanted notes and reactions and an in-depth report from each of them.

One result of this non-bureaucratic approach was that I spent most of my time alone in my hotel room, watching TV, relaying messages, and feeling very un-needed. I never even had a chance to tell them what time to be in. I ate cheese and salami and drank TAB. I hate TAB.

I have done nothing but the lightest of editing, most of which was for clarification or in the interest of limited space. I must also add, "the opinions expressed are those of the individual writer and not necessarily those of CSI."

PATTY NEWMAN.

TOM . . . WITH THE DEMOCRATS

(About Tom . . . Tom Bowen—Student Body Treasurer at the University of Wisconsin-Whitewater. A junior. Accounting major. Non-debonair in the straight manner of the Midwest, and so dependable and responsible that I found myself giving him a disproportionate share of the things-to-be-done. Straight? Not at all, if by "straight" you mean uninteresting, establishment protocol. Not Tom. Tom is astute, quick, and eager to be where the action is. True, of the group, he was the most reserved, but interest, friendliness, sociability all combined with a searching and intelligent mind to make Tom a real basic ingredient in the project. Writer? Not really. Sincere? The most.)

The gavel went down at 8 p.m. with the National Chairman O'Brien presiding. A long and boring prayer was given by a bleeding-heart pastor, whom Ed Muskie probably liked, as he, too, saw eight sides to a six-sided object.

In an effort to squelch the radical impression of George McGovern and the radical-liberal label Vice President Agnew and others tried to place on the Democrats in 1970, the Dems did their best to appear patriotic and All American. Vice Chairman Mary Lou Burg gave the pledge of allegiance, flags began parading down the floor and the audience sang the national anthem. This was obviously an attempt to show the party's sense of traditional Americanism—the party that "saved America from economic disaster—depression—and world dictatorship—Hitler." However, the response was mute. The delegates and others felt almost strange and out-of-place in the American Legion-like nationalism.

Senator Chiles of Florida welcomed delegates, alternates, TV viewers and guests. He said that the "open system" in the Democratic Party was shown by the fact that 86% of the delegates were new to national convention politics; 37% were women; 15% were black; 22% were young; 100 were Spanish-Americans; and 22 Indians (Native-Americans?) Proudly he pointed out that these people were on the outside in '68 but now are working for change *within* the system. Here was the first taste of Anti-Old-Establishmentism . . . an apparent distaste for the traditional practices of the 1968 Democratic Convention in Chicago.

Another bit of Anti-Old-Pols came from this Senator-from-the-South when he said this was an open convention where "people decide, not their bosses." (NOTE: At this time McGovern & Co. were lining up blocks of delegates for the forthcoming fight on the question of California's delegation being seated.) Senator Chiles apparently was saying that the "people" would decide via advisors, not troops—an analogy, I suppose, to President Kennedy's "advisors" not "troops" in South Vietnam.

While change was being stressed in theory, tradition was stressed in appearance. The singers—an almost all-white, clean-cut, short-haired, establishment group of young people—sang traditional songs, Broadway hits, and Bacharach tunes. And so the convention opened with traditionalism, which acted as a buffer before the spirit of revolution was allowed to let loose as the convention marched right up to the nomination of George McGovern.

I left the hall for a moment to look for food. The first thing I saw outside was several hundred police and troopers, which was most interesting because they had been totally unnoticeable when most people had entered the hall. The logistics of their appearance and actions had to be the most carefully planned operation of the entire convention—a marked contrast to '68 in Chicago. (This is all well and good, unless you were one of those unfortunate people to purchase a week-long "shuttle bus" pass for $8.00—a service which itself got shuttled while emphasis was put on police protection and resulted in a consumer service that would have made R. Nader shudder.)

Claude Pepper of Florida (a former U.S. Senator) gave the traditional convention speech which again provided an interesting contrast to the actual proceedings. Again and again he proudly said that the nominee and the nominee's leadership were in the hands of "the people" and not the politicians. (NOTE: At this time McGovern & Co. were trying to persuade the purist-leftists within the McGovern camp to "cool it" in regard to the South Carolina vote on credentials.)

The disinterested convention-goers (disinterested, at least, as far as what was going on at the podium) were offered the treasurer's report. Being a good capitalist at heart, but enough of a Democrat not to be concerned about over-spending a few million dollars, the treasurer said that the man who said "money is the root of all evil" and "the best things in life are free" . . . never had to run a political party. (With a $9.3 million debt and a tough national campaign ahead, the Keynesian Democrats might begin to wonder about deficit spending.)

Then Mr. O'Brien asked the delegates to "please take your seats." He wanted order, he called for LAW and order . . . "would the sergeant at arms please clear the aisle?"

The obvious fact was that over 85% of those on the floor were new to politics, especially politics of order, and so it was a major task for them to sit down.

Order or not, the lights dimmed and a film was shown of people, people, people—all commenting on the huge American political process and their heartfelt sense of "powerlessness", "anxiety," "hopelessness." They were saying government is too big to be responsive, and felt change was needed. (O'Brien failed to mention that Congress has been controlled by the Democratic Party for most of the last forty years, and that it was the promoter of big government for the "children" of America.)

The revolutionary reform rules called for "democratically elected" delegates and the establishment of a quota system for the first time in the history of either political party. In the opinions of many old political pros, this meant a loss of local control (paralleling the national trend, probably) . . . no better illustrated than with the Daley delegation.

However, these two reforms (the "quota" system and the "open" system) can conflict. For example, if the people voting in the Democratic primary elect an all-WASP delegation (this would be in accordance with the "open" process), the liberals who might dominate the Credentials Committee and the convention would claim the elected delegation was not representative under the "quota" system and would challenge (probably successfully) the seating of the democratically elected group.

An example of his conflict occurred with the challenge to the South Carolina delegation early in the convention proceedings.

The issue was there not being a representative percentage of women in the delegation, and the minority report challenged the seating (as approved by the Credentials Committee) unless the voting power of the twenty-three men and the nine women were made equal (i.e., reducing the men's vote to sixteen and raising the women's vote to sixteen).

Bella Abzug argued for the quota system by saying that South Carolina women make up 51% of its population, but were "allowed" only nine seats of thirty-two—28%.

The Credentials Committee maintained that the South Carolina Democratic Party had "the most democratically elected delegate convention of any in the nation." They claimed that the South Carolina Democratic Party had had workshops, had increased participation of ALL groups, had advertised the location of all polling places, and had the McGovern-Fraser guidelines.

The vote on this question would appear to be a test of whether the Democrats favor quotas over democratically-elected delegates. However, politics overshadowed in this case as McGovern people were asked (instructed?) to let South Carolina stand in favor of the more important California ruling later. Thus the decision on the interpretation of the reform rules was left to the subjective nature of the convention.

At this point it should be noted that another flaw in the quota system is that the decision of which groups will be chosen for percentage representation is arbitrary, and those left out (labor and certain ethnic groups) feel prejudiced against and resented.

Finally, the two big questions of California and Illinois came before the delegates, many of whom had grown impatient with compromise and were more than ready for a showdown. Although these questions were well explained in the media, the principles involved bear repeating because they are basic to decision-making and the theory of "fairness."

As to California, the essential question was whether the "law of the Democratic Party or the law of the land (California statute) should prevail. Senator Gaylord Nelson, in his support of the "winner-take-all" primary, said, "Shall we support the *law* or shall we support *political expediency?*" The other basic question involved the issue of changing the rules of the game "after the fact." The supporters of apportioning the votes of California to each candidate said that it was the most representative way; that the delegates "shouldn't kick out nearly two million votes from this year's process." And as another supporter said, to disenfranchise these people would make a "mockery of the mandate of the reforms." He argued for "equitable representation" and claimed it was a question of the philosophical basis of the Democratic Party.

The vote was obviously largely political; however, the party decided to: (1) follow the law of the land, (2) keep the rules of the game the same before and after the fact, (3) disenfranchise 1,900,000 California voters, and (4) reject the theory of a democratically representative philosophical basis for the party. To the public the Democratic Party was saying that it based its decision on fairness; but in reality it was a matter of which candidates benefited by the ruling.

My first view of the noted hip/zippies was Sunday night when HHH had a conference with the young delegates at the Carillon Hotel. There he was: Abbie Hoffman of the Chicago 7, making childish remarks, asking "all the young people for Humphrey . . . are they from Minnesota?" and getting absolutely NO response from any of the HHH supporters . . . they simply ignored his presence.

Since Tuesday night was to be the platform fight and issues from every corner of the radical bag would be pushed, the Movement decided to have a speaking rally outside the convention hall in an area approved by the police. A couple of hundred or so young people were there listening to the same old garbage from on stage.

When I arrived at this place of thought-provoking utterances, I was surprised to hear a middle-class man in his 30's come to the podium to speak vigorously about the love of Jesus Christ. He said he "came to ask the five top Democrats to make a stand with God, Jesus Christ." At this point there were some jeers from the audience, to the effect that "Christians are fascists . . . Evangelists are helping to justify imperialists," etc. But somehow, the jeers never caught on.

The Jesus supporter continued saying that "we must unite in one cause and pray for the ending of the war." He said that government was not the answer, politicians were not the answer . . . JESUS was the answer . . . for real peace ask for Christ to come into your heart. I agreed with his fundamentalist approach to religion and I liked what he said about government not being the answer.

The Jesus People were out in force at this convention and I think this is one group which did not get publicized properly—in no newspaper or on no TV program did I hear them mentioned once. Yet, they were very visible.

Paul Mier, a returnee from North Vietnam now on a "peace" mission, spoke. He is an active anti-war activist and a co-conspirator in the Harrisburg Case. He said the NVN separates American people into those who are representative of the American government which is the enemy, and that the Movement should also make this distinction. He urged the crowd to be "peaceful and orderly in the name of the NVN" . . . nothing would make Nixon happier, he continued, than to have violence at this convention. (Most of the leaders—many self-imposed—did make a sincere effort to keep peace mainly out of a sincere belief that violence would help the President and hurt their choice—George McGovern.)

One tough fighter against the establishment was a Progressive Labor Party student who said that "it doesn't matter who the nominee of the Democratic Party is" . . . socialism is the answer and voting for the socialist candidate is essential.

After a few more speeches, a march was in order. In rows of eight, about three hundred protestors quietly and peacefully marched from outside the hall back to Flamingo Park. There were actually few protestors—relative to the number of observers. The police were inside the fence which surrounded the convention hall. They all had helmets, and clubs which were absolutely the largest I had ever seen. The Viet Cong and NVN flags were proudly displayed while the marchers chanted "fight back, fight back, fight back." With the Vietnam war waning, they sometimes took their cause to "Fight Back, Rhodesia," or "Fight Back, South Africa."

An unusual alliance was made when about twenty Hare Krishna religious men took the lead of the group—chanting and going into their motions.

The only incident I observed during the march was when a young sophisticate was driving his car down the street that was being occupied by the demonstrators. He wanted to continue, so he honked his horn, at which point there was the first sign of open disturbance among the protestors. They acted as if they were going to lift the car up, but actually went no further than shouting at the guy in the car. (We have more of a right than YOU on this street—let no citizen ever question that right.)

Finally at the park, the Jesus People were again present. The New Pilgrim Baptist Church from Alabama brought in a bus load and one girl was in the process of reading the Bible, from front cover to the end—right in the middle of the park. The protest leaders shunned the Jesus People—possibly they were afraid of being contaminated with love, and having to practice what they preached.

The protestors, on the whole passive, peaceful, and emotionless. With Vietnam being played down and the war being ended, a search was on for new causes to excite the masses, but at this gathering, none came forth. Progress seemed to disturb the hard core leftists—the establishment was stealing their arguments.

Flamingo Park was . . . like an excuse to get away from home, to be free for a few days, to take a vacation. Most were more concerned with the rock band that played and the songs they sang than with the parlimentary proceedings at the convention. The one impression I got was the sense of purposelessness among them. They were there to protest the capitalist pigs, but were actually disillusioned that inside the convention hall an anti-establishment figure was in the process of wrapping up the nomination. How dare the system work—it diffuses the Movement.)

The first rate of awareness in being among the conventioneers had come to me Sunday evening at the Humphrey headquarters at the Carillon Hotel. The lobby looked not unlike most other busy vacationing nights on the beach; HHH supporters mingled, but their activities were dull. For a possible Democratic nominee who had served as Vice President of the United States, visible support was relatively meager.

The old pols were there, those who still clung to the idea that more federal money will clear their consciences and problems will then go away. But they were not as enthusiastic, optimistic, or as forthright with their convictions as in the past. Was it laziness, apathy, or did they feel their dream of government intervention and socialization had been fulfilled? Had a status quo been perfected to the point where further elections didn't really matter? Had they grown soft, comfortable, secure, and were now giving the hard, voluntary work to the "new breed" of idealists?

The HHH candidacy was one last swing of what had become the Geritol Crowd, the Union Middle-Class, and the Moderate Wing of the Party.

After McGovern received the nomination on Wednesday night, I went to the HHH youth beer party at the pool of the Carillon Hotel. They were down—left with only "voting for the lesser of two evils;" i.e., McGovern. The most dedicated were from home-state Minnesota. They clung not to the man or to one cause as did the McGovern supporters, but liked HHH because of his competency and hard work. "Look at his record," said one young college graduate from rural Minnesota, "it speaks for itself."

My impression of these youth-for-Humphrey (the "Swamp Foxes") was that they were predominantly clean cut traditionalist Democrats, hard-working, patriotic . . . the kids next door. Almost all of them were white, despite the fact many blacks supported HHH. Almost to a person these young people (numbering between fifty and a hundred) felt that McGovern would lose, but that they would reluctantly vote for him on the basis of party loyalty. There was a certain amount of pure resentment about the young voters for McGovern—"Why, they aren't even Democrats," said one young girl.

It was rather certain that the HHH supporters—young and old—would go home and work for the Democratic Party, but concentrate on local races. They felt despondent, but were also angry at themselves for being complacent enough to allow McGovern to do the impossible.

TOBACCO IN THE NATIONAL ECONOMY

Mr. HELMS. Mr. President, it is with regret that I note that the distinguished

Senator from Utah (Mr. Moss) has renewed his attack upon the very heart of the economy of my State.

The distinguished Senator from Utah again proposes to terminate the price support program with respect to tobacco. He states that:

Our Government cannot long continue in the indefensible position of aiding and abetting production and export of this product.

With all respect to the Senator from Utah, this matter has been before the Senate on numerous occasions in the past. The facts have been made clear, time and time again, concerning the nature of the tobacco support program, its remarkably small cost to the Government far more than offset by the substantial contribution to the Treasury occasioned by the sale of the manufactured product, and the role played by tobacco in relation to our international balance-of-payments position.

Again with due respect to the Senator from Utah, it should be emphasized that many scientists and Senators have taken issue with the major premises of the Senator from Utah.

More than 182,000 families in my State earn their living from the production of tobacco. They are dedicated, hard-working citizens who, in my judgment, deserve to be encouraged, not hindered, in their constructive labors to support their families.

I would hope, of course, that my people could be spared the anxiety of wondering whether their vital tobacco program is to be placed in peril. Needless to say, I implore Senators to study carefully all of the facts related to this subject which is of such vital concern to the people and the economy of North Carolina and many other States.

Mr. President, I ask unanimous consent that a statement of the U.S. Department of Agriculture, Tobacco Division—ASC, entitled "Tobacco in the National Economy," dated October 1972, be printed in the RECORD.

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

TOBACCO IN THE NATIONAL ECONOMY

Tobacco is a major agricultural commodity that several hundred thousand farm families depend on for most or a significant part of their livelihood. About 400,000 farms in the United States produce almost 2 billion pounds of tobacco on nearly one million acres each year. Although tobacco uses only 0.3 percent of the Nation's cropland, it is usually the fourth or fifth most valuable crop and accounts for about 6 percent of cash receipts from all U.S. crops. U.S. farmers receive annually about $1.3 billion from tobacco sales. On many farms more than one family depends on the income from the tobacco sales. So about 600,000 farm families share in the proceeds from the sale of tobacco. Tobacco is one of the few crops that can still utilize family labor and provide a reasonable income on a small farm. To produce and market an acre of tobacco requires about 400 man-hours.

The United States leads the world in both tobacco production and exports. Among our farm export commodities tobacco usually ranks fourth. During the 1972 fiscal year, U.S. exports of unmanufactured tobacco were valued at $531 million. In addition, exports of manufactured tobacco products were valued at $233 million. Our total tobacco exports in fiscal year 1972 were valued at $764 million. Since tobacco exports substantially exceed imports, they make a sizeable contribution to our balance-of-payments position.

A limited export payment program designed to regain and expand foreign markets for U.S. tobacco by making our tobacco more competitive pricewise was instituted in 1966. The expenditure for this program during the 1972 fiscal year was $26.7 million.

For a number of years, the Department has been working with U.S. agricultural and trade groups to help expand sales to foreign countries of such U.S. farm products as tobacco, wheat, feed grains, soybeans, cotton and fruits. For the 1972 fiscal year, the Department authorized expenditure of $160,000 (dollar equivalent in foreign currencies) for cooperative tobacco market development. This program operated in two countries; Thailand and Austria, which have government monopoly control of the manufacture and distribution of tobacco products. These projects have been undertaken at the request of, and in cooperation with, these foreign governments, and are designed to expand the use of U.S. grown tobacco in the products they manufacture.

The U.S. also imports large quantities of tobacco. During fiscal 1972 our imports of leaf and manufactured tobacco were valued at $167 million. These imports are used for blending with U.S. leaf in the manufacture of cigarettes and cigars. The supplying countries are principally Turkey, Greece and Yugoslavia for cigarette leaf, and the Philippine Republic, Dominican Republic, Colombia, Brazil and Paraguay for cigar leaf.

During the 1972 fiscal year, U.S. consumers spent about $12.8 billion on tobacco products, of which about $5.1 billion were received by Federal, State and local Governments as excise tax revenue. Thus, taxes represent about 40 percent of consumer expenditures for tobacco products, and are about four times the amount U.S. farmers receive from their tobacco sales.

The demand for tobacco by many millions of people will continue even though confronted with health issues and other repressive influences. Manufacturers will obviously strive to satisfy this demand and will obtain their tobacco requirements either from domestic producers or from suppliers of foreign grown leaf. U.S. producers naturally feel they have every right to continue to earn their livelihood by producing tobacco to supply this demand.

For many years, the Department of Agriculture has administered programs to stabilize U.S. tobacco production and assure fair prices to growers. Marketing quotas are in effect for most types of tobacco. In most referendums, more than 90 percent of the growers voting have favored marketing quotas. It is generally agreed that because of the production control program, less tobacco is produced in the United States than would likely be the case if there were no Government programs.

When growers approve marketing quotas, price supports are mandatory for that kind of tobacco under existing legislation. Under the price support program, Commodity Credit Corporation (CCC) loans are made available through producer associations with the tobacco as collateral. The associations handle and sell the tobacco, and repay the loans as the tobacco is sold. The realized cost of the tobacco price support program during the 1972 fiscal year was $200,000. The cost, that the Government has sustained in operating the price support program for tobacco from 1933 to date, has been about 0.15 percent of the cost for all farm commodity price support operations.

Under the cropland adjustment program, provided by the Food and Agriculture Act of 1965, farmers are paid to divert cropland acres to non-agricultural and conserving uses. During fiscal year 1972, approximately $1.4 million was paid to producers for diverting tobacco acreage.

The Department provides an inspection service to grade all tobacco before it is sold on the auction markets. Government grade standards affixed by USDA inspectors are the basis for CCC price support loans. Daily market news reports inform growers of prices and market conditions. The tobacco inspection and market news services cost $4.8 million during the 1972 fiscal year.

Expenditures for tobacco under Public Law 480 (Food for Peace Program) during the 1972 fiscal year totaled $24.3 million, of which $5.4 million represented the sale of leaf tobacco and tobacco products for U.S. dollars on credit terms. The remaining $18.9 million represented sales for local currencies, as no tobacco is donated under Public Law 480.

The Department conducts major research on tobacco in cooperation with the State Agricultural Experiment Stations and other agencies. In fiscal year 1972, $6.2 million were programmed for tobacco research. Following the issuance of the Surgeon General's Report on "Smoking and Health" in 1964, the Department expanded and redirected its research in an effort to ascertain what, if any, element in tobacco or its smoke, may be injurious to health.

The following table shows the cash receipts from tobacco, percentages of all crops and all farm commodities, and the number of farms and families producing tobacco in the 16 leading tobacco producing States in 1971.

States	Cash receipts from tobacco, 1971 (millions)	Tobacco cash receipts as proportion of those from— All crops (percent)	Tobacco cash receipts as proportion of those from— Crops, livestock, and livestock products (percent)	Number of farms producing tobacco	Number of families associated with tobacco farms
North Carolina	$562	60.7	36.8	80,000	182,000
Kentucky	271	66.4	28.7	135,000	147,000
South Carolina	101	35.0	21.6	13,000	33,000
Virginia	90	33.9	14.6	28,000	48,000
Tennessee	76	23.3	10.2	74,000	94,000
Georgia	92	16.4	7.3	10,000	30,000
Florida	27	2.7	1.9	2,300	10,000
Maryland	23	17.8	5.8	3,000	6,000
Connecticut	26	38.9	15.7	100	4,600
Pennsylvania	$10	3.6	0.9	3,000	3,070
Ohio	12	1.9	.9	9,500	11,000
Indiana	10	1.2	.6	8,300	9,400
Massachusetts	11	13.4	6.7	100	1,500
Wisconsin	9	3.9	.6	2,900	5,200
Missouri	5	.8	.3	1,200	1,600
West Virginia	2	7.4	1.7	3,300	4,400
United States	1,328	5.9	2.5	373,700	591,400

THE BEST ARGUMENT AGAINST AN AMERICAN SST

Mr. PROXMIRE. Mr. President, at the end of last month the Joint Economic Committee held 2 days of hearings on the supersonic transport. The purpose of the hearings was to assess the ongoing research programs that the Department of Transportation and NASA are conducting in this area, and to consider any future plans for resuming Federal funding of SST development.

Unfortunately, the witnesses we invited from the administration—witnesses that could have enlightened Congress on a possible SST resumption—all refused to testify. This was most regrettable, and we can only speculate about the administration's intentions with regard to resuming a full-scale SST program.

One of the most telling statements that was submitted at these hearings came from Milton Friedmen, the University of Chicago economist. Friedman points out that the real nub of the SST issue is often obscured—that the real question is: What business does the Government have involving itself in SST development? As Friedman says:

> The SST issue is often presented as if the question were: Should or should not an SST be built in the United States. That seems to me the wrong question. I favor the building of an SST in the United States, if private enterprise finds it profitable to do so, after paying all costs, including any environmental costs imposed on third parties.
>
> On the other hand, I oppose the building of an SST in the United States if that requires government subsidies.

Mr. President, I ask unanimous consent that an article by James J. Kilpatrick about our SST hearings published on January 9, 1973, and Mr. Friedman's testimony before our committee be printed in the RECORD.

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

[From the Washington Evening Star and Daily News, Jan. 9, 1973]

THE BEST ARGUMENT AGAINST AN AMERICAN SST

(By James J. Kilpatrick)

Milton Friedman, as he so often does, put his finger a few days ago squarely on the heart of a major public issue. The Chicago economist, a towering figure in the world of finance despite his diminutive size, was talking of the supersonic transport plane. He was against its revival by the incoming Congress.

The issue itself is something less than transcendent. For some months, rumors have been floating about Washington that an effort would be made—it was never clear by whom—to have Congress authorize a fresh start on the SST. The rumors reached a point that Wisconsin's maverick Sen. William Proxmire, leader of forces opposed to the SST, held two days of hearings before his Joint Economic Committee. Professor Friedman was his key witness.

If it were not for an important principle, the issue scarcely would justify reporting. An American SST, for at least the foreseeable future, is a dead duck. The Boeing Company has sold its costly mockup and disbanded its design and management team. The Senate, which voted 51–46 in March 1971 to halt further federal appropriations, is not likely to be talked into a resumption of the program. Those who dream of renewed federal financing are dreaming of pie in the sky.

Yet the principle merits a word. Friedman summed it up:

"The SST issue is often presented as if the question were: Should or should not an SST be built in the United States? That seems to me the wrong question. I favor the building of an SST in the United States, if private enterprise finds it profitable to do so, after paying all costs, including any environmental costs imposed on third parties.

"On the other hand, I oppose the building of an SST in the United States if that requires government subsidies. I oppose governmental subsidization of the SST for exactly the same reasons that I oppose governmental subsidization of food, or of automobiles, or of furniture, or of electric power. I believe in the free enterprise system. A governmental decision to produce an SST largely at its own expense is a step toward socialism and away from free enterprise."

This is the heart of the argument that many critics tried to make two years ago. Many other complaints, of course, were raised. There was the problem of the SST's sonic boom, a plaster-cracking roll of thunder on the earth beneath its path. There was the problem of the ariplane's nose at takeoff. Some critics professed to see a danger to the earth's environment in the effect of the SST's exhaust on the upper atmosphere.

Proponents of the SST were able to fend off most of this barrage. They never could answer the one unanswerable question: If this private, commercial airplane is as great a bargain as you say, why can't the private market finance it?

The realities, when you could persuade the proponents to look at realities, were simply damning. At a price of $40 million for each SST, the purchasing airlines would have been taking on a tremendous investment per passenger seat. Prospective operational costs for fuel alone were astronomical. The SST could be profitable only at much higher fares than now are charged for trans-oceanic flights, and only with load factors at wildly optimistic levels.

When it came to the final showdown in the Senate, the money at stake was peanuts: $134 million to continue prototype financing. It is a large sum to most of us. In the money market it is nothing. If the airline industry genuinely had believed in the SST as a profit-sharing venture, the $134 million could have been raised in a weekend. No one would touch it. In the dreadful, eloquent silence that followed the Senate vote, the business community pronounced its mute verdict: bad deal.

Nothing has transpired from that day to this, including dispirited news of the British-French Concorde, to alter that verdict.

UNIVERSITY OF CHICAGO,
Chicago, Ill., December 11, 1972.

Hon. WILLIAM PROXMIRE,
Joint Economic Committee,
U.S. Senate, Washington, D.C.

DEAR SENATOR PROXMIRE: I understand you are holding hearings on the proposed revival of the SST project. I am very pleased indeed to submit herewith a statement for the RECORD.

The SST issue is often presented as if the question were: Should or should not an SST be built in the United States? That seems to me the wrong question. I favor the building of an SST in the United States, if private enterprise finds it profitable to do so, after paying all costs, including any environmental costs imposed on third parties. On the other hand, I oppose the building of an SST in the United States if that requires governmental subsidies. I oppose governmental subsidization of the SST for exactly the same reasons that I oppose governmental subsidization of the production of food, or of automobiles, or of furniture, or of electric power. I believe in a free enterprise system. A governmental decision to produce an SST largely at its own expense is a step toward socialism and away from free enterprise.

The basic justification for a free enterprise system is that the possibility of profit will lead private individuals seeking their own interests to promote the social interest by producing only those products for which people are willing to pay and producing them at lowest cost. But a profit system can work only if it is also a profit and loss system, only if projects that do not pay are not carried out, and when enterprises make a mistake about a project, they must bear the consequences. If government bails enterprises out, either in advance on the expectation of a loss, or after the event when a loss has been realized, the fundamental justification of a free enterprise system is destroyed.

There are occasions when governmental subsidization or taxation of private activities is justified. Such occasions arise when the activity imposes net benefits or net costs on third parties for which they do not pay or do not receive compensation for example, there is a strong case for affluent taxes, as a means of requiring the consumers of a product to pay the costs of pollution imposed on third parties in the course of manufacturing that product. There is a case for governmental subsidization of basic scientific research because the research confers benefits on the rest of us that the producers of the research cannot charge for—though I hasten to add that I conjecture that the present level of such subsidization is far greater than can be justified on these grounds.

Despite the enormous amount of propaganda for government subsidization of SST, no valid evidence has been presented that there are net benefits to third parties that they are not required to pay for. The assertions to this effect have in general been logically fallacious. This is true about the alleged benefit from additional employment. The only effect would be to employ people here instead of on more productive activities, since the addition to employment from the SST subsidy would be offset by the subtraction from employment as a result of the extra taxes that would have to be paid to finance the subsidy or the loan funds that would not be available for other uses if they were absorbed to pay the subsidy. Similarly, the alleged benefit to our balance of payments is logically fallacious. That is simply mercantilist confusion. Our benefits from international trade come from imports not exports and there is always a rate of exchange at which these will balance. If at that rate of exchange it is profitable to produce an SST for export, fine; if not, there is no case for subsidizing it.

In the one external effect that it has any even prima facie merit is the possibility that the development of the SST will have some benefits for national defense. But in that case the expenditure on the SST should be considered as part of the defense budget and compared with other means of adding to our military strength.

I therefore conclude that there was no case earlier for subsidizing the production of an SST and that there is none now.

Sincerely yours,

MILTON FRIEDMAN.

TAX CREDITS FOR PARENTS OF CHILDREN ATTENDING NONPUBLIC SCHOOLS

Mr. TAFT. Mr. President, on December 29, 1972, a three-judge Federal district court panel declared unconstitutional an Ohio statute granting cost-of-education tax credits to parents of children attending nonpublic elementary and secondary schools and enjoined the implementation of the statute. I am deeply concerned about the effect that this decision will have on our nonpublic schools as well as its overall im-

pact upon the educational system of Ohio. An immediate stay of that order is vital.

It is my firm belief that the Ohio laws attacked not only the requirements of the first amendment, but that the effect of this adverse decision is to deny parents of nonpublic schoolchildren the equal protection of our laws. It interferes with the basic parental right of freedom of choice of a school for their children. Based upon this belief, in 1972 I introduced S. 3536, providing income tax credit relief for parents of nonpublic schoolchildren, which I considered necessary to the survival of the nonpublic schools of this country. I expect to offer similar legislation this year. But even its early passage will not prevent major damage in Ohio right now.

It has been reported that this decision will deprive the parents of 276,991 children of the relief which the Ohio Legislature prescribed for them. The amount of tax credits due under the act for the year 1972 would total $24,929,190. This credit money is budgeted and available. Without this immediate relief, it has been projected that 40 nonpublic schools will be forced to close in Cleveland alone. The already overcrowded public school systems will have to absorb the children from those schools. Without the prescribed tax relief, the nonpublic schools of Ohio are doomed to failure.

The prospect of public school systems which are unable to assimilate the influx of students that will be thrust upon them leaves little hope for the quality of education to be provided.

Furthermore, if nonpublic schools were to close, the taxpayers of Ohio would have to assume an increase in education costs amounting to between $175 and $200 million per year. The tax credit statute is clearly intended to provide partial tax relief to parents who, at their own expense, are providing a secular education and thus relieving the State of an obligation it would otherwise be required to perform.

Instead of penalizing parents for exercising their constitutional right to send their children to nonpublic schools, the Ohio Legislature sought to give these parents partial tax relief for the secular education they provide and thereby to encourage continued private investment in education. The vitality of both public and nonpublic education could then be sustained. Clearly, the benefits to be derived from this statute inure to not only the parents of nonpublic schoolchildren, but in a very meaningful way to the entire citizenry of Ohio by sustaining the integrity of the public school system and avoiding the increased tax burden which would be incurred if the nonpublic schools were to close.

The decision of the Federal district court in Ohio is presently on appeal to the Supreme Court because it conflicts with a Federal court decision in New York which found a similar tax credit statute to be constitutional. It should also be noted that in 1971 a Minnesota State court held that the Minnesota tax credit statute was constitutional. As a result of these conflicting decisions, the parents of children in nonpublic schools in New York and Minnesota are enjoying the tax credits which Ohio parents are presently enjoined from receiving. On January 10, 1973, the appellants in the Ohio case filed an application for a stay of the injunction pending the Supreme Court's disposition of the appeal. Since the issue before the Court involves a conflict between Federal courts over the application of the Constitution of the United States, I hope and suggest that the Solicitor General express the views of the United States in a brief to be considered before the Supreme Court rules on the stay.

I hope that the stay will be granted, for otherwise, the difference in treatment between citizens of these three States would be discriminatory and a denial of equal protection of our laws to the citizens of Ohio. The need for relief to parents of children attending nonpublic schools is immediate. Equality of treatment coupled with the urgency of the educational situation in Ohio are compelling reasons for granting a stay of the injunction and allowing the statutory relief to be implemented.

GENOCIDE—A MATTER OF INTERNATIONAL CONCERN

Mr. PROXMIRE. Mr. President, it is now more than 23 years since the United Nations Convention on the Prevention and Punishment of the Crime of Genocide was first transmitted to the Senate for ratification. Since that time we have heard repeated in this body, and outside, a number of objections to such action. It is my contention that these are objections of little real substance and provide no obstacle to giving the Genocide Convention its well deserved approval.

The objections raised to the Genocide Convention are both general and specific in nature. Today I would like to address myself to the first general objection that has been raised—that genocide is a domestic matter that cannot appropriately be dealt with through the treatymaking power.

The international community has affirmed at the highest level that genocide is an international crime. This declaration was made by the unanimous action of the General Assembly of the United Nations. Furthermore, the United States is a party to the charter of the Nuremberg tribunal, which declares crimes against humanity to be of international concern. Indeed, during the operation of that tribunal, representatives of our Government helped to prosecute, convict, and punish individuals for committing these offenses. Surely then, as a matter of law, the status of genocide as an international crime is beyond dispute.

When we turn from the legal to the political aspects of genocide it again becomes clear that the question is one of legitimate international concern. The unhappy record of modern history provides numerous examples of severe ethnic or racial persecutions which have led to or accompanied international conflict. The Nazi plans for the conquest of Russia and Poland were made feasible by their readiness to exterminate the Jewish and Slavic inhabitants of those parts of Europe. This is only the most notorious example of the connection between genocide and aggression. More recently we have seen how violent ethnic, racial, and religious hatred between Greek and Turk, Ibo and Hausa, Arab and Jew, Moslem and Hindu, Protestant Irish and Catholic Irish, can lead to the outbreak or danger of international conflict.

Seen in this light, it becomes clear that genocide is a disease whose contagion can never be limited by national boundaries. Only the united resolve of the world community can hope to control. I urge that the Senate dispel any doubt as to America's commitment to this effort by giving its long-overdue approval to the Genocide Convention.

GOVERNMENT IN THE SUNSHINE

Mr. STEVENSON. Mr. President, I am pleased to cosponsor the Government in the Sunshine Act introduced yesterday by the Senator from Florida (Mr. CHILES). Late last year Senator MATHIAS and I constituted ourselves into an ad hoc committee to consider ways and means of strengthening the Congress by making it more reflective of the popular will, more accountable to the people, and more efficient in the discharge of its traditional functions vis-a-vis the Executive.

During the 3 days of hearings which our committee held in December 1972, the most prominent and all-encompassing theme to emerge was the one with which this bill is concerned: access to information. A government whose legitimacy rests upon the consent of the governed must not, except in special circumstances such as those carefully spelled out in this bill, conduct its business in secret. By denying the voters the information they need to exercise an informed choice at the polls, excessive governmental secrecy reduces the principle of consent of the governed to an empty platitude. If we close the doors to the public, we will all be the losers—except for the special interests. At best, excessive secrecy breeds public suspicion and confusion; at worst, it fosters sloppiness, favoritism, influence peddling, and outright corruption.

This legislation promises to give the voters the information they want and need to do their job at the polls. Equally important, it gives us in the Congress—the institution most representative of and responsive to the people—the information we need to do our job. Every administrative agency to which this bill applies was created by an act of Congress. We therefore have a legal, moral, and constitutional duty to oversee the activities of the administrative agencies we have created—a duty which cannot be properly discharged if the regulators and the regulated conduct their business in private. It may not always be true that knowledge is power, but for us in the Congress the lack of knowledge leads inescapably to a lack of power. If we are serious about strengthening the Congress, the place to begin is by eliminating excessive executive branch secrecy root and branch, as this bill would do.

I commend Senator CHILES and Senator RIBICOFF for introducing this legislation.

IGOR SIKORSKY

Mr. RIBICOFF. Mr. President, Igor Sikorsky, one of America's greatest aviation pioneers, died October 26, 1972, in his home in Easton, Conn. Mr. Sikorsky was 83.

Igor Sikorsky was a brilliant scientist and engineer, a patriotic and dedicated American and a warm and compassionate friend. All Americans mourn his passing. He was a personal friend of mine. I will miss him deeply.

Born in Kiev, Russia, May 25, 1889, Mr. Sikorsky invented and piloted the first practical helicopter. He also was known and honored in the aviation world for his development of multiengine planes and of amphibians. But the helicopter was his primary interest. As a youth in Russia, Mr. Sikrosky tried to build a rotary wing aircraft. That effort failed, mainly because engines of those days lacked sufficient power. But he did put a helicopter into the air in 1939. Today the Silkorsky helicopter is used extensively throughout the Nation, in both civilian and military pursuits.

Typical of Mr. Sikorsky's humanistic attitude toward his work and his inventions was a comment he made when the first helicopter was used to fly blood plasma for victims of a steamship explosion in 1944. Mr. Sikorsky said:

It was a source of great gratification to all of the personnel of our organization, including myself, that the helicopter started its practical career by saving a number of lives and by helping man in need rather than by spreading death and destruction.

Mr. Sikorsky's organization was the Sikorsky Aero Engineering Corp., which he established on Long Island in 1922 and which became the Sikorsky Aircraft Division of Stratford, Conn., a branch of United Aircraft Corp.

Mr. Sikorsky, who came from a long line of priests, inherited an interest in science from his mother, a physician, and his father, a psychology professor.

In addition to his unprecedented breakthroughs in helicopter technology, Mr. Sikorsky produced successful twin-engine, all-metal transport. That innovation led to the amphibious aircraft used by Pan American World Airways in mapping out overseas airways.

Mr. Sikorsky retired in 1957, but he remained greatly active as a consultant to the organization.

Mr. Sikorsky is survived by his wife, Elizabeth, and four sons: Sergei, of Speyer, Germany; Nikolai, of West Hartford; Igor, Jr., of Simsbury, Conn.; and George, of Poughkeepsie, New York; and a daughter, Tania von York of Easton, Conn.

On September 11, 1963, the Christian Science Monitor published an article about Mr. Sikorsky's career. 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:

PIONEER OF FLIGHT FRONTIERS

(By Albert D. Hughes)

STRATFORD, CONN.—There have been probably fewer aviation pioneers with a more profound influence in the two main branches of aircraft design—fixed wing and rotary wing—than Igor I. Sikorsky, inventor of the first practical helicopter.

Mr. Sikorsky said he put aside his rotary-wing experiments back in 1910 for 30 years. He recognized that there was not enough information or experience available in the state of the art at that period to enable him to come up with a successful helicopter.

So he turned to fixed-wing aviation and at its climax in his career he evolved a flying boat design that made the first commercial nonstop flight across the North Atlantic.

Mr. Sikorsky's work in fixed-wing aviation has slipped into the background in the developments that have surged around him since he perfected the helicopter. For his rotary-wing developments, aviation history, certainly, will place him beside the Wright brothers.

EARLY PROTOTYPE WATCHED

It was in the context of this history that we sat down recently with Mr. Sikorsky just after the 40th anniversary of the aircraft company he founded in 1923. For 24 years, the company has been a subsidiary and is now the Sikorsky Aircraft Division of United Aircraft Corporation.

Once engineering manager and now engineering consultant for the division named for him, Mr. Sikorsky occupies an office set down in the engineering section of the modern plant beside the Housatonic River.

A gentleman with courtly Old World manners, Mr. Sikorsky brims with enthusiasm when discussing the future of his beloved helicopter. Despite the deferential manner, there gleams in his eyes the zeal of the inventor.

When we mentioned that we had had the privilege of seeing him flying the prototype of the first helicopter in 1939, Mr. Sikorsky's eyes lighted up. That original model, the VS-300, is now in the Ford Greenfield Village Museum, Dearborn, Mich.

"I dreamed about helicopters as a boy," Mr. Sikorsky related. "I had a definite reason, too. I saw it as an aircraft completely free from ground conditions. It could take off from any spot. It had total freedom from an airport. It could operate from a rooftop or platform, or on board ship.

"It could make 'partial landings' . . . contacting the ground or a roof without letting its weight repose," he further explained. He diverted from his reminiscences to explain how this partial-landing principle saved lives a few years ago in a bad terminal building roof fire at the Brussels airport. "The roof was too high for ladders and men were trapped on it because of the flames. A helicopter was sent to the scene and it hovered over the roof area, the trapped men stepped into it, and lives were saved," Mr. Sikorsky said.

TAUGHT HIMSELF TO FLY

He seemed pleased when we mentioned the flying boat since it is obviously one of his favorite developments. "In April, 1910, after I made my conclusions on helicopter development, I decided to go temporarily into fixed-wing aircraft. It was an easier problem, some useful information was available, and other men had succeeded in flying.

"My first result, the S-2, got into the air for the first time in June 3, 1910. It was my first time in the air and lasted only 20 seconds. I had no instructions. I taught myself to fly it."

Mr. Sikorsky, like many Europeans, was excited by the flights of Wilbur Wright in France in 1908. When he got reliable information and pictures of the Wright flights it fortified his resolution to make aviation his life occupation. He said many Europeans were not convinced about the success of the Wrights' flights because of the long period which elapsed betwen 1903 when they first flew until the 1908 flights in France. But Wilbur Wright's flights erased these doubts, he said.

In 1909, when he was 20, Mr. Sikorsky got enough money from his relatives to make a trip to Paris, then the European center of aviation, and bought an engine. "I produced my No. 1 and No. 2 helicopters in 1909 and 1910. They did not fly and made a lot of noise and dust. I learned a great deal about building aircraft and handling aviation engines from this experience.

SERIOUS BUSINESS

"I also found that about 10 percent of the literature on aviation was correct and 90 percent wrong. I had to use imagination and intuition and create quickly my own means and methods. But I realized the problems that existed at that period. That was when I gave it up temporarily."

His first fixed-wing airplane wouldn't fly and he quickly improved it for a second in which he made his first 12-second flight. It was pioneering all the way. He built an aircraft without knowing how to build one and taught himself to fly. "I learned how serious the whole business was, both designing and piloting. Both needed studying and I had no one to teach me."

Mr. Sikorsky's fifth fixed-wing design earned him national recognition as well as the Federation Internationale Aeronautique's (FAI) license No. 64. His S-6A also received the highest award at the 1912 Moscow Aviation Exhibition and in the fall won first prize in the military competition at Petrograd (St. Petersburg).

CATWALKS FOR STROLLING

This 1912 success led to his being named to head the aviation subsidiary of the Russian Baltic Railroad Car Works. It was here that he conceived the first multiengine design. He produced a four-engine plane that was called the "Grande" because of its size. It had many things which air passengers accept as commonplace in modern aircraft, lavatory, upholstered chairs, and exterior catwalks where passengers could "take a turn about the deck."

His second four-engine design, named "Ilia Mourometz" for a Russian hero, went into large production for those days. As a bomber design, 100 were ordered and 75 were delivered to the government, Mr. Sikorsky related. They saw action in World War I, he said, participating in air raids on the Eastern Front.

The Bolshevik Revolution in Russia, however, ended Mr. Sikorsky's career in that country. He gave up a considerable personal fortune and emigrated to France where he was commissioned to build a bomber for Allied service. The aircraft was on the drawing board when the Armistice was signed. Mr. Sikorsky vainly tried to find a position in French aviation and headed for the United States.

AMERICAN FIRM SET UP

He found postwar aviation here waning and after trying to find work in his field, Mr. Sikorsky took up teaching. He lectured in New York, mostly to fellow emigrees. Then, in 1923, a group of students and friends who knew of his reputation as a designer in Russia, pooled their funds and financed his first American aviation firm, Sikorsky Aero Engineering Corporation.

"Our first plant was on a friend's farm in Roosevelt, L.I.," he recalls. "We took over a shed and a chicken house and started building an airplane. Most of the work was done by hand.

"We had no machinery except a one-quarter horsepower drill press," Mr. Sikorsky said. "The main longeron of the fuselage was formed out of steel angles taken from discarded beds found in a junkyard. Turnbuckles were bought for 10 cents apiece at Woolworth's," he further recalls.

The first airplane built by the young insecure company was the S-29-A (for-America), a twin-engine transport which proved a forerunner of the modern airliner. The S-29-A eventually was sold to Howard Hughes who disguised it as a German bomber and crashed it in a film, "Hell's Angels," which he produced.

PILOTED BY LINDBERGH

A number of aircraft followed, including the twin-engine S–38 with which Pan American World Airways opened services to Central and South America. The success of this aircraft was the step leading to an invitation for Mr. Sikorsky's company to become a subsidiary of United in 1929.

He further recalls that on the maiden flight to the Panama Canal Zone, which Col. Charles A. Lindbergh piloted, "Lindbergh and I would take the dining-room menu each evening, turn it over, and write down data and performance specifications for a transoceanic clipper."

The result was the S–42 Flying Clipper, delivered in 1934, and which began flying the Atlantic in 1937. The British withheld permission for the United States to fly to London until it readied the Short flying boat for Imperial Airways. With the development of the larger S–44 flying boat, the United States held the Blue Ribbon on the North Atlantic for its fastest passages. It was the first Sikorsky-built aircraft to cross the Atlantic nonstop with a payload.

FLYING BOATS CONTEMPLATED

Mr. Sikorsky believes flying boats were abandoned too early for they have advantages in comfort growing out of their large size. He visualizes large flying boats with 40 to 50 staterooms, a dining room, and other comforts.

With transatlantic pioneering in back of him, Mr. Sikorsky returned to his first love—helicopters. In 1931, he had made application for a helicopter patent for a design similar to the prototype VS–300, except that it had a single rotor—a feature of Sikorsky aircraft ever since.

"Stability and control were unknown and had to be approached anew," Mr. Sikorsky says of his helicopter experiments which led to the successful design. "Control also had to be the same, that is, equal, whether the movement of the stick was forward, hovering, or backward."

HELICOPTER GENEALOGY

Then on Sept. 14, 1939, Mr. Sikorsky lifted the VS–300 off the ground for a fraction of a minute. Within two years, Mr. Sikorsky had made a new set of world helicopter records.

Military contracts followed, and in 1943, large-scale manufacturing of the R–4 made it the world's first production helicopter. The sizes kept increasing until they reached the S–55, the first certificated transport helicopter; the twin-engine S–56, capable of carrying 50 troops; the 12-passenger S–58; the single-turbine S–62, first amphibious rotary-wing with flying-boat hull; the S–61, twin turbine aircraft, a Navy antisubmarine weapon, and 28-passenger commercial airliner.

His pet project now is the S–64 "Skycrane," a twin-turbine helicopter with a basic framework to which a number of cargoes up to 10 tons can be suspended. He visualizes designs with payloads up to 20 and 30 tons, and heavier.

Mr. RIBICOFF. Mr. President, in a column I write twice a month for Connecticut newspapers, I talked about Mr. Sikorsky's achievements. 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:

ALL TO THE GOOD

Connecticut, the nation and the world lost a brilliant engineer and scientist and a deeply compassionate human being when Igor Sikorsky died in his home in Easton, October 26, 1972 at the age of 83.

Congress had adjourned and I was occupied with the campaign at the time of his death. So, in this my first column of 1973, I want to briefly retrace Mr. Sikorsky's career. For in his life's work and achievements, this genius of aviation technology revolutionized air transport and, equally important, provided a vivid illustration of how a man with determination and skill and courage can succeed in America.

The name Sikorsky, of course, is synonymous with helicopters. After all, Igor practically invented them. But, to me, the name Igor Sikorsky also means something else. It is that individual men and women working in a free society are capable of incredible accomplishments. Few people achieved as much in a lifetime.

Igor Sikorsky was born in Kiev, Russia May 25, 1889. His father was a psychology professor, his mother a physician. There had been several priests among his forefathers as well.

The young Sikorsky was intrigued with the concept of an aircraft that could take off vertically. He once recalled:

"I dreamed about helicopters as a boy . . . I saw it as an aircraft completely free from ground conditions. It could take off from any spot. It had total freedom from an airport. It could operate from a rooftop or platform or on board ship."

In Russia, Igor Sikorsky tried to build a helicopter. He might have succeeded, too, had there been engines available in those days to provide sufficient power. But the young man's genius for aviation was not wasted as he produced conventional planes and eventually multi-engine bombers that were used by Russia in World War I.

With the Bolshevik Revolution in Russia, Mr. Sikorsky emigrated to France and in 1919 he came to the United States. Virtually penniless, Mr. Sikorsky taught for a while. Then, in 1923, with financial backing from fellow students and friends—one of them Serge Rachmaninoff, the pianist-composer—Mr. Sikorsky founded the Sikorsky Aero Engineering Corporation.

Located initially in an abandoned shed and chicken house on a farm in Roosevelt, Long Island, the Sikorsky Aero Engineering Corporation prospered. Mr. Sikorsky designed and built several multi-engine airplanes, one of which—the twin-engine S–38—enabled Pan American World Airways to open services to Central and South America.

In 1929, Mr. Sikorsky's firm merged with United Aircraft.

Many more successes in fixed wing aircraft followed. Mr. Sikorsky worked with Colonel Charles Lindbergh and others, for example, in developing the S–42 Flying Clipper which began flying the Atlantic in 1937.

But the helicopter remained Igor's first love. In 1931, he applied for a helicopter patent and in 1939—on September 14—he piloted his own chopper, the VS–300.

While the military application of helicopter technology has been significant, Mr. Sikorsky always believed that its greatest potential lay in civilian, peaceful pursuits. Typical of his humanistic attitude toward his work and his inventions was a comment he made when his first helicopter was used to fly blood plasma for victims of a steamship explosion in 1944. Mr. Sikorsky said:

"It was a source of great gratification to all of the personnel of our organization, including myself, that the helicopter started its practical career by saving a number of lives and by helping man in need rather than by spreading death and destruction."

Today, the monuments to Igor Sikorsky are many. They range from the main Sikorsky plant in Stratford to virtually every helicopter ever built. If Mr. Sikorsky didn't design it, the engineer who did learned how from Igor. For Igor Sikorsky, like the Wright Brothers, like Charles Lindbergh, John Glenn and Neil Armstrong, made history in flight—and all mankind is better for it.

EVELYN WADSWORTH SYMINGTON

Mr. EAGLETON. Mr. President, a warm and fond recollection of a very lovely lady, Mrs. Evelyn Wadsworth Symington, appeared Monday in the Washington Star-News. I ask unanimous consent that this beautiful tribute to the wife of our colleague be printed in the RECORD.

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

WHERE THE THREAD LEADS

(By Judy Flander)

Evelyn Wadsworth Symington:

"The thread of life is filling with the hours
Each one a slipping multicolored bead.
Who knows what lies beyond the clasping,
Or where the slender, shining thread will lead?
We only know we strive to make them perfect,
Each symmetric, full and gay,
Well knowing that beyond the radiant center
The other half will dwindle fast way."

On the day before Christmas, while she was attending the Redskins-Green Bay Packers playoff game with good friends, Evie Symington's shining thread of life received its last few gay beads. Minutes after she returned home to the Wadsworth house on N Street, she was stricken with an aneurysm of the aorta from which she died less than an hour later at Georgetown University Hospital. The life she looked ahead to, in a poem she wrote 51 years ago when she was 18, was over.

That was the way she had wanted it to end. Driving to RFK Stadium that day with her husband, Sen. Stuart Symington, D-Mo., and Sen. Howard Cannon, D-Nev., and his wife, Dorothy, she commented sympathetically on the plight of former President Harry Truman who, at that moment, was dying slowly in a Missouri hospital. "You know, Dorothy," she said. "When my time comes, I want to go fast. I have no desire to linger on."

Mrs. Cannon does not believe that Evie Symington had a premonition of imminent death. She and her husband later assured Sen. Symington they'd noticed no signs of illness or discomfort in his wife. "We were all feeling so fresh and nice and happy that day," said Mrs. Cannon, "It truly was one of the most delightful days I've ever spent."

Essentially, Evie Symington was classifiable as a "homemaker," or any of the other euphemisms used to describe the woman who stays home and tends her family. Hers was a family of notable men: she was the granddaughter of a Secretary of State, the daughter of a Senator and Representative, the wife of a Senator and the mother of a Congressman.

Many women, particularly of Evie's generation, assume their role as keeper of the hearth by default. They take for granted that they have no other destiny. Mrs. Symington had to make a choice.

A rising star as a supper club singer in New York's best hotels in the mid-1930s, she was earning $1,700 a week, was deluged with Hollywood offers, and had passed a Paramount screen test. She was planning to go to California to make a movie in 1938, when her husband, then a drivingly successful New York businessman, received an offer to become president of, and rejuvenate, the Emerson Electric Manufacturing Co. in St. Louis, Mo.

Soon after these developments, Stuart Symington received a call from Evie's agent, Sonny Werblin (later owner of the New York Jets) who wanted to know, "What's going on? She's cancelled everything."

That evening, Evie told her husband, "I'm either going to be a singer or I'm going to be a wife and mother. I've decided to be a wife and mother."

A young woman who later became known as "the incomparable Hildegarde" took over

the singing contract. If Evie ever had any regrets about giving up fame and fortune, she never told anyone. Her husband, her sons, her friends never heard her mention her career again.

Younger son, Jimmy (Rep. James Wadsworth Symington, D-Mo.) says, "I don't know what women's lib would have to say about it, all I know is she did what her heart prompted her to do. Dad's needs for her had always been tremendous—as a listener, a helper, a counselor and a refuge."

Jimmy adds that Evie knew what kind of a man she had married. He had entered the Army in World War I as a private and come out as a second lieutenant—the year he was 17. He'd already made a considerable fortune when he took over the Emerson Co. In 1945, President Truman offered him the chairmanship of the Surplus Property Board. Over the years Stuart Symington rose from one prestigious position to another. He served successively as Assistant Secretary of War for Air, Secretary of the Air Force, chairman of the National Securities Board, and administrator of the Reconstruction Finance Company.

He was first elected to the Senate in 1952 and was a serious contender for the Presidency in 1956 and 1960.

"In a way, Washington was Evie's town," said Sen. Symington the other day, recalling how he had met her at a dance in 1920 at what is now the Sheraton-Park Hotel. In 1915, when she was 12, Evie's father, James W. Wadsworth, was elected Republican Senator from New York. The family moved to the Hay house, across Lafayette Park from the White House where the Hay-Adams Hotel now stands.

The house was built by Evie's grandfather, John Hay, who served in turn as special assistant to President Abraham Lincoln, Ambassador to England and Secretary of State under President William McKinley and Theodore Roosevelt.

President and Mrs. Calvin Coolidge were among the guests when Evie married Stuart Symington on March 1, 1924. This was at St. John's Church, across the street from the Hay house.

Symington's ushers had given him a silver bowl engraved with their names. On the morning of Evie's death, as she and her husband sat in the library of their home with the Cannons prior to leaving for the Redskins game, Sen. Cannon noticed the bowl and asked about its significance. This brought forth a flood of wedding reminiscence. Evie laughed about the problem "those great big ushers had going down those narrow church aisles." And the Senator observed with satisfaction, "In 14 months, we'll celebrate our 50th wedding anniversary."

Sen. Symington is a man of sentiment. In 1969, an illness necessitated two operations for Evie and the Senator asked her at that time to write out four lines of poetry she'd written for him before they were married. (She wrote poetry all her life, though many close friends never knew it.) Sen. Symington has the poem still, on a small piece of stationery with a cheerful red apple at the top. It has been folded and refolded so many times that it has come apart at the creases:

> "Oh, will the heart be rover?
> Life, sad surprise?
> Turn your sweet head, discover
> My steady eyes."

He had brought her to Rochester, N.Y. where he worked in his uncle's business as an iron moulder, and where their sons were born; Stuart Jr., who is now a St. Louis attorney, in 1925, and Jimmy, in 1927. The Senator remembers how in those days Evie used to sing at charity functions and with her family. Evie's father was a tenor; her mother, a soprano; her brother James J. Wadsworth (who in 1960 and 1961 was U.S. Representative to the United Nations), was a bass. Evie was a contralto.

One evening in 1934, a few years after the Symingtons had moved to New York City, the Senator recalls, "We were at a benefit at a ritzy place called the Place Pigalle where there were a lot of professional singers and somebody said, 'Let's have a song from Evie.' She sang 'The Very Thought of You'—which became her theme song—and brought down the house. She could sing. Golly, she could sing. She had a voice that could break your heart."

Two weeks later, the owner of the Place Pigalle called Evie and asked if she'd like to work there as a professional singer. It was fine with her husband, but he suggested she'd better ask her father.

"Is the place East or West of Broadway?", Wadsworth wanted to know. (West of Broadway was "what you'd call the wrong side of the tracks," Sen. Symington explained later.)

"Its two doors West," said Evie.

"Well, then I guess it's okay," said Wadsworth, who evidently didn't think a matter of 24 feet would tarnish the family reputation.

Sen. Symington remembers the night his wife, as Eve Symington, society singer, opened at the Place Pigalle: "A close relative turned to a friend and said, 'Let's clap like the dickens and then get out of here. The best amateur isn't as good as the worst professional.' Evie sang 'The Very Thought of You' and halfway through, the man burst into tears."

Another time, the Senator brought along his friend, boxer Gene Tunney. The two men sat at the bar. According to the Senator, "Gene suddenly noticed that the bartender was Jack Renault, the French fighter he'd beaten in 1923. They went over the fight blow by blow. Then Gene said, 'By the way, my friend's wife sings here and you just watch out for her.' "

"Are you Eve Symington's husband?", asked Renault. I said, yes, and he said, seriously, 'Anybody displeases that lady, we kill him.' "

During the next four years Eve Symington also sang at the St. Regis Hotel, the Sert Room of the Waldorf and the Persian Room of the Plaza, accompanied by such orchestras of the '30s as those of Leo Reisman and Emile Coleman.

Mrs. John Sherman Cooper, the wife of the former Republican Senator from Kentucky, remembers: "The room would be perfectly dark and then out Evie would come like a waft of fresh air, a spotlight on her, her blond hair glowing. She had a lovely laughing face. She had magic. It's the thing that held you. She had an intimate, caressing quality as if she was singing only to you."

Mrs. Cooper was an acquaintance and fan of Evie in those days. "When I began to know her as a friend," Mrs. Cooper says, "she became my heroine. As a Senate wife, she was the way we all wanted to be."

When the Symingtons first came to Washington in 1945, they had an apartment at the Shoreham Hotel. But in 1952, just before Symington was elected to the Senate, Evie's father died, and the couple moved in with her mother on N Street where they lived ever since. (Evie's mother, who remarried, died in 1960.)

It is a five-story house filled with antiques and paintings by Botticelli and Sir Joshua Reynolds and some of the things Evie collected such as figures of lions and Battersea boxes. Portraits of ancestors hang on all the walls, and John Hay presides over the formal dining room downstairs.

Carrie Williams, who has been doing housework for the Symingtons for five days a week for 16 years—"and I only missed two days in that time"—last saw Evie on Saturday. It was like every other morning. "I'd come in and she would have her bedroom door open and I would put her paper inside and ask her what she wanted for breakfast. After breakfast, we would have our little chat."

What about? "Oh, the weather mostly. And we laughed a lot. That last day I said to her in fun, 'Are you going to fire me?' And she said, 'No, I'm not going to fire you. I want you to work for me as long as I live.'

"She was the sweetest lady I ever met in the world."

Georgia Winters also did housework and some cooking for Evie for many years and she says, "She was so nice and so gentle. She liked to come into the kitchen and we'd do things together. She wanted to fix everything the way the Senator liked it."

On Thursday, Evie patted Mrs. Winters on the shoulder and said, "Just do your work little by little, don't get too tired." Then she added, "I'll count on you for next week."

Mrs. Winters heard about Evie's death on the 11 o'clock news Christmas Eve. "I couldn't sleep. It took so much out of me, the same as my mother's death."

Saturday night, the night before Evie died, Jimmy and Sylvia came to dinner. Jimmy says, "We'd only go over about once a month so it was great we got to see her the night before. In every gesture she seemed to be expressing the fulfillment of her life. She was about to go to St. Louis to see young Stuart and Janey and their children. Our son Jeremy was here and our daughter, Julie, was about to arrive from Paris and she knew she'd see them all.

"I remember when we arrived at the house. You know, she'd always give me a hug and this time she gave me a particularly warm hug. I noted it at the time."

Jimmy is silent for a few moments. Then he continues: "That night she wore a good dress when she went downstairs to cook our dinner. And I remember that Dad commented the day after she died how strange this was; normally she wore an old dress, then changed for dinner."

Evie was a good cook. That night she served "baked chicken in cream sauce with halves of black olives looking like little truffles and a marvelous sort of mixed salad," Sylvia recalls.

Next morning, it being Sunday, Evie got up early and fixed the Senator breakfast. Then she packed a football lunch of bouillon, ham and cheese and chicken sandwiches for the two of them and the Cannons. (The Symingtons had four seats in their box at RFK Stadium and always took friends to the Redskins games.)

The two couples had been planning the outing for a month, ever since they had been together for a trip to the Iron Curtain countries after the North Atlantic Assembly in Bonn. "We decided right then, if the Redskins got into a playoff, we'd all go to the game together," says Sen. Cannon.

Mrs. Cannon also remembers. "I've lived that last day we spent with her in retrospect dozens of times," she says. "Evie was in such a lovely mood."

Sitting next to Evie at the game was Mario F. Escudero. He and his wife had adjoining seats with the Symingtons for 10 years. Escudero, an attorney with Morgan, Lewis and Bockius of Washington, says Evie was "a very devout Redskins fan. She knew everything about football. That day, I lit two cigarettes for her which isn't much for a three-hour game. She cheered a lot.

"They left about 3:03, there were about three minutes to go and we were winning 16 to 3. The Senator said to me, 'Esky, we've got it won, we're leaving.' Twenty minutes later she had the attack."

Just before the game started, Dorothy Cannon remembers that Evie lost her gloves. It was a common occurrence for her and the Senator teased her about it. He gave her one of his gloves so they each wore one glove and kept the other hand in a pocket.

On the way home, Evie turned to her husband who was driving and said, "I did appreciate your lending me your glove." He said, "I hope you didn't lose it." "No, I didn't" she said, handing it back to him. "Thank you, darlin'," said Stuart Symington.

"I just happened to look at her when he said that," Mrs. Cannon says. "She had the special twinkle in her eyes. Later I told the Senator, 'If you could only have seen her face at just that moment.' She was happy all the way home."

When they arrived at the N St. house, Evie asked the Cannons in. "But we said no because we knew they were getting ready to leave on the 5:10 plane for St. Louis; their bags were packed and waiting in the hall," says Mrs. Cannon.

As Sen. Cannon started up his car across the street, Evie, at her open door, turned and waved goodbye.

Inside, Sen Symington had started upstairs to see about their plane tickets when he heard Evie cry out. Sylvia tells the story as she heard it from him. "She had a sudden sharp pain in her back, but she said she didn't think it was her heart. Almost immediately, she became unconscious and my father-in-law called the ambulance and then he called us."

The sirens brought the neighbors to their doors, Mrs. Herman Wouk, wife of the author on one side, and Mrs. McCook Knox, who had been living on the other side since the Wadsworths' time. Mrs. Knox saw the ambulance pull up and watched as Evie was carried "oh, so carefully on a cot down the little curve of her stairway. I saw her face. She was in no pain. She looked very beautiful.

"Even though she's been gone since Christmas Eve, I always think I'll see her walking down those steps again."

Most people learned of Evie's death when they glanced quickly at the paper, as most people do on Christmas day. The next few days, for most, were filled with holiday activity, but the letters, telegrams and personal messages poured in to the house on N Street in a flood that has not crested yet.

One Washingtonian said he rarely has written letters of condolence in the past, but on this occasion somehow found himself impelled to write both the Senator and Jimmy. He had never met Mrs. Symington. He told the Senator that as a boy in boarding school, he and his dormitory mates had been smitten to their adolescent souls by one of Evie's songs. It taught them, he said, what a real woman was supposed to sound like. "I can't remember the name of the song," he wrote "but if I heard it again today I would know in an instant."

There were several songs he might have had in mind: "My Romance", possibly, or "Hands Across The Table", or "Just One of Those Things". It could well have been "The Very Thoughts of You". But one of Evie Symington's numbers, pretty much forgotten since she popularized it in 1934, was called "Be Still My Heart". The last four lines went

"Be still my heart,
Even though our love has gone away
He'll be coming back to us someday—
Be still my heart.

The Senator has not expressed an opinion on this, but Jimmy Symington thinks it not unlikely that "Be Still My Heart" was the song in question.

THE 150TH ANNIVERSARY OF DIPLOMATIC RELATIONS BETWEEN THE UNITED STATES AND LATIN AMERICA

Mr. SCOTT of Pennsylvania. Mr. President, on November 14, 1972, the Permanent Council of the Organization of American States met in Philadelphia to observe the 150th anniversary of diplomatic relations between the United States and Latin America.

Leaders of the OAS were invited to this gathering by the Permanent Mission of the USA, headed by our own Ambassador Joseph John Jova, himself of distinguished Spanish and Latin American ancestry.

The meeting was held at historic Congress Hall, where our National Congress met in the first years of our independence, when Philadelphia was the Capital of the United States.

Formal diplomatic relations first established were in 1822 with the recognition of Don Manuel Torres as Charge d'Affaires of "Gran Columbia," a territory which at that time included Colombia, Ecuador, Panama, and Venezuela. Manuel Torres was designated Charge d'Affaires, with the rank of Minister, by the liberator, Simon Bolivar. Homage to Minister Torres was paid by Ambassador Jova, president of the Permanent Council and head of the U.S. delegation to the OAS. The Honorable Frank Rizzo, mayor of Philadelphia, welcomed the visiting dignitaries. He was followed by the Secretary General of the OAS, Mr. Galo Plaza, former President of the Republic of Ecuador and a one-time Ambassador of his country in Washington.

The principal speakers were Secretary of State William P. Rogers and Ambassador Gonzalo Garcia Bustillos, of Venezuela, who had been chosen by the Permanent Council to represent all the countries that once made up "Gran Columbia".

Father Joseph F. Thorning, often described as "The Padre of the Americas," noted that Don Manuel Torres was laid to rest in the "Campo Santo" of "Old Saint Mary's Church," Philadelphia, not far from Congress Hall.

I ask unanimous consent that several items be printed in the RECORD.

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

THE OAS, MINISTER TORRES, AND PHILADELPHIA

(By Ambassador Joseph John Jova)

Diario Las Américas has asked me the reasons why I invited the Permanent Council of the OAS to hold a Protocolary Session in Philadelphia. First of all, it was simply to celebrate 150 years of diplomatic relations between the United States and Latin America. This in itself was more than sufficient reason for a commemorative session. The fact that the first diplomatic agent, Minister Manuel Torres of Colombia, spent long years of exile in Philadelphia and is buried there, opened the possibility of inviting the Council to meet in that city, precisely at the historic site of Congress Hall where our National Congress met in the first years of our independence when Philadelphia was the capital of the United States.

Moreover, at a time when there is so much emphasis on the points of difference and conflict between Latin America and ourselves, it seemed to me that it would be very useful to hold a session at which we could in good faith emphasize all that unites us. And the truth is that it is all to easy to forget all that we have in common—our revolutionary and anticolonial origins, our constitutions, our republican form of government, and all the ties of culture, policy, and trade—in fact, all the ties which have been created within the Inter-American System, and outside of it as well, during these 150 years of diplomatic relations. As Secretary of State Rogers remarked extemporaneously in his toast, the countries of this Hemisphere can be proud of the fact that we have had, as in no other part of the world, a Continent of Peace, Independence, and Freedom. This is in great measure due to the Inter-American System, which, with all its imperfections, has yet proved to be an effective instrument for harmonizing relations among the countries of the Hemisphere.

In my speech opening the Protocolary Session, I made reference to the belief which inspired the members of our first congresses that the sovereign interests of the states there represented could be mutually developed through a freely accepted association of equal states under law. This same belief has inspired the countries of the Americas to form the Inter-American System, in the conviction that the sum of our associated forces is greater than that of the independent parts, and that through our efforts it is possible to harmonize national interests, resolve conflicts, and combine resources for the greatest benefit of all.

I recognize that we all—including our own country, the richest and most powerful in the world—face the terrible challenge of underdevelopment and its problems, and I acknowledge the obligation we all have to find ways of providing a better life for our peoples. Nobody yet has found the solution to this challenge, but as my colleague the Ambassador of Venezuela, Don Gonzalo García Bustillo, put it so elegantly: "In our American region, we have both opulence and poverty, but we have conditions here unequaled anywhere else on earth to enable us with sincere programs to establish the systems of communication which international social justice demands."

When we were preparing to go to Philadelphia, the Library of Congress provided me with a photocopy of the Philadelphia newspaper the Aurora for July 22, 1822, which carried a report of the death of Minister Torres. As I read this old newspaper, I was impressed by the fact that, contrary to journalistic practices in our country today, a great number of dispatches (there were no cables) were published, reporting events in various parts of Latin America. This strengthened my resolve that, on this historic occasion, the OAS should meet not at its headquarters but in Philadelphia, thus helping to focus United States public opinion not only on the OAS, but also on the whole Latin American panorama.

Aside from the reasons I have already stated for justifying our coming to Philadelphia, I believe that one cannot forget the human aspects of this event. The trip provided the opportunity for getting together informally, without protocol, during the train ride, with the opportunity of socializing not only with the OAS Delegates but also with Secretary of State Rogers and his party, and one must not discount the importance of social intercourse and the personal factor in diplomacy. My 30 years as a diplomat have convinced me that if national policies are the big wheels in the international machinery, the personal effort of the good diplomat can be likened to the drops of oil that make those wheels turn.

THE OAS PRESENTS THE DIARY OF A LATIN AMERICAN HERO TO PHILADELPHIA

PHILADELPHIA, November 15.—The Mayor of this city received a valuable historical gift as an expression of gratitude and a memento of the events celebrated here yesterday (Tuesday) in commemoration of the initiation—150 years ago—of diplomatic relations between the United States and the countries of Latin America.

On that occasion, Mr. Joseph John Jova, Chairman of the Permanent Council of the Organization of American States (OAS), presented to the city of Philadelphia a facsimile copy of the unpublished diary kept during the United States Civil War by Lt. Col. Adolfo Cavada of the 23d Volunteer Regiment of Philadelphia.

As Ambassador Jova explained, Col. Cavada and his brother Federico were United States Consuls in Cuba and resigned their

posts to join the Cuban people's fight for independence in 1868.

Both brothers rose to the rank of General in the victorious Cuban army and died in battle.

Ambassador Jova, Chairman of the Permanent Council, upon presenting Col. Cavada's diary to the Mayor of Philadelphia, affirmed that "the Cavada brothers, born in Cuba to a woman who was a native of Philadelphia, and reared in Philadelphia, heroes of the United States Civil War and of the Cuban fight for independence, symbolize in a very special way the historical ties which have always existed between Philadelphia and Latin America."

The struggle for freedom of the peoples of this Hemisphere has always had the enthusiastic cooperation and assistance of the other countries of the Hemisphere that had already gained independence. This generous aid was given many times at the sacrifice of life itself.

In the case of Philadelphia, the cradle of United States independence, it is not strange that its sons should identify themselves with the cause of independence in other countries of America.

The Cavada brothers were an example of hemispheric solidarity in the fight for a common cause. Many others like them died defending ideals which are deeply rooted in the history and highest aspirations of our peoples.

In this way the history of America has been written, the result of a joint effort. The great American heroes are the culminating expression of a popular aspiration. And today as yesterday, our nations are united by common ideals of freedom and progress.

This unity was clearly demonstrated in the events celebrated yesterday in Philadelphia, which were attended by all the Ambassadors accredited to the OAS, and by Mr. William P. Rogers, Secretary of State of the United States.

Col. Cavada's diary will thus be a permanent memento of the ceremonies, which, while evoking the beginning of diplomatic relations between Latin America and the United States, symbolized by first Ambassador Manuel Torres, were also the expression of the fraternal spirit which characterizes Inter-American relations today.

PRESIDENT NIXON'S VIEWS ON CONSULTATION WITH CONGRESS—1969 AND TODAY

Mr. CHURCH. Mr. President, on November 3, 1969, in a nationwide address to the American people on Vietnam policy, President Nixon said:

The American people cannot and should not be asked to support a policy which involves the overriding issues of war and peace unless they know the truth about that policy.

Ten days after the 1969 pledge of candor, the President, in an informal visit to the Senate, talked about his view of the proper relationship between the President and the Congress. He said:

This administration wants to develop a relationship in which we will have consultation and in which we will have the advice, not just the consent.

He went on to say:

Recognizing the role of the Senate, recognizing the importance of getting the best ideas and the best thinking of the members of this body on both sides of the aisle on these great matters, we are attempting to set up a process—a process in which we can consult, in which we can get your advice, and at the same time, not weaken the position of our negotiators as they attempt to meet the goals of this nation—the goal of limiting arms and the goal of a just and lasting peace.

I ask unanimous consent that the entire statement by the President in the Senate on November 13, 1969, be printed in the RECORD after my remarks.

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

Mr. CHURCH. Mr. President, neither the American people nor the Congress know the truth about why the preelection "peace is at hand" euphoria of October 26 turned, within 7 weeks, into savage saturation bombing of North Vietnam. The President has chosen not to discuss the matter with the leaders of Congress, to meet with the press, or to allow Dr. Kissinger or Secretary Rogers to appear before the Foreign Relations Committee.

As everyone in Boise, Idaho, who reads a newspaper or watches the television news knows, there has been no consultation with the Senate on major foreign policy issues, certainly not on the negotiations in Paris or on military actions in Indochina. Yet our Constitution does not provide for a king with unlimited powers to wage war or make foreign policy, but for a system of checks and balances where only Congress is empowered to declare war, and where it shares with the President a joint responsibility for the formation of foreign policy.

President Nixon, like previous Presidents, does not really want the Senate's advice, only its consent. The difference, however, is that the current President no longer goes through the charade of pretending to seek the advice of the Senate.

Mr. President, if the President is contemptuous of Congress, it is primarily because Congress—by action and inaction—has asked for such treatment. Until Congress demonstrates that it has the nerve to assert its rights and assume it responsibilities—in both foreign and domestic policy—it will remain contemptible in the President's eyes.

President Nixon's actions in Indochina demonstrate his faith in power as a means to an end. Congress has power also, the power of the purse. Whether it has the will to use that power to end our involvement in the war is the question. I hope that the long-suffering American people will be given an affirmative answer if peace is not in hand by Inauguration Day.

VISIT BY THE PRESIDENT OF THE UNITED STATES TO THE SENATE

The PRESIDING OFFICER. The Senate will come to order. Subject to the previous order, the Chair directs the Sergeant at Arms to clear the Chamber of all staff personnel not immediately concerned with the business of the Senate. The Sergeant at Arms is directed to carry out this order at this time.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will please be in order.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Chair be authorized to appoint a committee to escort the President of the United States into the Senate Chamber.

The PRESIDING OFFICER. Without objection, it is so ordered. The Chair appoints the President pro tempore (Mr. RUSSELL), the majority leader (Mr. MANSFIELD), the minority leader (Mr. SCOTT), a committee to escort the President of the United States into the Senate Chamber.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

(The President of the United States, escorted by the Secretary of the Senate and the Sergeant at Arms, and accompanied by the committee appointed by the President pro tempore, entered the Chamber.)

The PRESIDING OFFICER (Mr. SAXBE in the chair). The Senate is pleased to welcome the President of the United States, who will now address the Senate.

[Applause, Senators rising.]

(At this point the President pro tempore of the Senate assumed the chair.)

The President of the United States, from the rostrum, addressed the Senate as follows:

The PRESIDENT. Mr. President, and my colleagues in the Senate, I can use that term because I shared the opportunity of serving in this body, and I always feel that I belong here whenever I have the chance to return.

I do want to say on this occasion that this is only the second opportunity I have had to speak in this Chamber since I presided over this body; and as you know, the Presiding Officer has very little chance to speak. He makes a few rulings, but not often does he speak.

In speaking to you, I shall do so only briefly, but I do feel that at this time, with the calendar year nearing an end, it would be well to refer to the relations between the executive and the legislative branches of our Government.

When this administration came into office on January 20, we had a problem with regard to those relationships, which had really existed for nearly a hundred years, after an election—the President a member of one party, and both Houses controlled by members of the other party.

Of course, the usual dire predictions were made that, under that situation, progress would grind to a halt, and that whether it was domestic or foreign policy, we would not be able to give the Nation the kind of government that the Nation should be entitled to under our system.

I think the predictions have proved to be wrong. I do not mean to suggest, as I indicated in, I thought, a temperate message to Congress a few weeks ago, that there are not some areas where the Executive would appreciate more action on the part of the legislative branch of the Government. But I do say this: I look back over these months with great appreciation for the fact that on some of the great national issues and on the great international issues involving the security of the Nation, we not only have had consultation, but we have had support.

I also want to recognize a fact of life—a fact of life that I learned when I was in the Senate and when I presided over it: Senators, more so than Members of the House of Representatives, are individuals. Senators have a great pride and rightly so, in their right to make up their own minds with regard to the propositions that are sent to them by the executive branch of the Government. This is true whether they are members of the President's party or not members of the President's party.

I find, looking back over this period of time, that this administration has been subjected to some sharp criticism by some Members of this body, both from the Democratic side and from the Republican side. I want the Members of this body to know that I understand it. I recognize this as being one of the strengths of our system, rather than one of its weaknesses, and I know that, in the end, out of this kind of criticism and debate will come better policies and stronger policies than would have been the case had we simply

had an abject Senate—or House of Representatives, for that matter—simply approving whatever ideas came from the executive branch of the Government.

This does not mean that we do not feel very strongly about our proposals when we send them here. It does mean that I, as a former Member of this body, one who served in it and who presided over it for 8 years, recognize this great tradition of independence, and recognize it as one of the great strengths of our Republic.

I would address a very brief remark to a subject that I had an opportunity to discuss with the majority leader this morning at breakfast and then with Members of the leadership at lunch today.

In the next few months, a number of matters will be undertaken on the world scene, some of which will require not only Senate consultations, but also, if there is agreement among world powers, including ourselves, Senate advice and consent.

This administration wants to develop a relationship in which we will have that consultation, and in which we will have the advice, not just the consent. This is not always easy, because, when such negotiations take place—negotiations involving, as is the case in the strategic arms limitation talks which will begin next week, the very future, not only of this Nation but of all of the nations in the world who depend on America's power for their own security—we must recognize that it is vitally important that the position of our negotiators not be weakened or compromised by discussions that might publicly take place here—discussions that could weaken or compromise us with those representing the other side.

On the other hand, recognizing the role of the Senate, recognizing the importance of getting the best ideas and the best thinking of the Members of this body on both sides of the aisle on these great matters, we are attempting to set up a process—a process in which we can consult, in which we can get your advice, and, at the same time, not weaken the position of our negotiators as they attempt to meet the goals of this Nation—the goal of limiting arms and the goal of a just and lasting peace.

Finally, on one other point: I am very grateful for the fact that a number of Members of the Senate—more than 60—have indicated by a letter to Ambassador Lodge their support of a just peace in Vietnam and their support of some of the proposals I made in my speech of November 3 on that subject. I am grateful for that support; and, at the same time, while being grateful for the support of more than half the Members of this body, I also have respect for those who may have disagreed with the program for peace that I outlined.

I know that this war is the most difficult and most controversial of any war in the Nation's history. But I know that while we have our differences about what is the best way to peace, there are no differences with respect to our goal. I think Americans want a just peace; they want a lasting peace. It is to that goal that this administration is dedicated and that I am dedicated.

I may say this in conclusion: That in the next few months we hope that progress—we know that progress—will be made toward that goal. I am sure, as I stand here, that we are going to reach the goal of a just and lasting peace in Vietnam, one that will, I trust, promote rather than discourage the cause of peace not only in Vietnam but in the Pacific and in the whole world. As that happens, I want everyone in this great Chamber to know that when it happens it will not be simply because of what a President of the United States may have been able to do in terms of leadership; it will happen, and it will only have happened, because the Members of this body and the Members of the House of Representatives, in the great tradition of the Nation, when the security of America is involved, when the security of our young men is involved, and when peace is involved, have acted and have spoken not as Democrats or Republicans but as Americans.

It is in that spirit that I address you today. It is in that spirit that I ask, not for your 100-percent support, which would not be a healthy thing for me personally, for this country, and certainly not for this body; but I ask for your understanding and support when you think we are right and for your constructive criticism when you think we are wrong.

I thank you very much.

[Applause, Senators rising.]

(At 2 o'clock and 48 minutes p.m. the President, accompanied by the Committee of Escort, retired from the Chamber.)

INTERVIEW OF ROBERT MULLER, PARAPLEGIC VIETNAM VETERAN

Mr. STEVENSON. Mr. President, on December 14, Mr. Robert Muller was interviewed on the "Today Show" by Joe Garagiola and Frank McGee. On December 21 excerpts from this interview were printed in the Washington Post.

Mr. Muller is a disabled Vietnam veteran, a paraplegic. In this interview he tells of being upset, even angry, over Mr. Nixon's vetoes of the Veterans Medical Care Act and the Rehabilitation Act of 1972. What particularly bothers Mr. Muller is Mr. Nixon's claims that these programs would be "fiscally irresponsible." In Mr. Muller's own words:

But what bothers me is to call it fiscally irresponsible to spend that money after I come from Vietnam, where in Vietnam as a platoon commander with the Marines, as an adviser with the ARVN, where it was primarily my function to call in supporting arms, to call in the air strikes, where on occasions I would call literally hundreds of thousands of dollars worth of supporting arms fire daily, to kill people, and getting shot doing it—to come back stateside and being told that: "I'm sorry, but it costs too much to give you adequate medical care in a VA hospital." That to me speaks loudly and clearly to the priorities in this country.

The supreme irony, of course, is that within a few days after Mr. Muller spoke these words President Nixon began the most remorseless bombing in history. In just a few days the costs in terms of planes and bombs was probably well over $100 million. The cost in lives and prisoners and national dishonor was far higher.

Now, to complete the circle, there is word of Mr. Nixon's slashes in the health budget he will present to Congress shortly, and simultaneous word that the Vietnam war in this fiscal year will cost $1 to $2 billion more than previously anticipated, or about $8 to $9 billion.

Mr. Muller would say that that speaks too well to the priorities in this country. But perhaps the phrase "distorted priorities" is an overworked misnomer. The Vietnam war should not be a priority—it should not be in the budget—at all. Then that $8 or $9 billion could cover the entire health budget of the Federal Government, including the Veterans Medical Care Act and the Rehabilitation Act.

I ask unanimous consent that the excerpts from Mr. Muller's interview, as they appeared in the Washington Post, be printed in the RECORD.

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

DISABLED GI: "CIVIL RIGHTS FOR US ALL"

GARAGIOLA. Three years ago near the South Vietnamese city of Quang Tri, Robert Muller was healthy and he was functioning as a first lieutenant in the United States Marines. Suddenly an enemy soldier popped up some 20 feet away, put a rifle bullet through Muller's chest, severing his spinal cord. And he remained conscious for about 10 seconds, which was long enough for him to accept the fact that he was going to die; that he was sure of. But several days later he woke up alive on an American hospital ship. You see, an Australian soldier had taken pains to pick him up and put him aboard an evacuation helicopter. And now Robert Muller is home, and he's going to law school at Hofstra College in New York State. He's doing this although he can't walk and he's confined to his wheelchair.

Now, he's not bitter, not at all . . . but there are some things that make him, well, angry, a little bit upset. He told us about them, and we invited him here to tell you how he feels . . . And my first question is that the first thing you mentioned to me was your complete disappointment that President Nixon vetoed two bills to help disabled people.

MULLER. Right. That was the Veterans Medical Care Act and Rehabilitation Act of 1972. And what bothered me so much was, this was vetoed after Congress had adjourned, so there was no chance or opportunity for Congress to override the veto; and all the work and effort put in, into developing these acts, will have to be done again and they'll have to be reintroduced. And I don't want to see them vetoed again. And if it is vetoed, I want to see that veto overridden, the reason being this: It was vetoed on the grounds of fiscal irresponsibility, and what we're talking about are bills that would have increased the quality and the quantity of care in the VA hospitals throughout the country. We're talking about rehabilitation programs on a national basis. We're talking about funding in medical universities and schools, research funding for catastrophic illness and disability. This takes money. Money is needed. But what bothers me is to call it fiscally irresponsible to spend that money after I come from Vietnam, where in Vietnam as a platoon commander with the Marines, as an adviser with the ARVN, where it was primarily my function to call in supporting arms, to call in the air strikes, where on occasions I would call literally hundreds of thousands of dollars worth of supporting arms fire daily, to kill people, and getting shot doing it—to come back stateside and being told that: "I'm sorry, but it costs too much to give you adequate medical care in a VA hospital." That to me speaks loudly and clearly to the priorities in this country.

They talk about civil rights in this country. A lot of people think it just relates to one specific minority group. That's what we're talking about. We're talking about civil rights for all of us.

FRANK MCGEE. Is your complaint that you yourself have not been given adequate care or treatment, or is it others, civilians, soldiers? What precisely?

MULLER. Its a whole gamut. What affects me affects others, and what affects others affects me. When you have, for example, a school system which does not allow physically handicapped or disabled people to get into that system, that affects me. If you have mass transportation systems which are exclusive of people who have handicaps, that affects me. When you're talking about VA hospitals which are short on staff, doctors, nursing aides, that affects me. It affects me and it affects others. You have it as a class of people, the class of the handicapped, the

class of the disabled; and you have it as the individual problems seeking medical care for whatever illness or disability you have.

GARAGIOLA. You mentioned VA hospitals in passing there. Are you saying that they've gone down since World War II?

MULLER. Right. Very, very much since World II. In the early '50s the VA hospitals were the best hospitals we had in this country; there was no set of hospitals to match them. We were the leaders in research, the best care you could receive, the whole gamut. And you can reason why perhaps over the euphoria of victory of World War II, the status that veterans had in that day where guys would come home and you'd have a much different reaction to that; regardless of, you know, what people thought of the war, the veterans stood tall. Today you don't have that identity with veterans of Vietnam, the ugliness of the whole thing, has cast its shadow on the veterans, regardless of whether they were forced there or they went there, they did their job. They come back: there's not that sensitivity, there's not that caring. How else could a President veto legislation such as that appropriating funds for the VA hospitals the week before the election? This is what I'm talking about.

The hospitals have gone down. The staff is at the lowest level it's ever been. The patient load is at the highest level it's ever been. You've got Vietnam era veterans coming in. You've got your geriatrics cases and your old-age cases from World War II coming in. You have guys left from World War I. You've got guys in the hospital who never left from World War II, from the Korean War. The load is growing and growing. But the sensitivities—it's not there anymore; that's changed.

MCGEE. What did the VA do for you personally?

MULLER. I got to thank the VA, because they let me know, like that! when I came back that if I wanted anything in life, anything, it was up to me because they weren't going to help me. I say that because when I came back I asked to have braces, because I wanted to try and ambulate, to walk, and the doctor said, "No, forget it. You have too high a level of injury."

I said . . . don't cast me in a generalization, don't throw me in a group with other people. I am an individual. Because I have a disability which is shared with others does not mean I lose my individuality. I want to walk."

And it was another doctor, who was a paraplegic himself, that came into the hospital as a consulant—I met him, he found out the problem, and he said, "Get that man braces." I got my braces. And I spent a year and I am ambulated. And what it did for me, psychic, what-have-you, was fantastic. I could do it; in a desperate situation, I could do it.

The other thing they did to me was—aside from the physical aspect, was the mental aspect. I spent a year there with a psychologist, and I had a running battle for a year; and it's indicative of the overall thinking, you might say, which people have quite often with disabled. She spent a year trying to tell me what I should do is go in a corner and cry because—seriously—because I had suffered a tangible loss in having three quarters of my body paralyzed. And . . .

GARAGIOLA. Upstairs—we talked before—you told me about the 10 seconds when you were shot, and you thought you were going to die, that was it; and then why you wouldn't cry at the end when you found out—you tell the story.

MULLER. Right. That's it. She said, "You had lost," you know, and that I had to cry. But the thing was, I couldn't convince her that when I got hit—okay? and I was conscious—I realized that I was dying. And I came to within a minute of dying; the doctor said a minute later I never would have made it. And when my eyes shut, I said, "I'm dead." To wake up on that hospital ship—I had seven tubes in me, I was a paraplegic—to wake up was so beautiful and overwhelming that all that was secondary. And it's not what I lost that mattered to me; it's what I had. I had life. I had my head. You know? I had it together. That—that's it, man, you know? And that's why I learned from the VA, right away, if I want something I've got to prove it. You know? It's the thing that I've got to prove myself. You know. They think that because you are disabled, you fit the image of the Easter Seals kid: some pathetic object of pity that's used for fund-raising or charity. I don't want charity; I don't want pity. I want to learn what you might call the right to fail. I want the opportunity to be like everybody else, reintegrated into society in every way, shape, and form, one who can work, one who can find housing, one who can find education, the whole gamut. And when I say "me" that means me and all other disabled people.

MCGEE. Can you tell me in a word how many there are?

MULLER. In a word, no—because I wouldn't know how to define "disabled."

MCGEE. They are in the millions, though?

MULLER. Oh, definitely.

DEPARTURE OF GEORGE HARTZOG FROM FEDERAL SERVICE

Mr. MOSS. Mr. President, I join with the Senator from Nevada (Mr. BIBLE) in expressing outrage at the President's peremptory dismissal of George Hartzog as Director of the National Park Service.

It came like a clap of thunder to those of us who worked closely with George. Here was a man who is obviously gifted, obviously dedicated, and was obviously doing a superb job. It would seem that he has been preparing all of his life for exactly the position which he held. He brought years of expertise to it. He was at the zenith of his physical vigor and his powers of judgment.

Had it been possible to make the case that George Hartzog was not doing as fine a job in administering our national park system under the Nixon administration as he had done under previous administrations, it might have been easier to understand his sudden removal. But I have worked closely with George ever since his appointment as Director, and I say without hesitation that he was more effective, more knowledgeable, and more productive during the past 4 years than at any other time in his career. He was one of the best qualified and most admired men in Federal service, and national publications have so recognized him.

To fire George Hartzog as Director of the National Park Service, and replace him with a man of lesser capabilities and almost no experience in the field, is indefensible, and it is shocking. It cannot help sending chills of apprehension down the spines of many other fine men and women who have chosen to give the best of themselves and their knowledge in a Government career.

There will be other places where George Hartzog can use his talents, of course—many other places. We will hear from him again. But I regret that it will not be in the position for which he is so admirably qualified, and in which he has won such high respect from all of us.

PRISON REFORM

Mr. STEVENSON. Mr. President, the November issue of the TWA Ambassador features an informative article by Winston Moore, the executive director of the Cook County Department of Corrections which oversees the Cook County Jail and House of Corrections. The article is entitled, "A Human Approach to Prison Reform."

Mr. Moore points out that there has been a notable absence of relevant dialogue within the profession regarding the possible enactment of long-term rehabilitative programs for correctional institutions. He believes that discussion has been limited to examining easy methods of dealing with troublesome inmates and to drawing up plans for mass construction of "Community-based" institutions. He does not fault this movement per se, but he notes that:

> The designers seem preoccupied with building new human storage warehouses without regard to programs and administration.

He concludes that this exemplifies a gross lack of concern for the human factor in corrections, which in turn is largely responsible for the sorry state in which corrections finds itself.

Mr. Moore then makes two suggestions as to what can constitute a human approach to prison reform. In the first place he notes that although prison sentences have in general been becoming shorter, prison rehabilitation programs are too often geared toward the long-termer, to the neglect of the short-termer. Mr. Moore contends that rehabilitative work must begin "the minute the inmate arrives." Mr. Moore then points to programs for short-termers in Cook County, particularly the Pace program. I myself have had a chance to see this program in operation and to note its effectiveness.

Mr. Moore's second point concerns the caliber of jail and prison staff. He notes approvingly the move to increase the salaries of corrections workers, but he contends that raising salaries by itself will not accomplish the upgrading of jail and prison staffs. Complementary actions would be needed, and Mr. Moore believes that:

> The key to meaningful reforms is the development of testing methods capable of weeding out those unfit for correctional staffs, while preventing the hiring of new misfits.

I trust that reading this article will provide enlightenment for us all in this most difficult area of prison reform. I ask unanimous consent that it be printed in the RECORD.

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

A HUMAN APPROACH TO PRISON REFORM

(By Winston E. Moore)

The rising crime rate in the United States will never be solved until we improve our penal systems, which presently are characterized by turmoil, brutality, neglect, racism and indifference to human suffering.

The reasoning is simple and often stated: The prisons and jails of the nation are but prep schools, basic training for a life of crime.

As bewildered correctional administrators desperately look for easy solutions to save

their institutions from the nightmare of inmate riots, many turn to the kidglove approach of appeasement programs, destined to keep the lid on the correctional pressure cooker without any true rehabilitative value.

On the other extreme, punitive jailers believe that putting "the fear of God" into inmates is a sure way of keeping prison riots and disorders in check.

For instance, some prison officials, despite last year's Attica tragedy, have returned to hard line defense procedures by making it mandatory for all guards to carry three-foot riot batons, better known among guards as "nigger sticks." Of course, neither of the two extreme approaches to corrections is effective in dealing with the crisis in the nation's prisons.

The fate of corrections rests squarely on the shoulders of correctional administrators and on the municipal, state and federal courts that oversee correctional institutions, procedures. They must work in accord to bring about needed change.

There is a notable absence of relevant dialogue within the profession regarding the possible enactment of long-term rehabilitative programs for correctional institutions. Discussion has been limited largely to examining "easy methods" of dealing with the troublesome inmates, and to drawing up plans for mass construction of small "community-based" institutions—to be built in "inner-cities" (meaning black ghettos) for the purpose of ridding white administrators of allegedly incorrigible militant black and Spanish-speaking inmates. The thinking behind the construction of such "community-based" facilities is that black and Latin inmates are "different" from white inmates and thus require different, more specialized handling than is possible in large, integrated institutions.

A professional preoccupation with "community-based" facilities' physical plants has resulted in a neglect of procedures for selection of intelligent, experienced and concerned administrators. The designers seem preoccupied with building new human storage warehouses without regard to programs and administration.

This gross lack of concern for the human factor in corrections on the part of planners in largely responsible for the sorry state in which corrections finds itself.

The solution for corrections' dilemma certainly does not lie in "instant programs" or in costly and racially discriminatory redistribution of jail and prison populations. We need a new, tightly knit, professional organization made up solely of progressive *dedicated* and *committed* heads of jails and prisons. Such an organization should, as its major task, draft and implement long-range master plans for the uniform servicing of all inmates in the United States. Uniform standards of procedure are needed in education, vocational training, recreation, architectural designs of institutions and for medical, psychological and psychiatric care.

Prison sentences are becoming shorter and shorter. Judges are increasingly reluctant to hand down long-term sentences except in cases involving the most heinous of crimes. Even in such cases, parole boards have not hesitated to send the criminal back into society after only a minimum time is served. This means correctional institutions do not have a great deal of time in which to do their rehabilitative work.

I contend that rehabilitative work—i.e., an intensive effort to change the criminal behavior of the inmate—must begin the minute the inmate arrives.

Unfortunately, most correctional efforts currently are only directed toward the long-term prisoner who is vastly outnumbered by his short-term counterpart.

Consequently, the bulk of our jail and prison inmates are condemned to a period of idleness and boredom. They often become either the victims or perpetrators of inmate crimes and, as a result, become more alienated—not only from the law, but especially from the correctional system that keeps them confined. When their time has been served, they are turned loose on society as individuals whose attitudes in general are hostile and bitter. Such alienation invariably leads to new criminal involvement, frequently more intense and more vicious than the original crime.

Are rehabilitative efforts directed at short-term inmates a waste of time? We have dramatic evidence to the contrary.

The PACE (Programmed Activities for Correctional Education) Institute method presently constitutes my department's basic education and vocational training program. Through it, we demonstrate at Cook County that we can work effectively with inmates, whether they are sentenced to six days, six weeks, six months or six years. We don't need to have a man for 10 years to rehabilitate him.

PACE began as a pilot program in 1970 for a small number of our sentenced population. It now offers General Equivalency Diplomas (GED) for completion of elementary and secondary study, and certificates of hourly accomplishment in vocational training. Last June, we began to expand PACE for 100 per cent participation of all our sentenced inmates.

Prior to the program, the recidivist (returnee) rate of our sentenced inmates was nearly 70 per cent. Now the recidivist rate of those inmates enrolled in PACE courses is less than 15 per cent.

Yet, in the final analysis, even the finest program depends for its success on the caliber of the jail and prison staff.

The surest route to failure is the present haphazard recruitment of correctional personnel, characterized by a seemingly uncanny knack for selecting the inept, emotionally unstable, unintelligent, brutal and racist.

Too many persons are hired who have a conscious or unconscious need to control other people, or who have a personal ax to grind. These people are incapable of distinguishing between an individual's offense and the individual himself. In other words, they see only murders, rapists and armed robbers, not human beings needing alternate avenues away from crime.

The key to meaningful reforms is the development of testing methods capable of weeding out those unfit for correctional staffs, while preventing the hiring of new misfits.

I sharply disagree with those who contend that the upgrading of jail and prison staffs can be accomplished simply by increasing salaries. Although an uncompromising advocate of adequate pay for prison and jail staffs, I also am acutely aware of the massive failure of higher salaries in bringing about an improvement in our police forces. Most police salaries have nearly doubled since 1960, but the quality of our cities' "finest" has remained alarmingly low—and in some cases it has even decreased.

We end up paying "our men in blue" more for doing a worse job.

I take particular issue with those individuals who are encouraging the indiscriminate appropriations of federal grants in the name of correctional reforms. We have just witnessed the spectacular failure of Office of Economic Opportunity funds to come to grips with the problem of poverty, and I predict a similar failure of federal grants in corrections if we refuse to learn from experience.

Lest we create another vast and wasteful bureaucratic apparatus in corrections, we must devise stringent guidelines to assure that federal funds will be applied to the improvement of prison conditions and prison programs rather than being squandered on bureaucrats. If we fail, taxpayer money at best will wind up in the hands of well-meaning, inept do-gooders or, at worst, in the pockets of slick, high-salaried administrators whose only interest in corrections is their monthly paycheck.

Either way, we will have come no closer toward dealing with the crisis in corrections, but dangerously near the point when our jails and prisons will become the breeding places for anarchy—not only within the prison walls but in society at large.

LEONOR SULLIVAN

Mr. EAGLETON. Mr. President, having served 20 years in the House of Representatives, Congresswoman LEONOR SULLIVAN, of St. Louis, is now the most senior woman serving in Congress. The first woman ever elected to Congress by the voters of Missouri, she has given Missourians ample reason to be proud of their choice.

Mrs. SULLIVAN is perhaps most widely recognized for her work in the area of consumer protection, particularly through her position as chairwoman of the Consumer Subcommittee of the Committee on Banking and Currency. She has long championed stricter cosmetics regulation, a goal which I share, and made a significant mark in the fight for truth-in-lending laws.

Recently, the St. Louis Post-Dispatch carried a story about Mrs. SULLIVAN'S work in Congress and her plans for the House Merchant Marine and Fisheries Committee, of which she is now chairwoman. I believe that the article will be of interest to Senators. I ask unanimous consent that it be printed in the RECORD.

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

[From the St. Louis Post-Dispatch, Nov. 16, 1972]

LEONOR SULLIVAN: TOP WOMAN IN CONGRESS

(By Patricia Rice)

Representative Leonor K. Sullivan (Dem.), St. Louis, will become Capitol Hill's senior stateswoman in January—succeeding Senator Margaret Chase Smith (Rep.), Maine, who was defeated for re-election this month.

But even before the election, Representative Sullivan was in line to be the first woman to chair a major congressional committee since 1954.

Last winter, the chairman of the House Merchant Marine and Fisheries Committee, Representative Edward A. Garmatz (Dem.), Maryland, announced he would not seek re-election this fall. Representative Sullivan ranks next in seniority among Democratic members of the committee. Her position is expected to be routinely approved by the House Ways and Means Committee and the House Democratic Party Caucus shortly after Congress convenes next January.

"When I was appointed to the committee I said, 'What am I, 2000 miles inland, doing on the Merchant Marine committee?' she said recently. "I said that I was going to make St. Louis a major port.

"But, whenever I talked about getting off of it (the committee) the former Speaker (of the House, John W. McCormack) told me to stay on. 'You'll be committee chairman one day Leonor,' he told me."

She is the third woman to serve as a congressional committee chairman. The other women who have been elected to Congress have not remained in office long enough to gain seniority in a committee. However, Mrs. Sullivan would not change the seniority system. She worries that if committee chairmen are elected by the other congressmen, they would barter their

votes on bills to obtain votes for themselves for the powerful posts.

Mrs. Sullivan has been in Congress nearly 20 years. She is an energetic, handsome 70 years old. Her porcelain skin is so smooth that a clever cosmetic firm could use her face to launch a "70 is Beautiful" campaign—if she had not spent so much time getting Congress to question the makeup of cosmetics.

Instead she will be launching ships. The first policy she wants to review is that of the waning Merchant Marine.

"Only 5 per cent of our export shipments are sailing under U.S. flagships," she said. "The rest have foreign registry, although many are owned by United States citizens."

Taxes and labor costs are two of the reasons for this. All seamen on U.S. flagships must be American citizens.

"We are losing more and more ships. I hope I can bring in the Department of Commerce and operators of ships and representatives of seamen to discuss the future of the Merchant Marine."

She said they would discuss the needs of the country for emergency troop and freight transportation and the role airplanes play in this. The Federal Government subsidizes the building of ships that meet Department of Defense specifications for emergency use. More ships in the Merchant Marine will prevent the country from having to put in mothballs certain passenger liners that are potential transports.

"I recently fought to save the SS. United States from being sold abroad. It can carry 14,000 troops. We had it laid up in mothballs" Mrs. Sullivan said.

Nevertheless, a stronger Merchant Marine ready for military use would not reduce the need or expense of the Navy.

Aside from the Merchant Marine, the jurisdiction of Mrs. Sullivan's committee will cover the Coast Guard, Panama Canal operations and the Bureau of Sport Fisheries and Wildlife.

The first thing she intends to do in the post is to ask all the employes in the committee's 30-person office to turn in standing resignations.

"I'm going to do just what the President did," she said. "The committee (office) needs reorganization."

Mrs. Sullivan will retain her post as a chairman of the consumer affairs subcommittee under the House Banking and Currency Committee. She called for the formation of this subcommittee a decade ago, before the word "consumer" was commonly used.

"I'm going to fight to keep that position. I may be challenged. There are some committee members who would like to get the position so they could kill it."

It has been Mrs. Sullivan's work on this committee, rather than on the Merchant Marine and Fisheries Committee, that has won her national recognition. She has advocated consumer needs for everything from pantyhose to truth in lending. The Consumer Federation of America gave her its distinguished service award last summer, and Ralph Nader's report on congressmen called her an energetic and effective advocate of consumer rights.

Mrs. Sullivan said that her new role as the woman with the most seniority in Congress "doesn't mean a darn thing, except that if we (women in Congress) are going to do anything as a group, I'm going to have to start it."

She is planning a luncheon to honor the 14 new women elected to Congress this month. When Mrs. Sullivan first went to Congress, in 1953, there were 11 women in office—one Senator and 10 Representatives.

After her husband Representative John B. Sullivan, died in January of 1951, she sought his seat. But the Democratic party regulars selected Harry Schendel. Some friends urged her to run in the special election as an independent but she refused, and Claude L. Bakewell, the Republican candidate, won.

She did not give up, however. During her husband's second term, she had worked as administrative assistant and she said she offered more than the same familiar name on the ballot. In 1952, she ran in the Democratic primary, won and then beat Bakewell in the general election.

She is pessimistic about a woman's caucus in Congress.

"When I first went to Congress I was very naive," she said. "I thought there were many issues so special to women that they would cross party lines."

But it never worked, she said. The other women would not support her on issues such as the Food Stamp program, which she had believed women could easily support. Special women's or black caucuses tend to confuse things, she said, and now she believes in neither.

Women in Congress told her they were not interested in so-called women's issues, she said. They wanted to be known as congressmen first, not as women. Mrs. Sullivan emphasized her views by calling herself a congresswoman.

She was the first woman to do so.

"However, women in Congress (in the past few years) have gotten togther on fighting for equal work and for removing job discrimination," she said.

Mrs. Sullivan said that all the women in the House except her worked for the passage of the Equal Rights Amendment last winter. She explained that she was opposed to the amendment because she worried it would hurt family life in America.

"I do not think that wives and mothers should have equal responsibility with men to support their families," she said. "We in Missouri have good laws that protect women, and good inheritance laws.

"I don't object to the effect the amendment would have on divorce laws; wealthy women may have to pay alimony," she said.

Feminists have said that women have to pay too heavily with other rights to retain the privileges Mrs. Sullivan believes they should keep.

Mrs. Sullivan was surprised that she received only 20 letters last winter about the Equal Rights Amendment.

"I don't think women have taken any kind of a real interest in this. I tell them whether they are for or against the amendment, they should not let men decide their futures."

She wishes more women would bring evidence of job discrimination to court.

"I know there are many women in St. Louis who are discriminated against and are not receiving equal pay, even business and professional women," she said.

After a post-election vacation, Mrs. Sullivan expects to detail her new plans.

And, that comment of hers about making St. Louis a major port—well, she is working on that too.

Her interest in the Merchant Marine and Fisheries Committee has led her to study the lash ships. These ocean-going vessels are hauling small river barges. A barge filled with freight in St. Louis can be towed to New Orleans, put on a lash ship and then delivered to the mouth of another river. There it can be towed up river to an inland port. The freight never would be handled from St. Louis to the foreign river port.

"St. Louis is the largest city on the Mississippi River. We should have a port authority and more warehouses and take advantage of this," she said forcefully.

"If we don't, Memphis or, watch, Illinois will. St. Louis was founded because of its location."

She is convinced that a port authority would attract exporters and other related businesses to St. Louis and has been working "quietly" with state legislators who would have the power to create the authority.

Leonor Sullivan may be the first stateswoman of the land. She may launch a thousand ships. But she's got her feet firmly planted in the Mississippi mud.

BROADCASTERS AND FREEDOM OF THE PRESS

Mr. CHURCH. Mr. President, on Tuesday, January 9, the Washington Post carried a lengthy article about challenges that have been mounted against the broadcast licenses of two television stations in Florida controlled by the Post.

It is highly instructive that of the four applications to take over the licenses of WJXT–TV in Jacksonville and WPLG–TV in Miami, several of the principals involved in the challenges are connected with President Nixon and his recent reelection campaign.

The chilling aspect of this case is the thought—no matter how much denied—that certain of these challenges may amount to a continuation of the Nixon administration's vendetta against the Washington Post. The administration has already seen fit to bar the Post from coverage of White House social events.

Even more important are the long-range ramifications of these cases, should the challenges succeed, for they raise the specter of the executive branch challenging by proxy the licenses of any station that dares to offend it. If it happens to these stations, it can happen to any station.

I ask unanimous consent that the Post article be printed at this point in the RECORD.

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

CHALLENGES TO TWO POST TV STATIONS STIR REVERBERATIONS

(By Jules Witcover)

By closing time on Jan. 2 at the Federal Communications Commission, four challenges to two television channel license renewals had met the appointed deadline. Together, they soon provoked reverberations throughout the nation's political, TV and news communities.

Three of the applications sought to take over ownership of WJXT–TV, Channel 4 in Jacksonville, Fla., and the fourth challenged WPLG–TV, Channel 10 in Miami. Both stations are owned by the Post-Newsweek Stations, Florida, Inc., a subsidiary of The Washington Post Company.

The question raised in political and news media circles about the four challenges was simple enough:

Were they symptoms of a political vendetta against a newspaper corporation that was in disfavor with the Nixon administration?

The question was prompted by several considerations.

First, in the past four years only 11 other takeover challenges had been filed with the FCC against any of the 701 licensed commercial TV stations in the United States. (Many other protests against the relicensing of stations have been filed in that period.)

Second, the only TV channels in Florida subjected to challenges this year were the two owned by the Post-Newsweek Stations; the other 34 commercial channels in the state were unchallenged.

Third, the Florida challengers included several individuals who had achieved political prominence, mostly with some ties to the Nixon administration.

One of the principals in Jacksonville was George Champion, Jr., Florida finance chair-

man in the 1972 re-election campaign of President Nixon.

Heading another Jacksonville group was Fitzhugh K. Powell, northeastern Florida coordinator for the 1972 presidential campaign of Gov. George C. Wallace of Alabama.

In the Miami challenge, the principals included Cromwell A. Anderson and Michael Weitraub, law partners of former Sen. George Smathers (D-Fla.). Smathers, a friend of Presidents Kennedy and Johnson, was the man who introduced then Sen. Richard M. Nixon to C. G. (Bebe) Rebozo of Key Biscayne, who became Mr. Nixon's closest personal friend.

Another in the Miami challenge was Edward N. Claughton Jr., who had lent his Coral Gables home to Vice President Agnew during the 1972 Republican National Convention.

The challenges emerged against a background of conflict between The Post and the Nixon administration. The Post, for several years, had been a specific target of Vice President Agnew.

White House press secretary Ronald L. Ziegler on several occasions had denounced The Post for its reporting of the Watergate political espionage affair. And just a few days ago one of The Post's reporters, Dorothy McCardle, had been barred from covering several White House social events.

In early 1970, on the heels of an Agnew speech that took The Post to task for its ownership of radio and television stations, a challenge was filed to the Post-Newsweek station in Miami. The challenging group included Anderson and W. Sloan McCrea, an old business partner of Rebozo. The application later was withdrawn, with the Post-Newsweek Stations agreeing to pay the challengers $67,000 in legal fees.

The questions of possible administration involvement raised by the four Florida challenges brought quick denials from the challenging applicants. To inquiries from wire-service reporters and later in interviews with The Post, representatives of all four challenging groups stated categorically that there was no connection between their applications and the White House, and no direction of any kind from the Nixon administration. Ziegler, at the White House, made a similar denial.

Champion, the Nixon fund-raiser in Florida, said, "I would never tell him (the President) that we are making an application. My friendship would never enter into it."

Claughton, who lent his home to Agnew, told The Post he had met the Vice President only once before, when he served as volunteer crew on a yacht on which a surprise birthday party was held for Agnew in 1969.

His home was selected for Agnew from a pool of homes volunteered by Miami-area Republicans, he said. His only contact with Agnew during the convention was on the tennis court, at which time nothing about television was discussed, Claughton said, and he has not seen or talked to the Vice-President since.

The speculation of Nixon administration involvement was fanned, however, with disclosure in Miami last Friday that Glenn J. Sedam Jr., general counsel of the Committee for the Re-election of the President and currently deputy general counsel of the 1973 President Inaugural Committee, was in Jacksonville Dec. 26 instructing Powell, Champion and other local businessmen on how to go about challenging the WJXT–TV federal license renewal.

Sedam has told The Post he had been contacted by Powell at the suggestion of a mutual friend, to inquire whether he, as a private lawyer, would be interested in representing his group in applying for the FCC license.

Because he did not know what he would be doing after the inaugural, Sedam said, he referred Powell to his old law firm, Steptoe and Johnson in Washington. "It was a normal referral," Sedam said.

Subsequently, Sedam said, Herbert E. Forrest of his old firm asked him to go to Jacksonville "to meet the group" and he did, but there were no political implications in the trip.

"Anyone there could tell you the lawyers emphasized this kind of thing is done on pleadings with the FCC and tried that way," Sedam said. "There was nothing political about it and it was emphasized there could be no conversations with senators or congressmen or *ex parte* conversations with the FCC."

The meeting in question took place on the night after Christmas in the American Suite of the Robert Meyer Hotel. Out of the private meeting several days later came not one but two formal applications challenging WJXT–TV, one by Powell's group and another by Champion and two associates, Edward W. Ball, trustee of estate of Alfred I. DuPont, and Raymond K. Mason, president of the Charter Corporation.

According to a participant in the meeting who insisted on anonymity, Sedam and the other lawyers did indeed stress that there could be no political implications or the application "would be automatically ruled out."

"Sedam and the others kept saying it can't be anything political," this participant told The Post, "and yet you're sitting there and here was a guy with that kind of reputation, as an important administration man. It was a political deal to begin with. There was no question in my mind it was."

Sedam, advised by The Post of this comment, replied: "That's silly. If you talk to any number of the people who were there, I'm sure they would tell you quite the opposite impression was attempted to be given. I suppose anybody can read anything they want into anything. I wish my presence did have that impact, but it doesn't."

Though the Jacksonville case involves three separate challenge applications, there is evidence the original intent was to have only one, representing all elements of the essentially conservative community opposed to WJXT–TV, which has won a wide reputation as an aggressive, politically liberal news operation.

Powell, in an attempt to build a financially solid applicant group, contacted Champion, Ball and Mason before the Dec. 26 meeting, and also held a Dec. 22 meeting with other prospective partners to lay the groundwork for the application.

According to one of those present at the Dec. 26 meeting, an open split developed between Powell and the Champion-Ball-Mason group over how stock in the new enterprise would be divided, and over the legal fee to be paid to Steptoe and Johnson.

Ball, this source said, at one point charged that Powell had misled him about the stock division and Ball erupted when advised by Powell that the Washington law firm's fee for carrying the case to the Supreme Court if necessary would be $250,000.

Ball, along with Champion and Mason, finally walked out of the meeting and several days later they submitted their own application for the Channel 4 franchise under the name Florida Television Broadcasting Co. The Powell group is called Trans Florida Television Inc.

The third group, St. Johns Broadcasting Co., consists of Edward L. Baker, a Jacksonville banker and real estate man, Winthrop Bancroft, an investment banker, and George D. Auchter III, a contractor. Baker said his group is unrelated to the other two.

The law firm representing this group, Welch and Morgan of Washington, also is representing the Anderson group in Miami, Tropical Florida Broadcasting Co. Both Baker and Anderson said there is no relationship between the Jacksonville and Miami applications.

In the four applications to the FCC, the challengers make one common argument against the Post-Newsweek stations—that local ownership would better serve the community.

But there is evidence that the editorial policy of the two stations and their records as aggressive investigators of local governmental and business irregularities, in Jacksonville particularly, are at the core of the challenges.

Prior to submission of his group's application, Powell filed a petition with the FCC to deny WJXT's three-year relicensing, charging the station "consistently and flagrantly, for the past three or more years has editorialized and slanted its news coverage."

The station, it said, "has deliberately broadcast and editorialized upon sensitive social questions that are prone to cause strife and turmoil in the community . . . [and it] deliberately and with intended malice assaults the personal character and reputation of various persons in the community. . . ."

WJXT is the television station whose reporter in 1970 first uncovered the 1948 segregationist speech of G. Harrold Carswell that proved to be a major factor in his rejection by the Senate as a Nixon appointee to the Supreme Court.

In 1966, the station's investigation of local government corruption led to the indictment of 10 city and county officials on charges of grand larceny and bribery. More recently, its series on inadequate railroad crossing signals led to adoption of a state law requiring such signals at all crossings in Florida.

Ball, who controls the Florida East Coast Railway, the St. Joseph Paper Co. and other banking and land interests, has been a particular foe of the Jacksonville channel.

The station has carried special reports on a fence that has been built across the Wakulla River on Ball's estate near Tallahassee, which conservationists have argued bars public access to a navigable river in violation of the law.

Although the argument of out-of-state ownership is stressed by all the challengers, no challenge was raised against Channel 17 in Jacksonville, and ABC affiliate owned by the Rustcraft Broadcasting Co. of New York.

Nor was there a challenge against Channel 4 in Miami, a CBS affiliate owned by Wometco Enterprises Inc., with national headquarters in Miami but a group owner with other stations outside Florida.

The Post-Newsweek station in Miami also has a record of investigative reporting and recently waged an editorial battle with Sen. Edward J. Gurney (R-Fla.) over consumer protection legislation. It backed Gov. Reubin Askew's campaign for a corporate income tax, highly unpopular with Florida businessmen, and more recently has called on Miami area congressmen to vote to stop the bombing of North Vietnam.

Anderson, part of the group that withdrew its challenge in 1970, says that action was taken after an FCC policy statement saying that existing license-holders would be renewed if they would demonstrate they substantially met the needs of the community.

That statement since has been successfully challenged in the U.S. Court of Appeals and withdrawn, Anderson told The Post, and a comparative hearing on ability to serve the community now is required, giving his new group hope it can succeed in getting the license.

Thomas Fitzpatrick, head of the FCC hearing division, confirmed that such a hearing now is required. But he noted that the appellate court decision also said "superior performance" of a licensee should be considered "a plus of major significance" in considering a challenge to its relicensing.

In the only case since that 1971 court decision, concerning a challenge to a Moline, Ill., station, the FCC in August, 1971, awarded the station another three years and cited its

entitlement to preference on basis of its past performance.

Robert W. Schellenberg, vice president and general manager of WJXT, and James T. Lynagh, manager of WPLG, both have expressed confidence that the performances of their stations would persuade the FCC to renew their licenses.

But Fitzpatrick and other FCC staff officials noted that the FCC has not yet completed formal rule-making on what constitutes "superior performance." Hence the outcome of these latest challenges must await the hearings at which the incumbents and the challengers make their cases.

Lynagh, in a statement to the Associated Press, expressed the concern that was being felt not only by the Post-Newsweek Stations, but by TV license-holders throughout the country.

"Based upon information as to the operations of many other stations available to us," he said, "it is difficult to conceive how our license could not be renewed without at the same time placing in serious jeopardy the license of virtually every other TV station in this country."

THE BOMBING: VIEW OF THE STAR-NEWS

Mr. CHURCH. Mr. President, in a little-noted editorial of December 30, 1972, the Washington Star-News called for a final end to the American bombing of North Vietnam.

The case is persuasive, as set out by this newspaper. It is a message that deserves wider circulation, and I recommend it to the Senate.

The editorial asks.

If we do not stop now, when will we stop?

The official answer, of course, is that we will stop when the North Vietnamese accept what we regard as a proper settlement, and the optimists believe such an acceptance will come soon. Just a few more days of punishment and Hanoi's will must finally break. The North Vietnamese have been fighting for about 25 years now. Surely three or four more days will be all they can take.

But what if they do not give in? What if once again, these stubborn people unaccountably hold out? A week passes—two weeks. Will it be easier for us to stop then than it is today? Three weeks—four weeks? May it not become ever harder to ground the planes with nothing to show for the destruction we have wrought?

The editorial speaks with the voice of good, old fashioned, commonsense—that same commonsense which has been so scarce in high places during all the years we have been mired down in a tiny country in the backwaters of Asia.

I hope—I pray—that this administration listens to the kind of reason so wisely outlined by the Star-News and that the bombing will be stopped permanently.

I ask unanimous consent that the editorial be printed in the RECORD.

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

THE LAST CHANCE

It is good that the American bombing of North Vietnam apparently will be halted in celebration of New Year's Day. It would be better if, in celebration of the whole new year and of mankind's future, the bombing were not resumed.

Enough is enough. For God's sake, let us have done with it.

The decision to resume these air attacks after the Kissinger talks broke down—attacks on an unprecedentedly massive scale and, despite the denials, against civilian targets—was dubious at best. Whatever the rationale, whatever the "message" we have been trying to convey, the mission must by now have been accomplished.

To stop the indiscriminate killing for a few hours now and then (in honor, say, of the birth of Christ or the completion of another swing by this planet around the sun) somehow doesn't quite do the trick. Indeed, such toying with the problem progressively afflicts the conscience. It makes it harder to forget what we are doing when there does not happen to be a holiday.

If we do not stop now, when will we stop? The official answer, of course, is that we will stop when the North Vietnamese accept what we regard as a proper settlement, and the optimists believe such an acceptance will come soon. Just a few more days of punishment and Hanoi's will must finally break. The North Vietnamese have been fighting for about 25 years now. Surely three or four more days will be all they can take.

But what if they do not give in? What if once again, these stubborn people unaccountably hold out? A week passes—two weeks. Will it be easier for us to stop then than it is today? Three weeks—four weeks. May it not become even harder to swallow our pride and call back the planes with nothing to show for the new destruction we have wrought?

If, in short, we cannot bring ourselves to extend this happy New Year pause, are we perhaps finally where we all said we would never be: Hooked irrevocably on a commitment to bomb North Vietnam to extinction? Is that an acceptable solution to our dilemma? Can we—can the world—live with it?

Let us stop the bombing this New Year's Day. Let us keep it stopped. It may be the last chance.

ROBERTO CLEMENTE

Mr. STEVENSON. Mr. President, I wish to add my personal condolences to the family of Roberto Clemente and to express the sense of loss we all feel over the untimely death of this compassionate man who helped raise all of our spirits.

Roberto Clemente died while on a mission of mercy to the victims of the earthquake in Managua, Nicaragua. He was showing yet again that he was more than an exciting baseball player, although he certainly was that. He excelled in his specialty, baseball—he was one of the few men ever to have 3,000 hits in his major league career, and very few outfielders could throw baserunners out like Roberto. But he excelled in another specialty, compassion for his fellow man—he combined the rare qualities of warmth and understanding with a unique ability to lift our hearts and to help his fellow man. He had reason to be far less humble than he was.

We shall all miss Roberto Clemente, and we should all learn from his examples of excellence and compassion. So that those friends of Roberto Clemente who do not share this tongue can understand, I ask unanimous consent that a translation into Spanish be printed in the RECORD.

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

TRANSLATION

Senor Presidente. Quisiera anadir mi condolencia personal a la familia de Roberto Clemente y tambien expresar el sentido de perder que tenemeos todos a consecuencia del muerto prematuro de este hombre compasivo que siempre nos ayudo animarnos.

Roberto Clemente murio cuando estaba viajando en una "mision de merced" a favor de las victimas del terremoto de Managua, Nicaragua. Estaba manifestando otra vez que estuvo no solo jugador de beisbol excitante, aunque sin dudo fue excitante. Sobresalio en su especialidad, beisbol—fue uno de los pocos hombres que mas de tres mil tiempos durante su carrera tuvo exito golpeando el beisbol, y no hay muchos jugadores fuera del cuadro que puede excluir a los corredores como pudo Roberto. Pero sobresalio en una otra especialidad—compasion para sus semejantes. Se combino las calidades raras de viveza e entendimiento y de ayudar a sus semejantes. Tuvo razon tener muy menos humilidad que tuvo.

Echaremos de menos a Roberto Clemente, y debemos aprender todos de sus ejemplos de excelencia y compasion.

WE HAVE NEVER HAD IT SO GOOD

Mr. CHILES. Mr. President, we hear much these days—too much, I am afraid—about what is wrong with our Nation and our society. The truth is, I think, we have never had it so good, and I hope we will concentrate more on the positive as we approach our Nation's 200th birthday in 1976. A comparison is offered by an interesting historical piece written by Mr. Albin Dearing of Fort Lauderdale, Fla., and published in Smithsonian magazine. I ask unanimous consent that it be printed in the RECORD.

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

RETURN TO THE BAD OLD DAYS OF THE 1870'S? NO THANKS

(By Albin Dearing)

In the planning stage now is the Bicentennial, the 200th anniversary of our independence. The President urges us to scrutinize ourselves at this time, to establish our land as a showplace for foreign visitors. Had such self-examination taken place a hundred years ago when we were preparing for our Centennial of 1876, we might well have questioned whether the country was worth the celebration.

We think of Victorian America as orderly, blissful, innocent and uncomplicated. Determined to recapture its antique charm, we uproot the television, disconnect the radio, tear out the telephones and stop the news magazines. Away with the present! It's back to bustles and bicycles, celluloid collars and Currier & Ives prints, a hand pump in the sink and a swing on the porch. Thus surrounded with elements of that better life of yesteryear, can we not again attain it?

Better to forget it.

Violence in the streets? But . . . the United States of the 1870s had a crime rate perhaps twice that of today. There was rioting among the Irish in New York, the blacks in Savannah, the Chinese in San Francisco, the political clubs in Pittsburgh and the coal miners in Scranton. Indians scalped the wagon-master of a government mule train in the Colorado Territory. Corruption in high places? Well . . . New Yorkers were discovering that Boss Tweed had mulcted them of millions. Legislators were being sought and sold by powerful capitalists. Graft reached into the White House itself.

About a sixth of the population was foreign born, largely unassimilated and incomprehensible. Thousands of children, aged eight, were recruited to the ten-hour work day of factories, mines and sweatshops.

Traffic hopelessly clogged city streets by day, toughs roamed them by night. Prostitution plagued urban centers and venereal disease raged.

Pneumonia and tuberculosis ravaged the population in winter, malaria and typhoid in summer, diphtheria, scarlet fever and sometimes cholera and smallpox in all seasons. Public health, like inside plumbing and sanitation, concerned only a few.

Gangs of Ku Klux Klansmen whipped, tortured or murdered hundreds of blacks. The U.S. Navy shelled the coast of Korea, with which were were at peace. And our most violent enemy, fire, all but obliterated Chicago in 1871, gutted Boston in 1872 and sent 1,100 barrels of whiskey up in smoke in Nashville.

This was a time when a million Americans were trekking westward—many to fall victim to Indians, desperadoes and the fraudulent schemes of their fellows. These scoundrels left the Ten Commandments on the east bank of the Missouri to rely on boozing magistrates for law west of the Pecos. It was a time when women could not practice law in most states or Mormons serve on federal grand juries in Utah. Spiritualism, with 95 congregations and thousands of adherents, was a thriving religion. Such towering tycoons as Commodore Vanderbilt and J. P. Morgan kept pet mediums to give them financial tips. The propriety of Bible reading in the public schools was questioned, folks complained at the high cost of funerals while staging great religious revivals that lasted all day and far into the night and left waves of arrests for drunkenness in the cities and a precipitous increase in illegitimacy at the crossroads.

As the nation approached its first hundredth birthday, some daring women were wearing men's clothing. Newspapers carried stories of women footracing through Central Park in practically no clothing at all, dancing the can-can in the New Jersey surf, getting married on velocipedes, playing football on stilts, capturing criminals, smoking cigarettes seated in their windows at swank Saratoga, hitting bears with axes or each other with bare fists in the prize ring, and riding behind their men on bicycles "though it creates invalids as well as fallen women." Two women in Philadelphia sold their hair for a rail ticket, and at least once two others auctioned off a man.

At the University of Michigan, women demanded and won admission to men's classes. In Brooklyn, they invaded railroad smoking compartments. In Virginia City, Nevada, the town belles organized an opium smoking club. Everywhere girls affected a hairdo that cascaded over their eyes. Inevitably, it was called "the lunatic fringe." And everywhere they wore shiny pie pans stuck in their wide belts. In jockey silks, Miss Julia Bishop won at Mannsville, New York, while in Manhattan Miss Mary Marshall and Miss Bertha von Hillern ran a six-day miniskirted marathon. At Omro, Wisconsin, a young lady with obvious talents for judo neatly tossed a male into a snowbank for molesting her while skating.

Young men went clean-shaven in contemptuous disdain for their elders' hilarious muttonchop whiskers, straggly handlebar moustaches, imperial goatees and shoulder-length hair.

Not that the clean-shaven young men of 1872 had no idiosyncrasies. When not racing about on bicycles to the dismay of horses, or sassing their reproving elders with "Aw, mind your bustle!" they were showing an early predilection for strong drink. Police in New York arrested a 13-year-old for heaving a brick through a saloon window because the bartender refused to serve him.

There is no reason to think that the young and their elders of that day were closer than those of today. In that aftermath of the Civil War, America's youth was asking questions and not getting satisfactory answers. The elders' concern for morality focused for awhile on youth's preference for the "story papers" and the half-dime novels then so prolific, filled with tales of crime, love, horror and adventure. Anthony Comstock, founder of the New York Society for the Suppression of Vice, shrieked that "These stories breed vulgarity, profanity, loose ideas of life, impurity of thought and deed. They render the imagination unclean, destroy domestic peace and make foul-mouthed bullies, cheats, vagabonds, thieves, desperadoes, libertines. They disparage honest toil and make real life a drudge and burden."

Comstock may have found vicarious enjoyment in accompanying police or brothel raids, but he plucked a true chord with that last phrase. Life was indeed a drudge and a burden and fast becoming intolerably so as craftsmanship gave way before demands for mass production—simple actions endlessly repeated. Given half a day free each week, what escape was there for automatons of the factory and seamstresses of the sweatshop on starvation wages? In the decade of the 1870s, alcohol probably made converts faster than at any other period in our history. As did opium.

YESTERDAY'S DRUG CULTURE

Today's "drug culture" had its counterpart in the America of 1872, only then it was more widespread in respect to areas and age groups. In 1872, Florida, New Mexico, Texas, Vermont, New Hampshire all grew poppies for our thriving opium production, though we imported a sizable tonnage of it.

Laudanum, tincture of opium, was the fare of our "opium eaters" and was sold in drugstores and many grocery stores as well. Few Conestoga wagons had gone west without their casks of laudanum for use as a painkiller for sufferers from rheumatism, for insomnia and for anesthesia.

In England opium had provided dream worlds for Coleridge, De Quincey, Crabbe, Keats, Wilkie Collins and Francis Thompson. Alethea Hayter tells us that in the textile districts of Lancashire "the counters of the druggists were strewn with pills of one, two or three grains in preparation for the known demand of the evening. There was not a village in the region but could show at least one shop and its counter loaded with laudanum vials, even to the hundreds, for the accommodation of customers retiring from the workshops on Saturday nights."

In America, commerce in opium had formed the base of more than one great family fortune. It was given to babies when they cried in Mrs. Winslow's Soothing Syrup and to suffering adults in Dr. Olcott's Pain Annihilator or Radway's Ready Relief. Lydia Pinkham's famed Vegetable Compound relieved millions of "female ailments" partly because, as was found many years later, the good lady's herbs contained small amounts of then-unknown estrogens. But a good measure of relief came from the fact that the mixture was 21 percent alcohol.

Some of the most famous catarrh remedies depended on cocaine; stomach bitters favored rum or brandy. The widely sold tonic Peruna had about the same kick as a Manhattan cocktail, and a watchful Bureau of Indian Affairs learned to prohibit its sale on Indian reservations. During subsequent investigations, Mark Sullivan estimated that Americans had been drinking more alcohol in patent medicines than in all licensed beer, liquor and wine sold in the country.

The enormity of America's drug addiction, all so innocent, awakened no public outcry and but little medical interest. Not until 1881 was the import of opium *from China* prohibited, though the bulk of our manufactured products came not from China but from England and Germany. Few 19th-century Americans had not tasted opium in some form; some middle-class and many working-class children died from it.

To criticize the medical world for its ignorance would be unfair. Many a man during the Civil War and after had a gangrenous arm or leg chopped off with no more than a stiff dose of whiskey. In the surgeon's endless quest for anesthesia, morphine, codeine, heroin were blessings. If addiction flowed from the physician's kit it was because he believed that "opium diminished the determination of blood to the inflamed parts." Lingering in the pharmacopoeia were ancient alchemies. In the late 19th century, one druggist's compound began, "Take tenpenny weight of wax from the ear of a dog. . . ."

America's malaise of the 1870's disturbed its sociologists and men of medicine alike. Dr. George Beard's *American Nervousness, Its Causes and Consequences,* published in 1881, reflects the concern of thinking men that neuroses were the result of an industrial civilization, and were specifically induced by such factors as steam power, the periodical press, the telegraph, the sciences and "the mental activity of women."

For all their antics, ever-questing American youth showed disposition toward a societal isolation, intellectual in scope, tribal in appearance and rites. They rallied around Transcendentalism which New Englanders were refining from Kant, Fichte and Hegel, just as today's young people take on the beliefs and robes of the street Buddhists. Yet most had normal tendencies: One Octavius B. Frothingham saw dread consequences in the young peoples' method of dancing. "Over excitement is produced from the commingling of sexes in warm rooms where the mind is unbalanced by the wild delirium of the waltz."

In 1872 life was pretty much touch and go for the city dweller. That nation of 40 million had nothing approximating today's 50,000 annual highway fatalities, but its other disasters were proportionately greater. Fire was the great killer, since so many structures were of wood. Perils of the sea were real and familiar, for ships had no devices to warn of approaching storms. The land travelers' lot was no better. Almost every day brought word of trains stranded in snowbanks, head-on crashes, death at the crossing and derailments. No one hopped on a train for any distance without a bit of terror. High speed along badly ballasted rails killed many in the 1870s. A rear-end collision just outside Boston took 29 lives, including that of the minister of the Arlington Street Church. In 1872, a bridge collapsed near Prospect Station, Pennsylvania, and 25 died. A few years later, near Ashtabula, Ohio, another wobbly bridge—plus a snowstorm and high winds—sent a train plunging to glory with 80 killed, 60 injured.

As for traffic problems, the headache of our own age, let James Buel describe a New York visitor's emotions in the 1870s: "If he should desire to cross the street a thousand misgivings will assail him, for although he sees scores of men and women constantly passing through the moving lines of vehicles . . . a stranger will suffer the pressure of a hurrying and jostling crowd on the sidewalk for an hour before plucking up sufficient resolution to attempt a crossing."

Manners? But . . . that was the United States where Americans had just completed the organized slaughter of fellow Americans in our costliest war. Could the half-million immigrants dumped into America in 1872 be expected to improve the demeanor of that society?

There was another side of the coin. As we see today among our youth, the 1870s experienced a return to religion. No flashback would be complete without a look at Dwight Moody. America has seen many evangelists come and go. But in that turbulent America of a hundred years ago, huge crowds in New York, Boston, Philadelphia and Baltimore came to hear an unimpassioned, undramatic, unstylistic but never uninspired, lay preacher, a former Chicago shoe sales-

man, talk of Jesus Christ. What Dwight Moody said carried no threat of hellfire and damnation, no shrill condemnation of this corrupt and doomed civilization. "I don't want to scare men into the Kingdom of God," he said.

If among his hearers there were regular church-going Christians, Moody might politely invite them to stay away. If he should see that through the power of his biblical interpretation some among his hearers were being swayed, Moody might stop dead. That was Ira Sankey's cue to play the organ and give forth with song. Moody distrusted mass emotions. He was no spellbinder; at times he did not even speak clearly.

Newspapers could only express bewilderment over the popular excitement that Moody aroused. A man of little education, his sermons have been called "a collection of rather dull anecdotes and trite theological observations." Yet in a single Sunday, the *New York Herald* reported that 15,000 people jammed his opening meeting in Flatbush.

Such then was this America of a hundred years ago when Congress met to discuss financing the Centennial. Wounds of war, sutured, healing, at times were maliciously rubbed with salt. The "bloody shirt" was waved anew in the elections of 1872, the North reminding of the horror of Andersonville, Southerners chafing under Reconstruction. In that year Boston staged a monster peace jubilee, then saw its city fathers off on a train to Philadelphia to inspect plans for the celebration. Like New Jersey, Boston then threw her influence behind the idea. Pennsylvania and the City of Philadelphia put up a million and a half dollars. Now needed was another million and a half from Congress.

In that day the federal government stuck more closely to the business of governing, indeed the whole federal budget was but $278 million. Obviously a centennial celebration presented an opportunity to close ranks North and South in shoring up the people's pride in what the entire nation had accomplished since 1776. Nevertheless, members of the House of Representatives, while fully in accord with the sentiment, were not unanimous in agreement that a centennial exposition was the best means of serving it.

Congressman Benjamin Willis of New York protested the cost—"While we are celebrating the birth of the Republic let us take care lest we contribute to its burial"—and complained about the growing complexity of government in terms that seem familiar today: "Its functions have been indefinitely multiplied. It has built railroads; become parent, teacher, master, banker; and now it proposes to go into the show business. . . ." He preferred, he said, to "bequeath to our posterity the privilege of celebrating the continued existence of the Republic in 1776."

At length the argument was resolved by William Phillips of Kansas: "The nation that has spent four millions a day in war can afford a million and a half once every hundred years to render civil wars impossible." Among so many similarities between today's troubled times and those of a century ago, perhaps this ideal for a Centennial can also be repeated.

THE BOMBING OF NORTH VIETNAM

Mr. HART. Mr. President, during December, when the White House ordered U.S. aircraft to drop hundreds of thousands of tons of bombs on the North Vietnamese cities of Hanoi and Haiphong, many of my constituents wrote to me not only to express their horror at the destruction of human life in what has been estimated as the heaviest bombing of this or any war, but also to protest the refusal of the administration to disclose information about its actions.

And on December 29, a delegation of clergy and lay people met in my office to urge congressional action to cut off funds for the war.

While members of the delegation represented various professions, religious faiths and points of view, they spoke with a single voice on two issues. They were united in their grief over the Vietnamese and American casualties which the bombing raids caused. And they were united in their urgent request that the representatives of the American people in Congress exercise their constitutional responsibility for committing—or not committing—this Nation to war.

Mr. President, I do not believe that my constituents' demands are invalidated by the hope—however welcome—that the peace for which the world so painfully waits is, again, at hand.

Nor should we be deterred in our efforts to control this country's warmaking power by those who would charge that to challenge the President is to undermine the American peace effort.

Even those who may want to continue the struggle which has exacted such bitter sacrifice of life and health from our American fighting men should question what result could possibly justify those 12 days of bombing which intensified and redoubled the tragedy.

Each of us must weigh any apparent advantage gained during that siege against the costs of human lives lost and of diminished respect for our system of government resulting from an apparent abuse of power.

Surely Congress must act to prevent a recurrence of the moral and legal crises which the President's action has precipitated.

HOUSING PROGRAMS

Mr. STEVENSON. Mr. President, our Federal housing programs have had their problems, and I have not been hesitant to criticize them in the past. Many of these problems have been severe, and it is quite possible that substantial changes will have to be made in our present housing laws. In particular, housing programs must be made to benefit the consumer and the taxpaying public, as well as private interest groups with a financial stake in housing. But I cannot support the President's recent action. Unilateral cancellation by the Executive of programs designed to benefit citizens of low and moderate income, without any provision for their replacement, most hurts those who can least afford it. It also flouts the will of Congress which in 1949, and again in 1968, affirmed the right of every American to an adequate home in a suitable living environment.

Last week I joined Senator SPARKMAN, chairman of the Banking, Housing and Urban Affairs Committee, in urging President Nixon to defer any action on cancellation of these programs until Congress had an opportunity to reassess our entire national housing policy during hearings which will begin in March. Now those hearings, and the improved programs which could result from them, take on an even greater sense of urgency as Congress and country face the possibility of a year and a half without any commitment to important national housing needs.

A January 10 editorial in the Christian Science Monitor substantially reflects my views on this matter. I ask unanimous consent that it be printed in the RECORD.

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

HOUSING REFORM, NOT RELAPSE

The hedging, cutting back and stocktaking to which we refer above are already evident in several areas of federal social intervention, and most recently in housing. Secretary George Romney's announcement Monday that his Department of Housing and Urban Development has halted all new commitments to subsidize low and middle-income housing construction came as a shock to many in Congress, as well as to the residential construction and financing institutions.

Inevitably, there were instant protests—some of legitimate concern over cutbacks in an area of critical need, others of chiefly political origin. We fully share the concern voiced by conscientious congressmen that federal government efforts to stimulate housing construction, based on massive legislation passed in the '60's, not be arbitrarily undercut before the housing construction market is able to produce good housing at prices affordable to all income levels.

It is true that the massive federal subsidy programs have stimulated a housing boom. But that boom has mainly benefited the housing industry. The programs which bring housing to the poor and moderate income groups have been rife with corruption and scandal. The federal government has been bilked of hundreds of millions of dollars. In Detroit 20,000 houses have been abandoned as unlivable by the poor families who bought them, and handed back to the Federal Housing Administration in default.

Housing for minorities, which Mr. Romney tried to promote, has run into massive opposition in the suburbs and lack of support from the White House. Multiple housing built under Section 236 of the 1968 act has proved to be an enormous pork barrel, with building and financing interests earning usurious profits on minimum capital investments via government-paid interest rates and tax shelters.

These scandals prompted Secretary Romney earlier to advocate abandoning all federal housing support programs, turning them over to the states, stimulating more private involvement on a profit basis, and giving housing allowances directly to needy families. Now the administration has decided to halt new commitments for low- and middle-income housing construction, to put a hold on applications for other programs such as water and sewer grants, and by July 1 to embargo urban renewal and Model Cities programs.

Given the failure of existing programs to this date, just going along the same potholed road is not the answer. But neither is it an answer simply to jam on the brakes. What is needed is genuine reform. Both the opportunity and the desire for such reform exist in Congress, which killed an omnibus housing bill last fall that would have simply continued the old programs as they were. The Joint Economic Committee has held lengthy hearings, and committee chairman, Sen. William Proxmire, has taken up the cudgels on the part of housing reform.

Secretary Romney has stressed that there is enough money in the pipeline for HUD to continue subsidizing housing starts at an annual rate of 250,000 units for the next 18 months. Meanwhile, Congress is faced with the task of rewriting new housing legislation. Given honest cooperation on the part of both the administration and the Congress, there

is no reason why new legislation cannot be written in such a way as to prevent the scandalous misuse of taxpayer funds that has occurred in the past three of four years.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. HUGHES. Mr. President, I ask unanimous consent that when the Senate convenes tomorrow, immediately following the recognition of the two leaders under the standing order or following the recognition of Senators under any 15-minute orders that may be entered today, there be a period for the transaction of routine morning business, for not to exceed 30 minutes, with statements therein limited to 3 minutes.

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

THE MANAGUA DISASTER: A REPORT

Mr. JAVITS. Mr. President, I have received an excellent, informative, first-hand report of the natural cataclysm that has so tragically and destructively struck Managua, Nicaragua, on the eve of the Christmas holiday, and I want to bring it to the attention of the Senate. The report, "The Managua Earthquake," is written by Dr. Kevin M. Cahill, director of the Tropical Disease Center of New York City and who is well known to Nicaragua and its President, General Anastasio Somoza, as well as to me personally.

In my judgment, Dr. Cahill has briefly but accurately described the horrendous dimensions of the Managua earthquake, which is without parallel in the Western Hemisphere. In addition, he has portrayed the commendable "power" and efficiency of the United States' relief effort there to help a stricken capital city. However, and perhaps most significant and useful are Dr. Cahill's proposals and guidelines for the handling of such natural calamities.

I commend Dr. Cahill's excellent report to all Senators and ask unanimous consent that it be printed in the RECORD.

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

THE NICARAGUAN EARTHQUAKE

(By Kevin M. Cahill, M.D.)

In the middle of Managua several days after the major quake had struck on December 23rd, 1972, I stood with an old American Army sergeant who, looking at the total destruction of the city, the flames and smoke bellowing from still-collapsing structures, the rending noise of walls giving way and the constant sound of the sirens, with the acrid odor of dead and burning flesh hanging heavy—this old, tired, dirty, career soldier said two things—"God, but it feels good to be an American soldier" and "Even Dresden and Berlin in '45 weren't as bad as this". In a sense, those are two of the themes of this report.

Shortly after the earthquake struck Managua, Nicaragua, on December 23rd, 1972, with a maximal reading of 6.7 on the Richter Scale, I was called by the Ambassador of Nicaragua to the United Nations who requested that I assist in medical planning. Having worked in epidemic situations in Africa and Asia, having been associated with Nicaragua by caring for some of the leading citizens of that country, as well as having their highest governmental award, it was to some degree natural that the Ambassador might call. However, there were almost no facts available at that time regarding the extent of the damage or the needs, and useful planning in such a vacuum, was virtually impossible.

Although contact was established by ham radio shortly after the quake, conflicting and often contradictory reports came; the only unquestioned fact was that this was a disaster in a Capital City without parallel in the Western Hemisphere.

When I flew into Nicaragua two days later, initial cable and military communications had been established and preliminary plans for a fruitful evaluation trip had been made. Because of my identification with the concept that medicine provides one of the best vehicles for international diplomacy—and the subsequent translation of this idea into The International Health Agency Act in the U.S. Congress (HR 10023 and S3023)—I was also requested by various Senators and Congressmen to provide a report for them. Fortunately, my previous medical care for the family of General Anastasio Somoza, Chief of the Army and President of the National Board of Emergency of Nicaragua, permitted me to have immediate and direct access to all the major individuals, sectors and forces struggling in the chaos of Managua.

During my stay in Managua, I was able to use the home of General Somoza as my base during the day, and shared his family's sleeping tent at night. Since his compound was the command post for all aspects of the relief program I was able to meet at length with all the major Nicaraguan authorities involved, the American Ambassador, the American Military Commander, the United Nations Representative, and those from many other foreign countries and voluntary agencies that were responding to the earthquake. Available translators and transportation—two critical areas that, if not satisfied, had paralyzed innumerable others who had come to the chaos of Managua—were amply provided.

DESCRIPTION OF THE EARTHQUAKE

Throughout my time in Managua persistent small earth tremors were experienced, and I vividly recall one sharp quake that shook the building in which I was at the time, causing further cracking of the roadway in front and collapse of the wall.

A series of preliminary tremors shook Managua starting about 10 o'clock at night on December 22nd and culminating in several major tremors between 12:30 and 4:30 A.M. on the morning of December 23rd. Those who experienced the full intensity of the tremors in the center of Managua are not alive to describe that occurrence, for the majority of the buildings instantaneously collapsed. However, one did not have to search far anywhere in Managua to find those with tales of miraculous survival coupled with great tragedy. One American businessman kept repeating to me over and over "I do not have words to tell you how terrible and horrible was that period—everything was flying through the air, my children, my wife, my furniture, the very walls of my house". The buildings were literally lifted off the ground, shifted, and came back with a thud, collapsing the plaster, wood, cement and packed mud that made up the foundation of so many of the common houses. Fires, breaking out throughout town, provided the only light since all electricity was instantly knocked out. Water mains burst and flooding from the surrounding lakes occurred in low-lying areas. Managua is set in a frame of volcanic hills, and landslides buried many. The roads were crosshatched with the crevices of a fissured earth and were covered with the rubble of collapsing buildings, live electric wires, dead and injured people.

An American physician who arrived in Managua with the initial American Army relief team within twelve hours of the quake told me of the stunned population sitting by the roadside "as if they were waiting for a parade"; they stayed there surrounded by the paltry remanents of their material possessions—the broken table and the cracked crockery and the soiled bedding—till the government came with trucks to move them to the outskirts.

Even several days later the emotional paralysis of the stunned citizenry was striking; I recall a family sitting on the front lawn of their destroyed home in the midst of a block of burning buildings while they guarded their damaged furniture, including all the Christmas decorations that were about to be used when the quake struck. In fact, throughout Managua the eye was caught by the striking contrast of Christmas themes and devastation. In the back of General Somoza's home was a life-size Christmas Crib scene and the only figure missing was the Baby Jesus whose porcelain form had fallen from the shelf and cracked beyond repair. As one of the tallest buildings in Managua burn out of control one could see a line of multi-colored Christmas lights dangling from the upper floors, with the Star of Hope, framed in billowing smoke, as the main street burned to the ground.

The red glow of Managua dying is a scene I shall never forget. As one rested, dog-tired and dirty at the end of the day, on a hillside outside the city, one could look over and see the Capitol in flames with the tallest building, the fifteen-story Bank of America, ablaze on its top five floors at one extreme with a fiery haze spreading over the ten mile crescent of the city that had sprawled around the Lake of Managua. There were no electric lights glimmering on far off hills to distract attention from the scene of cataclysm that, despite the cliche, looked like the inferno in Dore's print. The scene was made even more memorable by the pungent stench of burning and decaying flesh of the dead buried in collapsed buildings.

There is no accurate estimate of the number that died in the quake, and since the city is now in rubble it will be impossible to ever determine the exact toll. The understandable confusion and chaos, following the earthquake, the need for mass burials of those bodies that could be found and the subsequent mass evacuation of the city make all mortality figures merely estimates. Between seven and fifteen thousand died, and the range given for the number of wounded was twenty to fifty thousand. Suffice it to note that a Capital City has died, and no death rate can be so coldly calculated by those that remain, obviously bearing the memory of relatives and friends pinned beneath collapsing walls, and even days later, continuing to smell the unseen remnants of their bodies.

Having attempted to give some description of the earthquake and its results I should like now to turn to the problems that such a disaster presented, and to particularly emphasize the response by America, stressing the medical aspects.

Immediately after the disaster it became clear that the first priority was to find the wounded and to care for them, and then to try to find the dead and bury them before they became a further threat, as a focus of disease, for the living. To complicate this enormous medical challenge, it should be noted that the two major hospitals in Managua, constituting 1700 hospital beds, were totally destroyed in the earthquake. There were, therefore, no medical facilities remaining in which earthquake victims could be cared for.

The initial response from the United States of America to the report by the Ameri-

can Ambassador in Nicaragua was rapid and massive. Within twelve hours after the first report a team of twenty-five physicians and medical corpsmen from the American Army base in the Panama Canal Zone were working on the front lawn of what was the General Hospital in Managua. Within twenty-four hours a twenty-five bed hospital was functioning, and within another twenty-four hours a further hundred bed American military hospital with four operating theatres was providing the only medical care available in the city.

Water purification equipment was flown in within the first two days and distribution of water and food supplies to the populace was begun. There have been news reports highly critical of the distribution of food, water and medical supplies in Managua, and yet, it seems to me, that one can indulge in such criticism only with great humility, for the chaos and confusion were great and incomprehensible. I think it might be more accurate to stress the remarkable resiliency of the Nicaraguan people, and the elan that gradually emerged as the leading figures in all aspects of Nicaraguan life came together to share in resolving their national disaster.

The decision to evacuate Managua was made by General Somoza; this single choice, more than any other, influenced the eventual course of the calamity. By moving the populace out of the city—and, in several instances, this had to be accomplished by the rather firm methods of denying water and food to them, as well as by sending in military forces to force some out—prevented, without question, innumerable further casualties from collapsing buildings, as well as the emergence of various epidemic, infectious diseases, and permitted the incorporation of the refugee population into the hospitals and homes of the Nicaraguan countryside.

The evacuation also freed the military from merely securing law and order in a destroyed city so that they could be employed distributing food and water and medical supplies to the surrounding countryside. Critics will find fault—and one can think of many instances that might have been handled differently—but my main impressions remain not of the faults but of how well the whole system worked.

The role of the United States was paramount during the first week following the earthquake. Although twenty four other countries responded—at both a Federal and a voluntary level—the United States' contribution accounted for more than 90% of the assistance provided, and its immediacy was the remarkable achievement. As the old soldier cited at the beginning of this report had noted, it felt awfully good to be an American there. All around the devastated city were the signs of that remarkable efficiency of the U.S. military that we have seen, too often only a conflict. In Managua they were serving the wounded, burying the dead, bringing water and food to the refugees, planning refugee camps, assessing damaged buildings and repairing roads, working shoulder to shoulder with their Nicaraguan colleagues.

Let the names be recorded of those remarkable men, that served our nation so well in the first week: Major Paul Manson, M.D., and his medical team from the Army Southern Command in Panama; Lt. Col. George Sutton and the First Tactical Hospital staff of the American Air Force; Col. Bravo with his hundred bed Twenty First Evacuation Hospital; Col. Kenneth Murphy, Commander of all American military forces in Nicaragua, who, without sleep for the first seventy two hours supervised the disaster and relief planning and implementation; Col. Frank D. Simon and the Disaster Area Survey Team; Ambassador Turner Shelton; and all the voluntary groups, including a team of five physicians from the University of Miami who arrived within forty eight hours of the initial quake to work along with their military colleagues, the representatives of the Catholic Relief Service, CARE, the Salvation Army, Caritas, and the private groups including the nurses, doctors and the pharmacist who brought several hundred pints of blood and medicines from the Lenox Hill Hospital in New York and worked in a Nicaraguan hospital, and the Rockland County Mercy Missions which established their own medical facility in Managua.

One of the most effective men in the medical sphere was Dr. Gerald Faich sent by the Communicable Disease Center, U.S. Public Health Service, to assist the government in logically responding to the fear of epidemic disease. Dr. Faich, a Spanish speaking epidemiologist, was able to work closely with Nicaraguan physicians under the leadership of Mrs. Somoza, who has long been active in the health field, to plan for the greatest usefulness of the regional hospitals. Through this committee a workable system of daily analysis was established so that the areas where refugee problems were mounting would promptly receive the greatest attention. I attended a number of these daily meetings, and admired the calm professionalism of my medical colleagues working under great personal and national stress.

Inevitably, following such a disaster, there is great confusion regarding possible disease consequences, and the fear of typhoid and cholera were paramount. It did not seem to matter that cholera had never been reported in the Western Hemisphere before—the threat of it was bandied about by the unknowing, and I heard from many, with authority, that it would inevitably come unless the dead were buried quickly, as if the disease spontaneously generated with the odor of decaying flesh. The fear of typhoid was more realistic, but to indulge in an innoculation campaign with a vaccine of only partial efficacy, where its usefulness would only be demonstrable if at least 80% of the population were innoculated, and where such an activity would not only cause further reactions in an already sick and bruised population but, more importantly, would totally dominate the medical services during the first critical few days was folly. Fortunately, the Government of Nicaragua withstood the pressure of the unknowing and did not undertake misguided medical ventures such as this.

The long term major problems are not likely to be those of health but rather of unemployment and a totally disrupted economy and of rebuilding not only a city but a society. The need for the entire international community to join in that long term effort with Nicaragua is almost too obvious to cite but, after the dramatic tale of the immediate disaster is forgotten, will the voluntary agencies be there, and will AID and the World Bank and the Inter-American Development Fund and all of the other agencies continue to respond?

CONCLUSIONS

1. The response of the United States of America to the Nicaraguan earthquake may well have been "its finest hour". To see the enormous power, organization and efficiency of the United States employed with such immediacy for a devastated city and a damaged population was in keeping with what most Americans think is our heritage. Around the world, however, too many people see only another aspect of United States power. It was a beautiful experience to be an American in Managua in the last week of 1972, and to know that our only impact overseas is not being felt in Hanoi or Hai Phong. More than any other impression I brought back from Nicaragua was the conviction that this type of activity is a role through which our great country can contribute to the world.

2. It was obvious from the beginning that there was no disaster plan in Nicaragua, and had it not been for the survival of a strong leader, General Somoza, the chaos that was evident would have been supreme. Might it not be in order for the United States to assist, under bilateral contracts, all of the developing countries to prepare their own Disaster Plan? It would seem to me that such approach, possibly under an AID contract, might be activated almost immediately in many of the other "high risk" countries where previous disasters such as earthquakes and floods have occurred in the past century.

3. It was also apparent that there was very little coordination within our government of responsibilities during a disaster, and it would again seem appropriate that each of our Embassies overseas have a well worked out Disaster Plan for immediate deployment.

In Nicaragua, for example, the military responded almost immediately—and I do not believe there is any other organization in the United States Federal or private community that could have responded to the scope of this disaster as promptly and as effectively as the American military. Having said that, however, there is a private side to America and the voluntary agencies and people of good will have, in the tradition of our country, a great role to play. There was no apparent coordination of their activities in the disaster in Nicaragua. In fact, it often seemed their presence was either resented or ignored by the Embassy.

Although the American Ambassador told me that the voluntary groups came under his jurisdiction this was not apparently the view of many American organizations working there. In such disaster uncoordinated and inexperienced groups are more of a hindrance than a help, particularly in the critical early days. Nevertheless, I firmly believe that the initial response should not be totally by the Federal Government, for reasons that will become obvious later. Therefore, I suggest that each American Embassy overseas ought to have an organized disaster plan, and that our government ought to have a system whereby immediate involvement of medical, military, engineering and other disciplines from both the federal and private sectors can be realized. One of the key features in the International Health Agency Act (HR 10024 and 53023) was that all forty three voluntary agencies involved in overseas activities had agreed to coordinate their activities with those of the twelve separate Federal agencies including the military, having international medical programs.

4. Although I firmly believe that only the American military could have responded to the immediate need and to the scope of the Nicaraguan earthquake, I am equally convinced that prolonged American military medical presence there will be a mistake. After the first several weeks, or even a month, the casualties will have healed and gone their way, and the task of rebuilding a new Nicaragua, and I stress here only the medical sector, will be primarily a Nicaraguan chore. The remarkable thing about a military hospital is that it comes self-contained with trained, personnel who work among themselves with startling efficiency. As time goes on, however, that system just does work well in a foreign country.

For example, it is the custom in many tropical countries, including Nicaragua, for families to stay by the bedside of an injured person, to cook for and nurse the patient. This approach just doesn't function within the structure of a military hospital where the flow of civilian population is markedly restricted.

Another example—within a few days after the earthquake it became apparent that some of the Nicaraguan physicians wanted to utilize the American military hospital; certainly, it seems desirable to leave that portable facility there, eventually, but is it a good thing to have an organized, rigid, system

working at one level of efficiency and competency in daily communication with another approach? I think not. In fact, I think it almost guarantees a rapid abrasion of feelings. As soon as the immediate crisis is over it is my belief that the military presence in medicine ought to terminate.

At that time, however, who will assume the role of assisting recovery in Nicaraguan medicine. Inevitably, it will have to be the civilian component—either federally sponsored AID, or the voluntary agencies. This raises once again the need for a clean U.S. plan to coordinate federal and private efforts to permit the essential continuity of American assistance in this great calamity that, nonetheless, offers the opportunity for a new direction in international cooperation.

ECONOMIC RELATIONS ACROSS THE ATLANTIC ON AGENDA OF COOPERATION

Mr. JAVITS. Mr. President, one of the hidden costs of our continuing, tragic involvement in the Vietnamese war, is the relative neglect of other foreign and domestic policy concerns which are of greater long-term importance to the national interest by the highest policy officials of our Government. One of these concerns is the future of U.S. relations with Western Europe.

The year 1973 has been characterized as the Year of Europe and it is my fervent hope that the termination of the Vietnamese conflict in the very near term, will allow our highest political leadership in both the Executive and Congress to turn their attention to the problems of defining a new, sustainable, and friendly relationship with our key allies in Western Europe. This task takes on special urgency and importance since 1973 will be the year in which the enlargement of the Common Market to include the United Kingdom becomes a reality.

From the congressional point of view, perhaps the key congressional action that will be required if the "Year of Europe" is to become a successful endeavor, is the prompt passage of reasonable, forward looking trade legislation to mesh with the multilateral trade negotiations which are scheduled to open this September. Only through reciprocal negotiations will the Common Market modify its present agricultural price support system and its policy of proliferating preferential trading relationships which are so inimical to the U.S. export interest and the open and liberal trading order of the free world. It is hard to foresee the passage of such trade legislation if the Congress and the executive branch continue at loggerheads over Vietnam.

Hopefully, too, with the resolution of the Vietnamese conflict, the Congress will hold off on any unilateral troop cutting action in Western Europe until the Mutual Balanced Force Reduction—MBFR—negotiations are given a fair chance. The MBFR talks are scheduled to open at approximately the same time as the trade talks. Also during this general period a most important annual meeting of the International Monetary Fund—IMF—will be taking place in Nairobi, Kenya, and it is the expectation of the world that this meeting will advance the long-term reform of the international monetary system.

One of the most constructive statements that has been made on the present complexities of United States-European relations and the opportunities inherent in the phrase "the Year of Europe" was made in New York on November 14, 1972, by a European statesman—Dr. Giovanni Agnelli, the head of FIAT.

I ask unanimous consent that this fine speech be printed in the RECORD at this point and that my colleagues will give it the close and careful attention it deserves.

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

ECONOMIC RELATIONS ACROSS THE ATLANTIC: AN AGENDA FOR COOPERATION

(Address by Dr. Giovanni Agnelli, chairman, FIAT S.p.A. ITALY)

This has been a year of historic accomplishment in international affairs. It has seen President Nixon's achievements in Peking and Moscow, the successful initiatives toward detente in Europe, and now the prospect of peace in Viet Nam. While there is no reason for complacency, there is reason for hope that the cold war era is over and that relations between the Western democracies and the Communist countries will be increasingly characterized by cooperation in both the political and economic fields.

In this same year, Western Europe has taken historic steps toward greater unity. The final arrangements have been completed for the entry of the United Kingdom into the European Commnuity. That Community now comprises nine countries with a population of 250 million and a gross national product of nearly $700 billion dollars. At the recent summit meeting in Paris, its members took broad commitments toward monetary, economic and eventually political unification.

These achievements in East-West relations and in the unification of Europe should be a source of encouragement to all of us. But this last year has not witnessed a comparable breakthrough in relations between the main power centers of the non-Communist world. The state of European-American relations is particularly disquieting.

Some Europeans, understandably proud of economic progress on the Continent, seem to discount the importance of the United States—as if relations with America could be safely relegated to a poor third place behind the building of a new Europe and the pursuit of detente with the East.

Some Americans, on the other hand, seem to be persuaded that Europe has dealt unfairly with the United States and is the cause of most, if not all, of America's economic problems. As Raymond Aron recently put it: "American opinion tends to perceive simultaneously the spectacular reconciliation with China, the partial arrangements with the Soviet Union and the monetary and commercial quarrels with the Europeans; it appears as if the United States had only its allies as adversaries—if not as enemies."

We must not let the vital fabric of European-American relations be torn asunder by a combination of pride and prejudice. We must not permit growing unity within the European Community to be accompanied by growing disunity in the Atlantic Community. We must not allow the burial of the cold war with our former adversaries to be succeeded by an economic cold war between long-established friends.

The establishment of a new and improved relationship between the United States and the European Community should now take first place on the diplomatic agenda.

The United States and the Community have special political, cultural and ethnic ties. We are uniquely interdependent in our financial and commercial relations. Together we account for one-half of world GNP, one-half of world trade and three-quarters of aid to developing countries.

I attach the greatest importance to relations with Japan, with other developed countries, with the Third World and with the Communist nations. But today I wish to talk about the United States and the European Community. They represent the vital center of the world economy. If this vital center does not hold together, the world economy will break apart. On the other hand, a sound relationship between the partners at the vital center can be the basis for economic management on a global scale.

Moreover, as I am sure we all recognize, economic relations between the United States and the Community have profound significance beyond economies. Failure to resolve our economic differences could poison our political relationships and undermine mutual security arrangements. And that could only set back the new and hopeful prospects for peace and security in the wider world.

I speak today as one deeply committed to the cause of European unity, but equally committed to the necessity of European-American cooperation.

Transatlantic economic relations are currently troubled by monetary problems, trade problems, and investment problems. I cannot possibly do full justice to all these complex issues, and an expert audience like this one may hear much that is familiar. Nevertheless, I shall proceed on the theory, once felicitiously expressed by Adlai Stevenson, that "mankind needs repetition of the obvious more than elucidation of the obscure."

The first of the three economic problem areas is that of monetary relations. The world now lacks a satisfactory and agreed method for controlling the supply of international liquidity and for assuring timely adjustment in the balance of payments of surplus and deficit countries.

I need hardly remind this audience that unless these problems are resolved, we will face one currency crisis after another and a proliferation of controls on both capital and trade. The ability of our various countries to achieve non-inflationary growth and to take care of the economic and social needs of our citizens will be seriously compromised.

With respect to the liquidity problem, there seems to be a growing consensus, which was confirmed by your Secretary of the Treasury, Mr. George Shultz, at the recent IMF meetings, that the present dollar standard in which the growth of world reserves is primarily determined by U.S. payments deficits should be replaced by an SDR standard under collective international management. In approaching that objective, however, some fundamental differences remain to be bridged.

From a European point of view, one of the central purposes of a new monetary system is to put an end to the unique degree of independence from external discipline which the dollar standard has conferred on U.S. domestic and international policies. At the end of a transitional period, the United States should assume the same obligations as everyone else to support its currency in the exchange markets and to settle its international accounts on a current basis with gold, SDRs or IMF borrowings.

I believe this European attitude is a reasonable one. While the dollar standard may have served a mutually beneficial function in the postwar period, it is simply not tenable as a permanent arrangement between equals. European countries cannot live indefinitely under an arrangement by which they finance U.S. deficits without limit by accumulating dollars. It is encouraging that American opinion seems also to be coming to the view that the United States should divest itself of the special burdens of run-

ning a reserve currency and regain the same freedom that other countries have to adjust its exchange rate.

The problem, it seems to me, is to phase out the present dollar standard in an orderly way that does not place unacceptable burdens on either the United States or its trading partners. Some solution must obviously be found to prevent the huge accumulation of dollars now in the hands of foreign governments and central banks—estimated at between $60 and $70 billion—from being translated into immediate claims on American resources. To deal with this problem, European countries, as well as other countries holding dollars, could agree on some rules against shifting out of dollars into other reserve assets, on a funding of dollar holdings through the IMF, or on some combination of the two.

A funding operation would raise the difficult question of whether the United States should "pay off" its accumulated indebtedness and at what rate of interest. I believe that it would be in Europe's own interest to take a flexible and forthcoming approach to the funding of the accumulated dollar balances, since some European concessions here will obviously be needed to secure American agreement to dollar convertibility. Moreover, if the repayment obligations were too onerous, the United States would be forced into highly merchantilist trade policies. In this connection, I consider it appropriate to recall that some of these dollars are the legacy of a period of unprecedented American generosity. We should not forget that Europe received a total transfer of $33.5 billion from the United States in the first postwar decade, in the form of loans, grants and military assistance.

Finding an adequate substitute for the dollar standard requires not merely the collective management of the dollars already outstanding but new multilateral arrangements for the issuance of new liquidity.

Quite understandably, the United States will be reluctant to give up its freedom to finance its payment deficits with dollars until it is assured that adequate amounts of SDRs and other liquidity will be available. At the same time, Europeans would be reluctant to see too generous arrangements for SDR creation which would mean the indefinite financing of U.S. deficits and further worldwide inflation.

This will be a difficult problem to resolve. Moreover, it cannot be divorced from the needs of the third world countries for more adequate financing of their economic development. But I believe a solution can be assisted by a number of devices—the use of independent and highly qualified experts to assess and recommend on world liquidity needs, appropriate increases in the IMF quotas of European countries and Japan to reflect more accurately current economic and political realities, and perhaps new voting formulae to balance the interests and responsibilities of different groups of countries.

An improvement in the balance of payments adjustment process is another urgent necessity. Here European countries tend to emphasize the obligations of deficit countries, while the United States emphasizes the obligations of surplus countries. There is a certain irony here. In the Bretton Woods negotiations, it was the United States that emphasized deficit country responsibility and it was the United Kingdom and other European countries which stressed surplus country obligations. Perhaps this experience should teach us how dangerous it is to build enduring principles for monetary cooperation on the balance of payments positions of the moment.

From a mid-Atlantic perspective, it seems obvious that we need new rules of the game to assure timely adjustments in the policies of both surplus and deficit countries. We also need a multilateral process for applying these rules. The recommendations of expert groups working in the framework of the IMF could be backed by sanctions in extreme cases—denial of credit to deficit countries, surcharges on the exports of surplus countries. In this way we could facilitate more timely changes in exchange rates and also influence the other aspects of national economic policies needed to sustain them.

The working out of a more effective adjustment system will require a good deal of compromise. Some European countries may have to accept greater emphasis on changes in exchange rates than they might wish—although this would be without prejudice to greater exchange stability among the members of the Community. The United States may have to accept some new arrangements by which its fiscal and monetary policies can be more effectively coordinated with the policies of others. I recognize the formidable political obstacles on both sides to accepting greater international influence in what have hitherto been regarded as sovereign matters, but I see no alternative if we are to make real progress toward greater freedom and stability in trade and payments.

The second area of concern is that of our trade relations. Let me touch briefly on four of the issues in this area—the charge of alleged "discrimination" against American trade, agriculture, nontariff distortions, and the avoidance of market disruption.

The United States seems to be having second thoughts about the trade implications of the European Community. In some quarters the development and enlargement of our customs union are seen as a threat to American commercial interests.

This is not easy for Europeans to understand. It was the United States that originally pressed Europe to form an economic union and that later urged the inclusion of Britain in it. The United States also agreed over a generation ago to exempt both custom unions and free trade areas from the most-favored-nation principle laid down in GATT.

Moreover, quite apart from these historical and legal considerations, the evidence does not support the notion of serious damage to American interests. In 1958 the United States exported $2.8 billion of merchandise to the Community and imported $1.7 billion from it. By 1971 American exports had grown to $9 billion and imports to $7.7 billion. In 1971 the Community was the only major industrialized area with which the United States maintained a trade surplus when its trade balance was in overall deficit by $2 billion.

Let us also recall that between 1958 and 1970 American exports to the European Community rose by 180%. In that same period they rose by 140% to members of the European Free Trade Area and by only 120% to the rest of the world.

These figures demonstrate that the United States has continued to reach the European market on a vast scale—and not just through European-based production facilities.

Of course, I do realize that from the American point of view, the test is not just the bilateral balance between the United States and the Community, but whether the United States might be able to earn a sufficient merchandise surplus with the community to finance its trade deficit elsewhere or bridge the deficit in its balance of payments resulting from its special international commitments. On this score, however, the common external tariff does not appear to be a major impediment. After the Kennedy Round, only 13.1% of E.C. tariffs on industrial goods are over 10% and only 2.4% over 15%, compared to 38.3% of American tariffs over 10% and 23.3% over 15%. Moreover, as you are undoubtedly aware, the common external tariff is lower on the average than the British tariff structure, and Britain's entry will mean the lowering of British tariffs on American industrial exports.

Next year will witness not merely the enlargement of the Community from six to nine but the coming into force of a free trade arrangement between the enlarged Community and seven other countries in Western Europe. Here again, there is a case for understanding on the American side. Not only are free trade areas accepted under our mutually agreed trading rules, but the practical case for a free trade arrangement between these two groups of countries is overwhelming. The seven nonmembers of the Community conduct more than half their trade on the average with the Community of nine. A free trade arrangement between these two groups is essential for their mutual prosperity. It need not have a negative impact on U.S. trade if it is accompanied by another major round of trade barrier reductions—a point to which I shall shortly return.

There is the further problem of the preferential agreements which the Community has concluded with countries in the Mediterranean and Africa. Here Americans appear to be rather strongly concerned, and they wonder whether these arrangements comply with the multilateral trade rules of GATT. On the other hand, there are powerful reasons, rooted both in history and in contemporary political and economic realities, which underlie these special arrangements, which are important to the whole Western world. Moreover, the share of Community imports subject to these preferences is less than 4% and is declining.

In my opinion, the most reasonable way to deal with this cluster of discrimination problems is not through the confrontation of legal claims, but through cooperation in another great effort of tariff reduction. After all, if there are no tariffs, there can be no tariff discrimination.

President Nixon's Commission on International Trade and Investment Policy recommended "new negotiations for the elimination of all barriers to international trade and capital improvements within 25 years." I believe we should adopt this bold proposal as our objective and draw up a realistic timetable for its accomplishment.

Tariffs are increasingly recognized as an imprecise and unsatisfactory way of dealing with domestic adjustment problems. We should aim at eliminating all of them within a ten year period so far as the industrialized countries are concerned. As a part of this package, I believe the Community should consider the possibility of phasing out the reverse preference it now receives from African countries.

Agriculture is another area which requires greater understanding and a new approach. In response to American complaints about the Common Agricultural Policy, Europeans point out that American farm exports rose from $1.2 billion to $1.7 billion between 1964 and 1971 and that in 1971 Community agricultural exports to the U.S. were only $423 million. The U.S. answer, of course, is that American farm exports to the Community would have risen much more but for the CAP and that the United States should not have its comparative advantage in agriculture frustrated by European action.

It is a fact of life that both the United States and the European countries have special domestic programs to support farm income. These programs are dictated by domestic political and social considerations that cannot be quickly or easily eliminated. But some progress might be possible if we could negotiate internationally on domestic agricultural policies with a view to giving greater scope to the principle of comparative advantage. This would be desirable not only to increase real income and profitable trade in the industrialized world but also to open new opportunities for the agricultural exports of the developing countries.

To be specific, I believe we could agree to reduce gradually domestic price support

levels and eventually to substitute income support entirely for price support. With market forces playing a greater role, the United States would gradually shift out of dairy products and some meat production into grains while Europe could gradually shift from grains into dairy and livestock production. If we could carry out such a program over the course of the next generation, during which the farm population in both Europe and the United States will be declining further in any event, the probable social and human costs would be minimal. At the same time, we could achieve a big increase in two-way agricultural trade with material benefits to consumers and farmers on both sides of the Atlantic. I would hope we could take such a strategy of regional specialization in agriculture as a working hypothesis in economic negotiations, even though it involves for Europe, important problems of employment and land settlement.

Let us now come to non-tariff distortions. They are generally regarded as a greater impediment to trade than tariffs themselves. Although both sides of the Atlantic regard themselves as more sinned against than sinning in this area, the fact is that there is much room for improvement on both sides. A negotiating package should include a long-range commitment to phase out quantitative restrictions, subsidies, protectionist measures in government procurement, and other non-tariff distortions. I would hope that the new European industrial policy could be developed without making use of measures of this kind, which could only complicate the resolution of transatlantic trade differences.

In any comprehensive trade negotiation, we shall have to find a solution for the problem of market disruption. In recent years we have seen a proliferation of quantitative restrictions and voluntary export restraints outside the realm of international trade law. Governments must be allowed to deal with problems of human hardship resulting from substantial shifts in trade patterns, but in their present uncoordinated approach to this problem the industrial nations are frustrating on another's domestic objectives.

Without minimizing the difficulties, I believe we need a new multilateral approach to this problem. National measures to avoid market disruption, it seems to me, should be subjected to strict international standards drafted and applied on a multilateral basis. Such measures should be limited in duration, tied to the granting of adjustment assistance by the affected country, and perhaps administered by a panel of impartial mediators.

The third area of fundamental concern is that of investment relations. The multinational company is receiving increasing attention from governments, trade unions, scholars and the public at large. I believe the evidence is overwhelming that multinational companies represent a potent instrument for economic growth and human welfare—particularly because of their role in the transfer of financial resources, technology and managerial skills. Yet they undoubtedly raise new problems in a world of separate national sovereignties.

American investment in Europe has stimulated European concern that a large and growing portion of European industry will be controlled from boardrooms across the Atlantic. In the United States, trade union leaders have complained about the export of jobs through U.S. investment overseas.

In my own view, neither of these anxieties is well founded. Europe has derived enormous advantages from American investment and examples of management decisions by American companies inconsistent with European interests are rare. I also believe that European firms, through mergers in the enlarged Community, will be increasingly successful in competing with their American rivals on the Continent. As for the fears of American labor, studies by authoritative groups, including your own, have demonstrated that the net impact of foreign investment on U.S. employment is a positive one.

Nevertheless, transatlantic foreign investment problems will require increasing attention in the years ahead. New approaches to these problems might be sought in three directions.

First, we should aim to make foreign investment more of a two-way street. With the devaluation of the dollar in terms of European currencies, and with the improved relative prospects for non-inflationary growth in the U.S. compared to Europe, there should be a growing potential for European investment in the U.S. Moreover, although some European countries like my own will need to concentrate their investment funds in the home economy, other European countries will generate a substantial surplus for foreign investment. Much of this, I am convinced, can profitably take the form of direct investment which will result in capital flows and import savings of immediate benefit to the American balance of payments while at the same time creating new jobs and income in the United States.

U.S. federal and state authorities have undertaken to improve the climate for foreign direct investment, in the U.S. and further efforts in this direction would be of mutual advantage to the U.S. and Europe. Moreover, American authorities could do more to dispel the concerns of foreign businessmen about the vastness and complexity of the U.S. market and about U.S. policies in such areas as antitrust and securities regulation. To this end, visits to the United States by senior officers of major European companies under U.S. government auspices would be most helpful. I would hope that American businessmen would not take a defensive view of foreign investment in the United States, but would rather regard it as a further contribution to a blending of our economic interests from which all will benefit.

A second avenue of approach might be through the progressive internationalization of the multinational company. American companies in Europe and European companies in America increasingly make use of host country personnel to manage their local operations. This is a desirable trend. Over the long term, it would also be desirable to encourage foreign representation in the boards of directors and top management of the parent companies themselves.

I recognize that there are many practical obstacles to the achievement of this objective. One is the shortage of top level managerial talent knowledgeable in the business problems and languages of the two sides of the Atlantic. More training of young Europeans in American business schools, and more training in European business schools of young Americans would be a constructive step. This could be supplemented by trainee programs of American and European firms for young managers from the other side of the Atlantic.

A third approach to the emerging problems of transatlantic investment is through a process of consultation and conciliation in international organizations. Several years ago, George Ball proposed a supra national authority that would preside over the enforcement of a set of rules regulating the conduct of multinational corporations in host states while, at the same time, prescribing the limits in which host governments might interfere in the operation of such corporations."

I doubt that we are ready for such a far-reaching step. We need more knowledge of the problems involved in the operation of multinational companies and we need a greater consensus among business leaders and governments on how to cope with them. Nevertheless, as a more modest first step, the Organization for Economic Cooperation and Development could develop procedures for consultation and information exchange on certain practical issues connected with multinational companies and with foreign investment generally. Among the issues appropriate for study and discussion would be divergent national policies on the export or import of capital that cause difficulty for other countries, and conflicting attempts of different governments to apply tax, securities, foreign exchange and antiturst laws to multinational companies.

If there is one central theme that runs through all these observations, it is the need for stronger international institutions to manage the new problems of interdependence. Some will object that the strengthening of international institutions will interfere with national independence. But this national independence is now largely an illusion—particularly in the Atlantic world.

The price of our interdependence is constant interference in each other's affairs. The real question is whether this interference will take place by means of uncoordinated and conflicting national actions or through mutually-agreed solutions in international organizations.

In all our countries there are serious political obstacles to the ambitious program I have outlined today. International accords reached through international institutions can help overcome these obstacles. What we cannot do unilaterally, we can often do multilaterally.

This leads me to one final suggestion. Present planning on both sides of the Atlantic calls for negotiations in specialized economic forums—the monetary issues in the IMF's Group of 20, the trade issues in the GATT, certain of the investment issues in the OECD. The questions is whether this approach will be sufficient.

In order to resolve such complex issues, we will have to break with established traditions and patterns of thinking. We will need not merely technical expertise but an unprecedented amount of political will. This political will is usually forthcoming only when the highest political personalities are themselves engaged. An Atlantic economic summit—bringing together the President of the United States, the Prime Minister of Canada and the nine political leaders of the European Community—could provide the necessary political impetus to the technical negotiations.

Of course, this meeting of the leading industrial powers would have to be carefully prepared with a previously agreed consensus on general objectives. It would not aim to conclude final agreements, but it could produce a statement of agreed objectives and, if possible, detailed mandates and timetables for the technical negotiations. Additional summit meetings could be held in the future to spur the negotiations or bring them to a successful conclusion.

I would add at this point that as all the financial, trade and investment problems are tightly interrelated on a world basis, it would be proper to ask Japan to join in and share the global responsibility whether in the initial meeting or subsequently. After all, our problems require solutions through a positive cooperation among the three leading industrial areas of the free world.

A summit meeting might make other contributions as well. It could provide for a new institution for communication and consultation between the United States and the European Community—for example, through regular meetings between representatives of the President of the United States and the European Commission.

I recognize, of course, that the members of the European Community may differ in their reactions to the idea of an Atlantic summit, and certainly the views of each member should be carefully considered before the proposal is agreed to on the European side. But I venture to make the sug-

gestion at this stage in the hope that it may stimulate new thinking on ways to promote a more effective transatlantic dialogue.

Beyond these new arrangements for communication at the political level, there is an urgent need for a better communication between policymaking groups on both sides of the Atlantic—legislators, businessmen, trade union leaders and scholars. Such meetings could do much to correct misconceptions on both sides and rebuild a transatlantic consensus. I would hope that such a project would find financial support from foundations and other private sources in the countries concerned.

As the recent report of the OECD study group headed by Jean Rey observed, the increasing "interpenetration" of national economies necessitates "active coordination between the partners in the world economy." At the vital center of the world economy are the European Community and the United States. Let us delay no longer in shaping new arrangements to manage our mutual interdependence.

QUORUM CALL

Mr. HUGHES. 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. HUGHES. 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 program for tomorrow is as follows:

The Senate will convene at 12 o'clock meridian. After the two leaders or their designees have been recognized under the standing order, there will be a period for transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 3 minutes. No rollcall votes are expected tomorrow, and when the Senate adjourns on tomorrow, it will go over until 12 o'clock meridian on Tuesday next.

ADJOURNMENT

Mr. HUGHES. 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 tomorrow.

The motion was agreed to; and, at 1:30 p.m., the Senate adjourned until Friday, January, 12, 1973, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 11, 1973:

FOREIGN CLAIMS SETTLEMENT COMMISSION

Lyle S. Garlock, of Virginia, to be a member of the Foreign Claims Settlement Commission of the United States for the term of 3 years from October 22, 1972, to which office he was appointed during the last recess of the Senate.

NEW ENGLAND REGIONAL COMMISSION

Russell Field Merriman, of Vermont, to be Federal Cochairman of the New England Regional Commission, to which office he was appointed during the last recess of the Senate.

DEPARTMENT OF STATE

Richard T. Davies, of Wyoming, a Foreign Service Officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Poland, to which office he was appointed during the last recess of the Senate.

Cleo A. Noel, Jr., of Missouri, a Foreign Service Officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of the Sudan, to which office he was appointed during the last recess of the Senate.

Melvin L. Manfull, of Utah, a Foreign Service Officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of Amercia to Liberia, to which office he was appointed during the last recess of the Senate.

CORPORATION FOR PUBLIC BROADCASTING

Irving Kristol, of New York, to be a member of the Board of Directors of the Corporation for Public Broadcasting for the remainder of the term expiring March 26, 1976, to which office he was appointed during the last recess of the Senate.

NATIONAL LABOR RELATIONS BOARD

John Harold Fanning, of Rhode Island, to be a member of the National Labor Relations Board for the term of 5 years expiring December 16, 1977, to which office he was appointed during the last recess of the Senate.

IN THE ARMY

The following-named officers 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. John Daniel McLaughlin, xxx-... xxx-xx-x... U.S. Army.

Maj. Gen. George Samuel Blanchard, xxx-... xxx-xx-x... (Army of the United States), brigadier general, U.S. Army.

HOUSE OF REPRESENTATIVES—*Thursday, January 11, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

If it be possible, as much as lieth in you, live peacefully with all men.—Romans 12: 18.

Our Father God, who art life and light and love, whose glory surrounds us all our days and whose goodness is ever seeking entrance into our human hearts, we come to Thee in prayer, opening our hearts to the inflow of Thy spirit. With Thee is grace sufficient for every need and in Thy will we can find our way to peace.

Grant that these representatives of our people may be filled with the spirit of wisdom to make wise choices, with the might of moral muscle to do justly, with the love of life to be merciful, and with the fidelity of faithfulness to walk humbly with Thee.

Open our eyes to see the needs of our world and to work to feed the hungry, to heal the brokenhearted, to set at liberty the captives, to bring good tiding to all who sit bowed in the circle of oppression, and to make peace a reality in our day.

In the spirit of the Prince of Peace we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

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

SWEARING IN OF MEMBER-ELECT

The SPEAKER. Will the gentleman from New York (Mr. BADILLO) and any other Member-elect who has not been sworn come to the well of the House and take the oath of office.

Mr. BADILLO appeared at the bar of the House and took the oath of office.

DEEP SEABED HARD MINERALS RESOURCES ACT

(Mr. DOWNING asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DOWNING. Mr. Speaker, on the opening day of this Congress I introduced the Deep Seabed Hard Minerals Resources Act (H.R. 9) which will provide for the orderly development of deep sea ocean minerals. This bill is identical to the bill H.R. 13904 which was introduced in the 92d Congress.

The goal we seek to accomplish is to provide for the orderly development of the deep ocean minerals and to provide for security of tenure for ocean miners.

The prospect of realizing deep ocean mining in this decade is no longer illusory but is now almost a reality.

The validity of the above statements can be supported by the intensity and widespread nature of ocean mining development now being carried out by private U.S. companies and by foreign entities often strongly and directly supported by their governments. There has been a high level of activity by three American companies—Deepsea Ventures, Hughes Tool, Kennecott Copper—by a group of 24 companies from Japan, United States, West Germany, and Australia engaged in a test program of ocean mining and by six other major European and Japanese companies involved in the development of mining technology.

Ocean mining has the immediate goal of recovering manganese nodules. The