The program has done little but frustrate the poor and subsidize the poor to remain poor. It has not helped the impoverished, but rather has frustrated them, and worst of all kept them caught in the quagmire of poverty.

I submit the following article from the San Francisco Examiner to the attention of my colleagues:

A SOCIAL FAILURE—THE DISINTEGRATION OF THE WAR ON POVERTY AND WHY IT HAPPENED

(By Joel Tlumak)

Whatever happened to America's highly touted native genius—down-to-earth common sense?

What happened to this genius when this country decided a decade ago to try to eliminate poverty?

The answer is that America got carried away—and, in the process, also got theatrical.

America's War on Poverty, as a result, became in large part a living theater of the absurd.

A few years ago, someone in Governor Reagan's State Office of Economic Opportunity came up with a brainstorm. Unfortunately, he was living in the past, when common sense prevailed.

He proposed training young men in the poverty bracket as handymen, who then could do minor home repairs for homeowners who cannot afford the high prices plumbers and electricians charge for work not requiring highly specialized expertise.

The handymen, he argued, would have no trouble getting work. They would also become entrepreneurs—self-employed capitalists.

Of course, the idea never got out of the State Office of Economic Opportunity. While very practical in one sense, it was highly impractical politically.

Who could imagine unionized plumbers and electricians permitting such an idea to materialize?

Jobs were almost an afterthought in the conceptual foundation of the War on Poverty. When the high level anti-poverty thinkers in Washington finally focused on getting the poor jobs, they started manpower training programs. Rather than fill a definite need, they trained men and women for jobs that didn't exist.

A few manpower directors across the country later got practical. First they found the jobs—then they trained people. But such a practical idea was a very late innovation in a ten-year anti-poverty program that is now on its death bed.

When the war on Poverty was first proposed and initiated, goals were put off into the near future, until the country could learn more about poverty.

Early on there was the War on Poverty's "maximum feasible participation."

With MFP, you could say that the most expensive living theater of the absurd was born.

Maximum feasible participation meant giving the poor the means (money) to map out and control their own destinies. In other words, it was left to the poor to decide how to eliminate poverty, in the absence of anything better.

MFP actually meant (as the San Francisco experience proved) giving poverty politicians the means to build their own power bases and provide them with a guaranteed annual income.

As time went by and money kept flowing from Washington, a War on Poverty was in full gear without any specific idea on how to eliminate poverty.

Politicians finally got wind of the obvious, that War on Poverty money was being used or was about to be used to overthrow them or overthrow the system. So MFP started to lose its financial backing.

The poor, however, knew what they were lacking. And their leaders, together with their poverty councils, had no trouble coming up with schemes to help the poor.

Into being came the art of program writing.

The War on Poverty proved there is a difference—quite a difference—between helping the poor and helping the poor rise up in the world.

Ten times as much money could have been spent on services for the poor—and the number of people in the poverty bracket would still be the same.

For example, you could spend money in San Francisco to help orient Chinese and Filipino immigrants into American life. But the immigrants, without jobs, would still be poor, for all the help they would get.

Millions were spent here and elsewhere on youth programs that produced few permanent jobs—but left the youth as poor and as restless (though older) as ever.

After a while, so-called poverty fighters stopped thinking about eliminating poverty. They started saying that was an impractical goal. A more proper goal was to "alleviate" poverty.

The distinctions began to be made between economic poverty and psychological poverty.

Under this concept, allowing every poor child in San Francisco a daily bubble gum allowance would, in fact, alleviate a child's economic and psychological poverty—if you want to carry the concepts to an extreme.

In this context, the idea of training poor young men to become handymen turned out to be absurd.

What makes all this even more tragic are the statements of protests against Nixon Administration cuts by big city mayors. They begin their protests by acknowledging that there has been waste in the poverty program; but, they quickly add, that's no reason for throwing the baby out with the water.

But was the baby ever put in the water? Was a baby even conceived?

More likely, you could compare the War on Poverty to a married couple who tried for ten years to have a child and then learned the pill was to prevent babies not to produce them.

For the past five years, poverty fighters have been saying you cannot eliminate poverty. President Nixon took them seriously and put an end to the absurdity.

SENATE—*Tuesday, April 17, 1973*

The Senate met at 11 a.m. and was called to order by Hon. DICK CLARK, a Senator from the State of Iowa.

PRAYER

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

Almighty God, before whom the generations rise and pass away, may this week be Holy Week not only in the memory of ancient events but in this present world. Take from us all that stains our personal lives or in any way separates us from Thee. May we experience a Passover deliverance from captivity to evil forces. May the cross remind us of the cost of sin and of the power of redemptive love. Lead us to a fresh dedication to the way of service to this Nation and all mankind.

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 second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., April 17, 1973.

To the Senate:

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

JAMES O. EASTLAND,
President pro tempore.

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

MESSAGE FROM THE PRESIDENT

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

WITHDRAWAL OF A NOMINATION—MESSAGE FROM THE PRESIDENT

As in executive session, the Acting President pro tempore (Mr. CLARK) laid before the Senate a message in writing from the President of the United States, withdrawing the nomination of Louis Patrick Gray III, of Connecticut, to be Director of the Federal Bureau of Investigation.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 398) to extend and amend the Economic Stabilization Act of 1970, with an amendment, in which it requested the concurrence of the Senate; that the House insisted upon its amendment to the bill and asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PATMAN, Mr. BARRETT, Mrs. SULLIVAN, Mr. REUSS, Mr. ST GERMAIN, Mr. ANNUNZIO, Mr. REES, Mr. COTTER, Mr. MITCHELL of Maryland, Mr. WIDNALL, Mr. JOHNSON of Pennsylvania, Mr. J. WILLIAM STANTON, Mr. BLACKBURN, Mr. BROWN of Michigan, and Mr. WYLIE were appointed managers on the part of the House at the conference.

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

H.R. 3798. An act to amend subchapter III of chapter 83 of title 5, United States Code, to provide for mandatory retirement of employees upon attainment of 70 years of age and completion of 5 years of service, and for other purposes; and

H.R. 6077. An act to permit immediate retirement of certain Federal employees.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (S. 1493) to amend title 37, United States Code, relating to promotion of members of the uniformed services who are in a missing status.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred to the Committee on Post Office and Civil Service:

H.R. 3798. An act to amend subchapter III of chapter 83 of title 5, United States Code, to provide for mandatory retirement of employees upon attainment of 70 years of age and completion of 5 years of service, and for other purposes; and

H.R. 6077. An act to permit immediate retirement of certain Federal employees.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, April 16, 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.

EXECUTIVE SESSION

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

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

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

DEPARTMENT OF THE INTERIOR

The second assistant legislative clerk read the nominations in the Department of the Interior as follows:

Dale Kent Frizzell, of Kansas, to be Solicitor of the Department of the Interior.

Laurence E. Lynn, Jr., of California, to be an Assistant Secretary of the Interior.

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

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

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

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

LEGISLATIVE SESSION

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

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

DEATH OF BARNET NOVER, WASHINGTON NEWSMAN

Mr. MANSFIELD. Mr. President, an old friend, Barnet Nover, passed away in Boston the day before yesterday.

"Barney" Nover was a man of many talents. He was a one-time member of the faculty at the University of Buffalo. He was an associate editor and columnist for the Buffalo Evening News. He was chief of the bureau, until he retired 2 or 3 years ago, for the Denver Post.

His field in Washington was both Houses of Congress, the White House, the agencies downtown. His capacity for accurate reporting was exceeded by very few reporters—if any at all.

Barney Nover was known to many of us as a good, decent, and kindly man. Some of us had an idea of what he went through during the past several years. All of us were aware of the devotion, love, and dedication of his wife, Naomi. They worked together as a team.

I just want to take this occasion to express to Mrs. Nover the deepest sympathy of the Mansfield family, and to ask unanimous consent that an obituary which was published in the New York Times today be printed in the RECORD.

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

BARNET NOVER, 74, COLUMNIST, DIES

BOSTON, April 16.—Barnet Nover, a leading editor and syndicated columnist based in Washington, died yesterday in Massachusetts General Hospital. He was 74 years old and had lived in Washington.

A SCHOLARLY NEWSMAN

Mr. Nover, a scholarly newspaperman, was chief of the Washington bureau of The Denver Post from 1947 until his retirement two years ago. He covered the White House, the Congress, the Supreme Court and major Government departments and agencies.

From 1936 to 1947 he was a columnist and an editorial writer for The Washington Post. In that capacity, he became known as a foreign affairs specialist and his column was syndicated in a number of newspapers.

Since his retirement from The Denver Post two years ago, he and his wife, Naomi Nover, operated the Nover News Bureau in the National Press Building in Washington.

Mr. Nover traveled widely in Europe and the Far East and received honorable mention for a Pulitzer Prize in 1930 for his correspondence from the Far East.

He was born in New York City on Feb. 11, 1899, was graduated from Cornell University in 1919 and received a Masters of Art degree there in 1920. He was in the Student Army Training Corps in 1918.

Mr. Nover began in 1920 as a reporter on The Buffalo Evening News, where he remained 16 years, rising to associate editor and columnist. From 1923 to 1936 he was also a professional lecturer on history and international relations at the University of Buffalo.

Mr. Nover recorded a national radio program, "Washington Views and Interviews," from 1944 to 1947. He wrote a weekly article for the Office of War Information for shortwave broadcast overseas and also translated many languages for publication in world newspapers in World War II. He was a consultant to the President's air policy commission in 1947.

REPORTED NAPALM SOURCE

He was said to have been the first to disclose that the napalm used in the United States air raid that almost burned down Tokyo had been made in Denver. He also disclosed that nerve gas was manufactured at the Rocky Mountain Arsenal.

Mr. Nover predicted with remarkable accuracy, 36 hours before the document was officially released, details of the censure of the late Senator Joseph McCarthy that had been agreed upon by the Watkins Committee.

In 1948, Mr. Nover traveled with President Harry S Truman on his "whistle stop" campaign and was sufficiently impressed by the campaign not to join the overwhelming majority of his colleagues in predicting the defeat of Mr. Truman and the election of his Republican rival, Gov. Thomas E. Dewey, as President.

Earlier Mr. Nover received what Time magazine called "a dream assignment"—the first exclusive interview given by President Truman to any journalist, which disclosed for the first time that Mr. Truman had invited Joseph Stalin to come to the United States and, like Sir Winston Churchill, to make a speech in Missouri. Stalin declined, citing reasons of health.

As a newspaper reporter Mr. Nover's assignments included the San Francisco Conference setting up the United Nations and the Paris Peace Conference of 1946.

Mr. Nover received an award of distinction as an outstanding former resident of Buffalo in 1955.

A former president of the Overseas Writers Club and onetime chairman of the correspondents committee for the Congressional Press Galleries, he was a member of the American Historical Association, Council on Foreign Relations, White House Correspondents Association and National Press Club.

His widow survives.

The funeral will be private.

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

Mr. MANSFIELD. I yield.

Mr. SCOTT of Pennsylvania. Mr. President, we are all going to miss Barney Nover. We have known him, as the distinguished Senator from Montana has said, as an able journalist, a dedicated man, faithful to his duties, who, as we have heard, worked as a team with his wife, Naomi.

Barney has had a long and difficult illness, and during all this time Naomi has spent most of her time in Boston at his bedside. There has been great tragedy and great suffering in the family because of his long, long illness. On one occasion, I did what I could to see if it would be possible to transfer Barney back to Washington, so as to make things a little easier on the family. Regrettably, that was not possible. But I do join with the distinguished majority leader in extending, on behalf of the entire Senate, our sincere condolences to Naomi and her family.

HOLY WEEK AND EASTER

Mr. SCOTT of Pennsylvania. Mr. President, the Senate this year has worked very hard. It has taken up a great many matters of importance, has acted upon them, and has sent them to the executive department.

The distinguished majority leader and the distinguished deputy majority leader have both been not only zealous in the performance of their duties on behalf of the Senate, but they have been very thoughtful, kind, and cooperative toward the minority leader and deputy minority leader, and we appreciate that.

I think the Senate has earned this very brief respite which it will begin later this week. As we go away to observe Maundy

Thursday, Good Friday, Easter Sunday, and Easter Monday, and as we end our restraint upon ourselves from the Lenten fast and Lenten observances, I hope we will use this brief period not only for rest but also as an opportunity to find out what our constituents are thinking, or to have a little relaxation, and that we will also use the time to contemplate what sacrifice means, because we celebrate in this holy season the sacrifice of the paschal lamb, His ascent upon the cross, and the descent from the cross of the Man of Love who has guided the destinies of those who have professed His faith.

I hope that we will remember not only the sacrifices of the prisoners of war, but also the sacrifices of those who have served their Nation in war and in peace.

I think our brief absence from this Chamber will be an enlightening and uplifting experience, an experience in which we shall devote some time and some thought to all those who have gone before and all those who have maintained the strength of the Union, the pride of the Nation, the respect of their fellow men, the love of those who honor sacrifice, and those who believe that love of country leads, will follow.

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

APPROPRIATIONS CEILING FOR FISCAL 1974

Mr. McCLELLAN. Mr. President, in my remarks to the Senate on February 6, I proposed that the Appropriations Committee set a tentative appropriations ceiling—a spending ceilng—that it would undertake to observe in the processing of appropriations bills for fiscal 1974. In an effort to establish such an overall ceiling for the full Appropriations Committee, I requested—by letter—that each subcommittee chairman review his respective portion of the Federal budget and recommend the minimum amount which his subcommittee felt would be required to economically carry out for fiscal year 1974 the essential programs and functions of Government over which his subcommittee has jurisdiction.

Mr. President, I am pleased to report that each appropriations subcommittee chairman has responded to my request, and I wish to express to each my appreciation for his helpful cooperation. I am now glad to present to the Senate the results of this undertaking.

Five subcommittees projected cuts in administration appropriation requests by $5.4 billion. They are:

Military Construction, $151 million;

Housing and Urban Development, Space, Science, and Veterans, $1 billion;

Foreign Operations, $1.3 billion;

Legislative, $12 million; and

Defense, $3 billion.

Six subcommittees advised that they would endeavor to hold their appropriations within the budget—that they would not exceed budget requests. They are:

Treasury, U.S. Postal Service, and General Government;

State, Justice, Commerce, and the Judiciary;

Public Works, Atomic Energy Commission;

Transportation;

Interior; and

District of Columbia.

Two subcommittees anticipate making increases over and above budgetary requests by some $3 billion. They are:

Agriculture, Environmental and Consumer Protection by $801 million; and

Labor; Health, Education, and Welfare by $2.2 billion.

Mr. President, the aggregate of these goals set by each respective subcommittee chairman establishes an overall ceiling for appropriations for fiscal 1974 that would result in a cut of new obligational authority from the budget request of $288 to $285.6 billion—a decrease of $2.4 billion, or 0.8 percent. In terms of actual budget outlays, these reductions would cut Federal spending in fiscal 1974 from the budget request of $268.7 to $267.1 billion—a decrease of approximately $1.6 billion, or 0.6 percent.

I realize that these reductions appear to be minimal—and they are—but if achieved, we will at least, in slight measure, be "holding the line" on spending.

Incidentally, it may be of some interest to note that the $267.1 billion spending ceiling fixed by the subcommittee chairmen of the Appropriations Committee is $9 million less than the $268 billion ceiling fixed by the Senate in the amendment which it adopted on April 5 to S. 929—the Par Value Modification Act.

Mr. President, it is my hope—particularly in the two instances where the proposed subcommittee ceilings considerably exceed the budget estimates—that after more thorough examination and consideration, substantial reductions can be made in these areas. I am also hopeful that the Appropriations Committee will find it feasible to make some reductions in other areas where subcommittee chairmen have reported a ceiling at budget level.

It must be kept in mind, however, that the Appropriations Committee will have under consideration only $171.7 billion, or about 60 percent of the total budget submitted by the President for fiscal 1974. The remaining $116 billion, or about 40 percent of budget authority requested by the President, requires no current action by Congress—no appropriation this year—since this amount is comprised of permanent appropriations and trust fund authorizations.

As Members of this body know, not all the money is spent in the same year that it is appropriated. Some of the money that Congress appropriates this year will be spent in subsequent years. For example, only $167 billion of the $171.7 billion that the Appropriations Committee will consider is earmarked for expenditure in fiscal 1974. Thus, the budget recommendations of the 13 appropriation subcommittees, translated into actual 1974 spending authority, would mean a spending decrease of $1.6 billion—1 percent—below the President's budget.

Mr. President, as we know, this tentative ceiling that we have established is neither binding nor final. However, it does set an overall limitation goal which we shall faithfully undertake to observe and not exceed. And, Mr. President, I personally believe that the distressing inflationary pressures on our economy and the deplorable state of our fiscal affairs dictate that we should make even further reductions wherever possible and practical in Federal expenditures for fiscal 1974.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks a chart prepared by staff members of the Appropriations Committee, showing estimates of the new budget authority proposed by the administration, together with subcommittee budget recommendations for fiscal 1974.

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

COMMITTEE ON APPROPRIATIONS, U.S. SENATE—BUDGET ESTIMATES OF NEW BUDGET (OBLIGATIONAL) AUTHORITY, BUDGET OUTLAYS, AND SUBCOMMITTEE CHAIRMEN RECOMMENDATIONS, FISCAL YEAR 1974, APR. 16, 1973

[In millions of dollars]

Source	Budget estimates of new (obligational) authority, fiscal year 1974	Fiscal year 1974 budget outlays resulting from fiscal year 1974 new (obligational) authority	Fiscal year 1974 budget outlays resulting from prior year (obligational) authority	Total budget outlays, fiscal year 1974 (sums of cols. 3 and 4)	Tentative ceiling, or goal of subcommittee chairmen, new (obligational) authority, fiscal year 1974	Comparison of new (obligational) authority, fiscal year 1974, recommended by subcommittee chairmen with budget estimates (col. 6 compared with col. 2)	Comparison of 1974 budget outlays with recommendations of subcommittee chairmen
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
A. Appropriation bills:							
1. Agriculture, Environmental and Consumer Protection	$9,503	$8,739	$2,547	$11,286	$10,304	+$801	+$341
2. Defense	77,124	54,754	16,861	71,615	74,124	−3,000	−1,550
3. District of Columbia	433	424		424	433		
4. Foreign Operations	4,425	1,126	2,316	3,442	3,113	−1,311	−161
5. HUD, Space, Science, Veterans	18,617	14,805	5,046	19,851	17,617	−1,000	−1,000

Source	Budget estimates of new (obligational) authority, fiscal year 1974	Fiscal year 1974 budget outlays resulting from fiscal year 1974 new (obligational) authority	Fiscal year 1974 budget outlays resulting from prior year (obligational) authority	Total budget outlays, fiscal year 1974 (sums of cols. 3 and 4)	Tentative ceiling, or goal of subcommittee chairmen, new (obligational) authority, fiscal year 1974	Comparison of new (obligational) authority, fiscal year 1974, recommended by subcommittee chairmen with budget estimates (col. 6 compared with col. 2)	Comparison of 1974 Budget outlays with recommendations of subcommittee chairmen
(1)	(2	(3)	(4)	(5)	(6)	(7)	(8)
6. Interior	$2,356	$1,732	$502	$2,234	$2,356		
7. Labor-HEW	33,657	22,052	10,327	32,379	35,900	+$2,243	+$771
8. Legislative	600	524	90	614	588	−12	−12
9. Military Construction	2,938	666	1,518	2,184	2,787	−151	−6
10. Public Works—AEC	4,602	2,185	2,734	4,919	4,602		
11. State, Justice, Commerce, and the Judiciary	4,268	2,650	1,449	4,099	4,268		
12. Transportation	3,087	2,232	959	3,191	3,087		
13. Treasury, Postal Service, and General Government	4,810	4,523	749	5,272	4,810		
14. Supplementals and Contingencies	4,976	4,256	1,101	5,357	4,976		
15. Under Proposed Legislation	296	217	−75	142	296		
16. Subtotal, Appropriation Bills (A)	171,694	120,886	46,123	167,009	169,261	−2,430	−1,617
B. Availability from other than appropriation bills:							
1. New Budget Authority Requiring Current Action	1,126	−265	4,943	4,678	1,126		
2. Trust Funds	108,533	38,125	52,932	91,057	108,533		
3. Interest on the Public Debt	26,100	26,100		26,100	26,100		
4. Other	11,843	9,939	1,150	11,089	11,843		
5. Subtotal, other than Appropriation Bills (B)	147,602	73,899	59,025	132,924	147,602		
6. Gross Total, Budget Estimates (A+B)	319,296	194,785	105,148	299,933	316,863	−2,430	−1,617
C. Deduct Interfund and Intragovernmental transactions and proprietary receipts handled as offsets for Budget summary purposes only	−31,268	−20,797	−10,471	−31,268	−31,268		
D. Grand total (net)	288,029	173,989	94,676	268,665	285,595	−2,430	−1,617

Note: Columns may not add to totals shown due to rounding.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from West Virginia is recognized for not to exceed 15 minutes.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and I ask that the time be charged against my time.

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

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. ROBERT C. BYRD. Mr. President, I yield back the remainder of my time.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order there will now be a period for the transaction of routine morning business for not to exceed 15 minutes with statements limited therein to 3 minutes.

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

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

The second assistant legislative clerk proceeded to call the roll.

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

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

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

APPROVAL OF LOAN TO UNITED POWER ASSOCIATION

A letter from the Acting Administrator, Rural Electrification Administration, Department of Agriculture, transmitting, pursuant to law, information relating to approval of loan to United Power Association of Elk River, Minn. (with an accompanying paper). Referred to the Committee on Appropriations.

APPROVAL OF LOAN TO BASIN ELECTRIC POWER COOPERATIVE

A letter from the Administrator, Rural Electrification Administration, Department of Agriculture, transmitting, pursuant to law, information relating to approval of loan to Basin Electric Power Cooperative, Bismarck, North Dakota (with an accompanying paper). Referred to Committee on Appropriations.

REPORTS CONCERNING NAVY'S SHORE ESTABLISHMENT REALINEMENT ACTIONS

A letter from the Under Secretary of the Navy, transmitting pursuant to law, congressional reports of the facts concerning the Department of the Navy's Shore establishment realignment actions (with accompanying reports). Referred to the Committee on Armed Services.

REPORT ON PROPOSED CLOSURES OF CERTAIN MILITARY INSTALLATIONS

A letter from the Secretary of the Army, transmitting, pursuant to law, a report of the facts, and the justification for the proposed closure of certain military installations in the United States (with an accompanying report). Referred to the Committee on Armed Services.

SEMIANNUAL REPORT OF DIRECTOR OF SELECTIVE SERVICE

A letter from the Director of Selective Service, transmitting, pursuant to law, his report for the period July–December 31, 1972 (with an accompanying report). Referred to the Committee on Armed Services.

REPORT OF DEFENSE CIVIL PREPAREDNESS AGENCY

A letter from the Director, Defense Civil Preparedness Agency, reporting, pursuant to law, on property acquisitions of emergency supplies and equipment for the quarter ending March 31, 1973. Referred to the Committee on Armed Services.

REPORT ON PROPOSED CLOSURE OF CERTAIN AIR FORCE BASES

A letter from the Secretary of the Air Force, transmitting, pursuant to law, a report of the facts, and the justification for the proposed closure of Hamilton Air Force Base, Calif., McCoy Air Force Base, Fla.; Forbes Air Force Base, Kans., Westover Air Force Base, Mass., Ramey Air Force Base, P.R., and Laredo Air Force Base, Tex. (with an accompanying report). Referred to the Committee on Armed Services.

SIXTH REPORT ON HIGH SPEED GROUND TRANSPORTATION

A letter from the Secretary, Department of Transportation, transmitting, pursuant to law, the sixth report on activities carried out in the year ending September 30, 1972, under the High Speed Ground Transportation Act of 1965, as amended in 1972 (with an accompanying report). Referred to the Committee on Commerce.

PROPOSED LEGISLATION BY GOVERNMENT OF DISTRICT OF COLUMBIA

A letter from the Commissioner, Government of the District of Columbia, transmitting a draft of proposed legislation to provide for the appointment of alternates and hearing examiners by the Zoning Commission of the District of Columbia, to change the composition of the Board of Zoning Adjustment, and for other purposes (with an accompanying paper). Referred to the Committee on the District of Columbia.

INTERNATIONAL AGREEMENTS

A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, a series of international agreements entered into by the United States (with accompanying papers). Referred to the Committee on Foreign Relations.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, according to law, a report on need intensifies to amend

legislation to reduce government losses on the peanut price-support program, Agricultural Stabilization and Conservation Service, Commodity Credit Corporation and Department of Agriculture, dated April 13, 1973 (with an accompanying report). Referred to the Committee on Government Operations.

REPORT ON PROJECTS SELECTED FOR FUNDING UNDER WATER RESOURCES RESEARCH ACT OF 1964

A letter from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a report on the descriptions of three projects selected for funding through grants, contracts, and matching or other arrangements with educational institutions, private foundations or other institutions, and with private firms under the Water Resources Research Act of 1964, for fiscal year 1973 (with an accompanying report). Referred to the Committee on Interior and Insular Affairs.

THIRD PREFERENCE AND SIXTH PREFERENCE CLASSIFICATION FOR CERTAIN ALIENS

A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports concerning third preference and sixth preference classification to certain aliens (with accompanying papers). Referred to the Committee on the Judiciary.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

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

A joint resolution of the Legislature of the State of Connecticut. Referred to the Committee on the Judiciary:

"HOUSE JOINT RESOLUTION No. 1

"Resolution ratifying the proposed amendment to the Constitution of the United States relating to equal rights for men and women

"Resolved by this Assembly:

"Whereas, the Ninety-second Congress of the United States of America at its Second Session, in both houses, by a Constitutional majority of two-thirds thereof, has made the following proposition to amend the Constitution of the United States in the following words, to wit:

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

"'ARTICLE —

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

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

"'SEC. 3. This amendment shall take effect two years after the date of ratification.'

"Be it further resolved by the General Assembly of the State of Connecticut, That the said proposed Amendment to the Constitution of the United States be and the same is hereby ratified; and

"Be it further resolved, That certified copies of this resolution be forwarded by the Governor of the State of Connecticut to the President of the United States, the President Pro Tempore of the Senate and the Speaker of the House of Representatives of the United States and the Administrator of General Services of the United States."

A concurrent resolution of the Legislature of the State of Delaware. Referred to the Committee on Agriculture and Forestry:

"HOUSE CONCURRENT RESOLUTION No. 7

"Memorializing and urging the Congress of the United States to make an appropriation to the Soil Conservation Service in the 1974 fiscal year budget in an amount at least equal to the appropriation in the 1973 fiscal year budget and urging the Delaware Congressional Delegation to give their support to the appropriation of funds to the Soil Conservation Service at the 1973 fiscal year level

"Whereas, the preservation of the soil, water, forests, and wildlife of Delaware and of this nation is necessary; and

"Whereas, we believe the preservation of these resources is the responsibility of all people; and

"Whereas, farmers and other landowners, through conservation practices, have made Delaware a more beautiful State for both rural and urban people to enjoy; and

"Whereas, soil loss, previously recognized as detrimental to the production of agricultural crops, is now recognized as a major pollutant of rivers, lakes, and streams; and

"Whereas, control of erosion, sediment production, and runoff containing fertilizer and pesticide residues are of such significance that greater control is in the public interest; and

"Whereas, the Agricultural Conservation Program, providing incentives to landowners for rural environmental improvement of private lands, has been eliminated; and

"Whereas, the technical services program, providing services to farmers and other landowners through the local Soil and Water Conservation Districts, have been curtailed by impoundment of funds appropriated to the Soil Conservation Service; and

"Whereas, further reductions in both funds and services for programs affecting whole communities and watersheds are proposed in the 1974 fiscal year budget of the Soil Conservation Service; and

"Whereas, major reductions are proposed for both the Watershed Program and the Resource Conservation and Development Program, two programs having areawide impacts on resource protection and development in Delaware; and

"Whereas, the Department of Natural Resources and Environmental Control has budgeted its activities to meet its obligations toward planning, staffing, and funding based on mutual efforts of local, county, state, and federal areas of cooperation as stated in work plans and other articles of agreement, now, therefore,

"Be it resolved by the House of Representatives of the 127th General Assembly of the State of Delaware, the Senate concurring therein, that the Congress of the United States is respectfully urged to make an appropriation to the Soil Conservation Service in the 1974 fiscal year budget in an amount at least equal to the appropriation in the 1973 fiscal year budget; and

"Be it further resolved that Delaware Senators William V. Roth, Jr. and Joseph R. Biden, Jr., and the State Representative in Congress, Pierre S. duPont, IV, are urged to give their wholehearted support to the appropriation of funds at the 1973 fiscal year level to the Soil Conservation Services; and

"Be it further resolved that the Secretary of State be directed to transmit duly attested copies of this Resolution to the President of the United States; to the Vice President of the United States; to the Speaker of the House of Representatives; to the Chairmen of the Senate and House Committees on Agriculture; to the Chairmen of the Senate and House Committees on Appropriations; to the Secretary of Agriculture; and to the Delaware Congressional Delegation."

Resolutions of the Massachusetts State Senate. Referred to the Committee on Interior and Insular Affairs:

"RESOLUTIONS URGING THE UNITED STATES TO MEET DEMANDS REQUESTED BY THE AMERICAN INDIAN MOVEMENT

"Whereas, The Massachusetts Senate has watched with dismay the lengthy impasse between the militant Indians who have occupied the historic community of Wounded Knee, South Dakota and the federal officials who have surrounded them; and

"Whereas, The United States government, through its Bureau of Indian Affairs, has been hesitant in solving the many problems and grievances of the American Indians resulting from years of mistreatment and a lack of understanding on the part of federal officials responsible for their care; therefore be it

"*Resolved*, That the Massachusetts Senate respectfully urges all agencies and officials of the United States government involved with the plight of the American Indians to agree to the demands of the American Indian Movement by conducting an investigation of the Bureau of Indian Affairs and of breached treaties and agreements and by granting the American Indians the self-determination and sovereignty which is rightfully and legally theirs; and be it further.

"*Resolved*, That copies of these resolutions be transmitted forthwith by the Clerk and Parliamentarian of the Senate to the President of the United States, to the presiding officer of each branch of Congress and to the members of Congress thereof from the Commonwealth.

"Senate, adopted, April 5, 1973."

Resolutions of the General Court of Massachusetts. Referred to the Committee on Labor and Public Welfare:

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT THE PRIVATE PENSION SYSTEMS REFORM LEGISLATION KNOWN AS THE WILLIAMS-JAVITS BILL

"Whereas, Individuals change employment during their working lives; and

"Whereas, The employment of many individuals is terminated after long years of work but prior to retirement; and

"Whereas, Such conditions leave a sizeable segment of older persons without adequate income; now, therefore, be it

"*Resolved*, That the General Court of Massachusetts respectfully urges the Congress of the United States to enact the (private pension systems reform legislation) known as the William-Javits Bill; and be it further

"*Resolved*, That copies of these resolutions be sent forthwith by the Secretary of the Commonwealth to the President of the United States, the presiding officer of each branch of Congress and to the members thereof from the Commonwealth.

"House of Representatives, adopted, April 9, 1973.

"Senate, adopted in concurrence, April 11, 1973."

A concurrent resolution of the Legislature of the State of North Dakota. Referred to the Committee on Commerce:

"HOUSE CONCURRENT RESOLUTION No. 3016

"A concurrent resolution urging Congress to adopt the metric system for weights and measurements in the United States

"Whereas, a three-year study of the feasibility of increased use of the metric system in the United States was conducted by the Department of Commerce as authorized by Congress in 1968; and

"Whereas, a report issued in July 1971 relative to this study recommended that "the United States change to the International Metric System through a coordinated national program over a period of ten years, at the end of which the nation would be predominantly metric"; and

"Whereas, consumers would benefit from a planned system of metrication which would eliminate the confusing units currently used for price comparisons of foods; and

"Whereas, adoption of the metric system would be a benefit to all of North Dakota's population, and in particular to the farmer and businessman, as the State of North Dakota is an exporter of agricultural products, and an importer of finished products from foreign manufacturers; and

"Whereas, the United States as a nation is a major exporter as well as a major importer, and the metric system would be extremely beneficial in the international trade area, as it would offer a unifying factor between American and foreign manufacturers, many of whom must make special adjustments in production and shipping procedures to do business under different systems of weights and measures;

"Now, therefore, be it resolved by the House of Representatives of the State of North Dakota, the Senate concurring therein: That the Forty-third Legislative Assembly strongly urge the United States Congress to adopt the metric system for weights and measurements in the United States; and

"Be it further resolved, that copies of this resolution be forwarded by the Secretary of State to the President of the Senate and the Speaker of the House of Representatives of the United States, and to the North Dakota Congressional Delegation."

A concurrent resolution of the Legislature of the State of North Dakota. Referred to the Committee on Finance:

"SENATE CONCURRENT RESOLUTION No. 4070

"A concurrent resolution urging the Congress of the United States to further examine, study and review the Internal Revenue Code of the United States and as a matter of priority enact the necessary amendments and changes thereto inasmuch as continued progress on tax reform is of vital importance and an economic necessity for the well-being of the taxpayers of the United States

"Whereas, the Congress of the United States in enacting the Tax Reform Act of 1969 made great strides in tax reform through its many liberal provisions; and

"Whereas, the Congress of the United States in enacting the Revenue Act of 1971 continued this same progress and at the same time enacted some economy priming provisions; and

"Whereas, studies have shown that the complexities in our federal tax laws continue to hide many gross inequities;

"Now, therefore, be it resolved by the Senate of the State of North Dakota, the House of Representatives concurring therein: That the Congress of the United States further examine, study and review the Internal Revenue Code of the United States and as priority legislation enact the necessary amendments and changes to the Internal Revenue Code of the United States that will equalize the tax burden of the taxpayers of the United States; and

"Be it further resolved, that the Congress of the United States explore new methods of taxation that will be fair and equal in their application to the taxpayers, such study encompassing areas other than the value added tax, which tends to be hidden and regressive; and

"Be it further resolved, that copies of this resolution be forwarded by the Secretary of State to the President of the United States; to the Speaker of the House of Representatives of the United States; to the President of the Senate of the United States; to Senators Milton R. Young and Quentin N. Burdick; and to Congressman Mark Andrews.

Two concurrent resolutions of the Legislature of the State of North Dakota. Referred to the Committee on the Judiciary:

"HOUSE CONCURRENT RESOLUTION No. 3008

"A concurrent resolution urging that the United States Congress change Veterans Day back to November 11

"Whereas, Veterans Day has traditionally been observed on November 11; and

"Whereas, November 11 commemorates a specific historical event—namely, Armistice Day of 1918; and

"Whereas, Veterans and citizen groups in North Dakota and across the country have requested that Veterans Day be returned to its original date;

"Now, therefore, be it resolved by the House of representatives of the State of North Dakota, the Senate concurring therein: That the Congress of the United States be urged to pass the necessary amendment to provide that Veterans Day be returned to its original date, November 11; and

"Be it further resolved, that the Secretary of State be directed to forward a copy of this resolution to the President of the Senate and the Speaker of the House of Representatives of the United States, and to each member of the North Dakota Congressional Delegation."

"HOUSE CONCURRENT RESOLUTION No. 3073

"A concurrent resolution relating to absenteeism in the Congress of the United States

"Whereas, the North Dakota Congressional Delegation has set an enviable record of diligence and attention to their congressional duties; and

"Whereas, the attendance record of the Congress as a whole is deplorable with usual absences ranging from thirty to forty percent of the members; and

"Whereas, the Congress has found itself unequal to its responsibilities of being an efficient, responsive, and deliberative policymaking body for our Nation and of providing a check and balance upon the executive branch of government; and

"Whereas, lack of attention to duty and attendance to the business of the Congress has been a major factor in the inability of Congress to develop or pass upon well-conceived programs affecting the future of our Nation, and has also resulted in an abdication of its responsibilities to a mammoth federal bureaucracy which in effect substitutes its judgment for that of Congress in creating policies affecting the states and their citizens through administrative regulations and administrative policies; and

"Whereas, the failure of the Congress to adequately research, define, and project the results of legislation passed by it, has frequently resulted in costly program failures, a misdirection of national, state, and local governmental efforts and energies, and economic and social costs that the Nation can ill afford to bear; and

"Whereas, only the Congress itself and the electorate at the polls can provide the necessary self-discipline to members in the performance of their duties and thereby restore the Congress to its constitutional place as the policymaking branch of government and as equal to the executive and judicial branches in all respects; and

"Whereas, the state legislative assemblies of this Nation, including the Legislature of the State of North Dakota, in spite of many constitutional, financial, and other impediments to the proper performance of their duties, have excellent records of attendance and application by their respective members that can and should be matched by our Nation's legislative body;

"Now, therefore, be it resolved by the House of Representatives of the State of North Dakota, the Senate concurring therein: That the Congressional Delegation of the State of North Dakota be commended for their attendance at sessions of the Congress and their diligence in carrying out their duties; and

"Be it further resolved, that the Congress of the United States adopt the policy of rendering a monthly report upon the absences of members of the body from its sessions and meetings of its committees together with a statement for the reason, if any, for the member's absence; and

"Be it further resolved, that copies of this resolution be forwarded by the Secretary of State to the President of the United States Senate, the Speaker of the United States House of Representatives, and each member of the North Dakota Congressional Delegation."

A joint memorial of the Legislature of the State of Washington. Referred to the Committee on Finance:

"HOUSE JOINT MEMORIAL No. 6

"To the Honorable Richard M. Nixon, President of the United States, and to the President of the Senate and the Speaker of the House of Representatives, to the Senate and House of Representatives of the United States, in Congress assembled:

"We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

"Whereas, The White House Conference on Aging, and our state's Governor's Task Force on Aging, have both recommended that the elimination of the earnings test limitation in social security payments be accomplished; and

"Whereas, That limitation was recently raised to $2,100; and

"Whereas, The ultimate goal should be the complete removal of this limitation;

"Now, therefore, We, your Memorialists, respectfully pray that you in your legislative capacity, move promptly to raise the earnings limitation to not less than $3,000.

"And be it further resolved, That the Secretary of State shall cause copies of this memorial to be transmitted to the President of the United States and to the President of the Senate and Speaker of the House of Representatives."

A resolution of the Senate of the State of Washington. Referred to the Committee on Finance:

"SENATE RESOLUTION 60

"Whereas, The Port of Longview is a vital and integral segment of the economy of the State of Washington; conducting some seventy million dollars of business each year; and

"Whereas, The proposed elimination of Longview and Astoria as United States Customs Ports of entry for cargo vessels on the Columbia River would seriously restrict and decrease the level of business at these ports; and

"Whereas, Such proposed status change would leave Portland, Oregon, as the sole port of entry for freighters on the Columbia River; and

"Whereas, Such action would confuse and discourage shippers wishing to dock at Longview; and

"Whereas, There exists a substantial public investment in port facilities and equipment at Longview;

"Now, therefore, be it resolved, By the Senate, That such proposed change of status of Columbia River ports be firmly protested and opposed, and that the United States Commissioner of Customs be urged to reconsider such proposal.

"Be it further resolved, That copies of this Resolution be transmitted by the Secretary of the Senate to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Congressional Delegation from the State of Washington."

A joint memorial of the Legislature of the State of Washington. Referred to the Committee on Foreign Relations:

"HOUSE JOINT MEMORIAL No. 9

"To the Honorable Richard M. Nixon, President of the United States, and to the President of the Senate and the Speaker of the House of Representatives, and to the Senate and House of Representatives of the United

States, in Congress assembled, and to the Secretary of State of the United States:

"We, your Memorialists, the Senate and House of Representatives of the State of Washintgon, in legislative session assembled, respectfully represent and petition as follows:

"Whereas, The Montagnard tribe of Vietnam has suffered greatly due to the war and its related devastation; and

"Whereas, Dr. Pat Smith has through fourteen years of courageous effort made it her life's ambition to improve the living conditions of the Montagnards; and

"Whereas, Through her support and aid there has been instituted a highly successful medical aid program at the Kontum hospital where she carries on her duties; and

"Whereas, The humanitarian efforts by Dr. Smith are now in jeopardy due to lack of funds for the continuation of the hospital;

"Now, therefore, Your Memorialists respectfully pray that the administration recognize the importance of Dr. Pat Smith's efforts, both to the people of Southeast Asia and as an ambassador of good will for the United States, and take whatever steps necessary and possible to insure the continued success of her fine program.

"Be it resolved, That copies of this memorial be immediately transmitted to the Honorable Richard M. Nixon, President of the United States, to the President of the United States Senate, and the Speaker of the House of Representatives, to both the Senate and the House of Representatives of the United States, to the Secretary of State of the United States, and to each member of Congress from the State of Washington."

A joint memorial of the Legislature of the State of Washington. Referred to the Committee on the Judiciary:

"HOUSE JOINT RESOLUTION No. 10

"Be it resolved by the Senate and House of Representatives of the State of Washington in legislative session assembled:

"Whereas, both Houses at the second session of the Ninety-second Congress of the United States of America by a constitutional majority of two-thirds thereof proposed an amendment to the Constitution of the United States which is in words and figures as follows, to-wit:

"'JOINT RESOLUTION —

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

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

"'ARTICLE —

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

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

"'SEC. 3. This amendment shall take effect two years after the date of ratification.'

"Now, therefore, be it resolved, That said proposed amendment to the Constitution of the United States of America be, and the same is hereby ratified by the legislature of the State of Washington.

"And be it further resolved, That certified copies of this joint resolution be forwarded by the Governor of the State of Washington to the Administrator of General Services, Washington, D.C., and the President of the Senate, and the Speaker of the House of Representatives of the Congress of the United States."

A resolution adopted by the Board of Supervisors, County of Mendocino, Calif., in support of Assembly Joint Resolution No. 9. Referred to the Committee on Banking, Housing and Urban Affairs.

A resolution adopted by the Webster Parish Police Jury, Minden, La., expressing objection the proposed rebuilding of North Vietnam. Referred to the Committee on Foreign Relations.

A resolution adopted by the Lassen Community College District, Lassen County, Calif., relating to certain Health, Education and Welfare appointments. Referred to the Committee on Labor and Public Welfare.

A resolution adopted by the Council of the City and County of Honolulu, Hawaii, relating to the activities of the Environmental Protection Agency. Referred to the Committee on Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

S. 373. A bill to insure the separation of Federal powers and to protect the legislative function by requiring the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the Senate and House of Representatives may approve the President's action or require the President to cease such action (Rept. No. 93–121), together with minority and supplemental views; and

S. 755. A bill to provide four-year terms for the heads of the executive departments (Rept. No. 93–122).

By Mr. PASTORE, from the Committee on Commerce, with amendments:

S. 1090. A bill to amend the Communications Act of 1934 with respect to recess appointments to the Board of Directors authorizations for such Corporation and for certain construction grants for noncommercial educational television and radio broadcasting facilities (Rept. No. 93–123), together with individual views.

By Mr. JOHNSTON, from the Committee on Banking, Housing and Urban Affairs:

S.J. Res. 93. An original joint resolution to provide a temporary extension of the authorization for the President's National Commission on Productivity (Rept. No. 93–124).

REPORT ENTITLED "THE FEDERAL PAPERWORK BURDEN"—REPORT OF A COMMITTEE (S. REPT. NO. 93–125)

Mr. McINTYRE. Mr. President, I submit on behalf of the chairman of the Select Committee on Small Business, Mr. BIBLE, a report entitled "The Federal Paperwork Burden—The Effect on Small Business." I ask unanimous consent that the report be printed together with individual statements of the Senator from Georgia (Mr. NUNN), the Senator from South Dakota (Mr. ABOUREZK), the Senator from Colorado (Mr. HASKELL), the Senator from Maryland (Mr. BEALL), and the Senator from New York (Mr. BUCKLEY).

The PRESIDING OFFICER. The report will be received and printed.

Mr. McINTYRE. Mr. President, this report is based on a series of hearings held last year by the Senate Small Business Committee's Subcommittee on Government Regulation, which I serve as chairman. This report documents one of the most serious problems affecting some 8½ to 12 million small businessmen in America—the federally imposed paperwork and redtape burden. This report is the culmination of a long overdue examination by a congressional committee of a problem which threatens to destroy the economic ability of the small businessman to compete in the marketplace.

During this particular time of year—namely income tax time—I am sure all Americans are vividly aware of the trials and tribulations associated with complying with mandatory Federal reporting. If one thinks that the IRS Form 1040 which most citizens must file only annually is complicated, confusing, and burdensome, then try to imagine the problems a small independent businessman faces in filing approximately 64 different forms with the Internal Revenue Service, each equally as complex as the 1040 and due much more frequently than just once a year.

Coupled with these 64-tax forms, the Federal establishment requires the small businessman to file hundreds more forms, reports, questionnaires, samplings, and other such types of paperwork. These include the census of business forms, social security forms, equal opportunity forms, unemployment compensation forms, pension forms, et cetera, and ad infinitum. In fact, there are over 5,298 different types of public use forms excluding those of the IRS.

The number and complexity of these federally imposed reporting and paperwork requirements are growing, probably faster than the Federal budget. And the net result on the 8½ to 12 million small business firms in America is that they are drowning in a sea of red ink imposed by a mountain of redtape. The cost to small firms to comply with mandatory Federal paperwork is but one part of this problem. More importantly, the small entrepeneur feels that his government has no faith or trust in him.

During our field hearings in May of 1972, a Chicago businessman stated:

> That the tone of the forms, the information that is requested does very definitely indicate that the government has a deep and abiding distrust of citizens generally and businessmen in particular. Understandably, he considers this attitude an unfair burden to impose on the businessman.

Even those individuals who derive a financial advantage from Federal paperwork question the necessity of the multitude of government forms. An account in Boston expressed the consensus of many of these professionals by stating:

> I am an accountant—I want to work as an accountant—I want to service my clients, but I don't want to go down and fill out the Commerce Department reports— I don't want to charge my client for time which is a waste. . . . I think most of these government reports are a waste, especially for small companies.

Mr. President, admittedly this report itself is lengthy but we believe responsive to the massive size of the paperwork problem and our in-depth examination of it by our hearings. The report and the investigatory work detail the size and scope of the problem from the standpoint of the small businessman and its impact on his economic viability. It also examines into the causes of this paper

crisis, which I have denominated "Federal form pollution."

One major finding is that the Federal Reports Act of 1942, the Government's primary "paperwork controls law," is largely ineffective. We believe this is due to lack of effective enforcement and application by the White House Office of Management and Budget. This Office has complete responsibility for administering this law, but it refuses to carry out all of the provisions of the act. The agency has never held hearings or implemented the collection and consolidation of information-gathering procedures as it is "directed" to do under section 3(b) of the act. OMB officials state that they rely solely on the review procedures outlined in section 5 of the law to fulfill statutory demands. The agency, however, for many reasons, has not successfully met the requirements of section 5.

One reason cited by the report is that top officials at the White House Office of Management and Budget have consistently refused to adequately staff the Statistical Policy Division which reviews forms for clearance. Other congressional committees over the years have repeatedly urged an upgrading of the forms clearance procedure at OMB, but no productive action has been forthcoming. Our committee report thus concludes that it is questionable whether OMB will ever administer the Federal Reports Act so as to effectively control the proliferation of Federal paperwork.

Another major factor contributing to the paperwork-redtape crisis named by the report is that imposed by the Internal Revenue Service which generates approximately 35 percent of all Federal forms. Since IRS is exempt from the Federal Reports Act, no other office can exercise supervision or control over the number or complexity of the forms issued by IRS. Nor is it apparent that the agency's internal review procedures offer restraint. Consequently, the growth of IRS forms has been steady over the years. IRS forms applicable to small businesses have more than doubled in the past 3 years, advancing from 30 forms in 1970 to 64 in 1972.

Because IRS is responsible for such a large portion of Government paperwork, the committee report finds it impossible for the Federal Reports Act to function properly without improved supervision over IRS's contribution to the paperwork burden.

The report makes numerous recommendations which deserve thoughtful consideration by the Congress and others if paperwork is ever, first, to be brought to a realistic and manageable level, second, able to satisfy those needs of the Federal Government which are valid and necessary to the orderly governing of this Nation, and third, not impose unmanageable hardship on American small business.

Major recommendations of the report are:

First, congressional consideration of legislation to remove authority for administration of the Federal Reports Act of 1942 from the Director of the White House Office of Management and Budget and transfer this responsibility to the Comptroller General of the United States;

Second, that legislation be considered to bring the Internal Revenue Service under the authority of the Federal Reports Act;

Third, that legislation be considered to provide technical assistance to small business firms in obtaining, understanding and preparing necessary forms, tax returns, reports, and other documents required by Federal law.

Obviously, we know that legislation alone cannot provide the sole answer to the Federal paperwork problem. The committee report calls for a sustained effort by all branches of government to control the growth of Federal paperwork.

Likewise, the report makes numerous specific suggestions to control specific paperwork problems with respect to those Federal agencies examined by these hearings.

Mr. President, I commend this report to all Senators and urge that all of us remain mindful of this problem as we fulfill our senatorial responsibilities by examining the information needs of the various agencies coming within our purview and thereby assist in reducing excessive Federal paperwork, imposed by these agencies.

In conclusion, Mr. President, I ask unanimous consent that a synopsis of the report's findings and the committee recommendations be printed in the RECORD at the conclusion of my remarks.

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

FINDINGS

The following items present a synopsis of the specific findings of your committee:

(1) The phenomenal growth rate of the Federal reporting system and the paperwork it generates is creating dissatisfaction with Government by the small business community.

(2) The Federal Reports Act of 1942 is ineffective in controlling the proliferation of Federal paperwork due to lack of authority over IRS and the inept administration of the Act by OMB.

(3) OMB has demonstrated little initiative in reducing Federal reporting requirements. It has never held hearings under Section 3(b), relying solely on Section 5, the clearance procedure authority, to fulfill all the provisions of the Act. The language of the law does not allow such substitution.

(4) The Statistical Policy Division of OMB is inadequately staffed thereby rendering the clearance procedure virtually meaningless. Repeatedly admonished to upgrade this staff, top officials at OMB have consistently refused to do so.

(5) If the paperwork burden is to be brought under control, Congress must look elsewhere than to OMB for any real and effective improvement.

(6) Witnesses severely criticized IRS as unsympathetic toward small businesses, indicating IRS's loss of credibility among these Americans.

(7) The proliferation of IRS forms, the complexity of the forms and the increased frequency of filing requirements necessitate extensive outside assistance for small businesses which is inconsistent with the American tax system.

(8) The paperwork burden of small businesses is increased by Federal-State duplication of tax reporting. Additional hardship is imposed by the lack of information-sharing between IRS and other Federal agencies.

(9) The forms review procedure at IRS does not reflect the needs of small business. Inclusion under a strengthened Federal Reports Act would allow more productive outside review of IRS forms.

(10) The Social Security Administration's determination to maintain the quarterly wage reporting system is imposing an undue hardship on small business. The social security system would not be adversely affected by the abandonment of the quarterly Form 941A and the institution of an annual reporting system.

(11) With respect to its paperwork and record-keeping requirements, the Occupational Safety and Health Act has created confusion and distress among small businessmen. The Department of Labor should reexamine the record-keeping and inspection procedures of OSHA so that the intent of the legislation is carried out with minimal burden to small business.

(12) Congress must also face its responsibility to insure that well-intended legislation does not become ensnared in administrative red tape.

RECOMMENDATIONS

A. Legislation

Based on the information developed in your subcommittee's hearings on the Federal paperwork burden, your committee accordingly recommends the following proposals which require Congressional action:

(1) Legislation be enacted to amend the Legislative Reorganization Act of 1970 to consider the impact of Federal reporting requirements on small business by providing affirmative disclosures in committee reports of paperwork requirements relative to legislation reported for action by a committee of the Senate. Your subcommittee urges support of S. 200, a bill designed to accomplish the legislative goals outlined above.

(2) Statutory authorization be granted by the Congress to remove authority for the administration of the Federal Reports Act of 1942 from the Director of the Office of Management and Budget and that this responsibility be vested in the Comptroller General of the United States, and that Congress consider the advisability of bringing the Internal Revenue Service under the authority of the Federal Reports Act.

(3) Legislation be considered to provide technical assistance to small business firms in obtaining, understanding and preparing the forms, tax returns, reports and other documents required by Federal statute.

B. EXECUTIVE AGENCIES

It is recommended that until such time as the Congress shall make a judgment on the proposed legislative changes to alleviate the burden of Federal paperwork, the Executive agencies should take the following actions:

(1) The Social Security Administration should undertake measures to implement a change in the requirement for filing Form 941–A from a quarterly basis to an annual basis.

(2) The Internal Revenue Service should actively pursue the development of a single annual business report to replace the current system of multiple wage reporting.

(3) All Federal agencies should undertake an immediate review of their reporting procedures in order to reduce as many manhours of reporting time as possible.

(4) The Office of Management and Budget should increase the staff size of its Statistical Policy Division so that review procedures can be adequately maintained. An investigation into the duplication of information-gathering by Federal agencies should be started immediately with subsequent hearings held as soon as possible in order to comply with the statutory directives of Section 3(b) of the Federal Reports Act. OMB should also require greater proof of need from all

Federal agencies applying for clearance of public use forms.

(5) OMB should actively seek the input of small businesses in an advisory capacity on report forms. This process should be implemented in addition to the work of the BACFR now advising OMB.

(6) IRS should increase its assistance to state agencies with the objective of combining many of the present requirements for tax reporting. The duplication of Federal and state unemployment taxes might be eliminated under such a program.

(7) A review of all tax forms should be undertaken in order to reduce duplication of efforts within IRS.

(8) Simplification of IRS tax forms should be undertaken with subsequent simplification of the instructional materials accompanying them.

(9) IRS should expand its Tax Forms Coordinating Committee to include representation from the general public.

(10) A review of the penalties procedures and fines assessment incident to tax form complexities should receive top priority.

(11) A review should be made by IRS of its reports pertaining to pension and profit-sharing plans with the objective of simplification and reduction of duplication.

(12) A program of cooperation between IRS and the Department of Labor should be undertaken to share information on pension and profit-sharing plans, thereby information on pension and profit-sharing plans, thereby reducing the duplication of reporting required for businesses.

(13) The Department of Labor should review OSHA regulatory standards and reporting requirements in order to clarify regulations and to simplify compliance procedures incident to forms and record-keeping.

(14) The Small Business Administration should review its loan application procedures relative to excessive paperwork requirements.

C. OTHER RECOMMENDATIONS

Actions other than legislative, which can be taken by Congress or its designees, are recommended as follows:

(1) Regardless of whether or not Congress grants authority to the General Accounting Office to administer the Federal Reports Act of 1942, amended, the Comptroller General under his existing authority should conduct an examination of the Office of Statistical Policy of OMB and report to the Congress on the efficacy of OMB administration of this act with recommendations where necessary to upgrade OMB actvities in this area. Further study and examination should be conducted by GAO during the course of its auditing and examinations of Federal agencies to insure better management practices on the part of such agencies, thereby eliminating unnecessary paperwork and achieving consolidation of reporting systems where possible.

(2) Congress should continue monitoring the efforts of Executive agencies to reduce paperwork. The Congressional committees exercising oversight over specific Executive agencies should, during the course of hearings, question such agencies as to their efforts to reduce paperwork and redtape.

(3) The House and Senate Appropriations Committees should insist upon justification by each agency for that part of their budget which supports paperwork and reporting systems collecting data from the private sector. Where, in the wisdom of these committees, reductions can be achieved in funding for reporting systems without jeopardizing the national interest, they should be made.

COMMITTEE PAPERWORK REPORT

Mr. BIBLE. Mr. President, as chairman of the Small Business Committee, I am pleased to associate myself with the remarks on the Federal paperwork burden made by the distinguished chairman of the Subcommittee on Government Regulation of the Senate Select Committee on Small Business, (Mr. McINTYRE).

Certainly, other Senators receive mail from small businessmen in their States complaining about the growing appetite of the Federal Government for ever more data, information, reporting, record-keeping, and so forth, some duplicative of others to the disgust of the intended respondent. It is obvious that Federal paperwork affects the economic viability of small business concerns. A small businessman plainly cannot afford to hire nonproductive personnel just to comply with questionable Federal reporting. However, large businesses can spread costs of such nonproductive employees, possibly enhancing their competitive ability over small business, on the one hand but inflating product prices to consumers on the other.

The timeliness of the committee report is further strengthened by a country-wide survey taken by the National Small Business Association recently which ranked government paperwork as one of the five major issues of topmost concern for 1973.

If the Federal Government does not deal more sensibly and effectively with its voracious demand for data, irrelevant or duplicative in many cases, we question whether government itself may be a factor in causing many businessmen to disregard government reporting laws. I am aware that one witness told Senator McINTYRE's subcommittee:

We have reached the saturation level and each new law and each new agency at every level of government providing forms is forcing decent citizens into involuntary noncompliance with the law. Now this is tragic when upstanding, honest citizens just can't comply with the laws, and the result is obviously intolerable.

If this statement is indicative of a growing feeling around the country, I agree that it is tragic when the Federal establishment contributes to undermining our basic system of government by imposing what appears to be unrealistic and probably unnecessary burdens on the small businessman particularly and the general public who are affected by questionable governmental form requirements.

May I commend my good friend from New Hampshire and his Subcommittee on Government Regulation for their efforts in offering worthwhile recommendations on a subject which heretofore has not received the attention it deserves and on which affirmative action is necessary; the Federal paperwork burden and its impact on the taxpaying citizens of our country.

EXECUTIVE REPORTS OF COMMITTEES

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

By Mr. THURMOND, from the Committee on Armed Services:

David Packard, of California, Lt. Gen. Leonard D. Heaton, U.S. Army, retired; Malcolm C. Todd, of California, Anthony R. Curreri, of Wisconsin, H. Ashton Thomas, of Louisiana, and Durward G. Hall, of Missouri, to be members of the Board of Regents of the Uniformed Services University of the Health Sciences.

By Mr. NUNN, from the Committee on Armed Services:

Lt. Gen. George J. Eade (major general, Regular Air Force) U.S. Air Force, to be assigned to a position of importance and responsibility designated by the President, to be general.

By Mr. MAGNUSON, from the Committee on Commerce:

Kenneth R. Anderson, and sundry other persons, for permanent appointment in the National Oceanic and Atmospheric Administration.

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

David Luke Norman, of the District of Columbia, to be an associate judge, Superior Court of the District of Columbia.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. DOMINICK:

S. 1597. A bill to amend chapter 17 of title 38, United States Code, to provide for the treatment of a spinal cord injury or disease of a veteran in a non-Veterans' Administration facility under certain circumstances. Referred to the Committee on Veterans' Affairs.

By Mr. RIBICOFF:

S. 1598. A bill to provide a deduction for income tax purposes, in the case of a disabled individual, for expenses for transportation to and from work; and to provide an additional exemption for income tax purposes for a taxpayer or spouse who is disabled. Referred to the Committee on Finance.

By Mr. SAXBE:

S. 1599. A bill to provide for the continued sale of gasoline to independent gasoline retailers. Referred to the Committee on Commerce.

By Mr. HUGHES:

S. 1600. A bill to require annual authorization prescribing the maximum number of members of the Armed Forces of the United States that may be deployed in major geographic regions of the world outside the United States. Referred to the Committee on Armed Services.

By Mr. MATHIAS:

S. 1601. A bill for the relief of Antonio Passalaqua; and

S. 1602. A bill for the relief of Guadalupe Antonia Cruz. Referred to the Committee on the Judiciary.

By Mr. BROCK:

S. 1603. A bill for the relief of Elisabetta Foglia. Referred to the Committee on the Judiciary.

S. 1604. A bill to prevent discrimination on the basis of sex in housing. Referred to the Committee on Banking, Housing and Urban Affairs.

S. 1605. A bill to amend the Truth in Lending Act to prohibit discrimination on account of sex or marital status against individuals seeking credit. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. COOK:

S. 1606. A bill to create a Federal vehicle reparations law applicable to owners and operators of highway vehicles being operated on the public ways, to establish standards for State vehicle reparations systems and to govern the applicability of State or Federal law, in order to promote and regulate interstate commerce. Referred to the Committee on Commerce.

By Mr. DOLE (for himself and Mr. GOLDWATER):

S. 1607. A bill to authorize the Commandant of the U.S. Army Command and General Staff College to award the degree of

master of military art and science. Referred to the Committee on Armed Services.

By Mr. CLARK (for himself, Mr. HUMPHREY, Mr. MONDALE, Mr. HUGHES, Mr. ABOUREZK, Mr. MCGOVERN, and Mr. BURDICK):

S. 1608. A bill relating to payments to producers for participation in the 1973 feed grain program. Referred to the Committee on Agriculture and Forestry.

By Mr. MOSS:

S. 1609. A bill to authorize the Secretary of the Interior to convey certain property to Carbon Water Conservancy District, a public corporation of the State of Utah. Referred to the Committee on Interior and Insular Affairs.

S. 1610. A bill to amend the Federal Aviation Act of 1958 to require the installation of air-borne, cooperative collision avoidance systems on certain civil and military aircraft, and for other purposes. Referred to the Committee on Commerce.

By Mr. MONDALE (for himself, Mr. BURDICK, Mr. CLARK, Mr. HART, Mr. HATFIELD, Mr. HOLLINGS, Mr. HUMPHREY, Mr. MCGOVERN, Mr. METCALF, Mr. NELSON, Mr. THURMOND, and Mr. YOUNG):

S. 1611. A bill to amend the Federal Crop Insurance Act to extend insurance coverage under such Act to all areas of the United States and to all agricultural commodities. Referred to the Committee on Agriculture and Forestry.

By Mr. METCALF:

S. 1612. A bill to provide for the regulation of surface mining operators in the United States, to authorize the Secretary of the Interior to make grants to States to encourage State regulation of surface mining, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

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

S. 1613. A bill to modify the restrictions contained in Section 170(e) of the Internal Revenue Code in the case of certain contributions of literary, musical, or artistic composition, or similar property. Referred to the Committee on Finance.

By Mr. PERCY:

S. 1614. A bill to require the Secretary of Housing and Urban Development to furnish additional consumer protection services, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. ROTH:

S. 1615. A bill for the relief of August F. Walz. Referred to the Committee on the Judiciary.

By Mr. BURDICK (for himself and Mr. YOUNG):

S. 1616. A bill authorizing the construction of certain bank stabilization works on the Missouri River below Garrison Dam. Referred to the Committee on Public Works.

By Mr. MATHIAS (for himself and Mr. BEALL):

S. 1617. A bill to reimburse the city of Frederick, Md., for money paid saving harmless valuable military and hospital supplies owed by the U.S. Government. Referred to the Committee on the Judiciary.

By Mr. SCOTT of Virginia (for himself and Mr. HARRY F. BYRD, JR.):

S. 1618. A bill to name the headquarters building in the Geological Survey National Center under construction in Reston, Va., as the "John Wesley Powell Federal Building." Referred to the Committee on Public Works.

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

S. 1619. A bill to revise and modernize the statutes relating to the coinage and the Bureau of the Mint. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. STEVENS:

S. 1620. A bill to amend the Anadromous Fish Conservation Act in order to increase the Federal share of costs and the authorization under such act. Referred to the Committee on Commerce.

S. 1621. A bill to amend title XVI of the Social Security Act (relating to supplemental income for the aged, blind, and disabled) to provide for the disregarding of certain payments, made by a State to elderly residents thereof without regard to the need of the recipient thereof, in determining eligibility for or amount of the supplementary income payable to individuals in such State under such title. Referred to the Committee on Finance.

By Mr. STEVENS (for himself, Mr. GRAVEL, Mr. JACKSON, and Mr. MAGNUSON):

S. 1622. A bill to authorize the Secretary of the Interior to establish the Klondike Gold Rush National Historical Park in the States of Alaska and Washington, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. THURMOND:

S. 1623. A bill for the relief of John Alleyne. Referred to the Committee on the Judiciary.

S. 1624. A bill to amend title XIX of the Social Security Act to clarify the standards which apply in determining the basis on which Federal matching will be accorded toward State expenditures for skilled and intermediate care facility services provided under State plans approved under such title. Referred to the Committee on Finance.

By Mr. BEALL (for himself and Mr. MATHIAS):

S.J. Res. 92. Joint resolution to authorize and request the President to designate the week beginning August 19, 1973, and ending August 25, 1973, as "National Logistics Week." Referred to the Committee on the Judiciary.

By Mr. JOHNSTON:

S.J. Res. 93. Joint resolution to provide a temporary extension of the authorization for the President's National Commission on Productivity. Considered and passed.

By Mr. GURNEY:

S.J. Res. 94. Joint resolution to redesignate the area in the State of Florida known as Cape Kennedy as Cape Canaveral. Referred to the Committee on Interior and Insular Affairs.

By Mr. HUMPHREY:

S.J. Res. 95. A joint resolution relating to the taking of the 1974 Census of Agriculture. Referred to the Committee on Post Office and Civil Service.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMINICK:

S. 1597. A bill to amend chapter 17 of title 38, United States Code, to provide for the treatment of a spinal cord injury or disease of a veteran in a non-Veterans' Administration facility under certain circumstances. Referred to the Committee on Veterans' Affairs.

Mr. DOMINICK. Mr. President, I am introducing for appropriate reference a bill to permit veterans with spinal cord injury or disease to be treated in non-Veterans' Administration facilities, at VA expense, under certain circumstances.

Our Vietnam veterans, and all other veterans who have incurred spinal cord injury, require specialized care and facilities. Since VA regulations prohibit payment of hospitalization costs incurred by veterans in private or public hospitals when VA facilities are available, veterans with spinal cord injury must receive treatment in one of the VA's 14 Spinal Cord Injury Centers. While these centers provide excellent care, their geographical location sometimes makes it necessary to send a veteran to a VA center as far as 1,000 miles from his home and family, even when treatment is available at a private or public hospital in his own hometown.

This practice of sending veterans to Spinal Cord Injury Centers outside reasonable commuting distance for their families can be detrimental to mental health and may actually impede rehabilitation. My bill would prevent this by providing veterans with an alternative when the center to whch the VA plans to send them is not located within reasonable commuting distance for their families. In such instances, the veteran would have the option of going to the VA center or to a private or public hospital, at VA expense, which is capable of providing the required specialized treatment and is located within a reasonable commuting distance.

I am sure the VA will contend that it already has a regulation which authorizes the admission of a veteran to a private or public hospital at VA expense if a VA hospital is not feasibly available, and that the term "not feasibly available" includes situations where the relative distance of the travel involved makes it necessary or economically advisable to use public or private facilities. However, this regulation does not define "relative distance of the travel involved." I do not know how far the VA would send a veteran before it invoked the "relative distance" provision, but it must be more than 1,000 miles. I say this, because I have personal knowledge of a situation where a veteran from Denver, Colo., was sent to a VA center at Long Beach, Calif., when the Craig Rehabilitation Center, in Denver, was willing and able to provide the required treatment on a reimbursable basis.

The situation to which I refer involved a veteran from Cotopaxi, Colo. He was injured in a car accident, treated, including back surgery, in Penrose Hospital in Colorado Springs, and sent to the VA hospital in Denver. The VA hospital director advised the veteran's family that the facilities needed for rehabilitation were not available in the Denver VA hospital, and made arrangements to send the veteran to the VA Spinal Cord Injury Center in Long Beach, Calif.

Both the veteran's physician and his family, which was on the brink of financial disaster as a result of the accident, wanted to have the veteran admitted to the Craig Rehabilitation Hospital in Denver, which specializes in brain and spinal cord injuries, because of their knowledge of and faith in this hospital. They considered it psychologically preferable, from a medical standpoint, to have the veteran in the Denver area near family and friends.

The Denver VA hospital director was sympathetic to the family's wishes, but could not accommodate the request. He said that VA regulations prohibited payment of hospitalization costs in a private or public hospital when VA facilities were available.

At about this same time, there was a similar situation occurring involving a veteran who had received injuries to his arm, ribs, lungs, and spinal cord in Vietnam in 1971. He had been sent to Walter Reed Hospital, and then to the VA hospital in Memphis, Tenn. His physician and family felt that continued

treatment in the VA hospital would be very detrimental to the veterans' mental health, particularly since the veteran had just been separated from his wife, who had been taking him to and from the hospital. The physician requested that the veteran be admitted to Craig Rehabilitation Hospital. Senator GURNEY, my distinguished colleague from Florida, brought this matter to my attention.

Upon learning of these two cases, I contacted the Chief Medical Director of the VA Central Office in Washington, D.C., regarding the VA policy which precluded the use of facilities such as Craig Rehabilitation Hospital, and to inquire about the possibility of a waiver of this regulation. He advised me that under existing law, no waivers could be given to permit treatment of the two veterans, or other veterans, at the Craig Hospital. He said that any change in the present program would require amendatory legislation.

In view of the Medical Director's reply, I am offering this legislation. I offer it with the knowledge that there will be some people who will oppose it on the general principle that veterans should be treated in VA hospitals rather than in private or public hospitals at VA expense. To them I would say that I am in complete agreement with this general principle. It is obvious that the VA hospital system could not continue to operate if it tried to support its own hospitals while indiscriminately permitting veterans to receive treatment at private or public hospitals at VA expense. It is possible, however, to have exceptions to this general principle under certain circumstances, and I am certain that the number of veterans who would receive treatment outside the VA hospital system under the provisions of my bill would not adversely affect the system.

This bill applies only to veterans who are to be furnished hospital care or medical services by the VA for a spinal cord injury or disease—which represents a small percentage of the veterans requiring hospitalization. Furthermore, before the bill's provisions could come into effect, it would have to be established that there was no VA Spinal Cord Injury Center within reasonable commuting distance for the members of the veteran's family, and that there was a private or public medical facility within such distance which could provide the extremely specialized treatment required. Only in these instances would the veteran have the option to receive his treatment at the center or at the private or public facility at VA expense.

Mr. President, I am sure my Senate colleagues will agree that veterans with spinal cord injuries or disease cannot enter a VA hospital near their home and family as easily as veterans with other medical needs can, since they are presently limited to 14 centers. I think my colleagues will also agree that there should be no need to send a veteran 1,000 miles or more from home to receive treatment when there is facility providing the same treatment located nearby. It is just good commonsense in such cases to send the veteran to the nearby facility, and it is up to us to put this commonsense into the VA regulations by enacting this bill into law.

I hope my colleagues on the Veterans' Affairs Committee will give speedy and favorable consideration to this legislation.

By Mr. RIBICOFF:

S. 1598. A bill to provide a deduction for income tax purposes, in the case of a disabled individual, for expenses for transportation to and from work; and to provide an additional exemption for income tax purposes for a taxpayer or spouse who is disabled. Referred to the Committee on Finance.

DEDUCTION OF TRANSPORTATION EXPENSES FOR THE HANDICAPPED

Mr. RIBICOFF. Mr. President, today I am introducing legislation to aid handicapped Americans who face increased daily transportation costs, because of their handicaps. My proposal would allow severely disabled Americans a $750 exemption from their taxable income to help defray their extra transportation costs to and from work.

Disabled American workers face obstacles and problems far in excess of those faced by the nondisabled. They are forced to incur extra expenses for special transportation to and from work. Costs in many urban areas for special transportation can amount to as much as $80 per week for those who are severely handicapped, as against only $5 to $10 for the nondisabled who can use buses and subways. Disabled persons incur other extra expenses such as wear and tear on clothing caused by the friction of appliances such as crutches. Often they must have clothes specially tailored to their needs. Clearly, there is an established financial need to help these unfortunate citizens, many of whom are discouraged from working, because of the high cost of transportatien.

In order to produce an income—and pay taxes into the Treasury—the handicapped must use special and expensive private transportation. Extra expenses such as a car with special hand controls for special taxicab service should be considered an ordinary and necessary expense for the production of income for these handicapped.

The Federal Government allows ordinary businessmen and salesmen to deduct transportation expenses. It also recognizes the special burdens of the blind and aged by granting them an extra exemption. But the handicapped are not allowed such deductions.

According to "Transportation Needs of the Handicapped," a report prepared for the Department of Transportation by Arthur D. Little, a proposal such as mine which allows the handicapped to work would save Federal money in the long run. As the survey stated:

> The number of employable transportation handicapped persons was estimated to be 1,493,000. 103,000 were estimated to be transportation sensitive unemployed because of the high cost of transportation to work. If each of these were encouraged to work, incomes of $452,692,000 would be generated each year. Income taxes would increase by $39,697,000. Welfare payments would decline by $49,582,000.

Recently the President vetoed legislation to provide programs for the handicapped, because of its cost to the taxpayer. This proposal would aid the handicapped without necessitating large Federal expenditures.

It is long past time for Congress to enact this proposal. A similar measure passed the Senate in 1964 and 1969. Unfortunately, the proposal was deleted in conference both times. This year Ways and Means Chairman WILBUR MILLS has introduced a similar measure in the House of Representatives. I am hopeful that with his support this legislation can be enacted into law.

By Mr. SAXBE:

S. 1599. A bill to provide for the continued sale of gasoline to independent gasoline retailers. Referred to the Committee on Commerce.

THE OIL SHORTAGE AND ITS REPERCUSSIONS ON THE INDEPENDENT BRAND GASOLINE MARKETER

Mr. SAXBE. Mr. President, motorists will not have to shelve their summer vacation plans because of a lack of gasoline, but they may have to make a few extra stops before they find a service station that is open. Independent brand service stations have been hardest hit by the petroleum shortage, and many have been forced to curtail operations, because they cannot obtain gasoline to sell. Independent brand marketers usually buy on a spot basis rather than on contract, the way dealers selling major brands do. Thus, the independents are the first customers to be dropped when the major oil companies run into a supply shortage. Virtually the only source of gasoline for unbranded marketers are the major integrated oil refineries. There are only a few independent refineries left today, and they can only take care of their own.

The petroleum industry's supply problem is essentially the result of a limited amount of "sweet" low-sulfur crude and the limited capacities of our refineries. Heavy strains were put on oil supplies over the winter as refiners scrambled to meet the need for home heating oil. Additionally, the record number of cars on the road—some equipped with gas—devouring antipollution devices—has aggravated the situation. The Office of Emergency Preparedness now estimates that the 1973 gasoline demand may rise almost 7 percent from last year, rather than the 5.5 percent previously calculated.

Long-term remedies such as removal of the oil import quotas, incentives for exploratory drilling and pipeline construction, are undoubtedly forthcoming. However, such remedies will not alleviate the present crunch in time to save the independent marketer. Additionally, the administration seems disinclined to impose rationing.

Therefore, I am proposing legislation which would insure the independent brand marketers of a supply equal to their historic market share. This legislation would make it a prima facie violation of the Federal Trade Commission Act for a refiner to refuse to sell to independents a percentage of his total sales to all retail outlets during any given month. The amount the refiner must sell to the independent is based on the percentage he sold to the independent dur-

ing the base period. It would also constitute a prima facie violation of the Federal Trade Commission Act for a refiner to sell to independents at a price in excess of the base period price increased by the percentage amount that the refiner is presently charging his own retail outlets or his franchisees.

I believe that this proposal is the only viable means of preventing the demise of the independent brand gasoline marketer, a segment of the national economy which provides employment to thousands of people and exerts a beneficial influence upon competition that is disproportionate to its actual representation in the petroleum industry.

I ask unanimous consent that the bill be printed in the RECORD.

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

S. 1599

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) no person engaged in commerce in the business of refining petroleum into gasoline and furnishing gasoline to retail distributors of gasoline for sale to the public shall fail to furnish gasoline to independent retail distributors of gasoline, whether or not franchised by such person, at wholesale prices in reasonable quantities as long as he continues to furnish gasoline to retail distributors of gasoline which are wholly owned by him or operated under a franchise granted by him.

(b) It shall constitute, prima facie, a violation of the provisions of subsection (a) for any such person—

(1) to fail, during any calendar month beginning after the date of enactment of this Act, to deliver to independent retail distributors of gasoline a percentage of the total gallons of gasoline delivered by him to all retail distributors of gasoline during that month which is lower than the percentage of the total gallons of gasoline delivered by him to all retail distributors of gasoline during the period of July 1, 1971, to June 30, 1972, which was delivered by him to independent retail distributors of gasoline during that period, or

(2) to sell gasoline to independent retail distributors of gasoline at a price during any such month which is greater than—

(A) the average price at which he sold gasoline to such distributors during the period of July 1, 1971, to June 30, 1972, increased by

(B) a percentage equal to the percentage by which the average price for gasoline sold during that month to retail distributors of gasoline which are wholly owned by, or operated under a franchise granted by, that person exceeds the average price for gasoline sold to such distributors during the period of July 1, 1971, to June 30, 1972.

SEC. 2. Violation of the provisions of subsection (a) of the first section of this Act constitutes an unfair practice in commerce in violation of the provisions of section 5 (a) (1) of the Federal Trade Commission Act.

By Mr. HUGHES:

S. 1600. A bill to require annual authorization prescribing the maximum number of members of the Armed Forces of the United States that may be deployed in major geographic regions of the world outside the United States. Referred to the Committee on Armed Services.

OVERSEAS DEPLOYMENT BILL

Mr. HUGHES. Mr. President, the rising costs and consequences of our forward deployment strategy are becoming clearer every day. The time has come, I believe, for the Congress to reexamine this strategy and take a hand in its modification.

For over two decades we have had over half a million men scattered in bases around the globe, providing overwhelming proof of our intentions to aid in the defense of over 40 nations in the event of war.

Despite changes in military technology which have reduced the need for forward deployments, we continue to keep these forces abroad.

Despite reduced world tensions and arms control agreements, this administration still argues that now is not the time to make prudent adjustments in these force levels.

Despite the $5 billion annual drain which maintenance of these forces puts on our balance of payments, military planners resist proposals to cut costs abroad.

How ironic it is that this administration will readily throw 42,000 Americans out of work by closing bases at home while not taking steps to obtain equivalent budget savings by reducing forces overseas.

The $400 million which the Pentagon hopes to save by these domestic cutbacks is about equal to the increased defense costs abroad caused by the two dollar devaluations.

The full costs of this forward strategy are hard to determine. Our NATO commitment alone is officially estimated to cost $17 billion per year, while analysts at the Brookings Institution put the figure at close to $30 billion.

What do we get with these huge expenditures to sustain 600,000 military personnel in 322 major bases and 3,000 minor facilities throughout the world? In many cases, of course, we get battle-ready units, welcomed by their host countries. In many other cases, however, we find troops bored and debilitated, and subject to increasing abuse from local people.

The political consequences of our current strategy are mixed. For every gallant, democratic country whose people we reassure with our presence, there is at least one autocratic country which uses its U.S.-supported Army to carry out political repression. And we have learned from our tragic experience in Indochina that helpful advisers can lead all to easily to the introduction of ground troops to protect existing American installations.

In return for these political and economic costs, we gain relatively few military benefits. Our forces may have deterred a major war in Europe, but who knows whether half as many or one-tenth as many troops would have accomplished the same goal? The same can be asked of U.S. forces in Northeast Asia. And in Southeast Asia, we see that SEATO had no effect in preventing domestic insurgencies.

Looking to the future, we can respond to military contingencies with our strategic mobility forces—provided, of course, that such a reaction is congressionally approved.

And in the case of our major allies, attacks are deterred by the unacceptable risk of triggering a nuclear exchange.

My own preference for substantially reduced forward deployments should be clear, Mr. President. But I do not know to what extent my colleagues share my views.

What I propose is that the Congress examine this policy in an orderly and systematic way through yearly authorizations of maximum deployments to the major geographical regions of the world.

I am today introducing legislation, which I would hope to add to the military authorization bill, which would require the Congress each year in peacetime to establish such maximum deployment levels for the next fiscal year. This is a logical outgrowth of the current law requiring annual manpower authorizations for each service.

Congress has imposed restrictions in the past, such as in the requirement that draftees be given at least 4 months training before being sent abroad and in the 1941 prohibition against the deployment of forces outside the Western Hemisphere. This is fully within our constitutional power to raise and support an Army and Navy and provide for the construction and maintenance of U.S. military facilities.

The legislation which I propose would apply in the absence of armed hostilities in which the United States may become involved pursuant to international agreements. The President, as Commander in Chief, would retain power to act in emergencies in accordance with our constitutional processes.

But in the long run, assuming that we are indeed moving into an era of peace, the Congress would be able to consider overseas deployments in the same orderly way we now consider total force levels. We can raise or lower these figures as may be deemed necessary to meet our commitments abroad as well as our commitments to our own people.

By Mr. BROCK:

S. 1604. A bill to prevent discrimination on the basis of sex in housing. Referred to the Committee on Banking, Housing and Urban Affairs.

FAIR HOUSING OPPORTUNITY ACT

Mr. BROCK. Mr. President, I am today introducing a bill, the "Fair Housing Opportunity Act" to prevent discrimination on the basis of sex in housing by amending the 1968 Fair Housing Act.

A number of cases have come to my attention in which a wife's income has not counted toward purchase of a home. In other cases, a woman's income has not been counted toward home improvement loans. I have even seen examples where a family could not rent a suitable dwelling, because the wife was the chief wage earner, for example, and the husband was in school.

In reviewing the question of equal access to mortgage lending and to housing, it has been brought to my attention that the several Federal agencies responsible for enforcement of the Fair Housing Amendments of 1968 have not been clear about their authority to extend the coverage of these provisions to prohibit discrimination in the basis of sex. The Fair

Housing Amendments of 1968 prohibit discrimination in the sale and mortgage lending on the basis of race, color, religion, or national origin, but not on the basis of sex.

While it is my view that sufficient legal authority is probably available to the agenices to prohibit discrimination on the basis of sex, the amendment I offer here should remove any remaining doubt on this question. In testimony before hearings on this issue held by the FDIC in December 1972, Mathew Hale, general counsel for the American Bankers Association, argued convincingly that if Congress wished to insure that discrimination based on sex in these areas were prohibited, that Congress should legislate specifically in these areas. I seek here to remedy this legislative oversight by the proposed amendment which adds prohibition against discrimination on the basis of sex to the provisions of the 1968 Fair Housing Amendments.

Mr. Presdent, I ask unanimous consent that the bill be printed in the RECORD at the conclusion of my remarks.

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

S. 1604

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 Housing Opportunity Act."

SEC. 2. (a) Subsections (a), (b), (c), (d), and (e) of section 804 of the Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes" approved April 11, 1968 (42 U.S.C. 3604), are amended by inserting a comma and the word "sex" immediately after the word "religion" each time it appears in such subsections.

(b) Section 805 of such Act is amended by inserting a common and the word "sex" immediately after the word "religion".

(c) Section 806 of such Act is amended by inserting a comma and the word "sex" immediately after the word "religion."

(d) Subsection (a), paragraph (1) of subsection (b), and subsection (c) of section 901 of such Act are amended by inserting a comma and the word "sex" immediately after the word "religion" each time it appears.

By Mr. BROCK:

S. 1605. A bill to amend the Truth in Lending Act to prohibit discrimination on account of sex or marital status against individuals seeking credit. Referred to the Committee on Banking, Housing and Urban Affairs.

EQUAL CONSUMER CREDIT ACT

Mr. BROCK. Mr. President, I am today introducing a bill, the Equal Consumer Credit Act, to amend the Truth in Lending Act to prohibit discrimination on account of sex or marital status against individuals seeking credit.

Credit discrimination against women was amply demonstrated and documented in hearings held last summer by the Commission on Consumer Finance, of which I was a member.

Four areas of inequitable treatment have clearly been identified through these hearings, letters, and other research: retail credit, mortgages, bank loans, and credit cards. Through the two bills introduced today I propose remedies in these four areas. The first, the Equal Consumer Credit Act, addresses itself to the broad problem of discrimination in the credit industry. The second bill, the Fair Housing Opportunity Act, introduced today, amends the Fair Housing Act of 1968, which prohibits discrimination in sales and mortgage lending in housing on the basis of race, religion, color or national origin. My bill extends this coverage to prohibit discrimination on the basis of sex.

I would be the first to argue that credit should only be granted to creditworthy individuals. But the definition of creditworthiness for women has too often been obscurred by irrelevant questions and outmoded customs and beliefs. Credit is the lifeblood of our economic system. If women are denied credit solely on the basis of their sex, they are denied full participation in the free enterprise system; and if their earnings are not considered together with the husbands', the family can be denied access to adequate housing. Access to credit is not a right, but equality of access is, and should certainly be guaranteed. The Commission on on Consumer Finance found that women experience discrimination in five general areas:

First, single women have more trouble obtaining credit, especially mortgage credit, than single men;

Second, creditors generally require a woman who has credit to reapply for credit when she marries, usually in her husband's name. Similar reapplication is not asked of men when they marry;

Third, creditors are often unwilling to extend credit to a married woman in her own name;

Fourth, women who are divorced or widowed have trouble reestablishing credit. Women who are separated have a particularly difficult time, since the accounts may still be in the husband's name; and

Fifth, creditors are often unwilling to count the wife's income when a married couple applies for credit.

The difficulty in these five areas is based on prejudice rather than compelling business or economic principles. The fact is that in many cases the credit industry has failed to adjust its practices to the times.

Working women have become an essential sector of our national economy—not just a peripheral part of the labor force. No longer is the working woman a small minority of women: the 1970 census shows that 44 percent of all women of working age are in the labor force. Women now represent almost 40 percent of the total labor force—that is, four out of every 10 workers are female.

We must insure that as women work, they are guaranteed equal access to the credit economy. No disenfranchise such a large portion of working people cannot be justified and this exclusion has a negative effect on the growth of our economy. No matter how we may personally feel about the growth of a credit society, some move in the direction of a "cashless" economy seems almost inevitable. The effect of excluding from or limiting participation in the credit arena of such a large segment of our work force could potentially be devastating to the economy. As the control of the credit industry is largely concentrated in national companies, we need to insure that women are not written out of the economy.

This inclusion is more than an economic luxury. Economic reality belies the notion that women do not have to work, a belief that often underlies some discriminatory credit practices. A considerable portion of working women are the main supporters, not just of themselves, but of their families. In March, 1971, 6 million families, or 11.5 percent of the families in the United States, were headed by women. Of these women-family heads, 54 percent were in the labor force. Well over 60 percent of these women were the sole support of their families.

Another large proportion of women who work are in families where the woman's income is necessary to give the family a decent standard of living. In 1972, 42 percent of married women with husbands present were in the labor force. Increasingly, the working wife's income represents a family's main hedge against inflation. The very real need for the wife's income in many families argues against treating the woman's income as a appendage in the credit area.

Nine out of 10 women will be in the work force at some time during their adult lives. While they are participants in the economy, we must make certain that they have full access to the economy. One woman stated simply enough,

My income is counted 100% by the State of Delaware and the United States Government for income taxes, and it should be counted for credit.

Women's work patterns—whether wives, mothers, single, divorced, separated or widowed—are changing, and it is time our credit industry recognizes these changes. In the National Commission on Consumer Finance hearings, no evidence was introduced to suggest that women were worse credit risks than men. In fact, one of the best statistical studies available suggests just the opposite. Some banks have even admitted that they have no satisfactory statistics concerning the default rate by sex, yet some banks continue to assume that women are bad credit risks.

Operation of the basis of presumption rather than on the basis of adequate evidence cannot be tolerated. This prejudice represents a transgression of the personal rights of individuals and it is potentially detrimental to our economy. Let me emphasize that not all members of the credit community are at fault in this area, and many are now moving to change their practices. But, we must act to assure the stability of the economy and ensure the individual rights of an important segment of our working population. This legislation will prohibit discrimination on the basis of sex or marital status in the granting of credit. These provisions will protect not only women, but will serve to better the situation of husbands and families which have been adversely affected by this discrimination as well.

This issue is an important one and there has been an increasing amount of public concern in the area. I would urge

that Senate hearings on the subject of women and credit discrimination be scheduled at an early date.

In order to understand the magnitude of this problem, we may look in greater detail at those findings of the national commission and other research on the question of credit discrimination.

Single women have more trouble obtaining credit than single men. According to testimony before the commission and additional research by my own staff, single women have the fewest problems in opening credit accounts at retail stores. However, they are often held to higher standards than men of any marital status when applying for bank-sponsored credit cards or travel and expense cards. These standards include length of current employment, length of time at current address, and minimum income. Also, single men, even male students, often have less trouble than single women in obtaining personal loans.

The Commission particularly noted that single women have trouble obtaining mortgage credit. A variety of lender prejudices has resulted in single women traditionally being unable to obtain mortgages to buy real estate. Lenders have gone to such lengths as to worry that single women could not perform the necessary repairs to maintain a property. Yet, how many otherwise creditworthy single men, when applying for a home loan, have ever been questioned about their carpentry, plumbing or electrical ability? The assumption that men could perform these tasks while women could not is just the sort of discrimination based on sex that we are talking about. A judgment based on the ability of the applicant of either sex to pay for necessary maintenance would be much more to the point, but women are frequently denied even the most cursory examination of their means. The exchange between a bank and potential customer inserted here is typical.

Saturday morning, August 28, I spoke to a loan officer, Mr. Frank Cash, about obtaining a home mortgage loan. He gave me the current interest rate along with closing costs, etc. and then inquired about my husband. I told Mr. Cash that I had no husband. He then informed me that home loans were not granted to single persons without a co-signer. I told him that a co-signer was not necessary as my income was sufficient to cover the loan I was asking for. He told me this was a requirement of the "loan committee" and there was no loan available to me as a single person without a co-signer.

I find it very difficult to believe that I was denied a loan with absolutely no information about my ability to pay. Mr. Cash didn't ask me my age, about my work record, my salary—nothing at all pertinent to the credit information needed to obtain a loan. I was turned down solely because I am a single woman. This is an assumption on my part. I am now asking you, formally to supply me with the reason I was denied credit by your bank.

After sending this letter to the bank, the woman received a form letter from the bank's president which said:

In conducting any well-organized business today, situations may arise due to the possible absence of complete information.

Please feel free to visit my office personally, at your convenience, should you feel further discussion is in order.

When this woman called the president for an appointment, he told her that a personal visit really was not necessary as it was a "policy" of the loan committee and there "really wasn't anything more he could tell her." As far as I can determine, single males have not encountered any such refusals at least to determine whether or not they might be eligible for credit.

On the other hand, mortgages may be granted if a male cosignature is obtainable no matter what the financial status of the male may be. The Wall Street Journal reported that a woman in her forties who, as head of her household, wanted to buy a house for herself and her children could not get a mortgage without the signature of her 70-year-old father, who was living on a pension. There is no evidence that single men in like situations have been required to obtain cosigners.

Creditors generally require a woman upon marriage to reapply for credit, and often she may receive it only in her husband's name, similar reapplication is not asked of men when they marry. If a newly married woman notifies a creditor of a change in her last name, she is generally asked to reapply for credit and to supply information about her husband. The new applications have traditionally resulted in issuance or offer of issuance of an account or credit card to her husband. A letter from a major credit card company to a newly married woman dated March 6, 1973, indicates quite clearly that this practice shows no signs of changing:

We are in receipt of notice of your recent marriage and wish to congratulate you and your husband. We regret that we must therefore delete your Bankamericard account number ——— ——— ——— ——— which is in your maiden name. However, you will continue to be billed for any previous balance on this account, until such time as this balance has been paid in full. If you have not already done so, please return these cards as they are of no further use to you.

If you and your husband would be interested in opening a Bankamericard account in the name of your husband, we would be happy to service you. We are enclosing an application for this purpose. Please fill it out completely and return it to us at your convenience.

If we can be of any further assistance, please feel free to contact us.

This situation does not occur when a man marries. Usually creditors issue cards for the new wife on the husband's previously existing accounts without any information whatsoever concerning the wife's credit standing.

Creditors are often unwilling to extend credit to a married woman in her own name. Credit cards are customarily issued in the husband's name with signature privileges extended to an anonymous wife. Needless to say, once again the reverse situation will not occur. The lawyer of an employed Chattanooga woman categorized the practice in its major details:

My client Mary Doe applied in her own name for a Bankamericard. Instead of issuing a card to Mrs. Doe you issued a card to her husband.

Mrs. Doe has an excellent credit reputation; she is employed. She gave you all the information required to secure a Bankamericard. I know of no reason why her credit will not warrant the issuance of such a card, particularly since you sent Bankamericard out with very little credit check to almost every man in Chattanooga.

We take the position that Mrs. Doe is discriminated against because she is a woman and this is a violation of the law. I feel sure that this matter has not really been brought to your attention in the proper way or you would not have refused to issue a card to Mrs. Doe.

I would appreciate this matter being resolved as promptly as possible. If you do not intend to issue Mrs. Doe a Bankamericard, I would appreciate your sending me a letter and giving the reasons for your failure to do so.

Despite notions to the contrary, issuance of a credit card in the name of the husband—John Doe—does not mean that a woman has obtained credit in her own name. The wife who uses her husband's first name has no identity of her own in the credit community. As a woman may learn during a crisis period, such as immediately after a change in marital status or during a period of extraordinary expenses. It is during these crisis periods that a woman is least likely to be able to obtain credit as a new applicant.

She will probably be classified as such regardless of whether or not she may have managed the family credit accounts for years. I have letters from many women who have been separated, deserted, divorced, or widowed who have found that bereavement or separation is compounded by a loss of identity in the financial community. I am talking about women whose work or other reliable sources of income have sufficed to secure their families' credit in the past, and who suddenly find that the same means do not now count. One woman even had to have a face-to-face interview to receive an oil credit card.

Another woman who had been divorced and enjoyed credit for several years was asked by a department store to reapply for credit, and her account was closed when she notified the store of a court order restoring her maiden name, again, the reverse situation does not necessarily occur with men, who normally are able to continue to enjoy the benefits of a joint family credit rating built up over the years, even if a wife's income contributed to that rating, and even if a wife who works has departed with her earnings.

Here is one of many letters describing this type of situation, sometimes annoying and frustrating, sometimes devastating for a woman in these circumstances:

I separated four years ago. My income from my job and child support was not great, but was certainly well above the poverty level. I was immediately turned down for credit by Sears & Roebuck, Mastercharge and Bankamericard. So I then lied in order to maintain the charge account we had had for years at Lansburghs. I merely changed it to my name without giving my status. The others gave me no reason, just a form letter. Last year, with a much better income, I again applied at Sears & Roebuck and also at Esso and Bankamericard and received a letter requesting an interview from Sears. I had always paid my bills promptly and resented having to go for a personal interview. I went and after some hasseling with the credit manager, got my credit card.

I had to laugh when, two weeks ago, I received a letter from Sears bemoaning the fact that I haven't used my charge account

in a long time and giving me a $5 gift certificate if I would only come in and charge $25 worth of goods.

Thank you for your interest and keep up the good work.

In addition to the difficulty married women encounter when attempting to obtain credit in their own name, creditors are often unwilling to count the wife's income when a married couple applies for credit. A woman with a husband in school was a hospital employee. They applied for an automobile loan through a bank-financed credit union at the hospital where the woman worked. The bank stated that the woman was of child-bearing age, and their request was denied. The automobile dealer proposed that he try to obtain credit—from the same bank directly. He was able to obtain the credit—but at a higher rate.

For medium-income couples seeking mortgages, the failure to count the wife's income means that many couples who would otherwise qualify are denied the benefits of homeownership. Mortgage lenders tend to discount the income of married women who are regularly employed.

In testimony before the Commission and in press reports, a lender's "rule of thumb" has been outlined. In recent marriages—less than 5 years—or when the wife has been working only a short time, no recognition is given to the wife's income. With young married couples, no matter what their background, the wife's income is not recognized. If the wife is classified as a "professional" and is between the ages of 26 and 35, a lender may give half credit to her income. If she is over 35 years of age, it is customary to give full credit. If the wife is in a nonprofessional occupation, usually no allowance is made for her income up to age 35, half allowance between ages 35 and 42, and full credit beyond that age.

These customs in relation to wives' incomes seem to be motivated by the presumption that women are likely to become pregnant, and if they do, that they will necessarily terminate employment. The specter of pregnancy has governed much of the reactions of the banking industry in connection with counting a wife's income. In testimony before the Commission on Consumer Finance, Sharyn Campbell, an attorney representing the Women's Legal Defense Fund, presented evidence that banks have required letters from doctors or affidavits concerning birth control methods employed, or doctors' letters attesting to sterility, worse yet, in one case a couple was asked to assure that the wife would have an abortion before her income would be able to be counted.

I regard inquiries along these lines a serious invasion of personal privacy, and yet, in the past, couples needing loans have had little choice. On the other hand, I have heard no evidence presented showing that married couples tend to default on their loans when the wife bears children.

Family planning is a wifely recognized concept in our modern society, and even when women do become pregnant there are many to whom motherhood and employment are not mutually exclusive. As a matter of fact, the lower and middle income families most need to count the wife's income in order to enjoy the tax advantages and benefits in community stability and community identification associated with home ownership. In this sector of the society, according to Labor Department statistics, married women are much more likely to continue working, yet it is these families that are hurt most by the idea that motherhood will terminate employment. Moreover, increasingly many women are working out of preference after the birth of their children. Today, more than 30 percent of the married women with children under 6 work.

Although in the past, pregnancy was often a reason women dropped out of the labor force, indications are that increasing numbers of women are choosing to combine motherhood with outside employment. In recognition of this fact, the EEOC guidelines issued under the equal employment opportunity law required that childbirth be treated as any other temporary disability, from the employer's standpoint. Thus women will not necessarily be faced with loss of job due to pregnancy should they need or wish to continue working.

Of course many women will choose the role of homemaker and mother to the exclusion of working outside the home. No one would wish to deny them that choice. My point is exactly that to select this role increasingly represents a choice for a family, a choice that the family is likely to make with some thought. Let us give people credit for having the sense to determine what their family plans are and the period that the wife intends to work or not work. Let us not treat a woman, just because she is a woman, as necessarily a bad credit risk.

It had been the hope of some that the hearings of the Commission on Consumer Finance and the attendant publicity on credit discrimination against women last spring would help produce voluntary changes in the credit industry. It is true that many credit-granting institutions are moving to reexamine inappropriate policies. Nevertheless, evidence of continuing widespread discrimination makes it clear that legislation is absolutely necessary. For one thing, many of these practices are based upon inaccuracies concerning the current status of State laws.

Married women's property acts in force in most States give a woman the right to acquire, own, and transfer all kinds of property just as if she were unmarried. She may make contracts, and she may sue and be sued. Why then should not a married woman be able to obtain credit in her own name, on the basis of her own earnings, just as do other adults?

In theory, the legal doctrine of necessaries permits a wife to purchase what she needs and charge it to her husband. But in practice, the doctrine is almost useless. A Prof. Homer Clark has observed the doctrine of necessaries "is hedged about with so many limitations that few merchants would wish to rely on it."

Because of the common practice that has evolved requiring husbands' signatures when women have sought to obtain credit, many creditors assume that this common practice carries the weight of law. But it does not, and, although a wife's signature for her husband's loans would be required if such a law were the case, married men have been able to obtain credit without their wives' signatures. If a banker is seeking to maintain a clear right to collect by binding both marital partners, then the policy should apply equally to both husbands and wives. This consistent application would not be prohibited under the terms of the proposed law—in fact, exactly the opposite would be the result. Wherever this type of guarantee is thought to be necessary, the banking community can, under the proposed law, exercise that option of having both husband and wife sign.

What I am seeking to insure is that situations of unequal application of practice do not exist. A study conducted by the St. Paul, Minn., Department of Human Rights was directed at precisely this question. A man and a woman with identical qualifications applied for a $600 loan to finance a used car without the signature of the other spouse. Each applicant was 24 years old, earning $12,000 as a research analyst, and the spouse was in school. Eleven of the 23 banks visited by the woman "either strictly required the husband's signature or stated that it was their preference, although they would accept an application and possibly make an exception to the general policy." When the same 11 banks who—plus two additional banks that would make no commitment to the female applicant—were visited by the male interviewer, six said they would prefer both signatures but would make an exception for him; only one insisted on both signatures; and six "told the male interviewer that he, as a married man, could obtain the loan without his wife's signature."

Based on these responses, the St. Paul Department of Human Rights estimated overall that approximately 39 percent of the banks interviewed revealed discrepancies in the loan policies stated to males and females. It is this kind of discrepancy, not the right of banks to insure their loans, that we are trying to overcome through the introduction of the proposed legislation.

And while Congress has made its intentions clear with regard to the general question of ending discrimination on the basis of sex, it is just as important that specific enabling legislation of this type be passed.

There is no absolute right to credit for men or women. However, men assume the privilege of credit as an ordinary convenience for engaging in financial transactions. There is no valid reason why women should not enjoy the privileges and conveniences afforded to men; there is no valid reason why women of equal means should not have equal access to credit. The bills I am proposing would not mean that women ought to be granted credit because they are women. They would insure that women must not be denied credit because they are women. It must also be emphasized that it is not important that women obtain credit in order to spend more money. Simply, creditworthy women must be assured the opportunity to establish themselves as adult individuals in the credit community.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at the conclusion of my remarks.

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

S. 1605

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 "Equal Consumer Credit Act".

SEC. 2. Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by adding at the end thereof the following new section:

SEC. 135. PROHIBITION OF DISCRIMINATION ON ACCOUNT OF SEX OR MARITAL STATUS.

"(a) It shall be unlawful for any creditor or card issuer to discriminate on account of sex or marital status against any individual with respect to the approval or denial of terms of credit in connection with any consumer credit sale whether or not under an open end credit plan, any consumer loan, or any other extension of consumer credit, or with respect to the issuance, renewal, denial, or terms of any credit card.

"(b)(1) Any creditor or card issuer who discriminates against any individual in a manner prohibited by subsection (a) is liable to such individual in an amount equal to the sum of—

"(A) in the case of an individual action, not less than $100 nor more than $1,000; or

"(B) in the case of a class action, not more than $100,000 and

"(C) in the case of any successful action to enforce the foregoing liability, the costs of the action together with a reasonable attorney's fee as determined by the court.

"(2) Any action under this section may be brought in any court of competent jurisdiction during the one year period commencing on the date of occurence of the violation."

SEC. 3. The amendment made by section 2 of this Act shall take effect on the sixtieth day after the date of enactment of this Act.

By Mr. DOLE (for himself and Mr. GOLDWATER):

S. 1607. A bill to authorize the Commandant of the U.S. Army Command and General Staff College to award the degree of master of military art and science. Referred to the Committee on Armed Services.

MASTERS DEGREE FOR ARMY COMMAND AND GENERAL STAFF COLLEGE

Mr. DOLE. Mr. President, the U.S. Army Command and General Staff College at Fort Leavenworth, Kans., has a distinguished record in the preparation of Army officers to assume the responsibilities and burdens of career leadership. Since 1964 the college has graduated 154 officers in its program, but at present a graduate receives no degree for his efforts in completing the course with recognition limited to a notation on his personnel records.

The purpose of the college is to prepare selected officers for duty as commanders and as principal staff officers with the Army in the field, from division through Army group and at field Army support command and theater Army support command levels; to provide these officers with an understanding of the functions of the Army general staff and of major Army, joint and combined commands; and to develop their intellectual depth and analytical ability.

The college is widely known and highly regarded for the quality and rigor of its curriculum, and the 10-month course of instruction is considered academically equivalent to a collegiate masters program. Each candidate for admission must demonstrate academic achievement and suitability for entrance into the program, including a satisfactory score on the graduate record examination, which is employed by most civilian colleges and universities as an admissions measuring device. In addition to regular course work, officer students must undertake independent research and submit a thesis by the completion of the year.

A special review committee from the U.S. Office of Education has thoroughly examined the college's entrance procedures, curriculum offerings, and graduation criteria and has concluded the command and general staff college meets the high standards set for the granting of degrees by Federal Agencies and institutions. The North Central Association of Colleges and Secondary Schools has indicated its willingness to accredit the college's program should it be given authority to issue degrees, and I am today introducing legislation to establish this authority.

Specific degree requirements as set forth in the bill provide:

A minimum of 30 semester hours of graduate credit, including a masters thesis of 6 to 8 semester hours, and a demonstration of competence in the discipline of military art and science as evidenced by satisfactory performance on a general comprehensive examination. The bill also provides that requirements may be altered only with the approval of a nationally recognized civilian accrediting association approved by the United States commissioner of education.

Enactment of the bill will recognize the academic endeavor of those graduates who fulfill the specific requirements for the degree, and encourage the further development of the discipline of military arts and science and provide a stimulating incentive to the entire officer corps. I feel this proposal is meritorious and appropriately grants recognition to the high professional standards of the U.S. Army.

I am pleased that my distinguished colleague, the junior Senator from Arizona, has joined me in the sponsorship of this bill.

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

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

S. 1607

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 401 of title 10, United States Code, is amended—

(1) by adding the following new section at the end thereof:

"§ 4314. United States Army Command and General Staff College degree

"Under regulations prescribed by the Secretary of the Army, the Commandant of the United States Army Command and General Staff College may, upon recommendation by the faculty, confer the degree of master of military art and science upon graduates of the college who have fulfilled the following degree requirements: a minimum of thirty semester hours of graduate credit, including a masters thesis of six to eight semester hours, and a demonstration of competence in the discipline of military art and science as evidenced by satisfactory performance on a general comprehensive examination. These requirements may be altered only with the approval of a nationally recognized civilian accrediting association approved by the United States Commissioner of Education. The Secretary of the Army shall report annually to the Committees on Armed Services: the criteria which must be met to entitle a student to award of the degree, whether such criteria have changed in any respect during the reporting year, the number of students in the most recent resident course graduating class, the number of such students who were enrolled in the Master of Military Art and Science program, and the number of students successfully completing the Master of Military Art and Science program."; and

(2) by adding the following new item at the end of the analysis of such chapter:

"4314. United States Army Command and General Staff College: degree."

SEC. 2. The Commandant of the United States Army Command and General Staff College may confer the degree of master of military art and science upon the following named graduates of the college who have completed the requirements for that degree in the year indicated below, but prior to the date of enactment of this Act:

1964

Deluca, Anthony P.
Hardesty, George D.
Hetz, Robert A., Junior
Hurst, John E., Junior
Ianni, Francis A.
Kenney, John Francis, Junior
Kurtz, Maurice K., Junior
Mills, Neil B.
Pierce, Edward M.
Pugh, Hilton E.
Randolph, James G.
Sawyer, Richard H.
Scheider, Max B.
Schopper, Jared B.
Shelton, Henry R.
Simko, Andrew M.
Smith, Gorman C.
Youree, Charles D., Junior
Tudor, Alfred T., Junior

1965

Cash, William G.
Craig, Robert B.
Dooley, Michael J.
Gast, Philip C.
Glisson, William C.
Heitzke, Kenneth S.
Henson, Virgil A., Junior
Kark, John S.
Lammie, James L.
Leach, Charles R.
Merrill, Frank, J.
Munnelly, John E.
Murane, David M.
Obach, Ronald M.
Otis, Glenn K.
Price, Robert E.
Rogers, Ronald J.
Skaer, Kenneth L.
Snyder, Howard W.
Walter, Francis J.
Wang, Jesse
Weathersby, Russell A.

1966

Anson, Richard W.
Bieri, Leon D.
Bole, Albert C.
Brudvig, Dale K.
Canham, Charles D. W.
Cooley, Andrew L.
Doyle, David K.
Ellis, Alvin C.
Fosmire, William L.

Galvin, John R.
Holman, Jonathan L.
Laudati, Roger C.
McGurl, Peter W.
Peterson, Leonard R.
Quinn, Paul D.
Schweitzer, Robert L.
Suplizio, Paul E.
Wilson, Dwight V.
Wilson, Franklin L.
Hampton, Wade

1967

Applegate, Walter V.
Balzhiser, Robert M.
Brain, Tom H.
Cummings, Eldon L.
Dyke, Charles W.
Gunter, Gurnie C.
Handwork, Bertrand A.
Heinlein, Joseph J.
Mullen, Raymond C.
Nolde, William B.
Platt, Richard L.
Rogers, Clare R. J.
Smith, Frank L.
Sevilia, Exequiel R.
Vavra, George R.
Watts, Bobbie M.

1968

Bremer, James H.
Cannon, Morris C.
Chaney, Otto P., Junior
Charles, William M., Junior
Curl, Richard L.
Debelius, Charles A.
Donohue, Edward J.
Durbin, James J.
Eitel, John C.
Ennis, Harry F.
Evrard, James A.
Galloway, Gerald E.
Hartman, Donald F.
Hausman, Conrad K.
Hyman, Stanley H.
Johnstone, Homer
O'Brien, John E.
O'Shei, Donald M.
Price, Oscar G.
Saling, Neil E.
Summers, Harry G.
Winkler, William P.
Withers, George K.

1969

Brown, John P.
Downen, Robert E.
Goodwin, Willard C., Junior
Hokanson, William A.
Humphries, Smith C.
Kerver, Thomas J.
Klose, John A.
McCall, James F.
Mussells, John D.
Rapp, Edward G.
Reed, Jean D.
Reynard, Richard L.
Schow, Robert A., Junior
Shalala, Samuel R.
Smith, Vernard J.
Sweetwood, Dale R.

1970

Momersheim, Phil K.
Longhofer, James E.
McCaffrey, William J.
O'Meara, Andrew P., Junior

1971

Arbogast, William R.
Backus, Richard J.
Conrad, Hawkins M.
Cothran, James M.
Daley, John M.
Dilworth, Robert L.
Gamino, John M.
Griffiths, William R.
Hines, Charles A.
Hocker, John R.
Ingman, John F.
Jones, Julius E.
Malmberg, James E.
Mauk, Gerald F.
Mills, Frank L.
Ramsden, James H.
Siegal, David L.
Snowden, Edgar
Starsman, Raymond E.
Thiede, Alfred J.
Wilhelm, Edmund A.
Wilson, Bruce E.

1972

Alexander, Franklin D.
Allred, Raymond S.
Blume, Geoffrey E.
Howard, Robert T.
Ikeda, Moss M.
Ladehoff, Harold L.
Lenti, John M.
Leuty, Ray S.
Mallion, Richard J.
Potter, Allen R.
Reynolds, Robert H.
Runey, Dennis I.

By Mr. CLARK (for himself, Mr. HUMPHREY, Mr. MONDALE, Mr. HUGHES, Mr. ABOUREZK, Mr. MCGOVERN, and Mr. BURDICK):

S. 1608. A bill relating to payments to producers for participation in the 1973 feed grain program. Referred to the Committee on Agriculture and Forestry.

EXTENSION OF PRICE SUPPORT GUARANTEES TO OPTION (B) COOPERATORS UNDER THE 1973 FEED GRAIN PROGRAM

Mr. CLARK. Mr. President, in my continuing efforts to get a fair deal for option (B) feed grain cooperators, I am today introducing a bill on behalf of myself and Senator HUBERT H. HUMPHREY of Minnesota and others to require the Secretary of Agriculture to extend the same price support guarantees to option (B) cooperators as option (A) cooperators now have.

Mr. President, I have supported other Members of Congress and farm leaders in their attempts to persuade the administration to make adjustments in the option (B) regulations in the 1973 feed grain set-aside program comparable to those announced for the option (A) cooperators on March 26.

Thus far we have been unable to get the administration to take positive action to eliminate the inequities to option (B) cooperators resulting from the March 26 announcement.

My bill, while not requiring any reopening of enrollment in the program or permitting a shifting from one option to another does remove the greatest inequity for the option (B) cooperators.

Let me review briefly the history of the 1973 feed grain program set-aside announcements.

The first announcement of program provisions was made in December and those provisions were revised January 31 and were in effect until the deadline for signup March 16. The program offered farmers two options: (A) to set aside 25 percent of their feed grain base and receive a payment of 32 cents per bushel, or (B) to set aside 0 percent—or no acres—and receive 15 cents per bushel payment.

As provided in title V of the Agricultural Act of 1970, option (A) cooperators were assured that if market prices in the first 5 months of the marketing year were more than 32 cents a bushel below 70 percent of parity, supplemental payments would be made equal to this difference. At the time of the announcement, however, the administration labeled option (B) as partial compliance and ruled that they would be ineligible for further price support payments.

Mr. President, I am one of those who doubt that the legal requirements were complied with when option (B) was announced.

On March 26 the administration announced that the (A) option acreage set-aside requirement was reduced from 25 percent to 10 percent, the payment remaining the same. It also announced that no changes would be allowed from option (B) to option (A) following the announcement.

Mr. President, this change in option (A) created two serious inequities for option (B) cooperators. First and most important it assured that more feed grains and soybeans would be planted. It thereby increased the probability of sharp price declines at harvest time.

Second, it prevented option (B) cooperators from taking advantage of the better alternative granted option (A) cooperators, that of receiving payments over twice as large for setting aside only 10 percent of their production bases.

My bill does not require reopening enrollment in the 1973 feed grain program, which I can understand would create serious administrative problems.

It would not result in idling additional acres as would occur if option (B) cooperators were allowed to change to option (A).

It would not result in any increase in government payments if feed grain prices averaged $1.39 a bushel for corn, that they would get additional supplemental payments.

The parity price for corn in March 1973 was $2.16 a bushel, 7 cents a bushel higher than in January. By October 1, it is highly probable that the parity price of corn will be at least $2.20 a bushel. In that case, 70 percent of parity would be $1.54 a bushel.

If because of the increased plantings, market prices in the first 5 months of the marketing year averaged only $1.20 a bushel, under my bill, option (B) cooperators would be entitled to total payments equal to the difference between $1.54 and $1.20 or 34 cents a bushel. Since they would have received the 15 cents a bushel promised earlier, immediately after July 1, they would receive an additional payment of 19 cents a bushel after the prices in the first 5 months of the marketing year had been determined.

If the administration is correct in its estimates and market prices are favorable, my bill will not cost the Government anything in extra payments. If, however, their March 26 announcement does result in excessive supplies and prices fall, option (B) cooperators incomes also would be protected. It's what my Senate colleague, Mr. HUMPHREY calls, "sharing the risks between farmers and their Government."

Mr. President, I agree with others who on this floor have said we must maintain equality in the administration of Federal programs. The recent change in the feed grain program is not equitable. Option (B) cooperators have been discriminated against and have not been given an opportunity to redress their inequities.

Latest reports indicate that 344,507 farmers have signed up under option (B) of the 1973 feed grain program, including about 22 million feed grain base acres. Under option (A) 1,507,767 farmers have signed-up, involving over 91 million feed grain base acres.

Planting will commence as soon as weather permits, so passage of this legislation is needed immediately and I ask my colleagues to give it prompt and favorable consideration.

Mr. HUMPHREY subsequently said:

Mr. President, today the Senator from Iowa (Mr. CLARK) introduced a bill, on his behalf and mine, to require the Secretary of Agriculture to extend the same price support guarantees to feed grain producers, which are known as option B cooperators, to option A cooperators.

Without going into the details of this bill, quite simply, it merely removes the discrimination which has come about due to a change of rules and a change of regulations by the Department of Agriculture after the feed grain farmers had already signed up under the feed grain program.

Once again, the administration, in midstream, without any forewarning whatsoever, after farmers in good faith, with trust in their Government, had signed up under the terms of the feed grain program, decided to change the rules and thereby place a number of our feed grain farmers throughout this Nation—not merely in the Midwest—in a second-class category.

The Senator from Iowa (Mr. CLARK) and I have studied this matter very carefully. The matter will be brought to the attention of the Committee on Agriculture and Forestry, and I am hopeful that we will act very promptly. I might note that other Senators on both sides of the aisle, including the distinguished Senator from Kansas (Mr. DOLE), have also shown their concern about the discriminatory regulations and rulings of the Department of Agriculture relating to feed grain producers. The Senator from Kansas (Mr. DOLE) has introduced, for example, a bill which would permit these feed grain producers to sort of re-sign or sign up once again under the terms of the new rulings. That is S. 1572.

The bill which Senator CLARK and I are introducing today, however, would not require any extension of time, would not require the reopening of signup. It would simply mean that the administration would keep its word, on the basis of its original request, to the farmers of America.

In the name of commonsense, I do not know how the Government of the United States can expect people to have faith and trust in this Government when, time after time, the rules or the regulations are changed in the middle of the program, without any consultation with committees of Congress, without any forewarning to the participants in the program.

I compliment the distinguished Senator from Iowa (Mr. CLARK) on his initiative. I trust that the measure he has introduced on his behalf and mine will have the prompt consideration of the Committee on Agriculture and Forestry, and I hope it will have the overwhelming support of the Members of Congress.

Mr. President, I ask unanimous consent to have the bill printed in the RECORD.

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

S. 1608

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 105(b) of the Agricultural Act of 1949, as amended by section 501 of the Agricultural Act of 1970, is amended by adding at the end thereof a new paragraph as follows:

"(4) Notwithstanding any other provision of law, the payment rate for corn to producers participating in the 1973 feed grain program under the so-called option B part of the program (for partial compliance) shall be increased to such rate as, together with the national average market price received by farmers for corn during the first five months of the marketing year for the crop, the Secretary determines will be equal to (A) $1.35 per bushel, or (B) 70 per centum of the parity price of corn as of the beginning of the marketing year, whichever is the greater. The payment rates for grain sorghums and barley shall be such rates, respectively, as the Secretary determines fair and reasonable in relation to the rate at which payments are made available for corn. Such payments shall be made available on 50 per centum of the feed grain base for the farm as provided in paragraph (2) of this subsection."

SEC. 2. The last sentence of such section 105(b)(1) is repealed.

By Mr. MOSS:

S. 1610. A bill to amend the Federal Aviation Act of 1958 to require the installation of airborne, cooperative collision avoidance systems on certain civil and military aircraft, and for other purposes. Referred to the Committee on Commerce.

MID-AIR COLLISION AVOIDANCE ACT OF 1973

Mr. MOSS. Mr. President, last Friday I informed my colleagues in the Senate of the tragic loss of life that occurred when a flying laboratory of the National Aeronautics and Space Administration collided in mid-air with a Navy anti-submarine warfare plane, Thursday, near Moffett Field in California. Today, I rise to inform my colleagues of some facts that make this most recent mid-air collision incident not only tragic, but also ironic and symbolic of a situation that now demands the immediate attention and action of the Congress. Today, I am introducing legislation that will serve as a vehicle for that congressional action.

The NASA-Navy mid-air collision is ironic in that both NASA and the Navy, along with the Army, Air Force, and the Federal Aviation Administration, are members of the Interdepartmental Group on Collision Avoidance and Pilot Warning. This group has been in existence since October of 1971 and its most significant recent decision has been to concede that—

The full responsibility for developing collision avoidance systems . . . rests solely with the FAA.

And that—

The FAA must be prepared to carry the lion's share of the (funding) burden in fiscal year 1974 and fiscal year 1975 and perhaps all of it in succeeding years.

In fact, NASA has terminated all financial support for collision avoidance work; the military retains only token amounts in their budgets; and the Federal Aviation Administration has cut back their funding from $3.7 million in fiscal year 1973 to only $2.1 million for fiscal year 1974.

But last week's collision is also highly symbolic of a pervasive danger that has taken a tragic toll in life and property and will grow to frightening proportions as our airways become increasingly congested. Against this current background, we must be cognizant of the serious menace mid-air collisions have become to the Nation's air transportation.

The headlines that have drawn our attention constantly to mid-air collisions add up to a disturbing record with ominous implications for the future safety of the flying public; 178 mid-air collisions took 966 lives between 1956 and 1970. In the short time between 1968 and 1970, 196 fatalities resulted from 102 incidents. Even more shocking is that in 1968 alone there were 1,128 near misses that could have killed literally thousands of people.

The trend is clear and alarming. As our aircraft fleets have increased in numbers, as our airways have increasingly grown congested, so too has the danger of mid-air collisions increased. In the 10-year period from 1971 to 1981, the airline fleet is projected to grow over 40 percent. The general aviation fleet will grow over 73 percent. And the air traffic generated by these aircraft will grow over 400 percent the next two decades. One has only to look at these figures to realize what this portends for the future. The National Transportation Safety Board, in 1970, warned that, based on the past record, we should expect to suffer 972 fatalities from 335 mid-air collisions between 1970 and 1979.

To date, aircraft have not been equipped with airborne cooperative collision avoidance systems that could alert pilots automatically to a potential collision and direct them to take the proper evasive actions. In addition to its dire predictions, NTSB analysis of the collisions in the 1968–70 time period revealed that better than four out of five mid-air collisions—82 percent—could have been prevented if the involved aircraft had been equipped with collision avoidance systems.

This brings us to question what the Government has done and is planning to do in order to bring about the benefits of having collision avoidance systems aboard aircraft as a backup to Air Traffic Control. But here, too, the facts give cause for deep concern.

Even more disturbing than the record of mid-air collisions themselves is the Government's record of coping with them. That record is one of inertial procrastination. And even more disturbing than the future outlook for mid-air collisions themselves is the Government's plan for preventing them through the installation of collision avoidance systems.

In June 1958, President Eisenhower submitted a message to Congress recom-

mending utmost priority be given to preventing mid-air collisions. He stated:

Recent mid-air collisions of aircraft, occasioning the tragic loss of human life, have instituted the need for a system of air traffic management which will present them, within the limits of human ingenuity.

Throughout the years since then, the Government and the FAA, in particular, have shown a remarkable ability to either avoid or fragment action to rectify the midair collision situation. A good example was the response to the collision between an Air West airliner and Marine Corps F–4 on June 6, 1971, in which 49 persons lost their lives, 13 of them residents of my home State of Utah—among them some of our most promising young business and professional men. As a result of this midair collision, the NTSB urged the FAA merely to hang pictures on the walls of airports so that "appropriate graphical depictions of airspace utilization and typical flow patterns are prominently displayed."

In the face of continued strong demands from the public and aviation industry for accelerated efforts, during the past 15 years the FAA has funded collision avoidance efforts only $11.6 million. In-house and contracted collision research and development has been remarkably small in comparison to the total FAA R. & D. effort, amounting to only $2.1 million of the $124 million fiscal year 1974 budget. At this pace, the Administrator of the FAA informed me in a letter that completion of tests on currently competing collision avoidance systems is yet another 2 years away, but that is not the end of the waiting period. The FAA now suggests that a collision avoidance approach based on ground control "should be considerably more attractive to users in terms of avionics costs than an airborne collision system." Unfortunately, the FAA also notes these ground-dependent systems are another 2 years behind the airborne systems.

Two years ago, I introduced S. 2264, a bill to require installation of collision avoidance systems on civil and military aircraft. During the course of hearings on my bill before the Senate Aviation Subcommittee, the Deputy Administrator stated that—

The FAA is firmly committed to the premise that the ground-based Air Traffic Control system is, and will be for system for U.S. domestic aviation.

I do not dispute that premise. But the FAA's persistent procrastination in developing a national standard for airborne collision avoidance systems bear witness that that commitment is ill founded without a cooperative and independent airborne collision avoidance system as a secondary backup. In four collisions between 1964 and 1971, ground-based radar did not even pick up the uncontrolled aircraft that collided with controlled airline. And yet, the alarming fact is that approximately 80 percent of all aircraft flying in this country is of the small general aviation category, flying under visual flight rules, outside the control of radar and air controllers on the ground. It should also be noted that in last week's collision, both aircraft were under positive ground control. This ranks, therefore, as a prime example of a case where an independent airborne collision avoidance system would have compensated for the inherent safety deficiencies as a purely ground-based system.

A prominent excuse for delaying the development and introduction of an airborne collision avoidance system has been "excessive economic penalties" that would be imposed on the owners and operators of the Nation's aircraft. As for the airlines, we need only compare the "economic burdens" they now bear from modernizing the interior decor of their airliners. These cosmetic niceties improve neither the performance nor safety of the aircraft yet the cost is on the order of 10 times what a collision avoidance system would cost based on current industry capabilities. We also should consider the "economic burdens" of not installing collision avoidance systems abroad airliners. Single collisions have resulted in damage claims of some $70 million; payment of some $29 million; and, based on qualified estimates, could result in a cost to the airlines of some $180 million in a collision involving two wide-body airliners.

As for other segments of the aviation community, even current predictions of unit costs make it apparent that the insurance is more than worth the expense, which will be moderate when compared to the value of even small general aviation aircraft, not to mention the incalculable value of their occupants. Also, the bill I am introducing today calls for phasing the introduction of these systems according to classes of aircraft so that the general aviation sector will have the full benefit of design and production economies as increasing numbers of collision avoidance systems are built and installed.

All this history of bureaucratic maneuvering has continued while the losses from mid-air collisions have mounted. The latest word and the situation we have today was summarized in the Administrator's March letter to me:

In summary, while investigations and test of airborne CAS continue at an expedited pace, the current augmentation and procedural use of the existing and planned ground-based system and the future promise of IPC and Synchro-DABS have created an alternative course of action with cost-effective possibilities. The FAA does not believe that a firm decision between the airborne or ground-based options should or could be made at this time and before more data is available.

Hence, we are asked to wait for more data that can come, at best, 4 years from now before even any planning begins for implementing a collision avoidance system. We are asked to wait until a new approach, tied to an imperfect ground-based system, matures to the point where it can be evaluated. How much longer must we wait for the FAA to introduce any supplementary collision avoidance system? Must we wait until 160 tons of aircraft wreckage falls on a residential community instead of a California golf course as it did last week? Must we wait until two airliners collide and consume hundreds of lives instead of the 16 lost last week? Must we wait for such an incident to impress an indelible apprehension in the minds of the public over the safety of commercial air transportation?

As chairman of the Senate Committee on Aeronautical and Space Sciences, I have heard the call time and again for turning our technology to meet pressing human problems, to make technology pay direct dividends in terms of saving and preserving human life. I can think of no more graphic a case than midair collisions where the application of demonstrated technological tools can be equated to preventing the loss of hundreds of lives. What we lack is neither the technological know-how nor economic justification. What we lack is the will to overcome the bureaucratic inertia that has stifled the prerequisite Government actions needed to make collision avoidance systems an integral part of our air transportation system. The time has come for the Government to relieve a grave and growing danger to the public. For those men and women who will lose their lives in the years to come, this action is already tragically overdue.

Unless we recognize once and for all the inherent fallibility of a purely ground-based system and demand a concerted effort to make independent airborne collision avoidance systems an integral part of air traffic control, it is only a matter of time before we witness a tragedy of unbearable proportions. I urge my colleagues to join with me in strong and prompt support for the measure I am introducing today. It provides a realistic program for completing the evaluation of collision avoidance systems, selecting a national standard, and bringing them into the Nation's aircraft fleets on an orderly basis. Unless we take this action now, future losses of life in midair collisions will be not only tragic, ironic and symbolic. They will be inexcusable.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 1610

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 "Mid-Air Collision Avoidance Act of 1973".

FINDINGS AND PURPOSE

SEC. 2. (a) Whereas mid-air collisions have already caused and will continue to cause a tragic loss of human and economic resources, inasmuch as—

(1) mid-air collisions between air carrier, general aviation and military aircraft have caused a tragic loss of human life totaling 966 fatalities from 178 reported mid-air collisions between 1956 and 1970;

(2) the National Transportation Safety Board projects that, based on past levels of collisions and fatalities, the nation can expect to witness the loss of 972 lives from 335 collisions between 1970 and 1979;

(3) single collisions have resulted in damage claims of some $70 million; payments of some $29 million; and, based on qualified estimates, could result in a cost to the airlines of some $180 million if involving two wide-body airliners;

(4) the nation will experience a dramatic rise in airspace congestion as the airline aircraft fleet is expected to grow over 40 percent and the general aviation fleet by over 73 percent between 1971 and 1981.

(b) Whereas studies, analysis and tests have already demonstrated that economical and effective collision avoidance systems can be made available to reduce markedly the incidence of mid-air collisions that cannot be prevented with the nation's ground-based air traffic control system alone, inasmuch as—

(1) the National Transportation Safety Board reported in 1971 that "an estimated 82 percent of the accidents studied may have been avoided if collision avoidance systems (CAS) and pilot warning indicators (PWI) had been installed aboard the involved aircraft";

(2) in four collisions between air carriers and uncontrolled aircraft, the uncontrolled aircraft was not even seen on the ground-based radar; and

(3) the Administrator of the Federal Aviation Administration has stated that efforts to evaluate three advanced designs proposed by industry, in versions suitable for all classes of aircraft, can be completed by March 1975.

(c) Therefore, the purpose of this Act is to require the Administrator of the Federal Aviation Administration to expedite the evaluation and selection of a national standard for a collision avoidance system; proceed to develop plans for operating rules and regulations integrating this system into the ground-based air traffic control system; and require the installation of a collision avoidance system on all classes of aircraft by certain dates.

EVALUATION, SELECTION AND IMPLEMENTATIONS OF COLLISION AVOIDANCE SYSTEMS

SEC. 3. (a) Not later than March 30, 1974, the Administrator of the Federal Aviation Administration, in cooperation with the National Aeronautics and Space Administration and the Secretary of Defense acting through the Interdepartmental Group on Collision Avoidance and Pilot Warning, shall complete the flight test and evaluation of currently competing airborne collision avoidance systems, as defined in section 101 (37) of the Federal Aviation Act of 1958, and not later than June 30, 1974 shall select a national standard for such systems.

(b) The selected standard shall be technically and economically suitable for all classes of civil aircraft, as defined in section 101 (14) of the Federal Aviation Act of 1948.

(c) Not later than December 30, 1974, the Administrator of the Federal Aviation Administration shall publish implementation rules and regulations to describe compatible use and operating procedures between CAS systems and the existing air traffic control system.

AMENDMENTS TO THE FEDERAL AVIATION ACT OF 1958

SEC. 4. (a) Section 101 of the Federal Aviation Act of 1958 is amended by inserting at the end thereof the following:

"(37) 'Collision avoidance system' means an all weather cooperative system on an aircraft which is compatible with but independent of ground based air traffic control systems and can detect all other aircraft representing a potential collision threat and, if necessary, indicate to the pilot a safe evasion maneuver."

(b) Section 601 of the Federal Aviation Act of 1958 is amended by adding at the end thereof the following new subsection:

"Collision Avoidance Systems

"(d)(1) Minimum standards pursuant to this section shall include the requirement that—

"(A) not later than June 30, 1976, a collision avoidance system shall be installed on any aircraft which is operated by an air carrier or a supplemental air carrier, and has a maximum certificated takeoff weight in excess of 60,000 pounds;

"(B) not later than June 30, 1976, a collision avoidance system shall be installed on all public aircraft;

"(C) not later than June 30, 1977, a collision avoidance system shall be installed on any civil aircraft which has a maximum certificated gross weight in excess of 12,500 pounds;

"(D) not later than June 30, 1978, a collision avoidance system shall be installed on all civil aircraft not covered by clauses (A) and (C) above.

"(2) Specialized sport, experimental, and agricultural aircraft, and gliders as defined by the Administrator, shall be excepted from the provisions of this subsection when operating outside congested terminal airspace."

By Mr. MONDALE (for himself, Mr. BURDICK, Mr. CLARK, Mr. HART, Mr. HATFIELD, Mr. HOLLINGS, Mr. HUMPHREY, Mr. MCGOVERN, Mr. METCALF, Mr. NELSON, Mr. THURMOND, and Mr. YOUNG):

S. 1611. A bill to amend the Federal Crop Insurance Act to extend insurance coverage under such act to all areas of the United States and to all agricultural commodities. Referred to the Committee on Agriculture and Forestry.

Mr. MONDALE. Mr. President, I introduce for myself and Senators BURDICK, CLARK, HART, HATFIELD, HOLLINGS, HUMPHREY, MCGOVERN, METCALF, NELSON, THURMOND, and YOUNG a bill to amend the Federal Crop Insurance Act.

Over the past 35 years, Federal Crop Insurance has offered protection to farmers from losses caused by natural hazards, such as insect and wildlife damage, plant diseases, fire, drought, flood, wind, and other weather conditions. Coverage has gradually been extended so that it now includes 26 different crops. Yet fewer than half the counties in the country are able to take part in the program, and not all crops are insured in all locations.

High production costs, mounting difficulties in securing credit at reasonable interest rates, and the termination of other major farm programs all greatly magnify the need for expanded all-risk crop insurance.

However, coverage cannot presently be extended to include all crops in all counties because there is a statutory limitation on administrative costs. In 1938, when the Federal Crop Insurance Corporation was first established, a limit of $12 million for administrative expenses to be paid out of appropriations was adequate. Now, three decades later, it is unreasonable to leave the ceiling unchanged.

The program was intended to be, and has been, essentially self-supporting, that is, indemnities have normally been fully covered by premiums. The problem is that administrative costs are now coming out of the premiums paid, depleting the capital stock of the Corporation and preventing an expansion of coverage. During fiscal 1973 it is estimated that $3.5 million in administrative expenses were charged to premium income, compared with $2.8 million the year before. For fiscal 1974 it is estimated that more than $3.6 million in administrative costs will be charged against premiums. It is no small wonder that the program has not been able to expand to meet the current needs of farmers.

The bill we are introducing today will strike the outdated $12 million limit on administrative costs. In addition, the Corporation will be directed to expand coverage on an economically sound basis to all counties and to all agricultural commodities.

It has been proposed by some that appropriations for administrative expenses be abolished rather than raised. They would have all the administrative expenses paid out of premiums. This year, such action could result in an increase in premium costs of 29 percent, making it financially difficult, if not impossible, for many farmers to participate in the program.

Particularly at this time, farmers are facing more hazards than the traditional problems of weather, insects, and disease. One of the biggest risks farmers face is in the money market where it is terrible difficult to obtain cash for operating expenses at a rate of interest comparable to other commercial enterprises. Loans for farm operating costs are traditionally made at higher rates than loans for other businesses. One of the major roles of Federal Crop Insurance today is to provide a guaranteed value upon which short term operating loans can be made at a reduced risk.

Many farm related programs have been drastically reduced or abandoned by the administration in recent months, and it has been proposed that acreage adjustment and price support machinery be eliminated over the next few years. As it is, the need for all-risk crop insurance is rapidly growing. But if our farm programs were eliminated—a step I strongly oppose—the need for crop insurance would be many times greater.

It is therefore apparent that a sound, economic program of crop protection through the Federal Crop Insurance Corporation is more needed today than it was 35 years ago. I am hopeful that the Congress will approve essential legislation to extend protection against crop failures which seriously threaten the economic stability of producing areas.

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

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

S. 1611

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 508(a) of the Federal Crop Insurance Act, as amended (7 U.S.C. 1508(a)) is amended by striking out the third and fourth sentences and inserting in lieu thereof the following: "Subject to the other provisions of this section, beginning with crops planted for harvest in 1974, crop insurance shall be extended on an economically sound basis to all counties and to all agricultural commodities."

(b) The sixth and ninth sentences of section 508(a) of such Act are repealed.

SEC. 2. The first sentence of section 516 (a) of the Federal Crop Insurance Act, as amended (7 U.S.C. 1516(a)), is amended by striking out "not in excess of $12,000,000".

By Mr. METCALF:

S. 1612. A bill to provide for the regulation of surface mining operators in the United States, to authorize the Secretary of the Interior to make grants to

States to encourage State regulation of surface mining, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

A BILL TO PROVIDE FOR THE REGULATION OF SURFACE MINING

Mr. METCALF. Mr. President, I introduce for appropriate reference a bill "To provide for the regulation of surface mining operators in the United States, to authorize the Secretary of the Interior to make grants to States to encourage State regulation of surface mining, and for other purposes."

Enactment of legislation to regulate surface mining is one of the highest priorities of this Congress. The Committee on Interior and Insular Affairs in March held 4 days of hearings on several pending bills. The bill I am introducing today is designed to resolve a number of issues raised at these hearings.

The bill is designed to encourage the States to continue to regulate surface mining, rather than to turn regulation over to the Federal Government. The States are better able to deal with the diversity of climate, terrain, social, and economic conditions in our Nation.

At the same time, the bill would authorize stringent Federal regulations of surface mining of federally owned mineral resources. Almost all these resources, particularly coal, are located in the arid Western States where there is considerable doubt that the lands can be adequately reclaimed. For this reason, my bill would require that strong Federal regulations be promulgated prior to any new surface mining or any significant expansion of an existing operation on Federal lands.

The bill sets out fairly detailed criteria for surface mining and reclamation. The burden of proof is put on the operator to demonstrate in his permit application that the proposed operation can and will be conducted in accordance with the requirements of the act.

The bill requires the States to review potential surface mining areas and to designate areas found unsuitable for surface mining prior to approval of State programs or eligibility for a Federal program for a State. The Federal Government would have to undertake the same review on Federal lands.

The Committee on Interior and Insular Affairs will begin to mark up surface mining legislation within the next few weeks. As chairman of the Subcommittee on Minerals, Materials and Fuels, I will urge the committee to adopt the concepts embodied in this bill.

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

S. 1613. A bill to modify the restrictions contained in section 170(e) of the Internal Revenue Code in the case of certain contributions of literary, musical, or artistic composition, or similar property. Referred to the Committee on Finance.

Mr. METCALF. Mr. President, on behalf of Senator MANSFIELD and myself I introduce for appropriate reference an amendment to the Tax Reform Act of 1969 which would remove a serious inequity to artists wishing to donate their works to bona fide museums and public collections.

Such donations were commonplace before the passage of the 1969 act. But misinterpretation of a section banning tax deductions to politicians donating their public papers to nonprofit institutions had the effect of drying up artistic donations as well.

We have many small, but excellent, museums in Montana which depend on the generosity of native artists for expanding their collections. Budgets are tight, and new acquisitions have almost dried up. I understand this is the problem nationwide, and several Members of Congress have introduced legislation on the subject.

My bill would have the effect of restoring to the artists the right to deduct for tax purposes 100 percent of the market value of their donations. Other bills vary the percentage. I would prefer the entire amount, but the important thing is that significant relief be given in this area.

Mr. President, I ask unanimous consent that the text of my proposed changes 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. 1613

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 170(e) of the Internal Revenue Code is amended by adding at the end thereof the following new paragraph:

"(3) (A) Notwithstanding the provisions of subdivision (1)(A) and (1)(B) of this section and the provisions of section 1221(3) as amended, any literary, musical, or artistic composition, or similar property, which was created by the personal efforts of the taxpayer shall not be reduced by the amount of appreciation of such property, and the whole amount of such a charitable contribution shall be taken into account under this section and shall be treated as if the property contributed had been sold at its fair market value.

"(B) This amendment shall also apply to contributions made during the taxable year in which this act is enacted."

By Mr. PERCY:

S. 1614. A bill to require the Secretary of Housing and Urban Development to furnish additional consumer protection services, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

HOME BUYERS AND HOMEOWNERS PROTECTION ACT OF 1973

Mr. PERCY. Mr. President, I am introducing today a bill which I call the Home Buyers and Homeowners Protection Act of 1973. The purpose of this legislation is simple: It is designed to place the interests and needs of the housing consumer as paramount in the operation of the Department of Housing and Urban Development.

This bill incorporates three pieces of legislation which I introduced late in the 92d Congress. I have made several changes in these bills and added some new provisions based on the findings and recommendations of the studies of Federal housing programs which have been published recently.

The Home Buyers and Homeowners Protection Act is based on three premises: First, all available evidence suggests that our present housing programs are conceptually strong and sound. Second, these programs, particularly the interest subsidy programs, have suffered from bad management and administration. Third, the way to improve these programs is to give the Secretary the necessary tools to run them for the benefit of the housing consumer.

The twin goals of the Department must be to assure the home buyer or renter that he is obtaining a quality product and to assist the homeowner or tenant in maintaining the product.

One way to achieve this goal is to establish an Office of Consumer Affairs within HUD to act as an advocate of consumer interests at the highest level of the Department.

It is my intention that this Office act as an ombudsman for the consumer as well as the focal point for developing and managing the Department's consumer programs. The Office, as well as its units in area and insuring offices, should also act as a mediator between builders and buyers in disputes over builder warranties.

My bill also authorizes the Secretary to establish neighborhood offices in areas of potentially high mortgage insurance activity to provide information and assistance to home buyers in locating and acquiring a property and to homeowners in maintaining the property. These offices will provide homeownership counseling services which HUD is directed to have in operation across the country within a year after the bill is enacted.

My bill rewrites section 518 of the National Housing Act to promote greater HUD and FHA involvement in protecting the legitimate interests of the housing consumer. The authority to compensate both subsidized and unsubsidized homeowners for defects need never be used if FHA sees to it that a quality product meeting all State and local code requirements is the only product ever to reach the consumer.

I provide for a 3-year instead of 1-year builder warranty on new housing. In addition, I authorize the Secretary to correct or to compensate the homeowner for correcting any substantial structural defects or nonconformities with building plans which show up in new or existing houses for up to 5 years after a mortgage on the property is insured by FHA.

My bill also provides a grace period of 6 months for owners of housing purchased more than 4½ years ago to apply for compensation under the terms of this legislation. The Secretary shall pay claims under section 518 if the owner requests assistance and if a proper inspection could have identified the defect or nonconformity when the mortgage was insured.

I want to make special note of another provision which has its origins in a controversy about which I have commented several times before. HUD initially approved—or seemed to approve—a program developed by Laurence August to protect home buyers from losing their homes due to tem-

porary involuntary unemployment, a program similar to one authorized in the Housing Act of 1968. Approval was later withdrawn on grounds I consider to be based on an unnecessarily strict interpretation of the law, an interpretation probably not intended by those who drafted the legislation.

My intention in adding a new section 244 to title II of the National Housing Act is to remove any roadblocks to future approval of private sector consumer protection plans similar to Mr. August's Economic Security plan which may now be found in this act and which work against the best interests of the consumer.

The legislation also includes the following provisions:

To direct the Secretary to issue regulations requiring the seller or his agent to disclose all information about a property and requiring agents to show all similar properties available in the area;

To require annual reinspections of FHA insured homes for 5 years after the issuance of the insurance;

To require the Secretary to recommend to the Congress a mechanism to provide for some repairs, including repair of latent defects undetected at the time of purchase, for low- and moderate-income homeowners.

Mr. President, to implement the provisions of my bill will require a certain amount of qualified manpower in HUD. But an investment in manpower will be returned several-fold in the form of reduction in defaults, foreclosures, abandoned homes, and, ultimately, property acquisitions by HUD. I consider this expenditure an investment not only in helping to arrest the cycle of urban decay but also in keeping faith with the low- and moderate-income families who have taken new hope from our housing programs.

The doctrine of caveat emptor—let the buyer beware—has prevailed for too long in the operation of the Department of Housing and Urban Development. It is time for HUD to put the consumer's interest first. I believe my bill will help accomplish this objective.

I ask unanimous consent to have the text of Home Buyers and Homeowners Protection Act and an analysis of the bill printed in the RECORD at this point, together with an article by Thomas J. Dolan of the Chicago Sun-Times which illustrates well the sort of consumer problems toward which this legislation is aimed.

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

ANALYSIS OF HOME BUYER AND HOMEOWNER PROTECTION ACT OF 1973

I. CONGRESSIONAL FINDINGS

HUD/FHA administers programs designed to promote homeownership among low- and moderate-income individuals and families.

The doctrine of *caveat emptor* has too often prevailed in the operations of HUD/FHA.

The hardships which many individuals and families have experienced in purchasing badly constructed, unsafe, or otherwise defective homes could have been prevented in numerous cases if the FHA had effectively carried out all its responsibilities.

Defaults, abandonments and foreclosures occurring in some Federal homeownership programs could be prevented by a greater involvement with and concern for the home purchaser in the administration of such programs by HUD.

II. PURPOSES

To make HUD/FHA concerned primarily with the housing consumer.

To accelerate HUD/FHA's movement toward an activist consumer orientation.

To supply the Secretary with the power and the authority he may now lack.

To act on behalf of the home buyer, the home owner, the tenant, and all other groups of housing consumers.

III. MAJOR PROVISIONS

A. Amend Section 518 of the National Housing Act.

To require a three-year builder warranty on new construction.

To extend the coverage of Section 518 to all FHA mortgage insurance programs.

To authorize the Secretary to correct defects, to pay claims, or to acquire title to properties if the owner requests assistance within five years after the insurance of the mortgage.

To provide the same benefits as above to the purchasers of existing houses if the defects should have been evident on inspection at the time of closing.

To allow purchasers not covered by Section 518 as rewritten six months to request assistance for housing defects.

B. Establish an Office of Consumer Assistance in HUD, with units in each FHA Area and Insuring Office.

To represent and advocate the interests of the housing consumer.

To develop and administer or coordinate all departmental programs designed to aid consumers.

To mediate disputes between builders and buyers.

C. Authorize neighborhood FHA housing assistance offices.

To provide information about Federal homeownership programs.

To collect and disseminate information about the real estate market in the community.

To assist home buyers in locating and acquiring suitable properties.

To provide pre- and post-purchase homeownership counseling to home buyers.

To assist the home owners in identifying home repair needs.

To process and act on complaints about the operation of Federal programs from housing consumers.

To provide legal counsel to home buyers at closing.

D. Require the Secretary to issue "fair-dealing" requirements applying to the sellers of real property.

To require the seller or his agent to disclose all information about the property and its history which is known to him.

To require a broker or his agent to show all similar properties available in the area.

E. Other major provisions.

To require a HUD-administered homeownership counseling program within one year after enactment.

To require annual reinspections of FHA-insured homes for five years after the issuance of the insurance.

To require the Secretary to recommend to the Congress a mechanism to provide for home repairs for low- and moderate-income home owners.

To remove any roadblocks in the law to the approval of privately-developed and administered consumer protection programs for the housing consumer.

[From the Chicago Sun-Times, Apr. 1, 1973]

HOW HUD-APPROVED HOME BECAME A NIGHTMARE

(By Thomas J. Dolan)

Mrs. Lula Mae Clay's contract for a new, federally insured home called for four bedrooms. She ended up with only three—but was charged for four.

There are other troubles. During heavy rains, storm water erupts through a basement toilet. And she says wrong colored brick was used on a front section of the house.

Her contract called for the house to be built at 360 W. 102d Pl. But that address turned out to be smack in the middle of an Illinois Central Gulf R.R. right-of-way. So, while her contract still shows the 360 address, the house actually was built at 354 W. 102d Pl.—a few feet east of the railroad tracks.

In short, Mrs. Clay's dream house has turned out to be a nightmare.

There may be as many as 100 families in the same fix, The Sun-Times has learned. They are in trouble because the federal houing rules permit a builder to construct homes with bedrooms in the basement, but Chicago city ordinances do not. And Mrs. Clay's "fourth bedroom" is in the basement.

"She can't sell that house as a four bedroom," a spokesman for the city buildings department said.

The telling of Mrs. Clay's troubles is timely because Friday and Saturday the Senate Housing subcommittee held hearings here.

Sen. Adlai E. Stevenson III (D-Ill.), a subcommittee member, said the hearings will help the Senate group determine whether shortcomings in federally backed housing programs result from defective legislation or faulty administration by the Department of Housing and Urban Development.

Whether or not her troubles come under official scrutiny, it appears clear that Mrs. Clay's faulty house represents a classic example of a well-intentioned government program that went awry.

Mrs. Clay's house was built under the Department of Housing and Urban Development's 235 Program. The program, now suspended because of massive problems, called for HUD to make subsidy payments on housing for low-income families. The program also required HUD to approve all plans and specifications for the housing it insures.

Mrs. Clay, 35, a divorcee with five children, said she signed a contract in 1971 that called for the contractor, Byron M. Marcus & Co., to erect a HUD-approved home with four bedrooms.

She said it wasn't until the house was built that she learned it had only three bedrooms, yet the $24,200 contract she had signed specifically called for four.

Mrs. Clay said she stopped making $134.50 monthly mortgage payments last July. Instead, she said, she has been putting the cash into a special bank account.

She said she phoned William Nyden, of HUD's area management office, last year to complain about the house.

Mrs. Clay said Nyden told her that if she defaulted on the mortgage, the federal government could sell the house only as a three-bedroom type for about $19,000 and that she would be sued for the balance owed.

Nyden couldn't be reached for comment.

However, a city buildings department spokesman said "anything two feet below ground level is not permitted to be a bedroom."

The spokesman said any such room—like Mrs. Clay's—cannot be advertised or sold as a bedroom under the rules of the City of Chicago.

Mrs. Clay is employed as a clerk in the records section of the Chicago Police Department. But she has been so distraught over her housing problems that she has missed some work lately.

Her catalog of complaints seems almost endless.

For example, she contends she was promised storm windows and doors but received none. "And there is no vent over the kitchen stove. . . . The back door is hard to open."

Marcus said a basement room of the split-level that is marked "den" on the blueprints

represents the fourth bedroom. He said many plans for his houses specify a den instead of a fourth bedroom.

Marcus said his company "built 100 of them" in Chicago. "She's got a four-bedroom house," he insisted. However, a spokesman for the buildings department noted "the plans submitted here call it a den; if he'd put "bedroom" on the plans he'd never have gotten a permit."

As for the bricks on the front of the house that Mrs. Clay complained about, Marcus said they were merely discolored because they had not been tuckpointed. He said the tuckpointing wasn't completed because Mrs. Clay still owes him $16 for a broken window.

Marcus also contended that the address of Mrs. Clay's home had been corrected in HUD's records even though it had not been changed in Mrs. Clay's contract.

He said of Mrs. Clay, "She has been a pain"

Edward Barry, head of the complaints section of HUD here, said he wasn't concerned about the den-bedroom matter

He said if the den meets all the requirements for a bedroom—such as proper ventilation, floor space and closet space—"then it's acceptable to us."

On the mixup in addresses, Barry said addresses on contracts have been incorrect in some cases because the builder frequently doesn't know how the city will number a new house until the builder receives a building permit.

He said the contract in such cases should carry a legal description of the property to make the contract authentic.

But a study of Mrs. Clay's contract showed no legal description.

S. 1614

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 "Home Buyer and Home Owner Protection Act of 1973".

SEC. 2. The Congress finds that—

(1) the Federal Housing Administration of the Department of Housing and Urban Development administers programs designed to promote homeownership among low- and middle-income individuals and families;

(2) the doctrine of caveat emptor has too often prevailed in the operations of the Department, particularly the Federal Housing Administration;

(3) the hardships which many individuals and families have experienced in purchasing badly constructed, unsafe, or otherwise defective homes could have been prevented in numerous cases if the Federal Housing Administration had effectively carried out its responsibility; and

(4) many of the defaults, abandonments, and foreclosures occurring in some Federal homeownership programs could be prevented by a greater involvement with and concern for the home purchaser in the administration of such programs by the Department of Housing and Urban Development.

SEC. 3. It is the purpose of this Act to accelerate the movement of the Department of Housing and Urban Development toward an activist consumer orientation, to encourage the Secretary of Housing and Urban Development to use fully the power and authority he now possesses to act on behalf of the home buyer, the homeowner, the tenant, and all other groups of housing consumers with which the Department deals, and to provide the Department of Housing and Urban Development with such additional personnel as may be necessary to accomplish these objectives.

SEC. 4. (a) Section 518 of the National Housing Act is amended to read as follows:

"REQUIREMENTS OF SELLER'S WARRANTY; EXPENDITURES TO CORRECT OR COMPENSATE FOR SUBSTANTIAL DEFECTS IN MORTGAGED HOMES

"SEC. 518. (a)(1) In any case where a mortgage covering property improved by a one- to four-family dwelling is insured under any provision of this Act and the mortgage is approved for such insurance prior to the beginning of construction, the seller or such other person as may be required by the Secretary shall deliver to the mortgagor a warranty that the dwelling (A) is constructed in substantial conformity with the plans and specifications (including any amendments thereof, or changes or variations therein, approved in writing by the Secretary) on which the Secretary based his valuation of the dwelling, and (B) has no structural or other defects which could seriously affect the use and livability of the dwelling. This warranty shall apply only with respect to those instances of substantial nonconformity or defects as to which the mortgagor has not given written notice to the warrantor within three years from the date of conveyance of title to, or initial occupancy of, the dwelling, whichever first occurs. The Secretary shall require the seller or other person required to deliver a warranty to furnish to the Secretary and to the mortgagor a copy of the final plans and specifications of the dwelling as completed, and each such copy shall be certified by the seller or other person.

"(2) The warranty required by paragraph (1) shall be in addition to, and not in derogation of, all other rights and privileges which the mortgagor may have under any other law or instrument. The Secretary is directed to permit copies of the plans and specifications (including any amendments or variations approved in writing by the Secretary) for dwellings covered by warranties under this subsection to be made available in the appropriate local offices for inspection or for copying by any mortgagor or warrantor during such periods of time as the Secretary deems reasonable.

"(b) If the owner of any property which is improved by a one- to four-family dwelling covered by a mortgage insured under any provision of this Act requests assistance from the Secretary within five years after the insurance of the mortgage, the Secretary is authorized—

"(1) to correct structural defects in any such property or any other defects in such property which seriously affect the use and livability of the dwelling;

"(2) to pay the claims of such owners arising from any such defect or from any substantial nonconformity with any plans and specifications (including any amendments thereof, or changes or variations therein, approved in writing by the Secretary) on which the Secretary based his valuation of the dwelling; or

"(3) to acquire title to property in which any such defect or nonconformity exists.

"(c) The Secretary shall, with all reasonable promptness, make expenditures, for any of the purposes specified in subsection (b), with respect to structural or other defects which seriously affect the use and livability of any single-family dwelling which is covered by a mortgage insured under any section of this Act and is more than one year old on the date of the issuance of the insurance commitment, or with respect to any substantial nonconformity with the plans and specifications on which the Secretary based his valuation of any such dwelling, if (A) the owner requests assistance from the Secretary not later than five years after the insurance of the mortgage, and (B) the defect or nonconformity is one that existed on the date of the issuance of the insurance commitment and is one that a proper inspection could reasonably be expected to disclose. The Secretary may require from the seller of any dwelling an agreement to reimburse him for any payments made pursuant to this subsection with respect to such dwelling.

"(d) The Secretary shall by regulation prescribe the terms and conditions upon which expenditures and payments may be made under the provisions of this section. The determinations of the Secretary regarding such expenditures or payments, and the terms and conditions under which the expenditures and payments are approved or disapproved, shall be final and conclusive and shall not be subject to judicial review.

"(e) The Secretary shall prescribe regulations providing for the annual reinspection of any dwelling during any period when the dwelling is subject to a warranty under subsection (a) or the owner of the dwelling is eligible for assistance in accordance with subsection (b)."

(b) In the case of a mortgage which is insured under any provision of the National Housing Act more than four and one-half years prior to the date of enactment of this Act, the Secretary may furnish assistance under section 518 of the National Housing Act, as amended by subsection (a), if the owner of property eligible for assistance under such section 518 requests such assistance within six months after the date of enactment of this Act.

SEC. 5. (a) Title V of the National Housing Act is amended by adding at the end thereof the following new sections:

"COUNSELING AND RELATED SERVICES FOR HOME BUYERS

"SEC. 525. (a) The Secretary is authorized to provide, in connection with the operation of the Federal Housing Administration, neighborhood counseling services in areas in which he determines that there is a special interest in and need for Federally-assisted homeownership programs. Such services shall be provided at readily accessible locations and shall include—

"(1) the provision of information to prospective home buyers concerning Federally assisted homeownership programs;

"(2) the collection of information concerning properties which are available for homeownership in the neighborhood, together with the names of persons handling or otherwise involved in the sale of such properties, and the furnishing of such information to prospective home buyers;

"(3) the provision of assistance to home buyers in locating and acquiring suitable properties and in dealing with the various parties having an interest in such properties;

"(4) the provision of pre- and post-purchase homeownership counseling to home buyers;

"(5) the handling of consumer complaints concerning the conduct of the parties in a Federally-related real estate transaction, structural or other defects in a dwelling subject to a mortgage which is insured under this Act or under any other Federal program designed to furnish assistance or services to the homeowner;

"(6) the provision of such other similar or related services or facilities as the Secretary determines to be necessary or desirable; and

"(7) the provision of legal assistance to home buyers at the time of closing.

"(b) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

"OBSERVANCE OF CERTAIN STANDARDS OF CONDUCT IN THE SALE OF FEDERALLY ASSISTED HOUSING

"SEC. 526. The Secretary shall by regulation prescribe 'fair-dealing requirements'

which must be observed by any person selling real property, if (1) the property is to be occupied by the purchaser or his family as a residence, and (2) the sale is to be financed with assistance under this Act. Such requirements shall include, but are not limited to, the following:

"(A) The seller shall apprise the buyer of any information known to him with respect to the condition or previous sales history of the property which could reasonably affect the buyer's decision to purchase.

"(B) Any person acting as a real estate agent or broker in connection with the sale of the property shall, upon request, identify and show to a prospective purchaser any other similar properties which are known to him to be available in the area.

Any person who violates any fair-dealing requirement may, in accordance with regulations prescribed by the Secretary, be prohibited from participation in any program administered by the Secretary for a period of not to exceed five years. The Secretary shall give written notice of his intention to impose such a prohibition to such person, and such person may request a hearing within 20 days after receipt of such notice. If a hearing is requested, the Secretary shall hold the hearing not later than 20 days after receipt of the request. Any determination of the Secretary under this section shall be subject to review in accordance with section 1411 of the Housing and Urban Development Act of 1968."

(b) The first sentence of section 512 of such Act is amended by inserting after "or of any regulation issued by the Secretary under" the following: "section 526 or any other section of".

SEC. 6. Section 101(e) of the Housing and Urban Development Act of 1968 is amended by adding at the end thereof the following new sentence: "The Secretary shall establish the program authorized under this subsection not later than one year after the enactment of the Home Buyer and Home Owner Protection Act of 1973.".

SEC. 7. There is hereby established in the Department of Housing and Urban Development an Office of Consumer Affairs (hereinafter referred to as the "Office") which shall represent and be an advocate in behalf of the interests of housing consumers in proceedings within the Department. The Office shall represent interest of the Secretary of Housing and Urban Development in disputes under warranties under section 518 (a) of the National Housing Act, and is hereby authorized to act as a mediator in any such dispute. It shall also be the function of the Office to develop and operate or coordinate programs of the Department relating to homeowner, home purchasers, tenants, home inspection and repair, consumer complaints, and neighborhood counseling and complaint centers. Each area and insuring office of the Department shall have a representative of the Office.

SEC. 8. (a) Title II of the National Housing Act is amended by adding at the end thereof the following new section:

"Sec. 244. Nothing in this title may be construed to prevent the Secretary from approving any privately developed or promoted plan or program for the protection of homeowners including maintenance and repair, counseling, and protection against involuntary unemployment."

(b) Not later than one year following the date of enactment of this Act, the Secretary of Housing and Urban Development shall transmit to the Congress a report on the need for and the feasibility of (1) a program to provide, by insurance or otherwise, home repair assistance for low- and moderate-income homeowners; and (2) a program whereby mortgagors under mortgages insured by the Secretary pay a monthly fee or premium (or part of currently charged premiums for insurance) into an escrow account to be utilized for repairs resulting from latent defects.

By Mr. MATHIAS (for himself and Mr. BEALL):

S. 1617. A bill to reimburse the city of Frederick, Md., for money paid saving harmless valuable military and hospital supplies owned by the U.S. Government. Referred to the Committee on the Judiciary.

PAYMENT OF AN HONORABLE DEBT

Mr. MATHIAS. Mr. President, I rise to introduce legislation to provide for the payment of a long-standing debt of the American people—a debt owed because of the heroism and sacrifice of the citizens of Frederick, Md.

Mr. President, most of us are aware of the Civil War's Battle of the Monocacy outside the city of Frederick, Md., where Federal troops spoiled Confederate attempts to overrun Washington D.C. Few of us, however, know of the valiant efforts of the city and citizens of Frederick. Frederick functioned as one of the key command headquarters for Union forces during the Civil War. It was a strategic point for supply and reinforcements for the east coast. In the city was located a sizable government supply depot and hospital. Federal troops were stationed in the city for deployment along the Maryland shores of the Potomac. Here troops were used as a defense against invasion by Confederate troops across the Potomac and from attack upon Washington.

July 9, 1864, the day of the Battle of the Monocacy, was an eventful day for Frederick. On the morning of that day, the city officials received a message from Lt. Gen. Jubal Early, commanding general of the Confederate armed forces, who was on his way to the Monocacy and the expectant battle. The message demanded of Frederick and its citizens $200,000 or in the alternative, medical commissary, ordnance and quarter master supplies valued at $50,000 each and equal in value to $200,000. The general surrounded the city with his approximately 20,000 troops and there were rumored threats that all property in the city would be destroyed unless the demand was met.

If the city officials gave the Confederates the Government supplies, it would strengthen their forces for the ensuing battle and thus contribute to a possible Confederate victory. These were the considerations—all of them weighed and balanced under the imminent threat of total destruction to their city. The best to be expected was accomplished; the city officials delayed payment and collected $200,000 from local banks under the promise that the citizens of Frederick would be taxed over the years to reimburse the banks. The debt was finally liquidated in 1951 through a series of bond issues. The stubborn resistance of the city of Frederick cost the Confederate armed forces a day in the march upon Washington, thus giving the Union Army additional time to successfully defend the Capital City. In addition, their efforts prevented the destruction of Government property.

Mr. President, today, along with my colleague, Senator BEALL, I introduce legislation which would finally, after all these years, repay the citizens of Frederick for their expenditure of $200,000 which during economically harsh days was a particular sacrifice. The bill authorizes and directs the Treasury to pay the city of Frederick the sum of $200,000 with interest at the rate of 4 percent per year from July 9, 1864, until the date of payment of such sum or within 30 days after the date of enactment of this act, whichever occurs first.

As a proud son of Frederick, I am particularly honored to introduce this legislation. This is not a ransom bill, but a bill to reimburse the city of Frederick for its out-of-pocket loss. The citizens of Frederick for 87 years have been paying the insurance premiums on the benefits incurred by the Federal Government. It is time to repay this debt. Not one cent for ransom, but what is due in payment for value received by the Union.

Mr. President, the city of Frederick has been patient. They have waited over 100 years. It is important to show those who are disenfranchised that the Government can be responsive to valid claims when taken through established channels.

By Mr. STEVENS:

S. 1620. A bill to amend the Anadromous Fish Conservation Act in order to increase the Federal share of costs and the authorization under such act. Referred to the Committee on Commerce.

Mr. STEVENS. Mr. President, today I am introducing a bill to amend the Anadromous Fish Conservation Act (16 U.S.C. 757a et seq.)

This legislation will first permit the Federal Government to pay up to 75 percent of the cost of projects administered by single States. Presently, the Federal Government is limited to providing 50 percent of the costs.

Second, the amendment will permit the Federal Government to pay up to 80 percent of the cost, of programs administered jointly by several States. Presently, the Federal Government is limited to a 60-percent share.

Third, the bill increases the annual authorization to $20 million for fiscal year 1974.

This legislation was suggested by the Pacific Marine Fisheries Commission, an interstate compact of five Western States—Alaska, California, Idaho, Oregon, and Washington. Resolution No. 6, adopted at their November 16, 1972, annual meeting, urged this amendment because of growing pressures upon anadromous fisheries from continuing human encroachment on the environment. The member States have continuing difficulties in raising the 50-percent matching funds presently required under Public Law 91–249.

I request unanimous consent that the bill itself be printed in its entirety in the CONGRESSIONAL RECORD at this point, along with Resolution No. 6.

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

S. 1620

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, The Anadromous Fish Conservation Act (16 U.S.C. 757a et. seq.) is amended—

(1) in subsection (a) of the first section by striking out "shall not exceed 50 per centum" and inserting in lieu thereof "shall not exceed 75 per centum";

(2) in subsection (c) of the first section by striking out "60 per centum" and inserting in lieu thereof "80 per centum"; and

(3) in subsection (a) of section 4 by striking out "$10,000,000 for the fiscal year ending June 30, 1974" and inserting in lieu thereof "$20,000,000 for the fiscal year ending June 30, 1974".

PACIFIC MARINE FISHERIES COMMISSION RESOLUTION NO. 6

AMENDMENT OF ANADROMOUS FISH CONSERVATION ACT

Whereas, the Anadromous Fish Conservation Act (P.L. 89-304 as amended by P.L. 91-249) provides that federal costs for projects administered by a single State shall not exceed 50%; and

Whereas, man's encroachment into the environment continues to negatively affect anadromous resources; and

Whereas, there are insufficient state funds to accomplish all the programs necessary to properly maintain and enhance the anadromous fisheries; and

Whereas, several States have difficulty in providing enough matching funds to meet half the cost of some of the many needed projects; and

Whereas, by paying 75% of the costs of the Federal Government could enable the States to match funds for many additional, severely needed projects;

Now be it therefore resolved, that the Pacific Marine Fisheries Commission request Congress to amend the Act to provide that the federal share for such projects be increased to 75%; and

Be it further resolved, that in order to more fully meet the needs of the resource, the Pacific Marine Fisheries Commission further request Congress to increase the annual expenditure authorization for the Act to $20,000,000 and to increase the appropriation up to the amount authorized; and

Be it further resolved, that copies of this resolution be sent to the Congressional Delegation of member States of the Pacific Marine Fisheries Commission and to members of appropriate Congressional Committees.

Adopted unanimously by the five Compact States of Alaska, California, Idaho, Oregon and Washington at the Annual Meeting November 16, 1972, Portland, Oregon.

By Mr. STEVENS:

S. 1621. A bill to amend title XVI of the Social Security Act—relating to supplemental income for the aged, blind, and disabled—to provide for the disregarding of certain payments, made by a State to elderly residents thereof without regard to the need of the recipient thereof, in determining eligibility for or amount of the supplementary income payable to individuals in such State under such title. Referred to the Committee on Finance.

Mr. STEVENS. Mr. President, last year the Legislature of the State of Alaska enacted legislation designed to benefit the senior citizens of our State. This legislation, which is unique in the country, authorized a longevity bonus to residents of Alaska who are 65 years of age and have lived in the State for at least 25 years. This payment of $100 per month is given to all residents who meet those two criterion without regard to need.

Because of the harsh climate and high cost of living, many Alaskans found their retirement income insufficient to meet their needs in Alaska and were forced to move to the lower 48. The State recognized that we need the experience and guidance of these citizens to develop our State to its fullest potential.

With the federalization of the assistance programs to the aged, blind, and disabled, Alaska now finds itself in a position where the longevity bonus payments will result in an equal decrease of assistance payments.

The bill I am introducing today would make it possible for the senior citizens of Alaska and of any other State where a program such as the longevity bonus is in effect to realize the benefits of such program without losing or reducing their entitlements to public assistance programs.

By Mr. STEVENS (for himself and Mr. GRAVEL, Mr. JACKSON, and Mr. MAGNUSON):

S. 1622. A bill to authorize the Secretary of the Interior to establish the Klondike Gold Rush National Historical Park in the States of Alaska and Washington, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. STEVENS. Mr. President, on behalf of myself, my colleague from Alaska (Mr. GRAVEL), and the distinguished Senators from Washington (Mr. MAGNUSON, and Mr. JACKSON), I am introducing today legislation to create a Klondike Gold Rush National Historical Park. This is a unique concept. Portions of the park will be in Alaska and other portions will be in the State of Washington. It is eventually hoped that portions of the park will become international and will cross into Canada from Alaska.

This bill is a joint effort by the Alaska and Washington delegations in the Senate and the House. It will mean a great deal to both States and will also affect British Columbia and the Yukon Territory in Canada. Hopefully, it will provide a much needed influx of tourists into the Pacific Northwest. It will provide an on-the-spot education to people from all over the world who are interested in the Klondike gold rush of 1893.

I request unanimous consent that a summary of the legislation be printed in the CONGRESSIONAL RECORD at this point and followed by the bill itself.

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

SUMMARY OF PROPOSED KLONDIKE GOLD RUSH NATIONAL HISTORICAL PARK

The proposed Klondike Gold Rush National Historical Park will consist of a Seattle Unit, located in the Pioneer Square Historic District in Seattle, Washington; a Skagway Unit, located in Skagway, Alaska; a White Pass Trail Unit, located near Skagway on the upper reaches of the Skagway River; and a Chilkoot Trail Unit, located near Skagway in the Taiya River Valley. The total area of the four units combined is less than 12,000 acres.

SEATTLE UNIT

The Seattle Unit will consist of a site located in the Pioneer Square Historic District. The square is entered on the National Register of Historic Places and is specially zoned as a historic district under a municipal ordinance. The site will be selected by the Secretary of the Interior after the proposed park is authorized by Congress. The site will be in leased space within one of the historical buildings in the district. It will have approximately 3,000 square feet and contain an exhibit room, a small theater, and administrative quarters. The exhibits will consist of photographic murals and other photographic displays, artifacts, models, and other materials illustrating the effect of the gold rush on Seattle and the outside and illustrating the story of transportation to and from the North. The theater will be used for films and slide shows about the gold rush and about the historical park. It will also be used from time to time for live performances of the historic period.

The Park Service plans to enter into a lease agreement for five years, renewable for another five. Under the lease, the lessor will rehabilitate the leased space for occupancy and recover his costs over the period of the lease. In this way, no substantial Federal investment is required to initiate the project. Costs will be handled out of annual operating programs.

SKAGWAY UNIT

The Skagway Unit is located in Skagway, Alaska, and includes 55 wooden, one- and two-story houses and residences, some partially vacated, which are the remaining evidence of the goldrush town of Skagway. The unit is located along Broadway and its side streets between First and Seventh Avenues, largely coinciding with the Skagway Historical District (city ordinance adopted in October 1972). The unit is the focal point of the Skagway business district, is a major tourist attraction, and is listed in the National Register of Historic Places.

The purpose of the Skagway Unit is to preserve and, where necessary, restore historic structures and to provide interpretation and interpretive displays therein so as to provide a comprehensive living history program. To achieve this purpose, up to 22 structures would be acquired for renovation and adaptive restoration. Insofar as private capital is utilized for the same purpose, the Federal program would be reduced proportionately. Most of the refurbished structures will be sold or leased back for private businesses, which will serve resident and visitor uses. For interpretive programs, up to eight of the structures would be retained by the government. However, if cooperative agreements can be reached with private parties to achieve the same purpose, several of these structures would also be sold or leased back. At least one structure, and perhaps two, would have to be retained to provide a visitor center, museum, and theater.

Restoration work undertaken at Skagway will be accomplished by Park Service employees. It is not feasible to contract for this work. It will be done over a period of years and will not require large appropriations in any single year for acquisition and development. The construction of modest maintenance and shop facilities will probably be by contract.

CHILKOOT TRAIL UNIT

The Chilkoot Trail Unit consists of a corridor of park land approximately one mile in width and 16 miles in length paralleling the entire length of the Chilkoot Trail within the United States. It lies principally in a north-south direction, with the south boundary including the historic townsite of Dyea about three miles (eight, by road) northwest of Skagway. The park unit includes the "slide" cemetery, the Chilkoot Trail, and all related historic sites and artifacts found along the trail. The north boundary of the

corridor is Chilkoot Pass on the international boundary.

The National Park Service intends to restore the Chilkoot Trail to its most representative location, protect structural ruins along the trail, record and protect all artifacts in the corridor, and provide modest camping facilities for the public hiking the trail. Interpretation of this portion of the gold rush story will primarily be through graphics. A trail and two log shelters already exist in the corridor.

Almost all of the work to be undertaken in the Chilkoot Trail Unit will be accomplished by Park Service employees. Full development of modest camping and attendant facilities in the Dyea vicinity in the future will be by contract. The costs in any single year should be relatively small.

WHITE PASS TRAIL UNIT

The White Pass Trail Unit consists of a corridor of park land approximately one mile in width and five miles in length paralleling important remnants of the White Pass Trail. The unit lies in a north-south direction, the south boundary beginning eight miles northeast of Skagway. It includes remnants of the White Pass Trail and the ruins of White Pass City. The north boundary of the unit is White Pass on the international boundary. The National Park Service intends to restore a portion of the White Pass Trail, stabilize ruins, record and protect all artifacts within the park, and provide modest camping facilities for the public as needed. Interpretation of the White Pass Trail will be accomplished through means of signs along the trail, overlooks beside the Skagway-Carcross Highway, and interpretive talks on the White Pass and Yukon Route. The White Pass is listed in the National Register of Historic Places.

All of the work to be undertaken in the White Pass Trail Unit during the first five to ten years will be by Park Service employees. The annual costs should be modest. At some time in the future, an overnight facility in the vicinity of the White Pass could be developed if demand warrants. Such a facility would require contracting.

INTERNATIONAL HISTORIC PARK

In British Columbia and the Yukon, the National and Historic Parks Branch of Canada is planning park units based on the Klondike Gold Rush similar to the proposed American park. Preliminary arrangements have been made for the two proposed parks to be designated as the Klondike Gold Rush International Historic Park. Because the respective Chilkoot Trail Units join together and hikers will travel through both countries, preliminary arrangements have been made for integrated management of the Chilkoot Trail. Preliminary arrangements have also been made for developing an integrated interpretive program so that interpretation at the units in each country will complement that in the other.

Canadian preservation and restoration work is already underway. Substantial funds have already been invested in restoration of historic buildings in Dawson and additional work is underway and programmed at Dawson, on the Klondike, and on the Chilkoot Trail.

INTERGOVERNMENTAL COOPERATION

The National Park Service and the National and Historic Parks Branch have developed the park plans in cooperation with the State, Provincial, Territorial, and municipal governments involved. An international working committee composed of officials from the United States, Canada, Alaska, British Columbia, and the Yukon Territory oversees the planning and develops arrangements for international and intergovernmental cooperation. Additionally, the National Park Service has made preliminary arrangements for cooperative management agreements with Skagway, the State of Alaska, and the Forest Service in relation to the park units in and near Skagway.

S. 1622

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in order to preserve in public ownership for the benefit and inspiration of the people of the United States, historic structures and trails associated with the Klondike Gold Rush of 1898, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to establish the Klondike Gold Rush National Historic Park (hereinafter referred to as the "park"), consisting of a Seattle Unit, a Skagway Unit, a Chilkoot Trail Unit, and a White Pass Trail Unit. The boundaries of the Skagway Unit, the Chilkoot Trail Unit, and the White Pass Trail Unit shall be as generally depicted on a drawing consisting of two sheets entitled "Boundary Map Klondike Gold Rush National Historical Park," numbered NHP–KGR–20, 002B, dated October 1971, and NHP–KGR . . . (to be supplied, dated . . . 1972), which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. Within the Pioneer Square Historic District in Seattle as depicted on a drawing entitled "Pioneer Square Historic District," numbered NHP–KGR– (to be supplied), the Secretary will select a suitable site for the Seattle Unit and publish a description of the site in the Federal Register. So long as the Federal Government has not acquired the fee, the Secretary may relocate the site of the Seattle Unit, provided that it shall be within the Pioneer Square Historic District. The Secretary may revise the boundaries of the park from time to time, by publication of a revised map or other boundary description in the Federal Register, but the total area of the park may not exceed 12,000 acres. Upon final location of the Skagway-Carcross highway, the Secretary shall revise the boundary of the White Pass Trail Unit so that the unit's boundary in the vicinity of the highway will be the easterly right-of-way line of the highway.

(b) (1) The Secretary may acquire lands, waters, and interests therein within the park by donation, purchase, lease, exchange, or transfer from another Federal agency. Lands or interests in lands owned by the State of Alaska or any political subdivision thereof may be acquired only by donation. Lands under the jurisdiction of any Federal agency may, with the concurrence of the head thereof, be transferred without consideration to the Secretary for the purposes of the park.

(2) The Secretary is authorized to acquire, by any of the above methods, not to exceed fifteen acres of land or interests therein located in, or in the vicinity of, the City of Skagway, Alaska, for an administrative site; and to acquire by any of the above methods, up to ten historic structures or interests in such structures located in the City of Skagway but outside the Skagway Unit for relocation within such Unit as the Secretary deems essential for adequate preservation and interpretation of the National Historical Park. Lands or interests in lands owned by the State of Alaska or any political subdivision thereof may be acquired only by donation. Lands under the jurisdiction of any Federal agency may, with the concurrence of the head thereof, be transferred without consideration to the Secretary for the purposes of the park.

SEC. 2. (a) The Secretary shall establish the park by publication of a notice to that effect in the Federal Register at such time as he deems sufficient lands, waters, and interests therein have been acquired for administration in accordance with the purposes of this Act. Pending such establishment and thereafter, the Secretary shall administer lands, waters, and interests therein acquired for the park in accordance with the provisions of the Act approved August 25, 1916 (39 Stat. 535), as amended and supplemented, and the Act approved August 21, 1935 (49 Stat. 666), as amended.

(b) The Secretary is authorized to cooperate and enter into agreements with other Federal agencies, State and local public bodies, and private interests, relating to planning, development, use, acquisition, or disposal (including as provided in section 5 of the Act of July 15, 1968 (82 Stat. 356) (16 U.S.C. 460 l–22)) of lands, structures and waters in or adjacent to the park or otherwise affecting the administration, use, and enjoyment thereof, in order to contribute to the development and management of such lands in a manner compatible with the purposes of the park. Such agreements, acquisitions, dispositions, development or use and land-use plans shall provide for the preservation of historical sites and scenic areas, recreation and visitor enjoyment to the fullest extent that is compatible with the development of the Yukon-Taiya Power Project and facilities necessary to retain the area as a major port.

(c) Notwithstanding any other provision of this Act, the Congress may authorize the construction of the Yukon-Taiya Power Project and the use of such lands and waters within the park as may be required for construction and operation of the project, including the transmission of power.

SEC. 3. (a) The Secretary, in cooperation with the Secretary of State, is authorized to consult and cooperate with appropriate officials of the Government of Canada and Provincial or Territorial officials regarding planning and development of the park, and an international historical park. At such time as the Secretary shall advise the President of the United States that planning, development, and protection of the adjacent or related historic and scenic resources in Canada have been accomplished by the Government of Canada in a manner consistent with the purposes for which the park was established, and upon enactment of a provision similar to this section by the proper authority of the Canadian Government, the President is authorized to issue a proclamation designating and including the park as part of an international historical park to be known as Klondike Gold Rush International Historic Park.

(b) For purposes of administration, promotion, development, and support by appropriations, that part of the Klondike Gold Rush International Historic Park within the territory of the United States shall continue to be designated as the Klondike Gold Rush National Historical Park.

SEC. 4. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

By Mr. THURMOND:

S. 1624. A bill to amend title XIX of the Social Security Act to clarify the standards which apply in determining the basis on which Federal matching will be accorded toward State expenditures for skilled and intermediate care facility services provided under State plans approved under such title. Referred to the Committee on Finance.

Mr. THURMOND. Mr. President, today I offer a bill to clarify legislative intent with respect to what might be regarded as an inconsistency between sections 225 and 249 of H.R. 1, Public Law 92–603. This bill is a technical amendment designed to avoid any possible misinterpretation.

When the Senate Finance Committee considered H.R. 1 last year, it deleted section 225 in the House version of H.R. 1 because it appeared inconsistent with

an upgrading of care in facilities which may result in additional costs for the facility and because they believed it unadministrable. This section provided that the average per diem costs for skilled nursing homes and intermediate care facilities, which can be counted for Federal financial participation, would be limited to 105 percent of such costs for the same quarter of the preceding year.

In explaining its objections to this section the committee stated:

> The provision would be difficult to administer and inequitable in that it does not take into account many uncontrollable expenses and places an arbitrary limit, unrelated to services rendered, on payments to a facility.

The accuracy of this observation is evidenced by the fact that the Department of Health, Education, and Welfare has not, as yet, been able to formulate the necessary regulations for the administration of this provision.

Mr. President, this requirement may have been arguable before wage-price controls were imposed, but today it is unreasonable. As phase III was initiated, cost controls were eliminated on the suppliers of goods and services to the Health Care Industry, yet they were retained on payments in this industry. In South Carolina the State department of public welfare has a detailed cost analysis system for nursing homes. These analyses indicate a cost increase in excess of 10 percent for the period October 1, 1970—September 30, 1971, and in excess of 6 percent for the period October 1, 1971—September 30, 1972. With this rate of inflation, it is unreasonable to expect cost to remain at a level which is actually less than that allowed under phase III guidelines. It is certain that an inflexible administration of the existing section 225 will cause patient care in South Carolina and other States to seriously deteriorate.

The flexibility needed in this field is provided in section 249. This section requires that each State pay for skilled nursing and intermediate care on a reasonable cost-related basis by 1976. Although the present law makes the State plan mandatory by 1976, my amendment would allow States, which meet the requirements of section 249 on or before 1976, to operate on a cost-related reimbursement basis without regard to the arbitrary 105-percent ceiling. In point of fact, the 105-percent ceiling would apply only where a State does not have an acceptable cost-related program.

By connecting section 225 to 249, my bill would have the effect of relieving States which develop approved cost-related programs of reimbursement from artificial and unworkable restriction. It would also create incentives for States which are not on a cost-related system to move more rapidly toward such a system prior to 1976.

By Mr. GURNEY:

S.J. Res. 94. Joint resolution to redesignate the area in the State of Florida known as Cape Kennedy as Cape Canaveral. Referred to the Committee on Interior and Insular Affairs.

Mr. GURNEY. Mr. President, today I am reintroducing a joint resolution which would rightfully restore the historic name to Florida's oldest landmark—Cape Canaveral.

I would like to take this opportunity to recall the historical significance of this area and perhaps show why this name has become so dear to all Floridians—among them the late Senator Spessard Holland, who joined with me on July 10, 1969, in first introducing this measure.

Florida was first discovered by Ponce de Leon in the spring of 1513. During that epic voyage, Ponce camped upon a spit of land jutting markedly out into the Atlantic from the Florida peninsula. He appears to have named it Punta de Arracifes, but a later explorer, probably Lucas Vasques de Ayllon, renamed it Cape Canaveral sometime before 1536. The name Cape Canaveral appears on a map dated 1536 and on most every map thereafter. The Cape, for good reason, had become a significant navigational landmark. The importance of Cape Canaveral to early Spanish sailors and merchants was considerable. As early as 1526 the Spanish organized a convoy system for shipping the products of the new world back to Spain. These convoys would leave Havana and proceed north along the east coast of the Florida peninsula. They would turn east for Spain only when they knew they had cleared the dangerous Bahama shoals. The point which became the marker for making that eastward turn was Cape Canaveral and so it remained throughout the entire colonial period. Even after the Americans took over, it remained a navigational guidepost; in 1847, a lighthouse was built there.

Until the coming of the space age, Cape Canaveral was never much inhabited. The French established a port there in 1564 or 1565 only to be driven out by the famous Spanish Adelantado Pedro Mendenez de Aviles. The Spanish subsequently built a fort in the general area, but never developed it. Neither did the British or the Americans, except for an occasional settler, until 1949 when the joint long range proving ground was opened on the cape. A year later, the first missile was launched and by 1956 the area became a major launch facility as the Vanguard, Atlas, and Jupiter missile programs were moved in, in preparation for launching our first orbiting satellite. By the time that came—in January 1958—the name Cape Canaveral had become a household word to many Americans.

On May 25, 1961, President John F. Kennedy appeared before Congress to ask the Nation to make landing on the Moon a goal to be reached by the end of the decade. But unlike most Americans, the President realized, as did many Floridians, that the limited acreage and facilities available on the cape were inadequate for the purposes of a lunar landing mission.

So, after detailed consideration of other areas, NASA announced in August of 1961, its decision to launch lunar flights from expanded facilities north and west of the cape and, concurrently, announced its intention to purchase some 80,000 acres of land for that purpose. These actions set in motion the chain of events which culminated in the move of NASA facilities from Cape Canaveral to Meritt Island—a move that was substantially completed by mid-1967. Two years later, two courageous astronauts were launched from the Merritt Island facility and on July 20, 1969, they made President Kennedy's dream come true by landing on the moon. Since then, all our lunar explorations have been launched from the Kennedy Space Center on Merritt Island rather than the cape. Perhaps, it was with a bit of nostalgia that many Americans recently read about the obtaining of bids to tear down two of the launch complexes on the cape itself. Perhaps this, better than anything else, underscores the fact that the Kennedy Space Center has been moved from Cape Canaveral to Merritt Island, thus eliminating whatever justification there was for renaming the cape and the facilities there after the late President. As I noted, President Kennedy realized that this move was both necessary and inevitable. In view of the fact that President Kennedy was a historian of some note, I think he would fully support such a change on historic grounds; and I also feel that his memory is best honored by continuing to name the NASA space facilities after him wherever they might move.

Mr. President, let me emphasize that this action in no way detracts from the memory of the late President, nor is it the intention of the Floridians that it should. Those of us in Florida hope that the Kennedy Space Center will forever remain a part of Florida and occupy a prominent place, along with Cape Canaveral, in the State's history. Now, since there is no geographical conflict between the name of the space center and the name of the Cape, all the people of Florida want is the restoration of the historic name—Canaveral—to the State's oldest geographical landmark.

Mr. President, the Senate on July 21, 1972, realizing the importance of the name to the citizens of Florida, passed this measure unanimously. Thus, awaiting action from the House to effect this change. However, the House failed to take action on this measure, leaving it to die in the 92d Congress.

I was pleased to see that on April 11, 1973, Congressmen FREY, SIKES, HALEY, PEPPER, CHAPPELL, BAFALIS, GIBBONS, GUNTER, YOUNG and BENNETT, reintroduced this measure in the House where it was referred to the Committee on Science and Astronautics. Mr. President, there has been some concern among my colleagues that if the Senate was to act again on this measure, perhaps the House would again receive it with mixed emotions. I can certainly understand their thinking in this matter, and appreciate their desire to see some action first taken on this measure in the House. This action and support I think will be forthcoming from the House and I urge the Senate, when such action is taken, to immediately consider favorable passage of this measure.

By Mr. HUMPHREY:

S.J. Res. 95. A joint resolution relating to the taking of the 1974 Census of Agriculture. Referred to the Committee on Post Office and Civil Service.

IMPORTANCE OF PROCEEDING WITH 1974 CENSUS OF AGRICULTURE

Mr. HUMPHREY. Mr. President, I am today introducing a Senate Joint Resolution to require the U.S. Commerce Department to conduct the Census of Agriculture in 1974, which already is a requirement of law. My resolution would direct the Secretary of Commerce to prepare an estimate of the funds needed to carry out this statutory mandate and to submit such estimate to the Congress not more than 30 days following enactment of the resolution.

The need for passage of my resolution is based upon the fact that the President, in submitting his budget request for fiscal year 1974, requested no funds to conduct the census of agriculture in 1974. The President's 1974 budget request contained the following reference to the census of agriculture:

The 1977 Census of Agriculture—A Census of Agriculture is required to be taken every 5th year covering years ending 4 and 9 by Title 13 USC 142. The Census provided measures concerning the agricultural economy of each State and County. Data are obtained from the Census on the number of farms, value of farm land, cropland harvested, production statistics for major crops, and number and kind of livestock, equipment, farm practices and the use of fertilizer and pesticides. Funds were appropriated in 1973 to begin planning on a 1974 Census of Agriculture. However, the 1974 request proposes the postponement of the Census until 1977 and its combination with the 1977 Economic Census. The 1973 appropriation will be used to plan the transition. A legislative proposal will be submitted to change the timing of the census.

Mr. President, here again, we see an example of where the law is specific and requires the President to seek the funds from Congress for the purpose of conducting an agricultural census. That law, once again, is being set aside at executive will and with a sense of disdain for the law which to me is alarming.

A census of agriculture has been taken on a regular basis since 1840. Nearly a half a century ago, the Congress wisely determined that changes were then occurring so rapidly that a census was needed every 5 years. The rapidity of those changes has increased, not lessened, since that time. Therefore, I find no overriding merit in the administration's proposal to delay next year's regularly scheduled census of agriculture until 1977.

Mr. President, I am not alone in my opposition to this administration proposal. Earlier this year, following release of the President's budget request for fiscal 1974, Mr. John H. Aiken, Executive Director of the Federal Statistical Users of Census sent out a report to his members outlining the positions of various Members of Congress and others concerning this administration proposal. In that report, Mr. Aiken made the following observation:

As I understand it, the decision to postpone the 1974 Census of Agriculture was a unilateral decision made by the Department of Commerce. Statistics users were not consulted in advance to determine their views or their needs. I do not know to what extent if any, other government agencies were consulted prior to the decision. The Bureau of the Census has an Advisory Committee on Agriculture Statistics. That Committee was not consulted in advance of the decision. The fact that the recommendation is contained in the 1974 budget request of the Department of Commerce indicates that it is supported by the Office of Management and Budget.

Mr. President, I ask unanimous consent to have Mr. Aiken's entire report to FSUC members printed at this point in the RECORD.

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

SPECIAL REPORT TO FSCU MEMBERS ON 1974 CENSUS OF AGRICULTURE—COMMERCE DEPARTMENT PROPOSES POSTPONEMENT UNTIL 1977

A census of agriculture is required by Title 13, United States Code, Section 142, to be taken every 5th year covering those years ending in 4 and 9. In fiscal 1973, funds totaling $1,360,000 were appropriated to initiate planning for the 1974 Census of Agriculture. However, the current 1974 budget request proposes the postponement of this census until 1977 and further proposes that it be combined with the 1977 economic censuses. The 1973 appropriation will be used to plan the transition. Legislation must be submitted to change the timing of the census of agriculture.

Special Analysis F covering "Principal Federal Statistics Programs," contained in the *Budget of the United States Government, 1974*, makes the following statement regarding the proposal:

"1977 Census of Agriculture—As the distinctions between agricultural and nonagricultural business have become more difficult to make, both because of enterprise diversification and the increasingly industrial nature of agricultural production, the rationale for integration between the census of agriculture and the other economic censuses has become more compelling. Although the degree of integration desirables has not yet been determined, the advantages of a common year for the censuses of manufacturing, business services, trade and agriculture seem clearly desirable in order to have a common benchmark year useful in production indexes and in the construction of the national accounts. Postponement of the census of agriculture until 1977 will have the added advantage of allowing for a careful review of several aspects of the agricultural statistics program, including the definition of a farm and the methodology for providing current estimates of farm income and production. No additional appropriation is requested for 1974, but unobligated funds available from 1973 will enable the Census Bureau to begin work on the transition to the new system and scheduling. The Department of Agriculture, within allocations provided for the Economic Research Service and Statistical Reporting Service, will participate in the review process."

FSUC ACTION

On January 25, 1973, prior to the issuance of the Budget on January 29, 1973, the Executive Director of FSUC wrote identical letters to each of the following: Gale W. McGee, Chairman, Senate Appropriations Subcommittee on Agriculture, Environmental and Consumer Protection; John O. Pastore, Chairman, Senate Appropriations Subcommittee on State, Justice, Commerce, the Judiciary; Jamie L. Whitten, Chairman, House Appropriations Subcommittee on Agriculture, Environmental and Consumer Protection; John J. Rooney, Chairman, House Appropriations Subcommittee on State, Justice, Commerce and the Judiciary; W. R. Poage, Chairman, House Committee on Agriculture; Herman E. Talmadge, Chairman, Senate Committee on Agriculture and Forestry; Charles H. Wilson, Chairman, House Subcommittee on Census and Statistics; Earl L. Butz, Secretary of Agriculture; and Frederick Dent, Secretary of Commerce. The text of these letters read:

"An increasing number of members of the Federal Statistics Users' Conference have been expressing their deep concern to me about rumors they have heard that there will be a serious curtailment of the 1974 Census of Agriculture that is conducted by the Bureau of the Census.

"As of now, I do not have any facts to substantiate these rumors. Undoubtedly, when the President's Budget is released next week we will know more about the situation. If serious curtailments are made in the Census of Agriculture, then we believe the situation deserves an intensive review to determine the effect it would have on the various programs designed to aid the agricultural community and on the wide range of users of agricultural data for research, planning and business decision-making.

"The FSUC membership will, of course, be apprised of the 1974 budget proposals for agricultural statistical programs and will be asked for their views regarding the impact of any curtailments and their needs for such data. We will be pleased to make these views available to you."

As of this date, we have received the following responses to our letters:

Don Paarlberg, Director, Agricultural Economics, responded on behalf of Secretary Butz, saying: "We can see some advantages in having all economic census data relating to the same year. However, we do have certain urgent data needs that would normally be met in a 1974 agricultural census program. One of the primary concerns in our statistical work is the need for improvement in our farm income series. An important aspect of this problem concerns the need for a revision in the economic classification of farms. There have been dynamic changes in the size, type, and control of agricultural operations that cannot adequately be described using the present classification system. We have a small task force that is giving consideration to this subject. We are also considering alternative arrangements for obtaining additional data that would be necessary. If funds are not available for a 1974 Census of Agriculture, we would hope resources may be made available for expansion of our enumerative survey program to satisfy the most urgent data needs described."

Joseph R. Wright, Jr., Acting Director, Bureau of the Census, responded on behalf of Secretary Dent, saying: "In the preparation of the 1974 Budget the President directed all agencies to review all their current and proposed programs with the objective of reducing government expenditure. Following this review, the Department of Commerce recommended that the 1974 Census of Agriculture be postponed and taken along with the other economic censuses covering the year 1977. It is my understanding that a request for legislation encompassing this recommended change in scheduling for the census of agriculture is being submitted to the Congress.

"Although there are many valid needs for information to be collected in the 1974 Census of Agriculture, there would be some gains in the analysis and planning of the country's economic programs if data from a census of agriculture are available for the same year as those from the other economic censuses which will next be taken for the year 1977. Moreover, there are a number of areas in which savings can be made by taking these censuses at the same time.

"We greatly appreciate the continuing interest and concern of the Federal Statistics Users' Conference in the statistical programs for which this agency has responsibility. We will welcome the views of the FSUC membership regarding the impact of the postponement of the 1974 Census of Agriculture and their needs for such data."

Jamie L. Whitten, Chairman, House Ap-

propriations Subcommittee on Agriculture wrote as follows "Your letter of January 25th has been received; and I can certainly understand your concern. It is going to be virtually impossible to get anything through above and beyond the Budget; and if we do, unless we can get this business of impounding funds stopped there is little hope of having the money used.

"I will be glad to have the views of your membership at such time as they are presented, and appreciate your suggestion."

With regard to the proposed postponement, Senator Talmadge said: "I personally feel this would be detrimental for a number of reasons and have already indicated my concern to the Department of Agriculture and to other interested parties. I will do what I can to see that it is not postponed."

The Chief Clerk of the House Committee on Agriculture acknowledged our letter on behalf of Chairman Poage saying that the Chairman was "interested in this matter" and would appreciate having FSUC's views.

FSUC VIEWS

In my letters of January 25th, I said that FSUC members would be apprised of the 1974 budget proposals relating to the postponement of the 1974 Census of Agriculture and would be asked for their specific views regarding the impact of any curtailments and their needs for such data. With such a limited amount of information available at this time, I am hesitant to send a ballot to the membership asking for their approval or disapproval of the postponement of the 1974 Census of Agriculture. However, it would be helpful to FSUC if you could send me a letter, as soon as possible, expressing your views on the basis of the facts at hand, and also your recommendations for the mailing of a ballot. Certainly, we want to know how such a postponement would affect your planning needs and demands for current data. I would also appreciate your comments on any other actions you think FSUC should take at this time.

FSUC's Conference on the Economic Report and the Budget, will be held on March 6, 1973. The first session, beginning at 9:30 a.m., will deal with "The Federal Statistical Budget, 1974." Speakers will include Julius Shiskin, Chief Statistician, OMB, and Robert L. Hagan, Deputy Director, Bureau of the Census. Members will have an opportunity at this session to obtain more details about the proposed postponement and plans for the 1977 Census of Agriculture.

The FSUL Board of Trustees will be meeting in the afternoon and evening of March 6th to review the budget for statistical programs for 1974. It will give serious consideration to this proposed postponement.

MEETING OF CENSUS ADVISORY COMMITTEE ON AGRICULTURE STATISTICS

A meeting of the Census Bureau's Advisory Committee on Agriculture Statistics will be held at the Census Bureau on February 23, 1973, beginning at 10:00 a.m. FSUC has a representative on that Committee and the Executive Director of FSUC will also attend.

Under the provisions of the new Federal Advisory Committee Act, passed on October 6, 1972, "each advisory committee meeting shall be open to the public." The Act also says that "Interested persons shall be permitted to attend, appear before, or file statements with any advisory committee, subject to such reasonable rules or regulations as the Director may prescribe." A notice of the meeting will be published in the Federal Register.

Those of you who wish to attend this meeting, or to file statements, should write to: Mr. J. Thomas Breen, Chief, Agriculture Division, Bureau of the Census, 2067 F.O.B. No. 3, Suitland, Maryland 20233. Time, of course, is a pertinent factor.

The agenda for the meeting will include discussions of: (1) Recommendations for postponement of the 1974 Census of Agriculture to be taken next as part of the 1977 Economic Censuses, (2) Interim needs and requirements for planning a 1977 Census of Agriculture, and (3) Department of Agriculture's recommendations for change in classification of establishments associated with agriculture and desired data collection and tabulations. This relates to Farm Definition.

OBSERVATIONS AND CONCLUSIONS

I regret that we do not have detailed information regarding the pros and cons of the Commerce Department's recommended postponement of the 1974 Census of Agriculture. The fact is, no information could be obtained prior to the release of the *Budget of the United States Government* on January 29, 1973. Although further information will be forthcoming. I feel it is imperative that FSUC members be informed as soon as possible of the facts as we know them. Hence, this Special Report to Members.

As I understand it, the decision to postpone the 1974 Census of Agriculture was a unilateral decision made by the Department of Commerce. Statistics users were not consulted in advance to determine their views or their needs. I do not know to what extent, if any, other government agencies were consulted prior to the decision. The Bureau of the Census has an Advisory Committee on Agriculture Statistics. That Committee was not consulted in advance of this decision. The fact that the recommendation is contained in the 1974 budget request of the Department of Commerce indicates that it is supported by the Office of Management and Budget.

Cost was obviously a major factor in this decision as is indicated in the letter quoted on page two from Joseph Wright, Acting Director, Bureau of the Census. He said the President "directed all agencies to review all their current and proposed programs with the objective of reducing government expenditures." As a result of its review, the Commerce Department recommended that the 1974 Census be postponed. The 1974 Census of Agriculture is estimated to cost $28 million, spread out over a five-year period. It is possible that there is also some concern in government circles about the cost of the 1974 Census of Agriculture relative to the total cost of the other economic censuses. The estimated cost of the 1972 economic censuses amounts to $32.1 million, spread out over a five-year period. The 1974 request of $12.7 million for the 1972 economic censues represents the fourth of a five-stage request for these censuses. Total funds appropriated for these censuses in fiscal years 1971, 1972, and 1973 amounted to $16.3 million.

What are some of the unanswered questions? Although the decision has been made for integration of the census of agriculture with the other economic censuses, *Special Analysis F* says "the degree of integration desirable has not yet been determined." Personally, it would seem to me that this should have been a factor to be considered in making a decision to postpone the census.

The Agriculture Department says it has "certain urgent data needs that would normally be met in a 1974 agricultural census program," and that it is "considering alternative arrangements for obtaining additional data that would be necessary." Statistics users need to know more about the Department's needs and alternative arrangements under consideration. To what extent will the needs of the Agriculture Department satisfy the needs of other users? If data are collected in this interim period, will they provide information at the county level as well as at the National and State levels? Users should have an opportunity to provide some input regarding any alternative arrangements for providing interim data if the 1974 Census is postponed.

The Commerce Department said there are a number of areas in which savings can be made by taking the agriculture census and the economic censuses at the same time. What are these areas and what will the savings amount to? If the agriculture census is conducted in 1977, is there a possibility that there will be a serious curtailment of the coverage of that census as compared to what it would have been if taken *in 1974*? If these censuses are combined, the peak periods for budgets, in the five-stage request, would be fiscal years 1978 and 1979—much higher than they would be if the agriculture census were conducted in 1974. At that time, will the Office of Management and Budget and the Congress go along with this level of expenditures? If curtailments are recommended, which censuses will be affected?

In serving the FSUC membership, one of my responsibilities is that of reporting member views to the various agencies of the Federal government, including the Congress, as those views are determined through the various means available to us. My responsibilities also include the close observation of the various activities and operations of the Federal statistical agencies. Where appropriate, I pass along my observations and comments for the guidance of our members, and ask for their views. In this respect, I have the following opinions with which you may agree or disagree. I would greatly appreciate having your comments and/or recommendations.

The 1974 Census of Agriculture is a major statistical program and the decision to postpone it until 1977 is of such importance that it could have a serious impact on the many users of these data. Undoubtedly, the decision was not made in a vacuum; there was some consultation. However, it represents another instance of a Federal agency decision regarding a major statistical program where other governmental agencies and statistics users are informed of the decision "after the fact." This type of action puts all interested persons and organizations at an extreme disadvantage with few, if any, opportunities for review and possible reversal of the decision. I am becoming increasingly concerned about this type of action. In my opinion, this is an inadequate procedure for making decisions of this magnitude. It would seem that some guidelines or criteria should be established to permit extensive consultation with government agencies and other interested persons and organizations prior to making major changes in these vital statistical programs. The rationale for changes should be explained and certainly a broad cross-section of views should be obtained. If a logical and reasonable rationale for making changes in major statistical programs is explained, understood, and generally agreed to, in advance, by a wide range of interested parties, this would strengthen the position of the recommending agency in obtaining approval. If differences of opinion occur, perhaps reasonable compromises or alternatives might be agreed upon. In any case, there would undoubtedly be a better informed public, and the grey area of doubt would, in most cases, be eliminated.

I feel very strongly about the need for broader consultation with interested parties *prior* to decision-making regarding major changes in Federal statistical programs. This subject will be included on the agenda for the meeting of the Board of Trustees at its meeting on March 6th.

Since its inception, in 1956, FSUC, as most of you know, has been faced with, and responded to, many crises affecting the Federal statistical ssytem. If there ever was a time when the voice of FSUC needed to be heard, it is now! We must be as strong and as forceful as we can in expressing our views. The Department of Commerce obviously feels that there is merit to the postponement of the 1974 Census of Agriculture until 1977,

otherwise it would not have made this recommendation in the 1974 budget proposal. The only information we have regarding this decision is contained in *Special Analysis F* prepared by the Office of Management and Budget and in the letter from the Acting Director of the Bureau of the Census. In summary, they tell us this:

As the distinctions between agricultural and nonagricultural business have become more difficult to make, both because of enterprise diversifications and the increasingly industrial nature of agricultural production, the rationale for integration between the censuses of agriculture and the other economic censuses has become more compelling.

The advantages of a common year for the censuses of manufacturing, business services, trade and agriculture seem clearly desirable in order to have a common benchmark year useful in production indexes and in the construction of the national accounts.

Postponement of the census of agriculture until 1977 will have the added advantage of allowing for a careful review of several aspects of the agricultural statistics program, including the definition of a farm and the methodology for proving current estimates of farm income and production.

There are a number of areas in which savings can be made by taking the census of agriculture at the same time as other economic censuses.

At this time, we have not seen any clear-cut statements as to the disadvantages of postponing the 1974 Census of Agriculture until 1977. I expect members of FSUC to provide me with their views on the advantages and/or disadvantages of postponement, as they see them.

Undoubtedly, some FSUC members will wish to write to their Senators and the Representative for their Congressional district. If you need addresses, please call on us. If you wish to write to other key officials in the Congress and the Administration to express your individual views, a list is attached showing the names and addresses of suggested officials interested in this proposal. Please be sure that I receive a copy of any correspondence you might write on this subject.

JOHN H. AIKEN,
Executive Director.

Mr. HUMPHREY. Mr. President, in reading Mr. AIKEN's report, note is made of a meeting of the Census Bureau's Advisory Committee on Agriculture Statistics on February 23, 1973.

Mr. President, a meeting of that committee was held on that date and I request unanimous consent to have printed at this point in the RECORD a complete list of that committee's membership, plus a series of comments made at that particular meeting by a number of the committee members.

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

CENSUS ADVISORY COMMITTEE ON AGRICULTURE STATISTICS

NAME AND ORGANIZATION

Mr. W. E. Hamilton, Chairman, Director, Research Division, American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Illinois 60068, American Farm Bureau Federation.

Dr. James T. Bonnen, Department of Agricultural Economics, Michigan State University, East Lansing, Michigan 48823, American Agricultural Economic Association.

Dr. L. S. Fife, Agricultural Economist, International Harvester Company, 401 North Michigan Avenue, Chicago, Illinois 60611, Farm Equipment Institute.

Mr. Gordon Shafer, Chief Negotiator, National Farmers Organization, Corning, Iowa 50841, National Farmers Organization.

Mr. Bernard A. Everett, Deere and Company, John Deere Road, Moline, Illinois 61265, Federal Statistics Users' Conference.

Mr. Clyde Jarvis, Montana Farmers Union, P.O. Box 2447, Great Falls, Montana 59401, National Farmers Union.

Dr. Louis M. Thompson, Associate Dean, College of Agriculture, Iowa State University, Ames, Iowa 50010, National Association of State Universities and Land-Grant Colleges.

Dr. Allen Johnson, Associate Director of Marketing, American Meat Institute, 59 East Van Buren Street, Chicago, Illinois 60605, American Meat Institute.

Mr. R. J. Pommrehn, Director of Research, Wallaces Farmer, 1912 Grand Avenue, Des Moines, Iowa 50305, Agriculture Publishers Association.

Mr. Richard Kennedy, Market Research, The Upjohn Company, Kalamazoo, Michigan 49000, National Agricultural Chemicals Association, National Plant Food Institute, Animal Health Institute.

Mr. Edward Eurich, Commissiner, State Department of Agriculture, Montpelier, Vermont 05602, National Association of State Departments of Agriculture.

Mr. Orville M. Thompson, Northrup, King and Company, 1500 Jackson Street NE., Minneapolis, Minnesota 55413, National Agricultural Advertising and Marketing Association.

Dr. W. Kennedy Upham, Department of Sociology, Texas A and M, College Station, Texas 77840, Rural Sociological Society.

Mr. Paul Weller, Secretary, National Council of Farmer Cooperatives, 1129 Twentieth Street, Washington, D.C. 20036, National Council of Farmer Cooperatives.

Dr. Lawrence Van Meir, Division of Economics, National Canners Asociation, 1133 20th Street NW., Washington, D.C. 20036, National Canners Association.

Mr. Oakley M. Ray, American Feed Manufacturers, Inc., 1701 N. Ft. Myers Drive, Arlington, Virginia 22009, American Feed Manufacturers Association.

Mr. Joseph Buder, American Petroleum Institute, 1801 K Street NW., Washington, D.C. 20006, American Petroleum Institute.

Mr. Robert Frederick, National Grange, 1616 H Street NW., Washington, D.C. 20006, National Grange.

Dr. Harry C. Trelogan, Administrator, Statistical Reporting Service, U.S. Department of Agriculture, Washington, D.C. 20250, U.S. Department of Agriculture.

Mr. Quentin M. West, Administrator, Economic Research Service, U.S. Department of Agriculture, Washington, D.C. 20250, U.S. Department of Agriculture.

Mrs. Haven Smith, American Farm Bureau Women's Committee, Chappell, Nebraska 69129, American Farm Bureau Women's Committee.

INDIVIDUAL COMMENTS BY EACH MEMBER OF THE CENSUS ADVISORY COMMITTEE ON AGRICULTURE STATISTICS REGARDING THE PROPOSED POSTPONEMENT OF THE 1974 CENSUS OF AGRICULTURE

These comments were made on behalf of the organizations each member represented and were made in the February 23, 1973 meeting of the Advisory Committee on Agriculture Statistics.

Comments regarding the postponement of the 1974 Census of Agriculture as given by the Census Advisory Committee on Agriculture Statistics were as follows:

Dr. Trelogan (SRS, USDA): I have no comment at this time except to say that the proposal for a study group has not reached me yet.

Mr. Bernard Everett (Federal Statistics Users' Conference): We have tried to find out what data users feel regarding the postponement of the Census. The reaction received so far has been largely negative. The users have indicated that they need county data on agriculture in 1974.

Dr. L. S. Fife (Farm Equipment Institute): I am very much in favor of retaining the 1974 Census with county data. In fact, I am certain everyone here will insist that county data is an absolute necessity and, if we need to make some adjustments why can't you continue with 1974 by scaling down some of the previous plans by changing the "farm definition" and starting with $5,000 earnings and up for the economic stratum.

Mr. Pommrehn (Agriculture Publishers Association): First, the basic recommendation for the change seems to have come from the Department of Commerce rather than from the Budget Bureau and it appears that someone has said that agriculture is the area where we can save money, have I assumed correctly?

Mr. Hagan (Deputy Director, Bureau of the Census): The Department of Commerce did not include funds for the 1974 Agriculture Census when it went to OMB.

Mr. Pommrehn: Second, there is merit in a study of all agricultural statistics but I believe that it is very unwise to dismantle the 1974 Census of Agriculture and third, I have not heard one valid reason for postponing the census.

Dr. Van Meir (National Canners Association): I have really never received an answer to an earlier question. It seems disastrous to me to form a pyramid in manpower and costs which would be needed to conduct the two censuses at the same time. I would think it would be more advantageous to spread the work out and have the 1974 which will not compete with any other census.

Mr. Turbitt (Associate Director for Economic Operations, Bureau of the Census): As far as combining the 1974 Census of Agricultural with the 1977 Economic Census there would be additional workload, however, when you are dealing the same sources or the same lists then there are advantages of working them at the same time.

Mr. Jarvis (National Farmers Union and the National Farmers Organization): Because of the changes occurring in agriculture, I think it should be mandatory that a 1974 Census be conducted.

Mr. Krueger (Office of Management and Budget): I have a couple of comments. First is there any advantage to having a Census of Agriculture taken at the same time as the other Economic Censuses? Second, does that mean that we are going to forego a 1974 Census of Agriculture? The answers, not necessarily. There are many other considerations which have to be determined in the decision to postpone. The question to me is can you afford the eight year span before the time agriculture data is available. Now, if the time is too long and legislation requires it to be taken with the Economic Censuses, then the only wise route is to take an interim 1974 Census and again a Census of Agriculture in 1977. Now in relation with the complete review of agricultural statistics, if Congress says there will be a Census of Agriculture in 1974 then we will have a Census regardless of the decision on a complete review of agricultural statistics.

Dr. Louis Thompson (National Association of State Universities and Land-Grant Colleges): I would like to ask Dr. Trelogan this question. Isn't the data used by SRS, such as on crop yields, updated based on census data?

Dr. Trelogan: Yes. The Census Bureau is the only place that complete data at the county level is available.

Dr. Louis Thompson (still addressing Dr. Trelogan): It would seem to me that there are real benefits to having a summarization of data with other economic censuses. Do you see any disadvantage in having the delay prior to summarization?

Dr. Trelogan: Yes, I do.

Mr. KRUEGER: We have another option available which I did not mention earlier

and that is that we collect data on a sample basis prior to 1977.

Mr. Weller (National Council of Farmer Cooperatives): It is pitiful the out-of-date statistics that we are now using for agriculture and it is even more pitiful to be thinking of an eight or nine year data span, in fact, it is disastrous. I wonder if the Bureau and OMB have looked at the possible consequences and effects on the farm program if we do not have agriculture data. In fact, I would assume rural development is in need of data and if it is not collected by the Federal Government then it will have to be collected by others. We feel that there must be a Census in 1974 and if not conducted by the Census Bureau then by the Department of Agriculture. I think you are making a serious mistake in proposing a delay.

Mr. Orville Thompson (National Agricultural Advertising and Marketing Association): Our views are identical with Mr. Weller's. I have just a couple of additional comments. Budget limitations I can understand but if we are going to spend the money authorized for 1973 then we are going to be spending money anyhow. The Miller Publishing Company made a survey and there are copies here for your review. Of those people interviewed, 78% are in favor of a 1974 Census of Agriculture. The majority of marketing people in the agriculture business are using the Census of Agriculture on a regular basis. I would like to share the synopsis of our findings—

The majority of marketers feel strongly about conducting the Agriculture Census in 1974 as previously scheduled. The census is important to them because of the rapid changes taking place in the agricultural field. There is concern that it will be difficult to project data that is five or more years old if the Census is not taken again until 1977.

Most respondents indicated that they preferred to have the Bureau of the Census, Agriculture Division, continue to be responsible for the Census of Agriculture.

Our conclusions are that we can not afford an eight year delay and really this is more like a 12 year lapse from 1969 (last year Agriculture Census was taken) to 1980 (the year when all the data would be published). We can not live with this and since there is no other source of complete county data, I don't believe that we can forego the 1974 Census.

Mr. Coats (American Feed Manufacturers Association): I have three points. First, on the delay—we can't afford to have a 12 year delay in agriculture data at a period when we have seen the most rapid changes in agriculture. We must keep tabs on these changes and this can be done only with a Census, especially at county level in 1974.

Second, as far as the cost of obtaining data, if the private sector was to obtain this data because it was needed, it would be a tremendous duplication and the cost would far exceed the cost of the Census Bureau taking it.

Third, I represent one the largest agriculture corporations and I do not see any advantage, to combining the Agriculture Census with the Economic Census. I do not feel it wise to delay the Census, both from the need for the data and from the point of cost.

Dr. Kennedy Upham (Rural Sociological Society): I am concerned that with the eight year gap we will not be able to observe the changes that are occurring and for this reason I think we need a 1974 Census as usual and then go ahead with the 1977 Census. It seems unacceptable to me to talk about a delay at the same time we are talking about a change in concept. I have one more comment, it has been said that if the Bureau can't take the Census then USDA should and if this is purely a budgetary problem then it would seem to me that they could not obtain the funds to do it either.

Mrs. Smith (American Farm Bureau Women's Federation): The organization I represent has an overriding concern and we can see the need to balance the Federal budget. This is not the only cut that has been proposed in Agriculture. We realize that if the budget is to be balanced then cuts must be made. Our feeling is that we must think how we can effect a transition in line with the postponement.

Mr. Eurich (National Association of State Departments of Agriculture): With the demand for agriculture data not only at the National but International level as well, I think it is important to obtain information about agriculture. I just heard Mr. Trelogan say and I agree, that data on the farmer's production and his needs are very essential in relation to the total economic picture of the Nation. We need this information in 1974 not three years later.

Mr. Frederick (National Grange): Representing one of the largest farm organizations, I would like to say to Mrs. Smith—"being a horticulturist, I believe in pruning a tree and I believe in pruning the budget, but, that does not mean that I approve of using a meat ax to cut the tree down."

Our environmental problems are very intense and I understand that we are now going back to 1969 data to make decisions about the environmental aspect of agriculture associated with EPA and other programs which use environmental data as related to the public. I do not think it is wise to impose a delay in collecting agriculture data.

Mr. Richard Kennedy (National Agricultural Chemicals Association, National Plant Institute and Animal Health Institute): We feel that there are several things important to the agriculture industries. County level data is an absolute must for us and we also need benchmark data on a five year level. In other words let me conclude by saying that we need data based on 1974 so that we can tell where we are going and we can verify what is happening in agriculture. We dare not invest millions in research without knowing what the needs are.

Dr. Bonnen (American Agricultural Economic Association): I concur with the remarks of the other Committee members in that we do need the 1974 data. I would like to defer now to a discussion relating to the combination of the agriculture census with the economic census. These are the views of the American Agricultural Economic Association. Our Committee was greatly concerned with the proposed delay which reflects a downgrading by the Department of Commence on the Census of Agriculture.

We have not really addressed ourselves to the location of the Agriculture Census. We believe that there is merit in combining the various data for agriculture statistics in one location. As I understand it, the Census of Agriculture has no real competitive relation to the other censuses. I think it would be more desirable to have and integrate the Census of Agriculture with the other agricultural data systems that is in USDA. In the economic census, the steel industry for instance which is located in such a manner that they are able to do their own planning and generate uniquely pertinent data for its own manufacturers. This is not possible in agriculture. It is not possible for agriculture to provide its own data from the private sector.

Mr. Hamilton (Chairman of the Advisory Committee and representing the American Farm Bureau Federation): Does someone want to respond to Dr. Bonnen's comment that he felt that the Agriculture Census was independent of the other censuses?

Mr. Turbitt: The other economic censuses are quite similar to the agriculture economic unit and the Census of Agriculture is being handled similar to the other economic censuses.

Mr. Bond (American Meat Institute): We do use and need the county data. One reason is in locating new plants. I do not believe the legislation to change the census law will pass. We need county level data on the changes occurring in agriculture now, I mean in 1974, not three years later. If everyone will make the same comments to his Congressman as he made here this morning, then there will definitely be a 1974 Census of Agriculture. We need it.

Mr. Hamilton: I concur with what the members of this Committee have said in that we do need the 1974 Census of Agriculture.

Mr. HUMPHREY. Mr. President, it is obvious from reviewing the comments of these Advisory Committee members, that they do not support the administration's proposal to delay conducting next year's Census of Agriculture until 1977. Quite the contrary, practically every member attending this particular meeting—administration participants notwithstanding—strongly support proceeding with next year's Census of Agriculture as now required by law.

Mr. President, I not only join these distinguished citizens and many others in insisting that the administration proceed with next year's Census of Agriculture as required but urge that the resolution I am introducing today be given prompt consideration by Congress. My note of urgency with respect to enactment of my resolution is based upon reports that I have received recently that the Bureau of Census already is proceeding administratively on the basis that there will be no Census of Agriculture conducted next year. Reports reaching me these past several weeks indicate that the Bureau already is cutting personnel in its Census of Agriculture Division.

Unless Congress acts promptly concerning this matter, the administration will have all but completely dismantled the professional staff required to conduct next year's Census of Agriculture. Even in those cases where such personnel are still on the payroll, many of them are now actively seeking other employment, because their superiors have made it clear to them that their services will no longer be needed beyond June 30, 1973.

Therefore, Mr. President, I not only want to urge my Senate colleagues to join me in cosponsoring this resolution, but also wish to urge Congress to give prompt action to its passage.

I ask unanimous consent to have the joint resolution printed in the RECORD, and I ask that it be appropriately referred.

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

S.J. RES. 95

Whereas the President has not requested any funds in the budget for fiscal year 1974 for taking the 1974 Census of Agriculture, required by section 142, title 13, United States Code, to be taken every five years, and has proposed that the taking of such census be postponed until 1977; and

Whereas the President has proposed that funds appropriated for fiscal year 1973 for the purpose of planning the 1974 Census of Agriculture be used instead to plan a transition from a 1974 census to a 1977 census; and

Whereas the information from the Census of Agriculture provides the only complete agricultural data available at the county level for rural America, and

Whereas the agricultural industry and rural America are changing at such a rapid rate that data compiled even at five-year intervals do not fully reflect the actual conditions that exist many months later when the data are published; and

Whereas many Federal, State, and local programs are provided on the basis of agricultural census information; and

Whereas many major corporations and trade associations use the data from such census to determine plant sites, allocate research funds, and forecast production needs; and

Whereas the Census of Agriculture provides the benchmark for interim forecasting of animal and crop production and land use; and

Whereas farmers, ranchers, farm organizations and businesses serving agriculture base their economic decisions on such interim forecasts; and

Whereas statistical errors in such interim forecasts can be corrected only through comparison with census benchmark data; and

Whereas decisions based on faulty crop forecasts adversely affect the agricultural sector; and

Whereas the agriculture industry is the largest single industry in the Nation, accounting for a gross income of over $66 billion in 1972; and

Whereas the export of such industry exceeded $11 billion in 1972, contributing materially to a reduction in this country's balance of trade deficit; and

Whereas this gigantic industry is made up of more than 2.7 million individual units, each making its own independent decisions affecting the whole; and

Whereas more information is needed, and is needed on a more frequent basis than now provided rather than on a less frequent basis: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce is authorized and directed to prepare an estimate of the funds needed to carry out the statutory mandate for conducting a Census of Agriculture in 1974 and to submit such estimate to the Congress not more than 30 days after the date of enactment of this joint resolution. Funds heretofore or hereafter appropriated for planning for the 1974 Census of Agriculture shall be utilized for such purpose.

SEC. 2. The Secretary of Commerce shall take such action as he deems necessary to insure that the data acquired from the 1974 Census of Agriculture be made available to the public through appropriate publication as soon as practicable following the taking of the census, and in all events in a shorter period than data was made available to the public following the 1964 and 1969 Censuses of Agriculture.

CHANGE OF REFERENCE—S. 1244

Mr. MATHIAS. Mr. President, I ask unanimous consent that the Committee on the District of Columbia be discharged from the further consideration of the bill (S. 1244) to authorize the conveyance of certain lands from the District of Columbia to the Greater Southeast Community Hospital Foundation, Inc., which I introduced on March 15 for myself and Senator BEALL, and that the bill be referred to the Committee on Interior and Insular Affairs.

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

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 40

At the request of Mr. BROCK, the Senator from Kentucky (Mr. COOK) and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 40, to improve and implement procedures for fiscal controls in the U.S. Government, and for other purposes.

S. 159

At the request of Mr. DOLE, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 159, to provide for reimbursement of extraordinary transportation expenses incurred by certain disabled individuals in the production of their income.

S. 263

At the request of Mr. Moss, the Senator from Minnesota (Mr. MONDALE), the Senator from Nevada (Mr. BIBLE), the Senator from Utah (Mr. BENNETT), and the Senator from West Virginia (Mr. RANDOLPH) were added as cosponsors of S. 263, to establish mining and mineral research centers, to promote a more adequate national program of mining and minerals research, to supplement the act of December 31, 1970, and for other purposes.

S. 268

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. JACKSON I ask unanimous consent that at the next printing of the bill, S. 268, to establish a national land use policy, to authorize the Secretary of the Interior to make grants to assist the States to develop and implement State land use programs, to coordinate Federal programs and policies which have a land use impact, to coordinate planning and management of Federal lands and planning and management of adjacent non-Federal lands, and to establish an Office of Land Use Policy Administration in the Department of the Interior, the name of the Senator from Minnesota (Mr. MONDALE) be added as cosponsor.

S. 397

At the request of Mr. MATHIAS, the Senator from Maryland (Mr. BEALL) was added as a cosponsor of S. 397, to require financial disclosure.

S. 504

At the request of Mr. CRANSTON, the Senator from Wisconsin (Mr. NELSON), and the Senator from Maine (Mr. HATHAWAY) were added as cosponsors of S. 504, a bill to amend the Public Health Service Act to provide assistance and encouragement for the development of comprehensive emergency medical services systems.

S. 726

At the request of Mr. BENTSEN, the Senator from Georgia (Mr. TALMADGE) was added as a cosponsor of S. 726, concerning the allocation of water pollution funds among the States in fiscal 1973 and fiscal 1974.

S. 871

At the request of Mr. COTTON, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 871, to correct certain inequities in the crediting of National Guard Technician Service in connection with civil service retirement.

S. 905

At the request of Mr. STEVENSON, the Senator from New York (Mr. JAVITS) was added as a cosponsor of S. 905, the Congressional Budgetary Review Reform Act of 1973.

S. 932

At the request of Mr. ABOUREZK, the Senator from Alaska (Mr. GRAVEL), the Senator from Kansas (Mr. DOLE), and the Senator from California (Mr. CRANSTON) were added as cosponsors of S. 932, to discourage experimentation on animals by elementary and secondary schoolchildren.

S. 1064

At the request of Mr. BURDICK, the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of S. 1064, the judicial disqualification bill.

S. 1076

At the request of Mr. HARTKE, the Senator from South Carolina (Mr. HOLLINGS), was added as a cosponsor of S. 1076, relating to the authority of the Administrator of Veterans' Affairs to readjust the schedule of ratings for the disabilities of veterans; to the construction, alteration, and acquisition of hospitals and domiciliary facilities; to the closing of hospitals and domiciliary facilities and regional offices; and to the transfer of real property under the jurisdiction or control of the Administration of Veterans' Affairs.

S. 1094

At the request of Mr. MATHIAS, the Senator from California (Mr. CRANSTON), the Senator from New York (Mr. JAVITS), and the Senator from Maryland (Mr. BEALL) were added as cosponsors of S. 1094, to improve the regulation of Federal election campaign activities.

S. 1095

At the request of Mr. MATHIAS, the Senator from California (Mr. CRANSTON), and the Senator from Maryland (Mr. BEALL) were added as cosponsors of S. 1095, to amend the Communications Act of 1943 with respect to the application of the equal time provisions of section 315 to candidates for Federal elective office.

S. 1096

At the request of Mr. MATHIAS, the Senator from California (Mr. CRANSTON), the Senator from New York (Mr. JAVITS), and the Senator from Maryland (Mr. BEALL) were added as cosponsors of S. 1096, to provide for a campaign mail privilege for qualified candidates for Federal office.

S. 1097

At the request of Mr. MATHIAS, the Senator from California (Mr. CRANSTON), the Senator from New York (Mr. JAVITS), and the Senator from Maryland (Mr. BEALL) were added as cosponsors of S. 1097, to amend the Internal Revenue Code of 1954 to provide that political contributions are not subject to the gift tax.

S. 1105

At the request of Mr. PERCY, the Senator from Tennessee (Mr. BAKER), the Senator from Kentucky (Mr. COOK), the Senator from New Mexico (Mr. DOMENICI), the Senator from Michigan (Mr. HART), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Rhode Island (Mr. PASTORE), the Senator from Ohio (Mr. TAFT), and the Senator from North Dakota (Mr. YOUNG) were added as cosponsors of S. 1105, the antienvironmental barriers bill.

S. 1105

At the request of Mr. DOLE, the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1105, to provide income tax incentives for the modification of certain buildings so as to remove architectural and transportational barriers to the handicapped and elderly.

S. 1123

At the request of Mr. Moss, the Senator from New York (Mr. JAVITS) and the Senator from Wyoming (Mr. MCGEE) were added as cosponsors of S. 1123, to amend title 5, United States Code, to provide for the reclassification of positions of deputy U.S. marshal, and for other purposes.

S. 1407

At the request of Mr. BURDICK, the Senator from South Dakota (Mr. ABOUREZK) was added as a cosponsor of S. 1407, to amend the Interstate Commerce Act in order to give the Interstate Commerce Commission certain authority over railroad car service when an emergency is or may be imminent.

S. 1415

At the request of Mr. BUCKLEY, the Senator from Delaware (Mr. ROTH), the Senator from Oklahoma (Mr. BARTLETT), the Senator from Ohio (Mr. TAFT), and the Senator from Oregon (Mr. HATFIELD) were added as cosponsors of S. 1415, to assist in the financing of small business concerns which are disadvantaged because of certain social or economic considerations not generally applicable to other business enterprises.

S. 1463

At the request of Mr. BURDICK, the Senator from New Jersey (Mr. WILLIAMS), was added as a cosponsor of S. 1463, a bill to establish a Parole Commission and for other purposes.

S. 1544

At the request of Mr. MONDALE, the Senator from South Dakota (Mr. MCGOVERN) was added as a cosponsor of S. 1544 to prohibit the further expenditure of funds to finance the involvement of the Armed Forces of the United States in armed hostilities in Cambodia.

SENATE JOINT RESOLUTION 84

At the request of Mr. SCHWEIKER, the Senator from Kentucky (Mr. COOK), the Senator from Montana (Mr. MANSFIELD), the Senator from Idaho (Mr. MCCLURE), the Senator from Florida (Mr. CHILES), the Senator from Georgia (Mr. TALMADGE), the Senator from Utah (Mr. BENNETT), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Alabama (Mr. SPARKMAN), the Senator from Nebraska (Mr. CURTIS), and the Senator from Arizona (Mr. FANNIN) were added as cosponsors of Senate Joint Resolution 84, the school prayer amendment.

SENATE RESOLUTION 100—SUBMISSION OF A RESOLUTION RELATING TO ACQUISITION OF A STATUE COMMEMORATING U.S. SERVICEMEN WHO SERVED IN THE VIETNAM WAR

(Referred to the Committee on Veterans' Affairs.)

Mr. HARTKE submitted the following resolution:

S. RES. 100

Resolved, That, in order to honor appropriately United States servicemen who served in the Vietnam war, the Committee on Veterans' Affairs is authorized and directed to procure by purchase, gift, or otherwise a suitable statue and to cause such statue to be placed in the Russell Office Building.

SEC. 2. The expenses of carrying out the first section of this resolution, which shall not exceed $10,000, shall be paid out of the contingent fund of the Senate upon vouchers signed by the chairman of the committee.

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 94

At the request of Mr. STEVENS, the Senator from Ohio (Mr. TAFT) was added as a cosponsor of Senate Resolution 94, requesting the President to enter into negotiations with major oil-importing countries to establish an international organization of oil-importing countries.

ADDITIONAL COSPONSORS OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 20

At the request of Mr. THURMOND, the Senator from Colorado (Mr. DOMINICK), the Senator from Wyoming (Mr. HANSEN) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of Senate Concurrent Resolution 20, commending the President for terminating the involvement of the United States in hostilities in Vietnam.

VOTER REGISTRATION ACT—AMENDMENTS

AMENDMENT NO. 89

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

Mr. BUCKLEY submitted an amendment, intended to be proposed by him, to the bill (S. 352) to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service.

AMENDMENT NO. 90

(Ordered to be printed.)

Mr. GURNEY proposed an amendment to Senate bill 352, supra.

DEPARTMENT OF STATE AUTHORIZATION ACT—AMENDMENT

AMENDMENT NO. 91

(Ordered to be printed, and referred to the Committee on Foreign Relations.)

Mr. FULBRIGHT. Mr. President, I submit an amendment to the Department of State authorization bill (S. 1248). It would extend from June 30, 1973 to June 30, 1974 the authority of the Secretary of State to transfer to the U.S. Postal Service the $2 executive fee for each passport application accepted by the Secretary.

The proposal was submitted as a separate bill by the State Department but seems to me to be the sort of small item that can be handled in the State Department bill.

I ask unanimous consent that the letter from the State Department dated April 4 be printed in the RECORD in full explanation of the amendment.

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

DEPARTMENT OF STATE,
Washington, D.C., April 4, 1973.

Hon. SPIRO T. AGNEW,
President of the U.S. Senate.

DEAR MR. PRESIDENT: Enclosed is a draft bill to amend the time limit provisions of Section 2 of P.L. 92–14. This law authorized the Secretary of State to transfer to the U.S. Postal Service the $2.00 execution fee for each passport application accepted by that Service until June 30, 1973. The enclosed bill would extend this authority until June 30, 1974.

Section 2 of the law limited its applicability to a two-year period on the thesis, expressed in House Committee Report No. 92–123, that by that date the Department of State and the Postal Service would have sufficient experience to determine whether the procedures for reimbursement are satisfactory.

We have been informed by the Postal Service that the cost survey which they have underway may reflect expenses in excess of $2 for performing this service. Thus, the Postal Service finds it unrealistic to commit itself to a permanent program at a fixed reimbursement fee of $2. As that Service does not anticipate the results of the survey being available before June, we believe that we could not justifiably wait until those results are known before seeking an extension or other amendment of the present legislation. During the period of proposed extension, however, the results of the survey could be analyzed and further legislation to eliminate the time limit and specify a more permanent arrangement for the reimburesment to the Postal Service could be introduced in a timely fashion.

P.L. 92–14 has permitted the expansion of the passport application acceptance program to an increasing number of Post Offices. The program has grown to the point that approximately 27% of all passport applications are being executed before postal officials.

Inasmuch as the enclosed draft bill is an essential element in the continuance of this program, which provides more efficient and convenient passport services to the American public, the Postal Service and the Department of State urge early and favorable consideration of this proposed legislation.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this proposed legislation.

Sincerely,

MARSHALL WRIGHT,
Acting Assistant Secretary for Congressional Relations.

NOTICE OF HEARINGS ON THE PRESIDENT'S ENERGY MESSAGE

Mr. JACKSON. Mr. President, I wish to announce for the benefit of the Senate that the Senate Interior Committee will hold hearings on Tuesday, May 1 on the

President's 1973 Energy Message which will be made public later this week.

This hearing will provide an opportunity to review the effectiveness of the existing energy policies as well as the potential impact of specific proposals set forth in the President's message. The committee has invited the following administration officials to testify at this hearing:

Secretary of State William P. Rogers;

Secretary of the Treasury George P. Shultz;

Secretary of the Interior Rogers C. B. Morton;

John N. Nassikas, Chairman of the Federal Power Commission; and

Dr. Dixy Lee Ray, Chairman of the Atomic Energy Commission.

The committee on this occasion will also receive testimony on S. 1570, the Emergency Fuels and Energy Allocations Act of 1973, which I introduced last week. This legislation would give the President temporary authority to allocate scarce fuels. In view of what appears to be a deteriorating supply picture, I believe it is urgent that this legislation receive priority immediately after the Easter recess.

ANNOUNCEMENT OF HEARINGS ON IMPROVING CONGRESSIONAL CONTROL OF THE BUDGET

Mr. METCALF. Mr. President, the Government Operations Subcommittee on Budgeting, Management and Expenditures will conduct hearings on Tuesday, May 1, and Monday, May 7, on bills to improve congressional control over the Federal budget.

The hearings will be held in room 3302, the Government Operations Committee hearing room, beginning at 9:30 a.m.

We will consider, as we have during the four previous days of hearings, the recommendations of the Joint Study Committee on Budget Control, whose members plan to introduce a bill tomorrow. The following bills are also under consideration: S. 40, S. 565, S. 703, S. 758, S. 846, S. 905, S. 1030, S. 1213, S. 1215, S. 1392, S. 1414, S. 1516, S. 1541, and Senate Concurrent Resolution 19.

The hearings will conclude on May 7. The subcommittee will proceed to mark up the following week.

COAL SURFACE MINING STUDY AVAILABLE—NOTICE OF HEARING

Mr. METCALF. Mr. President, I wish to inform the Senate that the study done for the Committee on Interior and Insular Affairs by the Council on Environmental Quality on "Coal Surface Mining and Reclamation—an Environmental and Economic Assessment of Alternatives" is now available as a committee print. I believe that this report will be extremely useful to the Congress as it considers legislation to regulate surface mining.

I would also like to remind the Senate that the Subcommittee on Minerals, Materials and Fuels which I chair has asked a distinguished panel of expert witnesses to discuss the CEQ study at a public hearing on April 30. The hearing will begin at 10 a.m. in room 3110, Dirksen Senate Office Building.

ANNOUNCEMENT OF HEARINGS ON PROPERTY TAX RELIEF AND REFORM BILL

Mr. MUSKIE. Mr. President, beginning May 2, 3 and 4, the Subcommittee on Intergovernmental Relations will hold hearings on S. 1255, the property tax relief and reform bill. These hearings are a continuation of hearings begun by the subcommittee during the 92d Congress. The hearings will be held in room 3302, Dirksen Senate Office Building, beginning at 9:30 a.m. Any person wishing additional information should contact Mrs. Lucinda T. Dennis, chief clerk of the subcommittee at 225–4718.

NOTICE OF HEARING ON A NOMINATION

Mr. HRUSKA. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Thursday, April 26, 1973, at 10:30 a.m., in room 2228, Dirksen Office Building, on the following nomination:

Albert G. Schatz, of Nebraska, to be U.S. district judge for the district of Nebraska, vice Richard A. Dier, deceased.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Mississippi (Mr. EASTLAND) as chairman, the Senator from Arkansas (Mr. MCCLELLAN); and myself.

NOTICE OF HEARINGS ON REQUESTED JUDGESHIPS

Mr. BURDICK. Mr. President, I wish to announce public hearings before the Subcommittee on Improvements in Judicial Machinery on S. 1505 and S. 1524.

On May 2, 1973 a hearing will be held, commencing at 10 a.m. in room 1318, Dirksen Office Building on S. 1505, requesting an additional permanent judgeship in each of the eastern and western districts of Michigan and on S. 1524, requesting an additional judgeship for the district of South Carolina. The chief judges of these three districts will appear.

Communications relative to this hearing should be directed to the subcommittee staff, 6306 Dirksen Office Building, extension 5–3618.

ANNOUNCEMENT OF HEARINGS ON INTERNATIONAL COURT OF JUSTICE

Mr. FULBRIGHT. Mr. President, on behalf of the Committee on Foreign Relations, I wish to announce that there will be 2 days of public hearings on May 10 and 11, 1973, on Senate Resolutions 74, 75, 76, 77, and 78, introduced by Senators CRANSTON and TAFT, which pertain to the International Court of Justice. The hearings will be held in room 4221 at 10 a.m.

Persons interested in testifying should write to Mr. Arthur M. Kuhl, chief clerk of the committee, as soon as possible.

ANNOUNCEMENT OF HEARING RELATING TO OLDER AMERICANS

Mr. MUSKIE. Mr. President, the Subcommittee on Health of the Elderly of the Special Committee on Aging will continue its hearings on "Barriers to Health Care for Older Americans" on April 23 at 1:30 p.m., in the Livermore Falls High School, Livermore Falls, Maine.

This hearing will be of special interest because, first, it will include discussion of an Administration on Aging areawide model program, Project Independence, which is developing and coordinating health and health-related services in a three-county area; second, it will place special emphasis upon transportation as a factor in the organization of health services; and third, it will include testimony on other projects in Maine and their relationship to Federal programs meant to improve health care for older Americans.

ADDITIONAL STATEMENTS

LAW DAY U.S.A.

Mr. BURDICK. Mr. President, once again our Nation prepares to observe May 1 as Law Day U.S.A. This annual occurrence is not just another perfunctory observance of an event or an occasion. Rather it is a recognition of, and a tribute to, a unique attribute of our American form of government. While all nations have executive and legislative branches of government, and while most nations have, in one form or another, a system of courts, there is no country in the world which has a system of government which is as dedicated as ours to a principle of protecting the legal rights of the individual.

This principle was carefully woven into the Constitution by our Founding Fathers. It has been reaffirmed by legislative action both in the Congress and in the State houses across our land. It has been zealously protected by our courts, both Federal and State.

The judicial system of this country has been designed to be one which has procedures intended to protect and preserve the rights of individuals. Our courts are open to all our people, and more importantly, the access to them is free. Our system of imposing minimal fees and costs is one which gives both poor and rich equal access to the courts. We have recently reinforced this equality by recognizing the necessity of providing legal services at Government expense for those who otherwise would be denied the services of counsel in assertion of some legal claim. We must continue to provide such services.

As thus fashioned, our judicial system is one which is calculated to furnish justice to all. Whether arising between an individual and another individual, between an individual and a corporation, or between an individual and the State, each grievance, no matter how small, can be contested in our courts and a final adjudication made to determine the relative rights of the parties.

Our Nation has enjoyed a stability unprecedented in the history of the

world. The growth of this Nation from a few colonies on the Atlantic seaboard to a vast federation of 50 States, has not been without the problems caused by depression, by war, and by social and economic change. But through all our trials and tribulations, with but one exception, we have resolved these problems in a peaceful and orderly fashion by reliance upon the declaration and protection of the individual rights of our citizens.

So, it is most appropriate that on May 1 in my State of North Dakota, and in 49 others, many people will pause to take note that America is what it is today because ours is a government of law and not of men.

THE ENERGY CRISIS

Mr. BEALL. Mr. President, this Nation is becoming increasingly aware of the growing "energy crisis" that is facing our people today. This week, for instance, we have seen wholesale shutdowns of many fuel-related industries and fuel suppliers throughout the country, because adequate amounts of energy cannot be found. We as a nation are clearly not very far from the time, if action is not taken now, when we will grind to a halt, for lack of energy.

On April 12, 1973, the Wingfoot Clan, the newsletter published by the Goodyear Tire & Rubber Co., included an article which discussed the effects that the "energy crisis" is having on one firm. I ask unanimous consent that this article be printed in the RECORD, so that my colleagues might read of the problems facing such businesses throughout the United States.

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

COMPANY FEELING PINCH CREATED BY FUEL SHORTAGE

(By C. Edward Ford)

Kelly-Springfield's Cumberland, Md., tire plant is located in an area that is rich in a natural energy resource—coal.

The U.S. Geological Survey estimates that in Maryland and other states where coal deposits abound, America has enough coal reserves to last 500 years.

Seemingly, this Goodyear subsidiary should have sufficient fuel reserves to avoid any national energy crisis.

The fuel most accessible to Cumberland, however, cannot be used because it is too high in sulfur content and cannot meet air pollution control standards. As a result, Cumberland must use an alternate fuel.

Because gas is not available to industry in that area, the plant must use oil for fuel and power purposes. Recently, when oil was in short supply from U.S. sources, imported oil from Saudi Arabia was purchased. Before being delivered to Cumberland, the oil was taken to Venezuela where it was desulfurized so it would meet environmental emission standards. It then was delivered to Cumberland by way of the Port of Baltimore.

Because it was imported, had to be shipped over a great distance and required special processing, the oil cost nearly twice the usual amount.

An unusual situation? Not necessarily. According to Charles Hiss, Goodyear's manager of corporate engineering, fuel shortages and higher costs for available fuels are headaches that all Goodyear domestic and subsidiary plants will have to overcome.

"During the next 12 years, we are going to face a number of fuel and raw material shortages because of the nation's energy crisis," Hiss said. "Around 1985, the situation should start to improve as nuclear power is expected to become more plentiful. But until then, we're faced with fuel supplies that can't be used because they create pollution problems, fuels—such as natural gas—that are either in short supply or are not available, and a scramble for the fuels that are available—such as oil—that must be purchased at inflated prices."

Hiss noted that some Goodyear plants already have felt the pinch created by fuel shortages.

At Topeka, for example, gas shortages have forced the plant to increase its use of oil as a fuel and power source. The plant cannot be assured more than a six-month annual supply of gas in the future. Previously, Topeka was assured an annual natural gas supply of at least 10 months.

"What hurts is that several years ago we converted many of our plants from coal-fired to gas- and oil-fired boilers to avoid any possible violations of state and federal environmental control standards," Hiss explained. "Now, we can't get the gas and oil supplies we need."

Fuel shortages are only part of the energy problem for the rubber industry. Rubber and plastic products are manufactured from raw materials that are oil derivatives. Therefore, what is a fuel shortage to the rest of the nation also is a major raw material crisis to the rubber and petrochemical companies.

"While the rest of the nation can use substitute sources of energy in times of oil and gas shortages, petrochemical companies such as Goodyear cannot substitute other forms of hydrocarbons for raw materials," Hiss said.

Goodyear already has experienced such a raw material shortage at its Niagara Falls chemical plant. An industry-wide shortage of vinyl chloride monomer—a petrochemical used in the production of polyvinyl chloride (PVC) resin—forced a production cutback and a layoff of 50 employes in early March.

Eighteen major companies, to whom oil and gas are vital as process raw materials, recently formed a Petrochemical Energy Group (PEG). Among the larger companies involved are Goodyear, Firestone, Goodrich, DuPont, Dow and Monsanto.

INTENDS TO EXPLAIN NEEDS

The group intends to explain to those who formulate U.S. energy policy the special needs of petrochemical companies. It also will seek to assist the government in developing a sound national energy policy.

Goodyear has been involved in an energy conservation program for several years. Hiss and members of the corporate engineering staff have been conducting studies and compiling energy consumption data for each manufacturing facility.

As part of a continuing program, Erwin Moats, manager of mechanical engineering, issues a quarterly report that compares energy consumption to output at each plant location. The report, which is issued to each plant, contains data on the consumption of steam, compressed air, condensate recovery and water. Along with the report, suggestions are made on how to handle particular energy consumption problems.

SIMILAR ELECTRICAL PROGRAM

Wayne Bebb, manager of electrical engineering, has initiated a similar program concerning electrical energy consumption.

Through these programs, corporate engineering is able to review utility situations and discover existing and potential energy consumption problems.

In addition to these energy conservation programs, Goodyear is making plans to provide more fuel storage for manufacturing facilities. Already on order are oil storage tanks for Danville, Point Pleasant, Topeka, Scottsboro, Marysville and Union City and for Kelly-Springfield's Fayetteville, Freeport and Tyler facilities. The tanks, which range in size from 500,000 to 800,000 gallons, are expected to be installed by late summer, Hiss said.

Gasoline shortages, which have occurred in Florida, Massachusetts, Minnesota and Oregon, have resulted in Akron wholesalers limited supplies to area service stations. So far, Goodyear has been able to meet its requirements, but every company facility has been warned to maintain a full supply of gasoline and diesel fuel.

Goodyear probably will experience its most demanding energy problems next winter, Hiss predicted.

"It will be tougher during the winter when everyone will be scrambling for available oil," he said. "As the temperature drops and residential customers' needs increase, some industrial users could find their fuel supplies temporarily shut off. This would mean production shutdowns and temporary employe layoffs.

"It will take a lot of hard work to head off the problems that can result from the energy crisis. We're going to need the cooperation of all employes to weather the storm," he concluded.

Next week, in the final article in this series, The Clan will examine other methods Goodyear will use to conserve energy and what employees can do to help.

TERRORISM AND THE INTELLECTUALS

Mr. McGEE. Mr. President, in the April 15, 1973, edition of the Sunday Star and Daily News, there appeared an article by Edmund Demaitre entitled "Terrorism and the Intellectuals."

The article is a very articulate analysis of the increasing incidence of intellectual terrorism in the world today. It is an excellent analysis in that it provides us with an insight into a regression to a 19th century phenomenon.

Mr. Demaitre's article is a tragic thesis on the resurgence of this form of barbarism and well worth our consideration in this body.

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:

TERRORISM AND THE INTELLECTUALS

(By Edmund Demaitre)

One day a little more than a year ago, the mutilated body of Giangiacomo Feltrinelli, a leftist-multimillionaire and owner of one of the largest publishing houses in Italy, was found at the foot of a dynamite-damaged power-line pylon near Milan. According to police, Feltrinelli met his death while trying to blow up the power-line that provides electricity for Milan and the adjoining region.

The death of the 45-year-old Feltrinelli was one of the recent highlights of a disconcerting story that has attracted increasing attention in the Western world since the late 1960s. It is the story of highly educated, occasionally highly gifted, middle class and upper-middle-class intellectuals slowly succumbing to a revolutionary mystique that incites them not only to condone violence as a means of political struggle but also to participate personally in terrorist actions—including sabotage, armed robbery and murder.

One of the most striking aspects of that phenomenon is its universality. For what we are witnessing now is not a series of unconnected cases exhibiting some common characteristics but a clearly discernible trend

appearing in politically, socially and culturally different environments.

The figure of the hooded intellectual wielding a submachine gun or a bundle of dynamite sticks casts an ominous shadow on all continents. In the United States, a bomb factory set up by students was blown up in Greenwich Village. In West Germany, a brilliant young lawyer, Horst Mahler, was recently sentenced to 12 years for participating in armed robberies and other revolutionary "happenings." Another leader of the same terrorist gang, Ulrike Meinhof, once a highly successful woman journalist, is now awaiting trial on charges of robbery, arson and the murder of a policeman.

In Japan, college drop-outs formed the nucleus of a terrorist organization that murdered scores of its own members before being liquidated by the police in Khartoum. It was a well-known radio commentator who reportedly masterminded the recent assault on the Saudi embassy and the subsequent murder of three foreign diplomats. In Latin America, most terrorist organizations, including the notorious Tupamaros of Uruguay, are led or supported by former students, lawyers and other professional men.

The proliferation of intellectual-terrorists is rather surprising since it occurs in an era characterized by an almost universally sustained quest for social progress, justice and a more equitable distribution of wealth. No less perplexing is the fact that the participation of intellectuals in terrorist movements is most pronounced in countries whose political institutions provide ample opportunities for critical debate and progressive reforms.

In trying to identify the nature of those strange phenomena, one should begin by noting that what we are facing now is not an entirely new development but rather the recurrence of a process that began around the close of the industrial revolution and ebbed out in the twilight of the *belle epoque*.

This was the era in which Russian nihilists and social revolutionaries carried on a relentless and increasingly bloody warfare against the authorities, in which French, Italian and Spanish anarchists used spectacular acts of terrorism in trying to overthrow the existing order. In all those movements, young intellectuals, particularly students of both sexes, played an important role even though the most dramatic assaults on the Establishment—the assassination of the Empress Elisabeth of Austria, King Umberto of Italy, President Sadi Carnot of France and President McKinley of the United States—were carried out by men of very limited education.

One of the main reasons so many young students and ex-students were attracted to movements preaching and using extreme forms of violence was the working out of a consistent theory that made terrorism intellectually acceptable. That theory not only rationalized violence, including murder, by seemingly logical arguments but also justified it by investing terrorism with a historical significance.

According to the principles propounded by the best known theoreticians of terrorism—the czarist ex-officer Mikhail Bakunin, Prince Peter Kropotkin, a geographer of world repute, the Frenchmen Auguste Blanqui and Pierre-Joseph Proudhon—individual acts of terrorism are an integral part of revolutionary movements. Assassination or sabotage are not isolated acts that begin and end with the firing of a gun or the explosion of a bomb. In addition to expressing individual anger or protest, they are what the theoreticians of anarchism and nihilism described as "Propaganda by The Deed." In conveying the revolutionary message, "The Deed" thus becomes a vital link in the chain of events that are to culminate in the destruction of bourgeois society.

To perform The Deed required not only personal courage but also fanatical dedication to the cause. In his famous "Catechism of the Revolutionist," often attributed, erroneously, to Sergei Nekhaiev, one of the most sinister figures of the nihilist underground, Barunin drew an awe-inspiring portrait of the terrorist:

"The revolutionist is a doomed man. He has no personal interests, no affairs, sentiments, attachments, property, not even a name of his own. . . . He has broken every connection with the social order and with the whole educated world, with all the laws, appearances and generally accepted conventions and moralities of the world. . . . All tender, softening sentiments of kinship, friendship, love, gratitude, and even honor itself must be snuffed out in him by the one cold passion for the revolutionary cause. . . . He knows only one science—the science of destruction. . . ."

A startling document, the "Cathechism of the Revolutionary" embodies all the principles and attitudes that were to pervade the terrorist tradition. And that tradition provides some of the most important clues to the murky psychological and other riddles that obscure the personality of the intellectual-terrorist of our time.

There is, first of all, the insistence on the primacy of action over rational thought. The yearning for action, as many psychologists noted, is deeply embedded in the subconcious of most intellectuals—especially if they are young. That yearning might, and often does, produce a guilt-feeling or a proclivity for self-disparagement, particularly if the intellectual happens to be dedicated to a revolutionary cause. In such a case. The Deed becomes an act of self-liberation and, ultimately, of self-aggrandizement.

A psychological process of that kind is greatly stimulated by a radical reevaluation of ethical norms, as outlined in the "Catechism." No means are cruel or immoral if they serve the revolutionary end. In that respect too, the modern intellectual-terriorist acts in accord with tradition. "Our goal," Andreas Baader, the West-German terrorist told an interviewer, "is to destroy present society by whatever means." This was a modern variation on a famous remark by the French anarchist writer Laurent Tailhade, who asked to comment on an attempt to assassinate French parliamentarians, said "what do the victims matter if the gesture is beautiful." (Two months later Tailhade lost an eye when an anarchist threw a bomb in the elegant restaurant where he was dining.)

In projecting the sinister figure of the performer of The Deed on the canvas of history, the "Catechism" also added a touch of romantic heroism to its myth of doom and destruction. It stimulated an egotism that can be best described as the cult of perverted personalities. Significantly, that cult too is very much alive among young intellectuals attracted to contemporary terrorist movements.

The egotism inherent in that cult might explain the paradoxical fact that intellectual terrorists seem to be particularly active in countries where there is a steady movement toward social improvements and reforms. The explanation is that the intellectual-terrorist is not interested in constructive debate, evolutionary processes or even social changes.

His quest is not for a *better* society but a *perfect* society of which he is the self-appointed herald, champion and architect. His aim is to recover the Lost Paradise by removing the stigma of Original Sin which he identifies, according to his background and ideological make-up, with capitalism, bureaucracy, the state, imperialism, racism, technology or overall bourgeois decadence.

These, then, are the most important elements of the tradition that continues to fascinate and inspire the intellectual-terrorists of our time. In many other respects, however, there are important differences between 19th-century intellectual terrorists and their modern counterparts.

In whatever era he appears, the terrorist is always an alienated person. But most 19th-century terrorists engaged in acts of violence not only because they were alienated, bitter or seeking vengeance but also because their stomachs were empty. Nekhalev eked out a miserable existence by sponging on, or blackmailing, his fellow terrorists. Auguste Vaillant, who threw a bomb, fashioned from a saucepan, into the Chamber of Deputies, wore a pair of discarded galoshes he picked up in the street because he could not afford to buy shoes. And the anarchist Ravachol, who blew up several buildings in Paris and claimed to be something of an intellectual, said at his trial: "To die of hunger is cowardly and degrading. I preferred to turn thief, counterfeiter, murderer." He also robbed several graves.

The background of most intellectual-terrorists moving across the contemporary scene is entirely different. Feltrinelli was a multimillionaire with wide-ranging financial interests in many countries. Horst Mahler was a prosperous lawyer in West Berlin. One of his associates, the notorious Gudrun Ensslin, is the daughter of a respected Protestant minister. The members of the Baader-Meinhof group liked to patronize the more expensive Paris fleshpots. The Arab terrorists who captured and destroyed the Lufthansa planes lived in luxury hotels. The vast majority of French, German and Italian students indicted for terrorist activities, including murder, come from well-to-do, middle-class families. If digestive malfunctions ever contributed to their alienation they were brought on by over-eating rather than under-nourishment.

There are other differences between 19th-century terrorists and the Tupamaros, Black Septembrists and other terrorists who assassinated scores of people at the Lodi airport and, more recently, in a Milan bank. Except in a few cases, such as the bombing of a Paris cafe and a theater in Madrid, the anarchists and nihilists showed some discrimination in choosing their targets. In most cases their attacks were directed against people whom they regarded as symbols or instruments of oppression. They tried, as best they could, to avoid hurting innocent bystanders.

A typical case was that of the Russian anarchist, Boris Voinarovski who was killed when trying to assassinate Admiral Dubassov, one of the pillars of the Czarist regime. Voinarovski left a note saying "I will not throw the bomb if Dubassov is accompanied by his wife." The ethical problem inherent in the incident provided the theme for Albert Camus' moving play "The Just Assassins."

Since they tried to be just in their own way, neither anarchists nor nihilists resorted to taking hostages. That particular means of terrorism, a ghastly remnant of remote centuries, was re-introduced in the modern world by the Germans in World War I, practiced on a large scale in the Russian Civil War and finally institutionalized by the Nazis in Germany and its occupied territories.

It fell to a terrorist of our time to integrate the taking and killing of hostages into non-institutionalized terrorist strategy. He was Carlos Marighella, a Brazilian ex-Communist, who died in 1969 in a shoot-out with the Brazilian police. Five months before his death, Marighella wrote a handbook, entitled "Minimanual of the Urban Guerrilla" which has become the Holy Writ of modern terrorism.

The "Minimanual" provides detailed guidance for ambushes, assassinations, robberies, strikes and the taking and execution of hostages. According to Marighella, hostages should be taken by what he calls "firing teams." These are small groups of terrorists acting in isolation and without awaiting orders. The purpose of the kidnappings is to demoralize the government and the population and, at the same time, to draw attention

to the revolutionary cause. The execution of hostages should be carried out by solitary terrorists acting in absolute secrecy.

Marighella was an intellectual; he wrote several books and political pamphlets before turning terrorist. Significantly, his "Minimanual" stresses again and again the importance of the role which students, intellectuals and, surprisingly enough priests are called to play in the terrorist movement.

Before and after Marighella the same point was made by Che Guevara and his friend, the French sociologist Regis Debray. And this raises again the question; why are intellectuals expected to be drawn to terrorism? In fact, why do so many intellectuals living in contemporary societies succumb to the terrorist mystique?

Alienation and the survival of the anarchist-nihilist tradition do not provide a fully satisfactory answer. There are other factors contributing to the revival of a trend that seemed to have run its course around the turn of the century.

One of those factors is the intellectual refinement of the theory of terrorism. Bakunin and the other founding fathers of anarchism and nihilism approved of terrorism on emotional or pseudo-ethical grounds without trying to place their doctrine on a scientific foundation. Contemporary theoreticians of terrorism have broadened considerably the intellectual bases of their doctrine by linking terrorism—which they call "extra-parliamentary opposition," "direct action," "urban guerrilla warfare" or even "Maoism"—with some of the predominant psychological and sociological theories of our age.

One of the most prominent apologetists of "direct action," Herbert Marcuse, used Freudian concepts of psychoanalysis in support of his revolutionary theories. In his famous book, "The Wretched of the Earth," Franz Fanon offered a revolutionary program based on modern socio-anthropological speculations on colonialism and imperialism. Regis Debray who accompanied Che Guevara on his fateful expedition to Bolivia, was inspired by the Castroite brand of Marxism in working out his theory of urban guerrilla warfare.

While differing on many points, all those theories use allegedly scientific methods in advocating the use of violence as the most effective means of political action.

The scientific trappings of those theories are likely to increase their credibility in the eyes of many young intellectuals. So does the status and position which the theoreticians of violence occupy in contemporary societies.

Bakunin was for many years an inmate of numerous prisons in numerous countries. Kropotkin was exiled to Siberia. Nekhaiev ended his days by hanging himself in the dread Peter and Paul fortress. Auguste Blanqui, who coined the phrase "he who has iron has bread," spent more than 30 years in jail. They were outlaws even if their followers revered them as martyrs.

The situation of modern theoreticians of "direct action" is entirely different. While writing his books on the inevitable collapse of burgeois civilization, and calling for its destruction, Herbert Marcuse taught at the University of California in La Jolla. Regis Debray, scion of a prominent French family, is a well-known habitue of elegant French salons. The economist Ernest Mandel, a self-styled Trotskyist who advocates the violent overthrow of capitalism, teaches at a Belgian university. And there is the rich and influential Nobel prize winning French writer-philosopher Jean-Paul Sartre who reached a nadir of moral and intellectual degradation by recently telling the West German magazine Der Spiegel "I would just rub my hands if somebody would assassinate President Nixon."

Sartre's appalling remark highlighted another factor that contributes to the shaping of modern intellectual-terrorists—the barbarization of language, thought and manners. The barbarization manifests itself in an infantilism whose main characteristics, as Daniel Bell noted, is its stress on feelings, pain and the ecstasies of the young. It is that regression to barbarism that produces what Lionel Trilling calls an "adversary culture" and the sociologist Robert Nisbet compares with the 18th century cult of the Noble Savage.

Reliance on crude force, opposition to all forms of authority and a perversely reasoned rejection of reason are the distinctive features of the barbarism that seems to inspire the intellectual-terrorist. Markedly romantic in its stress on unlimited spontaneity, that barbarism also provides the nostrum which is to rid the intellectual-terrorist of the spiritual hangover left by the unfulfilled promises of 19th century rationalism, positivism and 20th century Marxism.

For the intellectual-terrorist is disillusioned not only with capitalism and technology but also with communism. In the social and ideological turmoils of the 1930s, he would have joined a Communist cell in order to find an outlet for his revolutionary and messianic instincts. Today he turns to Bakunin and his followers for, in the light of what happened in Eastern Europe in the last 50 years, he feels that in the epic battle of revolutionary giants Bakunin, and not Marx, was right.

Terrorism, whether practiced individually or in groups, has never yielded positive results. The Czarist regime collapsed because Russia lost the war and not because Czar Alexander II or the Grand Duke Sergei were assassinated. Eighty years after President Sadi Carnot was stabbed to death in Lyon, the French system remains essentially the same as it was at the turn of the century. And no revolutionary changes have taken place in the United States as the result of the assassination of the two Kennedys and Martin Luther King. In the vast majority of cases, the assassination of a political figure damages rather than promotes the cause it is intended to serve.

Bakunin, Kropotkin and Enrico Malatesta, a flamboyant figure of 19th-century anarchism recognized that truth—even if belatedly. At the end of their revolutionary careers they either repudiated individual terrorism or at least questioned its effectiveness as an instrument of revolutionary strategy and tactics.

They were not alone in reaching that conclusion. In 1939, on the 25th anniversary of the assassination of Archduke Francis Ferdinand and his wife, I went to Sarajevo to interview the last surviving member of the terrorist group that plotted the murder of the Austrian crown prince. He was Ivo Kranjcevic, a frail, modest man who worked for the Yugoslav railway system after spending several years in Austrian jails. I spent several hours with Mr. Kranjcevic, who had many interesting things to say on the conspiracy and its members, the printer Cabrinovic who threw the bomb and the student Gavrilo Princip who fired the fatal shots.

The storm clouds were once again gathering over Europe. Saying goodby to my host, I stopped on the threshold and said, "A last question, Mr. Kranjcevic. Knowing what happened in the world since 1914, and seeing the situation as it is today, what would you do if somebody approached you suggesting you take part in a political assassination plot?"

He looked at me with his sad eyes and said; "I would tell him to go to hell."

STEVE ALLEN OF OXFORD, ALA.

Mr. ALLEN. Mr. President, every once in a while our attention is drawn to the accomplishments of bright young men and women whose educations, abilities, and accomplishments are far beyond their ages.

Just such a young man has been brought to my attention through an article written for the Associated Press and published by a number of Alabama newspapers. The story concerns 16-year-old Steve Allen who will graduate this spring from Jacksonville State University in Jacksonville, Ala. The son of Mr. and Mrs. D. R. Allen of Oxford, Ala., Steve could well be the only college graduate in Alabama too young to vote.

This young man's interests and activities are broad and varied, and he exhibits a mature view of the future. I read his story with great interest and ask unanimous consent that it be printed in the RECORD so that I may share it with all.

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

ALABAMIAN TO GET COLLEGE DEGREE BUT IS TOO YOUNG TO VOTE

(By Carlton Proctor)

JACKSONVILLE, Ala.—When Steve Allen receives his degree in December, he could become the only college graduate in Alabama too young to vote.

And, ironically, voting and politics are what interest him the most. Already behind him is the experience of two political campaigns—his own for editorship of the Jacksonville State University newspaper, which he won, and the Republican campaign last fall.

At 16, Allen is Jacksonville's youngest upper classman. He is the son of Mr. and Mrs. D. R. Allen of Oxford, Ala.

He said that politics in his life: "I can't imagine myself doing anything else.

"I think one of the most important things a student can do while in school is run for an elective office," Allen said. "Or if they don't run, then at least help someone else run. It's an education in itself.

"I plan to run for office as soon as I am eligible. Political power doesn't interest me; it's just that when I see people misusing power it makes me want to do something about it.

"It's frustrating," Allen added, "to be so interested in politics and not be able to vote. But I try to make up for it by convincing 30 or 40 other voters to change to my side."

At 14 he entered Jacksonville without graduating from high school. He actually had taken his first college course, algebra, when he was 13.

"It was strange to hear people in that math class say they couldn't do homework assignments because their children were too noisy," he recalled.

Allen began leapfrogging through school when he entered the first grade at age five. He skipped the third and sixth grades after finishing fifth grade work at nine.

After the fifth grade his parents sent him to a psychologist to determine what level he should try next.

"He recommended ninth grade work," Allen said, "but my parents decided on the seventh grade."

Grades seven through 11 were spent at Anniston Academy. In 1971 he began taking freshman courses at Jacksonville. He skipped his senior year at the academy to start college but finished one English course last year to graduate officially from high school.

So, at age 14, Allen entered college and immediately jumped into politics, both on and off campus. Last month he used some of this experience to win election as editor of The Chanticleer, the student newspaper.

Then Allen was elected president of Phi Kappa Mu, a national honorary society for students interested in social sciences.

He reads as a pastime, "He seems to be interested in most everything, especially controversial issues," one professor said.

Allen has a 2.5 average out of a possible 3 and plans to enter Cumberland Law School in Birmingham on graduation.

Then he plans to practice law and enter state politics.

"I'm in the right state for my political views, which are conservative," he said. "I believe the South will lead this national swing back to a more conservative stand."

At 16, Allen just barely misses working restrictions under the Child Labor laws in connection with a job this summer writing for a radio station.

One reason he chose Jacksonville, he said, is that "I couldn't go too far away from home. I just got my driver's license a few weeks ago."

CHARLES A. QUATTLEBAUM

Mr. THURMOND. Mr. President, I rise today to honor a man who has spent his entire adult life in service to Congress and the country in the field of education. In May of last year, Charles A. Quattlebaum retired after 35 years as an education specialist in the Congressional Research Service of the Library of Congress. During this time, we have seen many important and innovative ideas put into practice in schools across the Nation and Mr. Quattlebaum was often the man behind the scenes in these changes.

Charles Albert Quattlebaum was born in the sleepy town of Ridge Spring, S.C., May 6, 1902. From there, his education took him to the University of Georgia, George Washington University, and Northwestern. Before he began his distinguished career with the Federal Government, he served as a public school instructor and administrator. The experience he gained in the practical applications of education prepared him for the intellectual strides he was to make in Washington.

Mr. President, those of us fortunate enough to serve our people in Washington know full well the necessity of having capable men of high integrity advising us on matters of utmost importance. Mr. Quattlebaum is this kind of man. At the requests of Members of the U.S. Congress, he undertook massive assignments with one purpose in mind: to improve the system of educating our children.

In 1951, the Quattlebaum report emerged. This was the first complete study ever made which covered the broad scope of educational issues before Congress. This report later became a House document and was widely read throughout the United States. This report was considered vital reading for those involved in the field of education.

At the request of the Committee on Education and Labor in 1960 and 1968, Mr. Quattlebaum made comprehensive studies of "Federal education policies, programs, and proposals." Once again, these works examined the core of our educational system in a concise, scholarly fashion. They remain even today valuable references.

Mr. President, these are 21 of more than 30 congressional prints and documents written by Mr. Quattlebaum during his service in Washington. Unfortunately, time will not permit me to give them the attention they deserve. Suffice it to say, however, that his extensive research on education has been studied by scholars and academicians throughout the world and its impact on education cannot be overstated.

The importance of Mr. Quattlebaum's work, however, does not begin and end here. Their true value can be seen in the thousands of schools across the country. They can be seen in the best educational system in the world. The real importance in Charles Quattlebaum's work can best be felt in an educational system which teaches a child to be as ambitious and progressive as his talents will permit.

Mr. President, the future of our country rests with our children. Although an education is not an end in itself, it is still an invaluable tool with which to mold our children and teach them to be responsible adults. Without a viable educational system, we could not hope to succeed. Without men such as Charles Quattlebaum, we would not know how to succeed.

MISSOURI HIGHWAY TRUST FUND IMPOUNDMENT DECISION

Mr. ERVIN. Mr. President, as many Senators are aware, the U.S. Court of Appeals for the eighth circuit last week rendered a decision in the case brought by the State of Missouri challenging the right of the executive branch to impound moneys in the highway trust fund.

In that decision, a three-judge panel of the court held that the Secretary of Transportation and the Director of the Office of Management and Budget had acted unlawfully in impounding highway trust funds for reasons unrelated to the merits of the program, specifically to control inflation and for other economic reasons.

The decision was based on the panel's interpretation of section 101(c) of the Federal Air Highway Act of 1956, as amended (23 U.S.C. 101 et seq.), which specifically provides:

(c) It is the sense of Congress that under existing law no part of any sums authorized to be appropriated for expenditure upon any Federal-aid system which has been apportioned pursuant to the provisions of this title shall be impounded or withheld from obligation.

The court did not touch on the constitutional aspects of the impoundment issue.

Mr. President, the question of impoundment of funds by the Executive is one of the great issues now facing the Nation. Just last week the Senate voiced its opinion on this question when it passed an amendment I offered to the dollar devaluation bill that provides stringent controls on the impoundment practice coupled with a ceiling on Federal expenditures for fiscal year 1974.

That amendment was the product of extensive study and hearings over the past 2½ years by the Judiciary Subcommittee on Separation of Powers and the Committee on Government Operations.

It was virtually identical to the language of S. 373, as amended, which was reported by the Government Operations Committee on April 3.

To my mind, S. 373 as reported by the committee represents a reasonable solution to the impoundment problem, for it permits the President enough leeway to manage Federal expenditures, while retaining for the Congress its constitutional power of the purse.

While it is limited in scope, the eighth circuit's ruling in the Missouri case is an important development in the impoundment battle. It is the most advanced of several lawsuits challenging the Executive's power to impound, and it may result in the first Supreme Court ruling on the issue.

For this reason, I ask unanimous consent that the eighth circuit's opinion in the case of *State Highway Commission of Missouri* v. *Volpe* (No. 72–1512) be inserted in the RECORD.

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

[U.S. Court of Appeals for the Eighth Circuit, No. 72–1512]

(Appeal from the U.S. District Court for the Western District of Missouri)

THE STATE HIGHWAY COMMISSION OF MISSOURI,[1] APPELLEE, v. JOHN A. VOLPE, SECRETARY OF TRANSPORTATION OF THE UNITED STATES, AND CASPAR W. WEINBERGER, DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET OF THE UNITED STATES, APPELLANTS

Submitted: January 10, 1973.

Filed: April 2, 1973.

Before Lay, Heaney, and Stephenson, Circuit Judges.

Lay, Circuit Judge.

The legal issue before us is whether the Secretary of Transportation may defer authority to obligate highway funds previously apportioned to the State of Missouri under the Federal-Aid Highway Act of 1956[2] when the reasons given for the deferment by the Secretary and the Director of the Budget are the status of the economy and the need to control inflationary pressures. It is conceded that the balance of more than five billion dollars in the highway trust fund is adequate to meet all current requirements and that Missouri is qualified in every respect for its apportionment.[3]

On June 30, 1971, the State of Missouri filed an amended complaint against the Secretary and the Director of the Office of Management and Budget. The complaint alleged that the Secretary had apportioned 115.7 million dollars in highway funds to Missouri in fiscal 1972, but that he imposed contract controls on (impounded) 21.9 million dollars of that sum. Missouri also complained that funds had been impounded in fiscal 1971 for the same reasons.[4]

The district court held that the contract controls were beyond the authority conferred on the Secretary by the Federal-Aid Highway Act. It enjoined further withholdings for Missouri for fiscal year 1973; issued a writ of mandamus ordering that the Secretary revoke any contract controls prohibiting Missouri from obligating its full apportionment for fiscal 1973; and entered a judgment declaring that it was not within the discretion of the Secretary to withhold or to defer obligation of highway funds previously apportioned to the State of Missouri for the reasons advanced by the Secretary.

We hold that the action for mandamus was mooted by the Secretary's removal of the contract controls during the pendency of the action[5] but that the court properly granted plaintiff's declaratory judgment.

On appeal, the Secretary argues: (1) that

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there is no subject matter jurisdiction, (2) that there is no justiciable issue since the case involves only a political question, and (3) that the Secretary possessses discretion under the statute to withhold funds for the stated reasons.

JURISDICTION

Missouri alleged and the district court so held that it had jurisdiction by virtue of the mandamus statute, 28 U.S.C. § 1361, and by Section 10 of the Administrative Procedure Act, 5 U.S.C. § 701 *et seq.*

The Secretary urges that mandamus is not a proper basis for jurisdiction since the Highway Act is non-mandatory in nature and that mandamus is only applicable where the duty owed is specific, unequivocal and plainly prescribed.[6] The Secretary further contends that the Administrative Procedure Act is not an independent source of jurisdiction[7] but is only applicable when other grounds of statutory jurisdiction exist. Regardless of these contentions we find an ample jurisdictional basis for adjudication under 28 U.S.C. § 1331 (a).

Although § 1331(a) was not specifically pleaded in the complaint, a review of the entire complaint demonstrates that a federal question exists. The plaintiffs sought a judicial construction of the Federal-Aid Highway Act and the amount in controversy obviously exceeded $10,000. In *Sikora* v. *Brenner*, 379 F. 2d 134 (D.C. Cir. 1967), the plaintiff alleged jurisdiction under 35 U.S.C. 145. The district court dismissed for lack of subject matter jurisdiction. However, on appeal, the appellate court found that jurisdiction existed under 5 U.S.C. § 704. The court stated:

"The District Court's jurisdiction was established by the allegations of operative facts bringing the controversy within the scope of the statute conferring jurisdiction on the court. The court's jurisdiction was neither dependent upon nor removable by any reference to or recitation of a statute in the allegations." 379 F. 2d at 136.

Moreover, since the complaint clearly establishes that federal question jurisdiction did exist, there is no need for this court to remand in order to amend the pleadings to specifically allege 1331(a) as a basis of jurisdiction. See *Norton* v. *Larney*, 266 U.S. 511, 516 (1925). We can assume that the complaint has been amended to conform to this fact and proceed to review the district court's judgment on the merits. See also *National Farmers Union Property & Casualty Co.* v. *Fisher*, 284 F. 2d 421, 423 (8 Cir. 1960); *Parker* v. *Gordon*, 178 F. 2d 888, 890 n. 2 (1 Cir. 1949).

JUSTICIABILITY

In view of our finding as to mootness under the mandamus action, we raise the question of whether the declaratory judgment is likewise moot for purposes of this appeal. We decide it is not. It is recognized that "[w]here one of the several issues presented becomes moot, the remaining live issues supply the constitutional requirement of a case or controversy." *Powell* v. *McCormack*, 395 U.S. 486, 497 (1969). Moreover, a court may grant a declaratory judgment even though it declines to issue an injunction or writ of mandamus. *Id.* at 499. An action for declaratory relief satisfies the requirements of a "case or controversy" when it would have significant consequences in determining the extent of any further relief" deemed necessary if the illegal conduct should be expected to resume in the future. *Gautreaux* v. *Romney*, 448 F. 2d 731, 736 (7 Cir. 1971).

It is generally held that the voluntary cessation of allegedly illegal conduct does not make a case moot if there is a "reasonable expectation" that the wrong will be repeated. *United States* v. *W. T. Grant Co.*, 345 U.S. 629, 633 (1953). See also *United States* v. *Concentrated Phosphate Export Ass'n., Inc.*, 393 U.S. 199, 203 (1968). However, when the actions questioned are those of the government, the mere probability of recurrence must be coupled with a certainty that the impact will fall on the same objecting litigants. *Committee to Free the Fort Dix 38* v. *Collins*, 429 F. 2d 807, 812 (3 Cir. 1970); see generally *Mootness on Appeal in the Supreme Court*, 83 Harv. L. Rev. 1672 (1970). In the instant case, it is conceded by the Secretary that further contract controls will be imposed and that Missouri will most certainly be affected. We therefore find sufficient basis to justify appellate review of the district court's declaratory judgment.

The Secretary asserts the lack of justiciability on the ground that the case presents political questions not appropriate for judicial resolution. Counsel suggests that what is involved is the "[e]xecutive's power to control the rate of expenditure of funds" and that this is a political question. We disagree. The only issue before the district court and this court is the question of statutory construction, i.e., whether the Secretary of Transportation, pursuant to his delegated duties under the Federal-Aid Highway Act, can withhold from the State of Missouri, for the reasons he stated, the authority to obligate funds duly apportioned to the state under the Act. Surely such a determination is within the competence of the courts. Cf. *Barlow v. Collins*, 397 U.S. 159, 166 (1970).

As was recently observed, "[i]n our overall pattern of government the judicial branch has the function of requiring the executive (or administrative) branch to stay within the limits prescribed by the legislative branch." *National Automatic Laundry and Cleaning Council v. Shultz*, 443 F. 2d 689, 695 (D.C. Cir. 1971). Resolution of the issue before us does not involve analysis of the Executive's constitutional powers. Nothing in the present record demonstrates that the Secretary of Transportation will continue to exercise controls beyond that which judicial construction finds permissible within the statute. To the contrary, at oral argument counsel for the government stated, "I suppose our brief comes as close as it can to conceding that were Congress to make this manadatory, that would be the end of the case . . . I would say almost certainly that without tending to give away what the White House might decide in any particular statute, that where it is mandated clearly, the Executive would have to spend that money or would spend the money. The issue before us is not whether the Secretary abused this discretion in imposing contract controls but whether the Secretary has been delegated any discretion to so act in the first place. Cf. *Constructores Civiles de Centroamerica, S.A. v. Hannah*, 459 F. 2d 1183, 1192 (D.C. Cir. 1972). It is difficult to frame the Article III duty of the judicial branch of government under these circumstances in any more meaningful terms than did Mr. Justice Reed in *Stark v. Wickard*, 321 U.S. 288, 309–310 (1944):

"When Congress passes an Act empowering administrative agencies to carry on governmental activities, the power of those agencies is circumscribed by the authority granted. This permits the courts to participate in law enforcement entrusted to administrative bodies only to the extent necessary to protect justiciable individual rights against administrative action fairly beyond the granted powers. The responsibility of determining the limits of statutory grants of authority in such instances is a judicial function entrusted to the courts by Congress by the statutes establishing courts and marking their jurisdiction. Cf. *United States v. Morgan*, 307 U.S. 183, 190–91. This is very far from assuming that the courts are charged more than administrators or legislators with the protection of the rights of the people. Congress and the Executive supervise the acts of administrative agents. The powers of departments, boards and administrative agencies are subject to expansion, contraction or abolition at the will of the legislative and executive branches of the government. These branches have the resources and personnel to examine into the working of the various establishments to determine the necessary changes of function or management. But under Article III, Congress established courts to adjudicate cases and controversies as to claims of infringement of individual rights whether by unlawful action of private persons or by the exertion of unauthorized administrative power."

Thus, we conclude that the present case presents a justiciable issue capable of judicial resolution.

THE FEDERAL-AID HIGHWAY ACT

This then brings us to the merits of the controversy—the construction of the Federal-Aid Highway Act as it relates to defining the Secretary's delegated authority. A threshold requirement is a rudimentary understanding of the Act.

Congress deemed it within the "national interest to accelerate the construction of the Federal-aid highway systems" to serve local and interstate commerce and to enhance national and civil defense. 23 U.S.C. § 101(b) (1970). The objective of the Act was the creation of a National System of Interstate and Defense Highways. The system was to be completed "as nearly as practicable" over the period of twenty years on an expedited construction basis. *Id.*

Based upon specific formulas set forth within the Act, the Secretary is required to apportion among the several states certain sums authorized to be appropriated for expenditure.[8] 23 U.S.C. § 104(b). After the apportionment, the states, through their respective highway departments, are to submit programs of proposed projects based upon the apportioned funds. The Secretary is instructed in Section 105(a) to "act upon programs submitted to him as soon as practicable after the same have been submitted." Section 106(a) then provides that "as soon as practicable after program approval." specific "surveys, plans, specifications, and estimates for each proposed project" will be submitted to the Secretary for his approval. In this regard, Section 106(a) specifically states that in approving the project plans "the Secretary shall be guided by the provisions of section 109 of this title."[9] It is at this stage that the contract controls are imposed, for once a project is approved by the Secretary it "shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto." 23 U.S.C. § 106(a). On the basis of this approval, states are permitted to obligate the apportioned funds through the letting of construction contracts, etc. Section 118(b) provides that the sums "available for expenditure"[10] shall remain available for expenditure in that state for a period of two years after the close of the fiscal year for which the sums are authorized, and any funds not expended after that time shall lapse, except that unexpended funds apportioned for the Interstate System shall "immediately be reapportioned among the other States . . ." The final stage of the Act is the appropriation by Congress of money from the Highway Trust Fund to pay the state the proportional federal share of construction costs incurred in the partial or total completion of the highway projects.

In 1966 President Johnson, in transmitting his proposals to Congress, announced that there would be a deferral of lower priority federal expenditures by approximately $3 billion in order to curb inflation and assure the stability of the economy (H.R. Doc. No. 492, 89th Cong., 2d Sess (1966)). Thereafter, on November 23, 1966, the Director of the Bureau of the Budget advised the Department of Treasury that the federal highway program would have to bear its

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share of such deferrals. Accordingly, the program was limited to $3 billion in total project obligations during fiscal year 1967.[11] This was done notwithstanding provisions in the Highway Act authorizing over $4 billion to be apportioned to the states for highway costruction.

In light of this, the Secretary of Transportation sought the opinion of the Attorney General of the United States as to the Secretary's authority to defer obligations under the Highway Act. The opinion of Ramsey Clark, Acting Attorney General of the United States, was issued on February 25, 1967. Attorney General Clark concluded that "the Secretary has the power to defer the availability to the States of those funds authorized and apportioned for highway construction which have not, by the approval of a project, become the subject of a contractual obligation on the part of the Federal Government in favor of a State." 42 Op. Att'y Gen. No. 32 (1967).

The essential theses upon which the Secretary defends his authority to impose contract controls under the Federal-Aid Highway Act turns on three arguments: (1) that appropriation acts are permissive in nature and do not provide a specific mandate that the funds authorized to be apportioned must be expended; [12] (2) that there exists no vested right by the states in the appropriated funds until such time that the Secretary gives his approval; and (3) that the language of Section 101(c) is precatory and although expressing Congress' "desire" and "policy" that highway funds not be impounded, the terms of the statute are not mandatory.

We find these arguments unavailing. The claim that a general appropriation act is deemed permissive in nature as far as it constitutes a mandate to expend funds has not escaped criticism.[13] Nevertheless, assuming the proposition to be true, it still does not provide a bottom on which to premise either a direct or implied authorization within the Federal-Aid Highway Act to administer contract controls. For although a general appropriation act may be viewed as not providing a specific mandate to expend *all* of the funds appropriated, this does not *a fortiori* endow the Secretary with the authority to use unfettered discretion as to when and how the monies may be used. The Act circumscribes that discretion and only an analysis of the statute itself can dictate the latitude of the questioned discretion. *Civil Aeronautics Board v. Delta Air Lines, Inc.*, 367 U.S. 316, 322 (1961); *Federal Trade Commission v. National Lead Co.*, 352 U.S. 419, 428 (1957); *Stark v. Wickard*, 321 U.S. 288, 309 (1944); *Pentheny, Ltd. v. Government of the Virgin Islands*, 360 F.2d 786, 790 (3 Cir. 1966).

The second contention raised by the Secretary is that the states have no vested interest in the funds at the time the Secretary exercises his contract control. This argument is premised on Section 106(a) of the Act which states that approval of the Secretary is a prerequisite to the contractual obligation of the United States. It is, therefore, urged that the statute is not mandatory and that the Secretary has the authority to withhold his approval up to two years time [14] Assuming arguendo that the states have no vested right in the funds until such time as the Secretary approves the specific projects we fail to see that this provides a basis for finding that the Secretary has lawful discretion to *withhold his approval of* projects for reasons not contemplated within the Act.[15]

The remaining argument of the Secretary is that Section 101(c) of the Act demonstrates that Congress deems impoundment of funds permissive. Section 101(c) specifically provides:

"(c) It is the sense of Congress that under existing law no part of any sums authorized to be appropriated for expenditure upon any Federal-aid system which has been apportioned pursuant to the provisions of this title shall be impounded or withheld from obligation . . ."

The Secretary urges that "the sense of Congress" language is precatory and simply expresses the wishes of Congress rather than a specific mandate of proscription. Assuming for the moment that this be correct, we find the argument still not controlling the issue before us. The fundamental issue is whether the Secretary possesses direct or implied authority to exercise contract controls for the reasons advanced here. Such authority, if it exists at all, must be gleaned from the language of the Act itself.

We turn then to an analysis of the statute. At the outset we note that in legislating the Federal-Aid Highway Act, Congress was acting under Article I, § 8 wherein it is given its express constitutional authority to establish "post Roads." After granting several additional powers to Congress, Article I, § 8 concludes by setting forth that Congress may "make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Office thereof." It seems reasonable to say that until and unless Congress acted under Article I, neither the Secretary nor anyone else within the Executive branch of the government could build a federally aided highway system. The only branch of government which has the constitutional power to build roads is the only one which has the authority to dictate the terms under which the construction can be carried out. It should require no citation of authority to reaffirm the proposition that the Secretary's authority is limited to carrying out the law according to its terms.

In construing the statute, we adhere to the basic canon of construction observed in *Richards* v. *United States:*

"We believe it fundamental that a section of a statute should not be read in isolation from the context of the whole Act, and that in fulfilling our responsibility in interpreting legislation, 'we must not be guided by a single sentence or member of a sentence, but [should] look to the provisions of the whole law, and to its object and policy.' " 369 U.S. 1, 11 (1962).

And as stated in 2 Sutherland, Statutory Construction § 2802, at 215 (3d ed. 1943), "[t]he statute should be construed according to its subject matter and the purpose for which it was enacted." Over a century ago, Lord Campbell noted, "[i]t is the duty of the Courts of Justice to try to get at the real intention of the Legislature by carefully attending to the *whole scope* of the statute to be construed." (Emphasis ours.) *Liverpool Borough Bank* v. *T'urner*, 45 Eng. Repr. 715, 718 (1860), aff'd, 70 Eng. Repr. 703. See generally *Thompson* v. *Clifford*, 408 F. 2d 154, 158 (D.C. Cir. 1968): *United States* v. *St. Regis Paper Co.*, 355 F. 2d 688, 692 (2 Cir. 1966): *Joanna Western Mills Co.* v. *United States* 311 *F. Supp.* 1328, 1335 (Cust. Ct. 1970).

Under the Federal-Aid Highway Act Congress has provided for a coherent scheme of statutory duties relating to the Secretary of Transportation. While the Secretary is given the discretion to approve or disapprove a state highway program under the statute, nevertheless he must act within *specific* directions relating to efficienffcy, safety and overall compliance with the Act itself. Within Sections 105(a) and 106(a), the Secretary is given the discretion to approve a state's programs and projects, respectively. However, in both instances the statute sets out detailed considerations designed to guide the Secretary's approval.[16] In this regard, it is clear that Congress did contemplate that the Secretary exercise administrative expertise to see that the apportioned funds are not expended on projects which fail to meet *reasonable* standards of cost. Such administrative stewardship is implicit within Section 106(d) of the Act which reads:

"(d) In such cases as the Secretary determines advisable, plans, specifications, and estimates for proposed projects on any Federal-aid system shall be accompanied by a value engineering or other cost reduction analysis."

Moreover, the Secretary is authorized to oversee the letting of contracts (23 U.S.C. § 112) and to insure that prevailing wage rates are maintained (23 U.S.C. § 113). We find nothing within these provisions of the Act which explicitly or impliedly allows the Secretary to withhold approval of construction projects for reasons remote and unrelated to the Act. The statute specifically sets out when the Secretary is justified in withholding funds from the states. This authority generally relates to guarding against the depletion of the Highway Trust Fund. The Secretary is given the express power to withhold obligational authority for a given fiscal year if the Secretary of Treasury determines that "the amounts which will be available in such fund . . . will be insufficient to defray the expenditures which will be required as a result of the apportionment of the States of the amounts authorized. . . ." Section 209(g) of the Federal-Aid Highway Act of 1956, 70 Stat. 400, 23 U.S.C. § 120 note. See also 23 U.S.C. § 101(c).

As has cogently been observed, "[w]here Congress has consistently made express its delegation of a particular power, its silence is strong evidence that it did not intend to grant the power." *Alcoa Steamship Co.* v. *Federal Maritime Commission*, 348 F. 2d 756, 758 (D.C. Cir. 1965). Cf. *Zuber* v. *Holly Hill* U.S. 168, 183 (1969); *Addison* v. *Holly Hill Fruit Products, Inc.*, 322 U.S. 607, 617 (1944). To reason that there is implicit authority within the Act to defer approval for reasons totally collateral and remote to the Act itself requires a strained construction which we refuse to make. It is impossible to find from these specific grants of authority discretion in the Secretary to withhold approval on projects Congress has specifically directed because of a system of priorities the Executive chooses to impose on all expenditures. The Congressional intent is that the Secretary may exercise his discretion to insure that the roads are well constructed and safely built at the lowest possible cost, all in furtherance of the Act, but when the impoundment of funds impedes the orderly progress of the federal highway program, this hardly can be said to be favorable to such a program. In fact, it is in derogation of it. It is difficult to perceive that Congress intended such a result.

SECTION 118(B)

The Secretary additionally urges that since Section 118(b) provides that the sums are to be available for expenditure for a period of two years before they lapse, it is perfectly legal for him to withhold obligational authority so long as the states receive their full obligational authority within the two-year period. This is not only contradictory of the government's position that the states have no vested interest in the monies authorized, but this misconstrues the intent of Section 118(b) as well. That section provides: "Such sums shall continue available for expenditure *in that state* . . . for a period of two years. . . ." (Our emphasis.) This simply means that the money is to be available for an individual state to use, and if any state does not obligate all their money within the two-year period, then the money will lapse. The statute is not directed at permitting the federal government to withhold the money as it sees fit so long as the states are allowed to obligate the funds within two years. This construction finds support in the legislative

history. In the Senate Report to the Federal Aid in the Construction of Rural Post Roads Act, which was the initial federal legislation supporting highway construction, the following appears:

"Section 3 also provides that the unexpended portions of the appropriations at the close of any fiscal year shall be available for expenditure until the close of the succeeding fiscal year. This will prevent both undue haste in the expenditure of the appropriation *to prevent its being turned back into the Federal Treasury and the defeating of the purpose of the act by failure to adequately and wisely expnd it for the purpose of road improvement.* In order that *the States* having no highway departments may not be penalized pending the meeting of their State legislatures, *this section allows them until the close of the third fiscal year succeeding the year for which appropriation was made [in order to arrange for expenditure.]*" (Emphasis ours.) S. Rep. No. 250, 64th Cong., 1st Sess. (1916).

The bracketed language clearly indicates that any expenditures are to be arranged by the states within the two years. Furthermore, in the Conference Report to the Federal-Aid Highway Act of 1956, it is noted that the funds *available* for *expenditure* will lapse if unexpended at the end of the two-year period. In discussing the availability for expenditure, the Committee observed:

"(f) Availability for expenditure.—The language of the House bill (sec. 108(h)) and the conference agreement (sec. 108(f)) are identical in this respect. The conferees took note of the fact that *some States have not yet obligated* all of the funds previously apportioned to them under the authorizations contained in the Federal-Aid Highway Act of 1954, wherein the matching ratio is 60–40 instead of the more liberal 90–10 ratio provided in the conference agreement. It is intended by the conferees that the Secretary of Commrce will take such steps as may be necessary to insure that *each State shall utilize all 60–40 funds apportioned to it before the lapse period and that no State will be permitted to deliberately lapse* any of the 60–40 funds in order to substitute therefor the more favorable 90–10 funds and thereby increase the total Federal funds going into any State for the Interstate System." (Emphasis ours.) H.R. Rep. No. 2436, 84th Cong., 2d Sess. (1956); U.S. CODE, CONG. & ADM. NEWS at 2896 (1956).

Thus, there is a clear indication that Congress intended that the obligation of funds within the lapse period be a continuing duty of the states. Once this premise is recognized, it is not persuasive for the Secretary to argue that the lapse period of 118(a) was intended for the benefit of the Secretary. The government position is similarly weakened by reference to Section 101(b) of the Act where it is declared to be in the national interest to accelerate the construction of the highway system. As noted earlier, this same theme appears throughout the Act wherein Congress directs the states and the Secretary to act "as soon as practicable."

SECTION 101(C)

When the provisions of the Federal-Aid Highway Act are considered as a whole, it is apparent that the Secretary does not have the authority to withhold funds for anti-inflationary purposes. This construction is supported by Section 101(c). After the Attorney General's opinion [17] in 1967 ruled that impoundment of highway funds was permissible under the Highway Act, Congress passed Section 101(c) specifically saying that it "was the sense of Congress that under existing law" the Secretary was not to impound funds under the Federal-Aid Highway Act. Upon subsequent amendment to the Act in 1970, the House Report significantly stated:

"It has been clearly demonstrated that the Federal-aid highway program can operate successfully and efficiently only so long as its planning and programming can be based on an assured comparatively long-term level of financing.

"The withholding of highway trust funds as an anti-inflationary measure is a clear violation of the intent of the Congress as expressed in section 15 of the Federal-Aid Highway Act of 1968. We again wish to emphasize the clear legislative intent that funds apportioned shall not be impounded or withheld from obligation. . . ." (Emphasis ours.) H.R. Rep. No. 91–1554, 91st Cong., 2d Sess. (1970); U.S. CODE, CONG. & ADM. NEWS at 5401 (1970).

However, assuming, as the Secretary contends, that the "sense of Congress" language is precatory and merely reflects a policy statement, nevertheless, such language can be useful in resolving ambiguities in statutory construction. See *Connecticut Light & Power Co. v. Federal Power Commission*, 324 U.S. 515, 527 (1945); 2 Sutherland, Statutory Construction § 4820 (3d ed. 1943). Moreover, Section 101(c) takes on an added significance since it is a Congressional interpretation of prior law—for the words used are "it is the sense of Congress that under existing law." And as the most recent pronouncement of the Supreme Court observes: "Subsequent legislation declaring the intent of an earlier statute is entitled to great weight in statutory construction." *Red Lion Broadcasting Co. v. FCC*, 395 U.S. 367, 380–381 (1969). Accord, *Federal Housing Administration v. The Darlington, Inc.*, 358 U.S. 84, 90 (1958); *Banco Nacional de Cuba v. Farr*, 383 F. 2d 166, 175 (2 Cir. 1967), cert. denied, 390 U.S. 956 (1968). But see *Waterman Steamship Corp. v. United States*, 381 U.S. 252 (1965).

Thus, we find Section 101(c) merely *corroborates* what, as was pointed out earlier, the statute as a whole already provides—that apportioned funds are not to be withheld from obligation for purposes totally unrelated to the highway program.[18]

Finally, the Secretary urges that it is significant that Congress has failed to pass subsequent legislation specifically prohibiting the Secretary from withholding obligational authority. We deem this another straw in the wind.

When attempting to determine the meaning and intent of a particular statute, it is generally held that the rejection by Congress of amendments or other legislation relating to the statute in question is "not conclusive as to the meaning of the bill in the unamended form. . . . It is, however, a circumstance to be weighed along with others when choice is nicely balanced." *Fox* v. *Standard Oil Co.*, 294 U.S. 87, 96 (1935). However, under the facts of the instant case, these rejections by Congress are of even lesser consequence, for the necessary balance is missing. In *Fox* the amendment was debated and rejected by a vote of the entire Senate. In the present case, there were four principal bills introduced which would have prohibited the Secretary from impounding any highway funds—S. 4049, 90th Cong., 2d Sess. (1968); H.R. 1214, 91st Cong., 1st Sess. (1969); S. 3877, 92d Cong., 2d Sess. (1972); and S. 3939, 92d Cong., 2d Sess. (1972). Of these four bills, the first three have never even been reported out of committee.[19] There have been no committee hearings, reports, floor debates, or floor votes on these measures. They simply died in committee for no explained reason. The last bill, S. 3939, contained an alternative procedure which would have precluded the Secretary from withholding obligational authority. Only the Senate Report contained this procedure—it was not part of the House Report.[20] When the Conference Report was submitted the alternative procedure was dropped altogether, with no concomitant explanation. H.R. Rep. No. 92–1619, 92d Cong., 2d Sess (1972).[21]

Under such circumstances, there is no way of ascertaining why these various bills were not enacted. The Secretary argues that Congress did not want to proscribe the Secretary's alleged authority to withhold obligational authority. But it is equally plausible that Congress felt that the bills were unnecessary—that it was their understanding that the Federal-Aid Highway Act as then existing already precluded any deferral of obligational authority. When the rejection of these bills is viewed in this light, this legislative history is of no assistance in construing the Act. As the Supreme Court noted in *Order of Railway Conductors of America* v. *Swan*, 329 U.S. 520, 529 (1947):

"Finally, petitioners point out that Congress has failed to amend § 3, First (h), so as specifically to exclude 'yardmasters and other subordinate officers' from the jurisdiction of the First Division, despite the introduction of two bills to that effect in the Senate in 1940 and 1941. *These bills were sent to an appropriate committee, but were never reported out. It does not appear whether the bills died because they were thought to be unnecessary or undesirable. No hearings were held; no committee reports were made. Under such circumstances, the failure of Congress to amend the statute is without meaning for purposes of statutory interpretation.*" [22]

See also *Arnold Tours, Inc. v. Camp*, Nos. 72–1142, 1143 (1 Cir. Dec. 13, 1972); *Miller v. United States*, 180 Ct.Cl. 782, 877 (1967); *Brannan v. Stark*, 185 F.2d 871, 883 (D.C. Cir. 1950), aff'd, 342 U.S. 451 (1952); see generally Hart, *Comment on Courts and Lawmaking*, in Paulsen, ed. *Legal Institutions Today And Tomorrow* 45–47 (The Centennial Conference Volume of the Columbia Law School, 1959); Folsom, *Legislative History* 38 (1972).

ANTI-DEFICIENCY ACT

Although the applicability of the Anti-Deficiency Act, 34 Stat. 49, as amended, 64 Stat. 765, 31 U.S.C. § 665(c), was not argued on this appeal, the conclusion we reach is not at variance with the provisions of that Act. Section 665(c)(2) allows the Bureau of the Budget (now OMB), when apportioning appropriation fund, to set up reserves (i.e., withhold the fund) in order "to provide for contingencies, or to effect savings whenever savings are made possible by or through changes in requirements, greater efficiency of operations, or other developments subsequent to the date on which such appropriation was made available." However, the Act goes on to point out that the reserves may only be established when the funds *"will not be required to carry out the purposes of the appropriation concerned. . . ."* (Emphasis ours.) The legislative history is emphatic in noting that this power to withhold funds cannot be used if it would jeopardize the policy of the statute.

"It is perfectly justifiable and proper for all possible economies to be effected and savings to be made, *but there is no warrant or justification for the thwarting of a major policy of Congress by the impounding of funds.* If this principle of thwarting the will of Congress by the impounding of funds should be accepted as correct, then Congress would be totally incapable of carrying out its constitutional mandate of providing for the defense of the Nation." (Emphasis ours.) H.R. Rep. No. 1797, 81st Cong., 2d Sess. 311 (1950).

It is thus apparent that any withholding in order to "effect savings" or due to "subsequent events," etc., must be considered in context of not violating the purposes and objectives of the particular appropriation statute. Such purposes and objectives are necessarily violated when one charged with implementing the statute acts beyond his delegated authority.

Footnotes at end of article.

CONCLUSION

We conclude that the statutory provisions of the Federal-Aid Highway Act of 1956, as amended, 23 U.S.C. § 101 *et seq.* (1970), do not expressly or impliedly authorize the Secretary to withhold the authority to obligate apportioned funds where the only reasons are those advanced by the Secretary in this case.

As earlier indicated the issuance of the writ of mandamus is now moot and is hereby ordered vacated. The judgment granting declaratory relief in favor of the plaintiff is affirmed. The defendants are hereby enjoined from withholding from the State of Missouri, now and in the future, the authority to obligate its apportioned funds under the Federal-Aid Highway Act for reasons allegedly related to the status of the economy and the need to control inflationary pressures.

Judgment affirmed, as modified.

FOOTNOTES

[1] In addition to several states, the following also submitted an amicus curiae brief on behalf of the appellee: Senator Samuel J. Ervin, Jr., Chairman, Government Operations Committee; Senator James O. Eastland, President *Pro Tempore*, Chairman, Judiciary Committee; Senator Michael J. Mansfield, Majority Leader; Senator Robert C. Byrd, Assistant Majority Leader; Senator Jennings Randolph, Chairman, Public Works Committee; Senator John L. McClellan, Chairman, Appropriations Committee; Senator Howard W. Cannon, Chairman, Aeronautical & Space Sciences Committee; Senator Thomas F. Eagleton, Chairman, District of Columbia Committee; Senator J. W. Fulbright, Chairman, Foreign Relations Committee; Senator Vance Hartke, Chairman, Veterans' Affairs Committee; Senator Henry M. Jackson, Chairman, Interior & Insular Affairs Committee; Senator Gale W. McGee, Chairman, Post Office & Civil Service Committee; Senator Warren G. Magnuson, Chairman, Commerce Committee; Senator Lee Metcalf, Chairman, Joint Committee on Congressional Organization; Senator John Sparkman, Chairman, Banking, Housing & Urban Affairs Committee; Senator Stuart Symington; Senator Harrison A. Williams, Jr., Chairman, Labor & Public Welfare Committee; Representative J. J. Pickle; Representative Benjamin Rosenthal; Representative Morris K. Udall; Senator John A. Stennis, Chairman, Armed Services Committee; Senator Herman E. Talmadge, Chairman, Agriculture & Forestry Committee; Senator Frank E. Moss, Chairman, Aeronautical & Space Sciences Committee; Senator Hubert H. Humphrey; Senator John V. Tunney; Representative William V. Alexander, Jr.; Representative Robert F. Drinan; and Public Citizen, Inc.

[2] As amended, 23 U.S.C. § 101 et seq. (1970). The act of deferring authority to obligate funds is generally referred to as "contract controls."

[3] Under Section 209 of the Federal-Aid Highway Act of 1956, 23 U.S.C. § 120 note, there is established a Highway Trust Fund. Appropriated into that fund are specified percentages of certain highway user taxes, such as taxes on diesel fuel, gasoline, trucks, tires, etc., which are received into the Treasury. These funds are then used to reimburse the states for expenditures under the Federal-Aid Highway Act.

[4] The district court restricted its issuance of mandamus to fiscal year 1973. The date of the district court's hearing was June 19, 1972, and the record shows that on June 15, 1972, Missouri was informed that it would be entitled to obligate all of the funds originally apportioned for the fiscal year 1973. Thus, on the date of judgment, August 7, 1972, there was no specific duty breached and nothing remained to be ordered for the Secretary to carry out.

[5] The original action was commenced on August 14, 1970, and related to highway funds impounded for the fiscal year ending June 30, 1971. This was dismissed as moot since the court found that at the time of trial the contract controls had been removed and that Missouri had been allowed to obligate all funds which had originally been apportioned for that fiscal year and previous years. However, the court permitted Missouri to file an amended complaint to pursue its claims for the years after the fiscal year ending June 30, 1972.

[6] The possible difficulty with mandamus is the judicial gloss requiring that the duty sought must be a positive command so plainly defined as to be free from doubt. *Prairie Band of Pottawatomie Tribe of Indians v. Udall*, 355 F. 2d 364 (8 Cir. 1966), cert. denied, 385 U.S. 831. As the Supreme Court has stated, "where the duty . . . depends upon a statute or statutes the construction or application of which is not free from doubt, it is regarded as involving the character of judgment or discretion which cannot be controlled by mandamus." *Wilbur v. United States ex rel. Kadrie*, 281 U.S. 206, 219 (1930). Nevertheless, if the Secretary was not delegated any discretionary power to withhold obligational authority for anti-inflationary purposes, the Secretary would be acting outside the scope of his power and it would appear that mandamus was intended to provide a basis for such relief. See *Peoples v. United States Department of Agriculture*, 427 F. 2d 561, 565 (D.C. Cir. 1970)—"While the statute [1361] is couched in terms of mandamus action, its liberalizing purpose . . . was intended to permit District Courts generally to issue appropriate corrective orders where Federal officials are not acting within the zone of their permissible discretion but are abusing their discretion or otherwise acting contrary to law. . . ." See also *Udall v. Wisconsin, Colorado and Minnesota*, 306 F. 2d 790, 793 (D.C. Cir. 1962), cert. denied, 371 U.S. 969 (1963). See generally Byse and Fiocca, *Section 1361 of The Mandamus And Venue Act Of 1962 And "Nonstatutory" Judicial Review Of Federal Administrative Action*, 81 Harv. L. Rev. 308 (1967). However, it is apparent that any issue concerning a writ of mandamus is moot as far as this appeal is concerned. See note 4 supra.

[7] Federal courts are apparently divided as to whether Section 10 of the APA confers independent jurisdiction (Section 10 generally provides that "[a] person suffering legal wrong because of agency action . . . is entitled to judicial review thereof," and that "final agency action for which there is no other adequate remedy in a court [is] subject to judicial review."). Compare *Brennan v. Udall*, 251 F. Supp. 12 (D. Colo. 1966), aff'd, 379 F. 2d 803 (10 Cir. 1967), cert. denied, 389 U.S. 975, with *Arizona State Department of Public Welfare* v. *Department of HEW*, 449 F. 2d 456, 464 (9 Cir. 1971), cert. denied, 405 U.S. 919 (1972). For a general review of the problem, see Cramton, *Nonstatutory Review of Federal Administrative Action: The Need For Statutory Reform Of Sovereign Immunity, Subject Matter Jurisdiction, And Parties Defendant*, 68 Mich. L. Rev. 387, 444 (1970). This court has held that the APA does not confer independent jurisdiction. *Twin Cities Chippewa Tribal Council* v. *Minnesota Chippewa Tribe*, 370 F. 2d 529, 532 (8 Cir. 1967). Although the Supreme Court has not spoken directly to the issue, its recent cases tend to look favorably upon construing Section 10 as an affirmative grant of jurisdiction. See, e.g., *Rusk* v. *Cort*, 369 U.S. 367, 371–372 (1962); *Abbott Laboratories* v. *Gardner*, 387 U.S. 136, 141 (1967); *Gardner* v. *Toilet Goods Ass'n.*, 387 U.S. 167, 177 (1967) (opinion of Fortas, J.); *Citizens to Preserve Overton Park* v. *Volpe*, 401 U.S. 402 (1971). See generally Byse and Fiocca, supra note 6, at 330–331.

[8] In referring to the above-mentioned formula, former Federal Highway Administrator, F. C. Turner, has observed: "There is absolutely no discretion of any kind in our office with respect to how much any State gets in any of these categories of funds [pursuant to the formula]. The apportionment is specified in the law and we distribute it right to the dollar." Testimony reported in Hearings on Executive Impoundment of Appropriated Funds Before the Subcommittee on Separation of Powers of the Committee on the Judiciary, 92nd Cong., 1st Sess. at 80 (1971) [hereinafter cited as Senate Hearings].

[9] In Section 109 Congress sets forth some ten detailed standards which are to guide the Secretary's approval under § 106(a). These standards relate to construction and safety considerations. See note 16 infra.

[10] Under Section 118(b), "expenditure" is defined:

". . . . Such sums for any fiscal year shall be deemed to be expended if a sum equal to the total of the sums apportioned to the State for such fiscal year and previous fiscal years is covered by formal project agreements providing for the expenditure of funds authorized by each Act which contains provisions authorizing the appropriation of funds for Federal-aid highways."

[11] See testimony of F. C. Turner, Senate Hearings, supra note 8, 59.

[12] Although we are not dealing with a general appropriation act, for purposes of discussion we assume that there is no essential difference between a general appropriation and the grant of authority to apportion funds to the respective states under the Federal-Aid Highway Act. The actual appropriation of money under the statute is ministerial. It does not occur until monies are appropriated to be paid from the trust fund to reimburse the states for construction already completed under the Act. See Section 209(f) of the Federal-Aid Highway Act of 1956, 70 Stat. 397, 23 U.S.C. § 120 note.

[13] See generally Stassen, *Separation of Powers And The Uncommon Defense: The Case Against Impounding Of Weapons System Appropriations*, 57 Geo. L. J. 1159, 1181 n 117 (1969); Ramsey, *Impoundment By The Executive Department Of Funds Which Congress Has Authorized It To Spend Or Obligate*, Legislative Research Service (Library of Congress) at 15 (1968); Davis, *Congressional Power To Require Defense Expenditures*, 33 Ford. L. Rev. 39, 55 (1964).

[14] In this connection, it should be stated that the Secretary urges that his controls ordinarily involve only five months deferral and that impact on the federal highway program is not substantial. The latter fact is disputed. For example, the House Public Works Committee has observed:

"Cutbacks and freezes on the availability of highway trust fund money have been invoked by the executive branch on various occasions during the past few years, allegedly as an anti-inflationary measure, even though funds were and are available in the trust fund to meet expenditure resulting from the obligation of such funds. This curb-against-inflation argument is without merit. The resulting delays in construction inevitably mean that the costs will be greater. This stop-start manipulation of the highway program, with the uncertain position into which contractors, laborers, and State highway programers are put, cannot but help to boost the ultimate cost of the program." H.R. Rep. No. 91–1554, 91st Cong., 2d Sess. (1970); U. S. CODE, CONG. & ADM. NEWS at 5401 (1970).

Whether it does or does not clearly falls outside our judicial duty here—we look to the statute and not to the result of the Secretary's action in order to determine his lawful authority.

[15] Although we find it unnecessary to decide, a reasonable construction of Section

118(a) is contrary to the Secretary's argument that the states have no inchoate interest whatsoever in the funds so apportioned. Section 118(a) provides:

The Conference Committee Report explained the purpose of Section 601:

"AVAILABILITY OF APPROPRIATIONS

"The Senate amendment would have provided that funds appropriated for any fiscal year to carry out any program under the Public Health Service Act, the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, certain acts relating to Indian health programs, the Vocational Rehabilitation Act, the Clean Air Act, the Solid Waste Disposal Act, and title V of the Social Security Act would remain available for obligation and expenditure until the end of the fiscal year for which appropriated.

"The conference substitute is the same as the Senate amendment, except that it is limited to funds appropriated for fiscal years ending before July 1, 1973, and applies only to funds appropriated to carry out programs under the Public Health Service Act or the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963. *The purpose of this amendment is to prevent administratively imposed freezes, reductions, and rollbacks from applying to health programs authorized under these acts.* Where a program authorizes availability of appropriations for more than one fiscal year, and funds are appropriated to cover more than one fiscal year, the conferees intend that the amendment shall apply to the entire period covered by the appropriations." (Our emphasis.) H.R. Rep. No. 91–1167, 91st Cong., 2d Sess. (1970), U.S. CODE, CONG. & ADM. NEWS at 3369 (1970).

President Nixon vetoed this bill and in his message to Congress he recognized that the "shall be available for obligation and expenditure" language of Section 601 was mandatory in nature. His veto message stated in pertinent part:

"One of the most unacceptable provisions of the bill is in section 601. Here, the Congress insists that funds appropriated for any fiscal year through 1973 to carry out the program involved must be spent. In addition to restricting flexibility in management of Federal expenditures, this provision would interfere with my ability to comply with the limitation on total 1971 spending that has already passed the House of Representatives and has been reported by the Senate Appropriations Committee." Public Papers of the President, Richard Nixon, 1970 at 513–514. Congress subsequently passed this bill over the President's veto. See 42 U.S.C. § 201 note (1970).

In 1968, Congress enacted the Vocational Education Amendments bill. Included in that legislation was the following provision:

"AVAILABILITY OF APPROPRIATIONS

"SEC. 406. Notwithstanding any other provision of law, unless expressly in limitation of the provisions of this title, funds appropriated for any fiscal year to carry out any of the programs to which this title is applicable shall remain available for obligation until the end of such fiscal year." Section 406 of the Vocational Education Amendments of 1968, 82 Stat. 1094, 20 U.S.C. § 1226 (1970).

"§ 118. Availability of sum apportioned.

"(a) On and after the date that the Secretary has certified to each State highway department the sums apportioned to each Federal-aid system or part thereof pursuant to an authorization under this title, or under prior Acts, such sums *shall be available for expenditure under the provisions of this title.*" (Italic ours.)

The phrase "shall be available for expenditure" is indicative of a Congressional intent that the money so apportioned may be fully obligated by the states. This can perhaps best be demonstrated by analogizing to other cats which contain somewhat similar language. For instance, in the Medical Facilities Construction and Modernization Amendments of 1970 (Hill-Burton Act), Congress stated in Section 601:

"TITLE VI—AVAILABILITY OF APPROPRIATIONS

"Sec. 601. Notwithstanding any other provision of law, unless enacted after the enactment of this Act expressly in limitation of the provisions of this section, *funds appropriated for any fiscal year* ending prior to July 1, 1973, to carry out any program for which appropriations are authorized by the Public Health Service Act (Public Law 410, Seventy-eighth Congress, as amended) or the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 (Public Law 88–164, as amended) *shall remain available for obligation and expenditure until the end of such fiscal year.*" (Italic ours.) H.R. 11102, 91st Cong., 2d Sess. (1970).

Although the committee reports do not satisfactorily explain this section, comments during debate on the floor indicate that the language of Section 406 was intended to prevent the withholding of any funds. For example, Senator Morse, the second ranking member of the Committee on Labor and Public Welfare which reported out the bill, stated:

"The language of section 406 simply requires that appropriations for any fiscal year for education programs which constitute a new obligational authority shall remain available for obligation until the end of the fiscal year for which they are appropriated. *This section would override any statutory authority the President might have to prevent by affirmative act the obligation of fiscal year 1969 appropriations.*" 114 Cong. Rec. 29014 (1968). (Italic ours.)

See also the remarks of Representatives Mahon and Perkins, Chairmen of the House Appropriations Committee and the Education and Labor Committee, respectively, at 114 Con. Rec. 29480–29481 (1968). Thus, other instances where language similar to Section 118(a)'s "shall be available for expenditure" lend support to the conclusion that once authorization for apportionment was given, Congress intended to mandate that a state's interest in the apportioned funds was at least sufficient to preclude the imposition of any contract controls.

[10] Section 105 provides in pertinent part:

"(b) In approving programs for projects on the Federal-aid secondary system, the Secretary shall require, except in States where all public roads and highways are under the control and supervision of the State highway department, that such project be selected by the State highway department and the appropriate local officials in cooperation with each other.

"(c) In approving programs for projects on the Federal-aid primary system, the Secretary shall give preference to such projects as will expedite the completion of an adequate and connected system of highways interstate in character.

"(d) In approving for projects on the Federal-aid urban system, the Secretary shall require that such projects be selected by the appropriate local officials and the State highway department in cooperation with each other.

"(e) In approving programs for projects under this chapter, the Secretary may give priority of approval to, and expedite the construction of, projects that are recommended as important to the national defense by the Secretary of Defense, or other official authorized by the President to make such recommendation.

"(f) In approving programs for projects on the Federal aid systems pursuant to chapter 1 of this title, the Secretary shall give priority to those projects which incorporate improved standards and features with safety benefits.

"(g) In preparing programs to submit in accordance with subsection (a) of this section, the State highway departments shall give consideration to projects providing direct and convenient public access to public airports and public ports for water transportation, and in approving such programs the Secretary shall give consideration to such projects."

Section 109 provides:

"(a) The Secretary shall not approve plans and specifications for proposed projects on any Federal-aid system if they fail to provide for a facility (1) that will adequately meet the existing and probable future traffic needs and conditions in a manner conducive to safety, durability, and economy of maintenance; (2) that will be designed and constructed in accordance with standards best suited to accomplish the foregoing objectives and to conform to the particular needs of each locality.

"(b) The geometric and construction standards to be adopted for the Interstate System shall be those approved by the Secretary in cooperation with the State Highway departments. Such standards, as applied to each actual construction project, shall be adequate to enable such project to accommodate the types and volumes of traffic anticipated for such project for the twenty-year period commencing on the date of approval by the Secretary, under section 106 of this title, of the plans, specifications, and estimates for actual construction of such project. The right-of-way width of the Interstate System shall be adequate to permit construction of projects on the Interstate System to such standards. Such standards shall in all cases provide for at least four lanes of traffic. The Secretary shall apply such standards uniformly throughout all the States.

"(c) Projects on the Federal-aid secondary system in which Federal funds participate shall be constructed according to specifications that will provide all-weather service and permit maintenance at a reasonable cost.

"(d) On any highway project in which Federal funds hereafter participate, or on any such project constructed since December 20, 1944, the location, form and character of informational, regulatory and warning signs, curb and pavement or other markings, and traffic signals installed or placed by any public authority or other agency, shall be subject to the approval of the State highway department with the concurrence of the Secretary, who is directed to concur only in such installations as will promote the safe and efficient utilization of the highways.

"(e) No funds shall be approved for expenditure on any Federal-aid highway, or highway affected under chapter 2 of this title, unless proper safety protective devices complying with safety standards determined by the Secretary at that time as being adequate shall be installed or be in operation at any highway and railroad grade crossing or drawbridge on that portion of the highway with respect to which such expenditures are to be made.

"(f) The Secretary shall not, as a condition precedent to his approval under section 106 of this title, require any State to acquire title to, or control of, any marginal land along the proposed highway in addition to that reasonably necessary for road surfaces, median strips, gutters, ditches, and side slopes, and of sufficient width to provide service roads for adjacent property to permit safe access at controlled locations in order to expedite traffic, promote safety, and minimize roadside parking.

"(g) The Secretary shall issue within 30 days after the day of enactment of the Federal-Aid Highway Act of 1970 guidelines for

minimizing possible soil erosion from highway construction. Such guidelines shall apply to all proposed projects with respect to which plans, specifications, and estimates are approved by the Secretary after the issuance of such guidelines.

"(h) Not later than July 1, 1972, the Secretary, after consultation with appropriate Federal and State officials, shall submit to Congress, and not later than 90 days after such submission, promulgate guidelines designed to assure that possible adverse economic, social, and environmental effects relating to any proposed project on any Federal-aid system have been fully considered in developing such project, and that the final decisions on the project are made in the best overall public interest, taking into consideration the need for fast, safe and efficient transportation, public services, and the costs of eliminating or minimizing such adverse effects and the following:

"(1) air, noise, and water pollution;

"(2) destruction or disruption of manmade and natural resources, aesthetic values, community cohesion and the availability of public facilities and services;

"(3) adverse employment effects, and tax and property values losses;

"(4) injurious displacement of people, businesses and farms; and

"(5) disruption of desirable community and regional growth.

Such guidelines shall apply to all proposed projects with respect to which plans, specifications, and estimates are approved by the Secretary after the issuance of such guidelines.

"(i) The Secretary, after consultation with appropriate Federal, State, and local officials, shall develop and promulgate standards for highway noise levels compatible with different land uses and after July 1, 1972, shall not approve plans and specifications for any proposed project on any Federal-aid system for which location approval has not yet been secured unless he determines that such plans and specifications include adequate noise level standards.

"(j) The Secretary, after consultation with the Administrator of the Environmental Protection Agency, shall develop and promulgate guidelines to assure that highways constructed pursuant to this title are consistent with any approved plan for the implementation of any ambient air quality standard for any air quality control region designated pursuant to the Clean Air Act, as amended."

See also 23 C.F.R. §§ 1.15–1.30 (1972).

[17] 42 Op. Att'y Gen. No. 32 (1967). The Secretary has to a large extent incorporated the reasoning of the Attorney General's opinion in its brief in this court.

[18] The Secretary also urges that the right to defer funds is implicit in the precatory language of Section 101(c) since Section 101(d), relating to other expenditures under the Act, uses mandatory language and Section 101(c) does not. Section 101(d) provides:

"No funds authorized to be apportioned from the Highway Trust Fund shall be expended by or on behalf of any Federal department, agency, or instrumentality other than the Federal Highway Administration unless funds for such expenditure are identified and included as a line item in an appropriation Act and are to meet obligations of the United States heretofore or hereafter incurred under this title attributable to the construction of Federal-aid highways or highway planning, research, or development, or as otherwise specifically authorized to be appropriated from the Highway Trust Fund by Federal-aid highway legislation."

The simple explanation for the difference in language is that subsection (c) refers to "existing law" whereas subsection (d) does not. No significance was intended by the conferees. See H.R. Rep. No. 91–1780, 91st Cong., 2d Sess. (1970); U.S. CODE, CONG. & ADM. NEWS at 5459 (1970). H.R. Rep. No. 91–1554, 91st Cong., 2d Sess. (1970); U.S. CODE, CONG. & ADM. NEWS at 5401–5402 (1970).

[19] See CCH, *Congressional Index,* for years 1968, 1969 and 1972.

[20] See S. Rep. No. 92–1081, 92d Cong., 2d Sess. (1972); H.R. Rep. No. 92–1443, 92d Cong., 2d Sess. (1972).

[21] The floor debate on the Conference Report indicates that the most controversial provision of S. 3939 concerned using funds from the Highway Trust Fund for purposes of funding a mass transit program. It is apparent that the inability of the conferees to agree on this point also prevented several other provisions of the bill from being considered on their merits. See 118 Cong. Rec. S 18351 *et seq.* (1972); 118 Cong. Rec. S 18636 *et seq.* (1972); 118 Cong. Rec. H 10341 *et seq.* (1972). Although the Conference Report was reported out, Congress adjourned before completing final action on this bill.

[22] In accord is Chief Justice Warren's observation in *United States* v. *Wise,* 370 U.S. 405, 411 (1962):

"The appellee seeks succor in the subsequent legislative history accompanying attempts to amend the Sherman Act between 1890 and 1914. He particularly relies upon H.R. 10539, 56th Cong., 1st Sess. (1900). This bill would have expressly included corporate officers and agents in the definition of 'persons' found in § 8. The report accompanying that bill stated that the existing law did not subject agents, officers, and attorneys to penalites. H.R. Rep. No. 1506, 56th Cong., 1st Sess. However, statutes are construed by the courts with reference to the circumstances existing at the time of the passage. *The interpretation placed upon an existing statute by a subsequent group of Congressmen who are promoting legislation and who are unsuccessful has no persuasive significance here. . . . Logically, several equally tenable inferences could be drawn from the failure of the Congress to adopt an amendment in the light of the interpretation placed upon the existing law by some of its members, including the inference that the existing legislation already incorporated the offered change."* (Italic ours.)

No. 72–1512. THE STATE HIGHWAY COMMISSION OF MISSOURI v. JOHN A. VOLPE, SECRETARY OF TRANSPORTATION OF THE UNITED STATES, ET AL.

Stephenson, Circuit Judge, dissenting.

I respectfully dissent. It is my view that the district court erred in holding that the Executive Branch has no discretion to control the rate of obligation of funds apportioned under the Federal-Aid Highway Act. The language of the statute and its historical interpretation clearly demonstrate a deliberate choice by Congress to grant to the Executive discretion in determining the extent to which apportioned funds will be made available for obligation.

The expenditure of funds pursuant to the Federal-Aid Highway Act of 1956 (23 U.S.C. § 101 et seq.) is a step-by-step process. The program involves successive, and distinct, stages of authorizations, apportionments, programs, projects and appropriations. The basic *authorization* for appropriations for the Interstate Highway system is found in section 108(b) of the Federal-Aid Highway Act of 1956. The funds expected to be available with respect to each fiscal year included in these authorizations are then *apportioned* among the states on or before the first day of January preceding the fiscal year for which they are authorized to be appropriated. 23 U.S.C. § 104(a). Funds so apportioned remain available for obligation at any time prior to the close of the second fiscal year after the fiscal year for which they are authorized. 23 U.S.C. § 118(a), (b). After apportionment, however, the states must submit programs for proposed highway projects for approval by the Secretary of Transportation (appellant here) before they may obligate apportioned funds. 23 U.S.C. § 105.[1] Approval of a specific program by the Secretary results in a contractual obligation of the Federal Government. 23 U.S.C. § 106(a). Payments to the states are made pursuant to appropriation acts for reimbursement for work performed. The amount appropriated each year may not exceed the amounts provided for in the authorization act, nor may it exceed the funds available in the Highway Trust Fund.

In the instant case, the Secretary has withheld its approval of proposed projects after authorization and apportionment but before any appropriation has been made by Congress.

While an appropriation act, as contrasted to authorization acts, would seem to be mandatory in its effect, the courts have held that even appropriation acts are permissive in nature and do not in themselves impose an affirmative duty to expend the funds. *McKay* v. *Central Electric Power Cooperative,* 223 F. 2d 623, 625 (C.A.D.C. 1955). Historically, there has been considerable support for this construction. For instance, then Senator Truman said in 1943,

"When the Congress appropriates funds it gives the executive branch an *authority* to incur obligations. Certainly none of us hold that we give a mandate to expend the funds appropriated. We expect the funds to be used only where needed, and not in excess of the amount appropriated, to carry out some phase of the law." 89 Cong. Rec. 10362 (emphasis added).

The legislative branch itself pointed out in a Committee Report concerning the 1951 Appropriations Bill, an "appropriation of a given amount for a particular activity constitutes only a ceiling upon the amount which should be expended for that activity." H. Rep. 1797, 81st Cong., 2d Sess., p. 9. As early as 1943 Congress recognized that *authorizing* legislation does not compel the executive branch to obligate or expend highway funds. *See* House Conf. Rep. 677, 78th Cong., 1st Sess., p. 4 (1943) in regard to § 9 of the Rural Post Roads Act of 1943. The fact is that the presidential practice of withholding authorized and appropriated funds runs at least as far back as 1942. Presidents Roosevelt, Truman, Eisenhower, Kennedy, Johnson, and now Nixon have all practiced it to varying degrees. Miller, *Presidential Power to Impound Appropriated Funds: An Exercise in Constitutional Decision Making,* 43 North Carolina Law Rev. 502, 513 (1965). Although this practice is not without its critics,[2] it appears to be an established practice, *Id.,* and as Judge Cardozo once stated, "not lightly to be vacated is the verdict of quiescent years." *Coler* v. *Corn Exchange Bk.,* 250 N.Y. 136, 164 N.E. 882/884 (1928). *Cf. Contractors Ass'n of Eastern Pa.* v. *Secretary of Labor,* 442 F.2d 159, 171 (CA3 1971). By implication the practice has received frequent statutory recognition. An example is the Anti-Deficiency Act, 31 U.S.C. § 665(c)(1) which provides that "authorizations to create obligations by contract in advance of appropriations shall be so apportioned as to achieve the most effective and *economical* use thereof." (Emphasis added). And 31 U.S.C. § 701(a)(2) of the same Act provides for reversion of unobligated appropriated funds to the fund from which they originally were derived. If Congress expected full expenditure of funds, it obviously would appear unnecessary to include such a provision. It is, therefore, my view that in the absence of specific statutory language to the contrary, Congress has given the Executive branch the power to withhold authorized but unobligated funds from expenditure.[3]

I now turn to the specific statutory lan-

guage of the Federal-Aid Highway Act to determine whether Congress has provided a specific mandate to spend authorized but unobligated funds. 23 U.S.C. § 101(c) provides:

"It is the sense of Congress that under existing law no part of any sums authorized to be appropriated for expenditure upon any Federal-Aid system . . . shall be impounded or withheld from obligation, for purposes and projects as provided in this title, by any officer or employee in the executive branch of the Federal Government, ..." (Emphasis added.)

23 U.S.C. § 101(d) provides in clear mandatory terms:

"No funds authorized to be appropriated from the Highway trust fund *shall* be expended by or on behalf of any Federal department, agency, or instrumentality other than the Federal Highway Administration unless . . . specifically authorized . . . from the Highway Trust Fund by Federal-aid highway legislation." (Emphasis added.)

Sections (c) and (d) were added to the Federal-Aid Highway Act in 1968. Pub. L. 90–495, § 15.[4] It is interesting to note that section (d) as originally enacted in 1968 started with the "It is the sense of Congress" phrase also found in section (c). However, when 23 U.S.C. § 101 was amended to its present form in 1970, the phrase "No funds authorized to be appropriated" was substitued for the "sense of Congress" phrase in section (d) but not in section (c). Pub. L. 91–605, § 107. By reenacting § 101(c) without pertinent modification but amending 101(d) Congress implicitly accepted the nonmandatory construction placed on § 101(c) by the Secretary after receiving Atorney General Clark's opinion [5] in 1967.

Cf. National Labor Relations Board v. Gullett Gin Co., 340 U.S. 361, 366 (1951). In a similar vein the Circuit Court of Appeals for the District of Columbia said in 1961:

"Approval of an administrative interpretation is not lightly to be laid at the door of Congress; but the evidence of awareness by Congress of the . . . interpretation over a very considerable period, during which Congress considered the legislation several times with no change . . . as administratively interpreted cannot be altogether ignored."

Empire State Highway Transp. Ass'n v. Federal Maritime Bd., 291 F.2d 336, 341 (C.A.D.C. 1961). *Accord, Norwegian Nitrogen Products Co. v. United States*, 288 U.S. 294, 313 (1933).

If Congress intends to mandate to the Executive branch, this should be unambiguously stated in the legislation so the President understands clearly when he has been directed and when he has been given discretionary powers. In this regard, I submit that the phrase "sense of Congress" is only precatory in its effect. The phrase has been the subject of interpretation in two opinions of the United States Attorney General, both construing 15 U.S.C. § 616A. The latest, 42 Op. Att'y Gen. 20 (1965) stated:

"This section, by expressing the 'sense of Congress' that government agencies 'shall' require the exports to be carried exclusively in United States vessels, is not mandatory and does not preclude the Maritime Administration from permitting 50 per cent of the cargoes to be carried in vessels of the recipient country . . . ."

In 1934 the Attorney General found that the "sense of Congress" language indicated that the statutory requirement of 15 U.S.C. 616A was to be carried out "only if feasible to do so." 37 Op. Att'y Gen. 546 (1934).

In view of the legislative history of this and other statutes and because the expression "sense of Congress" connotates a *policy* rather than a *directory* statement, it is my view that the Secretary of Transportation has the power to defer the availability to the states of those funds authorized and apportioned for highway construction which have not become the subject of a contractual obligation on the part of the Federal Government in favor of a state.

I must therefore dissent.

FOOTNOTES

[1] In an attempt to curtail the Executive's practice of withholding apportioned funds under the Federal-Aid Highway Act, the Senate in 1972 approved a bill S. 3939, 92nd Cong., 2d. Sess. (1972), which would eliminate the project-by-project review of the Secretary. It would, in effect, have created a contractual obligation on the Government immediately after funds were apportioned. The Secretary would not then be able to withhold funds by simply not approving proposed projects. *See* H. Rep. 92–1081, 92nd Cong., 2d Sess. The corresponding House bill contained no such provision. H. Rep. 92–1443, 92nd Cong., 2d Sess. The Conference Committee accepted the House version without the proposed Senate provision. Congress then adjourned prior to final action on the 1972 Federal-Aid Highway Act.

[2] *See generally* Boggs, *Executive Impoundment of Congressionally appropriated Funds*, 24 U. Fla. L. Rev. 221 (1972); Church, *Impoundment of Appropriated Funds: The Decline of Congressional Control over Executive Discretion*, 22 Stanford L. Rev. 1240 (1970).

[3] Other legislative history supports this conclusion. On several occasions Bills have been introduced into Congress which would have made it unlawful to withhold moneys appropriated by Congress from being promptly applied for the purpose designated in the Federal-Aid Highway Act. H.R. 11441, 85th Cong. 2d Sess. (1958), H.R. 11541, 85th Cong., 2d Sess. (1958), H.R. 11682, 85th Cong. 2d Sess. (1958), S. 3578, 85th Cong. 2d Sess. (1958), H.R. 1254, 86th Cong., 1st Sess. (1960), S. 4049, 90th Cong. 2d Sess. (1968) (an attempt to exempt the Federal-Aid Highway Act from the 1968 inflationary cuts imposed by Congress), H.R. 1214, 91st Cong., 1st Sess. (1969), S. 3877, 92nd Cong., 2d Sess. (1972). *See* footnote 1 supra for the most recent action by Congress in this respect.

[4] An examination of the legislative history of §§ (c) and (d) reveals a concern by Congress over the practice of the Executive of impounding or withholding apportioned funds. Apparently in response to a 1967 Attorney General opinion, 42 Op. Att'y Gen. 32 (1967), the House passed a bill which would have amended 23 U.S.C. § 104 to include a mandatory spending provision. H. Rept. No. 1584, 90th Cong., 2nd Sess., p. 11–12. Conf. Rep. No. 1799, 90th Cong., 2nd Sess., (1968), U.S. Code Cong. & Admin. News at 3537. The Senate did not recommend a specific amendment but did state its opposition to reductions in funds made available for obligation under the Federal-aid highway program which relate directly to the "planning and design of highway projects, the acquisition of rights-of-way necessary for such projects, and the assistance to those who are dislocated or displaced by highway construction projects." S. Rep. No. 1340, 90th Cong., 2nd Sess., (1968), U.S. Code Cong. & Admin. News at 3501. The Conference Committee failed to accept the mandatory House language and instead adopted the Senate bill which included the "sense of Congress" phrase. H. Rep. 1799, 90th Cong., 2nd Sess., (1968), U.S. Code Cong. & Admin. News at 3537. This resulted in amendments (c) and (d) to 23 U.S.C. § 101. The Conference Report, *Id.* describes 23 U.S.C. § 101 as the "general *declaration of policy*" (emphasis added) applicable to Title 23. It is now well established that statements of policy do not add to or alter specific operative provisions of a statute. *Sinclair Refining Co. v. Atkinson*, 370 U.S. 195, 202 (1962); 42 Op. Att'y Gen. 32 (1967). Since no provision of the Act gives any state a vested right to the apportioned funds prior to approval by the Secretary, and there is no express mandate to the Secretary to approve proposed projects, it is reasonable to conclude that the Secretary has, in his discretion, the authority to withhold unobligated funds.

[5] "DEAR MR. SECRETARY: This is in reply to your letter of February 21, 1967, requesting my opinion as to the legality of a reduction in the amonut of Federal aid highway funds which may be obligated during the Fiscal Year ending June 30, 1967.

An appropriation act thus places an upper and not a lower limit on expenditures. The duty of the President to see that the laws are faithfully executed, under Article II, section 3 of the Constitution, does not require that funds made available must be fully expended. This principle has received statutory recognition in the Anti-Deficiency Act, February 27, 1906, c. 510, sec. 3, 34 Stat. 49 (31 U.S.C. 665(c)), which authorizes the executive branch to effectuate savings of appropriated funds, and in 31 U.S.C. 701, which provides that unexpended appropriated funds shall revert to the Treasury.

Many factors must be weighed by the Executive in determining the extent to which funds should be expended. Consideration must be given not only to legislative authorizations and appropriations but also to such factors as the effect of the authorized expenditures on the national economy and their relation to other programs important to the national welfare.

A situation analogous to the present one arose in the early 1940's when the economy of the United States shifted first to defense and later to war production. At that time President Franklin Delano Roosevelt directed that projects having a lower priority would have to be postponed or even cancelled in spite of the availability of appropriated funds. In response to complaints about the curtailment by the Bureau of the Budget of certain programs of the Agricultural Marketing Administration, President Roosevelt set forth the powers and responsibilities of the executive branch in this area:

'It should, of course, be clearly understood that what you refer to as "the practice of the Bureau [of the Budget] of impounding funds duly appropriated by the Congress" is in fact action by the Chief Executive, and has two purposes. The first purpose is compliance with the Anti-Deficiency Act, which requires that appropriated funds be so apportioned over the fiscal year as to insure against deficincy spending. * * * Secondly, the apportionment procedure is used as a positive means of reducing expenditures and saving money wherever and whenever such savings appear possible.

'While our statutory system of fund apportionment is not a substitute for item or blanket veto power, and should not be used to set aside or nullify the expressed will of Congress, I cannot believe that you or Congress as a whole would take exception to either of these purposes which are common to sound business management everywhere. In other words, the mere fact that Congress, by the appropriation process, has made available specified sums for the various programs and functions of the Government is not a mandate that such funds must be fully expended. Such a premise would take from the Chief Executive every incentive for good management and the practice of commonsense economy. This is particularly true in times of rapid change in general economic conditions and with respect to programs and activities in which exact standards or levels of operation are not and cannot well be prescribed by statute.'" 42 Op. Att'y Gen. 32 (1967).

PURSUIT OF THE TRUTH

Mr. MATHIAS. Mr. President, on March 29, of this year, I addressed the Senate on the responsibility of public officials to place their greatest loyalty in

the Constitution and laws of our Nation, and to devote their talents and energies to the steadfast pursuit of truth. Mr. Gerald W. Johnson, of Baltimore, Md., has suggested a wise addendum for my remarks. Mr. Johnson will be remembered by newspaper readers for his thoughtful and incisive columns that for many years originated in the Baltimore Sun and were reprinted, quoted, paraphrased, and plagarized all over the Nation. In a letter to his colleagues at the Sun, Mr. Johnson states:

Public officials . . . who do not pursue the truth are going to be pursued by the truth, which is a slow runner, but tireless.

Mr. Johnson also quotes from a wiser source that:

"Men loved the darkness rather than the light because their deeds were evil."

I ask unanimous consent that his letter be printed in the RECORD.

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

TRUTH IN PURSUIT

SIR: Senator Mathias is quoted as having said in the Senate recently that for public officials "pursuit of the truth" is the best way of being loyal to the Constitution.

There is no doubt about that, but the Senator might have added that public officials, from the courthouse to the White House, who do not pursue the truth are going to be pursued by the truth, which is a slow runner, but tireless. When they are tempted to adopt the hush-up-and-cover-up policy they should remember a truth that is still going strong after nearly 2,000 years: "Men loved the darkness rather than the light because their deeds were evil."

GERALD W. JOHNSON.

Baltimore.

DAVID BRODER ON SUBURBIA

Mr. MUSKIE. Mr. President, in this morning's Washington Post David Broder has written an intriguing column, "Suburbia: Vitality, Selfishness," in which he casts aside some frequent misconceptions about metropolitan growth in recent years and points out the competing trends of suburban vitality on the one hand and suburban insularity on the other. As Mr. Broder argues, the political decisions we make in the next few years will go a long way toward determining finally whether we are doomed to a pattern of chronically sick inner cities that are surrounded by vital, self-contained suburbs or whether we can develop "healthy communities within a healthy metropolitan area—not the systematic sacrifice of the whole for the sake of the most privileged of the parts."

I commend Mr. Broder's column to my colleagues and ask unanimous consent that it appear in the RECORD.

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

SUBURBIA: VITALITY, SELFISHNESS

(By David S. Broder)

PHILADELPHIA.—Until I listened to the discussion last week at "the Temple University conference on the suburban reshaping of American politics," I had—as you may have—a rather distorted picture of the pattern of population growth in the last two decades.

As Daniel J. Elazar, director of Temple's Center for the Study of Federalism told us, "the contemporary image of American urbanization is one of masses of people living is very large cities, in unprecedently large local political jurisdictions far removed from the decision-making process, with no real chance to participate in the governance of their communities."

The facts, he pointed out, are just about exactly opposite: "The major beneficiaries of metropolitanization in our generation have been cities in the 10,000-100,000 range."

Cities of this size have grown more rapidly in number, in absolute population and in percentage of the United States population than any other category. We all know that the proportion of Americans living in rural areas has declined in the last half century. Fewer of us realize that the proportion living in cities over 1 million was lower in 1970 than in 1920, while the proportion living in small and medium-sized cities went up almost 50 per cent.

Much of this growth, Elazar demonstrated has come from the incorporation of new and independent political jurisdictions within the growing metropolitan areas.

"The political meaning of suburbanization lies in just this phenomenon," he said. "People sought suburbanization for essentially private purposes, revolving around better living conditions. The same people sought suburbs with independent local governments of their own . . . (in order to) preserve those life styles . . ."

The politics of these communities focuses on zoning, police and schools. The politicians they produce—including Richard Nixon of Whittier, Calif. (pop. 72,683) and Spiro Agnew of Towson, Md. (pop. 77,799)—are sympathetic to the passion of these suburban citizens for protecting their way of life against any threat of alteration from "outsiders."

Most of the political scientists at the conference accepted Elazar's description of "suburbanization," but there was stiff argument about the implications of this process for the future of American society and politics.

In Elazar's lyrical vision, these small suburban cities offer opportunities for developing a variety of life styles and "avenues of local self-government" that may revive, in our metropolitan civilization, "the kind of local liberty characteristic of the American town of an earlier (frontier) age."

Others are a lot less sanguine about the situation. Robert C. Wood, president of the University of Massachusetts and the last Democratic Secretary of Housing and Urban Development, said the suburban communities are "a source of institutional weakness in our urban society," because they "insulate a minority in a position of privilege in the metropolitan region" and "promote conflict in areas such as housing and education, rather than facilitating solutions."

Many others at the conference argued that as the suburban communities become ever more self-contained, depending less on the central cities for new migrants, for jobs, entertainment, recreation facilities or newspapers, they will grow ever more selfishly independent and less willing to shoulder a portion of the responsibility for those left behind in the older cities.

This argument defines what is probably the central issue in our domestic policy debate—the course of the metropolitan areas for the balance of the century. I came away from the Temple conference convinced of the profound merits of both sides of the argument, and concerned that the Nixon administration seems to enjoy only one of them.

There is a strong sense of political vitality and citizen participation in the small-city suburbs, a feeling shared by thousands of "new activist" housewives and houseowners that they do have a voice in the decision-making of local institutions. Mr. Nixon has recognized the importance of this demand for "community control" and has moved to meet it through revenue-sharing and other "New Federalism" programs.

But it is also true that the existence of 20,000 units of local government within our 225 metropolitan areas constitutes an enormous barrier to the equitable distribution of jobs and education of taxes and amenities among our people.

And this is a problem the administration has not really addressed in its policies. In the next year, there will be a whole new national debate, and important new legislation, on housing, education and taxes, and the goal, this time, must be development of healthy communities within a healthy metropolitan area—not the systematic sacrifice of the whole for the sake of the most privileged of the parts.

BUDGET CEILING REPORT

Mr. SCHWEIKER. Mr. President, I was pleased to note that the joint study committee on budget control yesterday recommended creation of special budget committees in both the Senate and the House. These committees would be charged with setting a congressional spending ceiling at the beginning of each year.

I have long felt there is a need for such a budget ceiling mechanism, so that Congress can keep Federal spending under control. Already this year the Senate has voted to impose a $268 billion limit on Federal spending for fiscal year 1974, a move I strongly supported. Now I feel it is imperative that we create a means to impose such a ceiling at the beginning of each fiscal year. In this way we can establish a firm limitation on the huge increase in Federal spending, yet preserve Congress' constiutional authority to determine priorities within that limitation.

Earlier this year I proposed legislation which embodies many of the provisions recommended yesterday by the joint study committee. S. 1213, introduced March 14, would require Congress to set a clearly defined spending ceiling at the beginning of each year. Total appropriations for a fiscal year could exceed this ceiling only after a specific two-thirds vote of the House and Senate.

My legislation would create a Joint Committee on Federal Spending comprised of members of the Senate and House Appropriations Committees, the Senate Finance Committee, and the House Ways and Means Committee. By March 1 each year it would make a report to the Congress on the President's budget proposal. The committee would also report a concurrent resolution to each House of Congress recommending a limit on the total amount of outlays made during the ensuing fiscal year. Appropriations bills could not be taken up until the resolution was adopted by both the House and Senate.

Mr. President, I am encouraged by the joint study committee's willingness to come to grips with the spending ceiling issue. Their recommendations are a step toward fiscal responsibility, a step away from wasteful government spending.

Mr. President, I request unanimous consent that a news account of yesterday's joint study committee action be printed in the RECORD.

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

HILL ACTS TO SET UP BUDGET CEILING UNITS

(By Spencer Rich)

Spurred by its budget battle with President Nixon, Congress took a major step yesterday toward creating the machinery for clamping its own annual ceiling on federal spending.

By unanimous vote, the 32-member Senate-House study committee on budget control approved a report recommending creation of special budget committees in each chamber. Their mission: To set ceilings for spending and appropriations at the beginning of each session, then follow up to see that the ceilings weren't breached.

If outlays exceeded the target figures, a surcharge on personal and business income taxes would be voted at the end of the session to cover the excess.

"We voted out unanimously procedures for implementing a congressional budget—and staying within the limit," said Rep. Al Ullman (D-Ore.), co-chairman of the study committee, which was set up last year. Ullman is second-ranking Democrat on the House Ways and Means Committee.

Rep. Jamie L. Whitten (D-Miss.), the other co-chairman and second-ranking Democrat on the House Appropriations Committee, said the study committee's recommendations will be introduced in the House before departure Thursday for the Easter recess. Similar action is expected in the Senate.

Because the proposals involve the establishment of new committees in each chamber, they must first be referred to the House Rules and Senate Government Operations committees before going to the floor for approval.

Whitten said he hopes all such action can be completed by June 30, the last day of the fiscal year, so that the new budget-setting mechanism can be put in place as quickly as possible.

Whitten, Ullman and Rep. John J. Rhodes (R-Ariz.), another study committee member, all expressed doubt that the new mechanism could be fully applicable to the already pending budget for fiscal 1974. However, it would go into effect in full for subsequent budgets.

Creation of a mechanism for Congress to set and police its own budget ceilings would fill one of the great gaps in the congressional structure for consideration of economic policy.

White House spokesmen have repeatedly argued that because each appropriations bill is voted separately, while tax matters are handled without relation to spending levels, Congress has no way of reasonably balancing federal income against outgo—and therefore the President must impound funds or see the federal deficit mount.

The new structure would give Congress the means to balance income against outgo, reducing the justification for unilateral presidential action. Here is how it would work:

1. Budget committees would be set up in the House (with 21 members) and in the Senate (15 members). In each case, one-third of the members would be from the Appropriations Committee, one-third from the Taxation Committee (House Ways and Means and Senate Finance) and one-third from other committees. (This method of appointment would give the budget committees a preponderantly conservative cast, which might not sit too well with liberal Democrats.)

2. Each spring, the committees would report out resolutions setting overall spending and appropriations target ceilings, estimating a permissible level of federal deficit, and dividing up the overall spending pie among the various subcommittees of the appropriations comimttees. After approval by each chamber and conference to iron out differences, the two chambers would agree by concurrent resolution on final target figures, ideally by May 1. Anyone offering a floor amendment to increase any of the levels for a department in the resolution would also have to propose a compensatory cut elsewhere or a tax or debt ceiling increase to cover the added costs.

3. A similar concurrent resolution to readjust the levels would be passed in September, taking into account new economic developments and new tax revenue estimates, etc.

4. At the end of the year, a final "wrap-up" bill would be passed, imposing a tax surcharge (applicable throughout the next calendar year) if needed to prevent the federal deficit from exceeding the limits imposed earlier. Details of the surcharge would be based on recommendations of the tax-writing committees.

WHO SPEAKS FOR CONSUMERS?

Mr. RIBICOFF. Mr. President, a recent article in the New York Times profiled Mr. Robert Timm, the new Chairman of the Civil Aeronautics Board. The article quotes from an opinion of Mr. Timm in the Travel Group charter case in which he said,

> The primary responsibility of the Civil Aeronautics Board is to encourage and promote a sound scheduled air transportation system domestically and internationally.

Mr. President, of course the CAB has a responsibility to maintain a reliable air transportation industry, but it also has a duty to provide good service to consumers at reasonable fares. Who represents the interests of consumers in the proceedings and activities of the CAB? No one, because there is no Consumer Protection Agency.

Mr. President, the airlines are well represented before the CAB. For fairness and balance consumers should also be represented.

Mr. President, I ask unanimous consent that the article to which I have referred be printed in the RECORD.

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

[From the New York Times, April 8, 1973]

CAB's NEW CAPTAIN; A BRIGHTER HORIZON IS FORESEEN BY AIRLINES

(By Robert Lindsey)

In the rolling yellow fields of eastern Washington, where political conservatism runs almost as deep as the wells that irrigate the wheat farms, women to this day use thimbles given to them more than 20 years ago by a local farmer running for the Board of Education.

The thimbles read: "Sew You'll Vote for Bob Timm."

Whether the thimbles were a factor in the election is impossible to say, but Robert Dale Timm won by one vote. The victory set in motion a career that took him from the farm into state politics, national Republican Party affairs and a job on a major regulatory agency in Washington, D.C.

In January, 1971, he was appointed to the Civil Aeronautics Board, and five weeks ago, President Nixon named the 51-year-old, silver-haired former marine chairman of the five-man agency that regulates United States airlines.

Friends back home joke that it is just as well that he gave up farming.

"Everybody said he had to get off the farm or he'd kill himself," one of his best friends in Harrington, Wash., said recently. Harrington is a community of 500 where Mr. Timm's brother, Duane, operates the family's 5,000-acre wheat farm.

Many executives of the nation's scheduled airlines these days are saying that Mr. Timm may be one of the best things to have happened to their industry since the jet engine.

In its almost 40 years of existence, the Civil Aeronautics Board has had to live with a split personality.

On the one hand, it is responsible for regulating a $10-billion-a-year industry and safeguarding the interests of more than 170 million passengers who fly annually.

On the other hand, it is charged by Federal statute to encourage the growth of commercial air transportation and to serve as a kind of advocate of its best interests. To many C.A.B. members, this dual role has posed a perplexing problem.

The C.A.B.'s principal regulatory clout is in its authority to set domestic fares and determine the domestic routes that airlines may serve.

Because of his opinions on regulatory cases since joining the board, Mr. Timm is expected by many airline executives to stress the Board's role as economic guardian of the industry much more than did his predecessor, Secor D. Browne.

Mr. Browne, saying that he had become bored with the job and wanted new challenges, resigned in February to rejoin the Massachusetts Institute of Technology faculty and to serve as a transportation consultant.

During his tenure, Mr. Browne led the board in establishing a freeze on the awarding of new routes, supported a number of fare increases, and backed a controversial plan by which several airlines, by advance agreement, reciprocally cut back flights on several routes to reduce excess capacity.

Because of his position on such issues, Mr. Browne was generally well-liked by industry leaders during the early part of his four-year tenure. But his relations with the industry cooled during the last year or so.

This was due largely to his role in helping to shape a new travel concept called "Travel Group Charters," or "T.G.C.'s," as they are commonly known.

Because of a widening gap between the cost of a trans-Atlantic ticket on a scheduled flight and the bargain rates that members of clubs, organizations and other so-called "affinity" groups were paying on charter flights, the board moved to narrow the gap.

Last September, after almost two years of debate, it promulgated a plan allowing anyone to fly on a budget-priced charter flight. The main prerequisite was that he had to sign up for the trip 90 days before departure.

The goal was to give the general public the benefits of "bulk buying" heretofore limited to affinity organizations. Generally, fares were about half as much on charter flights as on conventional scheduled flights.

So far, consumers have not rushed to sign up for "T.G.C." flights. But Mr. Browne was widely assailed by the scheduled airline industry for developing the plan because for the first time it gave nonscheduled charter airlines a chance to carry members of the general public.

Mr. Timm sided with the scheduled airlines in the dispute. In an outspoken 110-page dissent, Mr. Timm criticized the board majority that had approved the T.G.C. plan.

Borrowing verbatim many objections to the plan raised by the Air Transport Association, the scheduled airlines' Washington lobbying group, he called T.G.C's illegal and said they could lead to economic ruin for many scheduled lines. Instead of introducing the concept on an across-the-board basis, he said, it should have been carefully experimented with first.

In his dissent, Mr. Timm made clear one of the guiding principles of his thinking:

"The primary responsibility of the Civil Aeronautics Board is to encourage and

promote a sound scheduled air transportation system domestically and internationally."

According to acquaintances, there is a consistency to his conservative outlook regarding the relationship of business and Government going back many years.

Although his convictions have not deterred him from accepting Federal wheat subsidy payments for the family farm, Mr. Timm has frequently criticized Government "handouts" programs and maintained that Government should not interfere with commerce and with life generally.

"He's what you might call a rugged individualist when it comes to business," one acquaintance said. "He believes in an honest day's pay for an honest day's work."

Mr. Timm holds a degree in economics from the University of Washington. He is married and has two daughters. His principal hobbies are golf and collecting mechanical gadgets. Friends describe him as warm, modest, gregarious and conscientious.

After his experience as a school trustee, Mr. Timm was elected to the State Legislature and served there between 1951 and 1959. While he has become reasonably well off from farming and business investments, politics has played an increasingly large role in his life.

He became a Republican National Committeeman from the State of Washington in 1959, participated in many state and national Republican activities, and was chairman of the program planning committee of the 1968 Republican Convention in Miami that nominated Mr. Nixon.

Between 1966 and his appointment to the C.A.B., he was chairman of the Washington Utilities and Transportation Commission, where he was generally—but not always—regarded as sympathetic to the interests of regulated carriers.

Mr. Timm had no prior experience in the air-transport industry before being appointed to the C.A.B. by the Nixon Administration. Traditionally, membership on the board is a patronage job.

Mr. Timm, whose salary is $40,000 a year, has only one of five votes on the board.

The most controversial issue now confronting the board is an effort by Trans World, American and United to continue their controversial agreement to limit on a prearranged formula the number of seats they fly on four long-haul routes. These routes are New York to Los Angeles, New York to San Francisco, Washington to Los Angeles and Chicago to San Francisco.

The airlines assert that such an agreement is the only way to prevent each line from flying many unneeded seats. The agreement, first approved in 1971, reduced seats flown on the routes an average of 28 per cent on the four routes. The plan was scheduled to expire last fall because the recession-inspired traffic slump had ended.

Under Mr. Browne, the board voted last summer to permit extension of the plan through April 28 to give the airlines time to make an orderly transition. But the board majority said at that time that the agreement touched sensitive antitrust matters and that it should not be extended beyond April 28.

The Justice Department opposed the agreement. But the C.A.B. has authority to permit such industry agreements exempt from standard antitrust barriers.

In approving last summer's short-term extension of the plan, Mr. Timm filed a separate commentary saying that airlines should be able to reach such capacity-reduction agreements over long terms.

There are two vacancies on the board that are yet to be filled. Therefore, many airline executives and C.A.B. insiders are cautious about predicting what direction the agency will take now. However, one Wall Street airlines analyst last week summed up a widely held view:

"I don't think there's any doubt about it, he's going to be good for airline earnings."

SENATOR MATHIAS ADDRESSES JUDICIAL CONFERENCE

Mr. SCOTT of Pennsylvania. Mr. President, the Senate Judiciary Committee is considering legislation which could have profound consequences for the legal institutions of our Nation. This legislation includes revision of our criminal code, the issuance of new rules of evidence for the Federal courts, renewing the authority of the Law Enforcement Assistance Administration, and consideration of the structure of our Federal court system. As we examine each of these areas, and the many others that will concern the Judiciary Committee and the Senate, it is of utmost importance that we realize the pressures, stresses, and strains which our legal system must overcome.

Senator MATHIAS, a member of the Judiciary Committee and my distinguished colleague in the Senate, addressed himself to the challenges facing our legal institutions in a speech Monday before the 34th annual Judicial Conference of the District of Columbia Circuit. He summarized the importance of his subject very well:

We must start with a fundamental concept. Ours is a government of laws and a society of laws. Laws determine the status, rights, and privileges of individuals and institutions at one particular moment, and laws guide the development of our society by channeling the forces of change in certain directions for certain ends.

If our laws and the legal institutions which translate them into living elements do not fulfill their roles adequately, the fundamental stability, values, and direction of our society are seriously endangered.

Senator MATHIAS then went on to examine four severe strains which are endangering the viability of our legal institutions. These strains are: First, the failure of legislators to perform their constitutional role; second, the tremendous rate of change that characterizes modern society; third, the triumph of new technology that must be considered by our legal institutions in making the great decisions assigned to them by our Constitution; and fourth, the changing values and attitudes of our society toward the law.

Mr. President, because of the timeliness and the wisdom of the remarks of the Senator from Maryland, I commend his address to the attention of my colleagues, and I ask unanimous consent that the full text of his address be printed at this point in the RECORD.

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

REMARKS OF SENATOR CHARLES McC. MATHIAS, JR.

I have come here this morning to expand on the Chief Justice's theme—CHANGE—and to express my concerns about the ability of our institutions—and particularly our legal institutions—to stay abreast of, and to channel, the tremendous forces of change which so dominate modern society.

I hope that my remarks might spark a constructive dialogue on the problems which will confront us over the years ahead, and so I will welcome and solicit your advice and judgment.

Over a hundred years ago, De Tocqueville wrote that a striking fact about Americans was the number of small social committees and community groups they form—their bridge clubs, church groups, political debating societies, farm groups, and so forth. Americans, he said, found self-identity and self-fulfillment through these organizations. Over the years, however, these groups have become huge institutions—giant corporations and unions, enormous educational institutions, large religious and social bureaucracies, and perhaps most of all, an ever-growing government. Growth itself, of course, is not concerning—but recently these large public and private institutions have become and are viewed by the public as having become, unresponsive to the needs of the common individual. A recent Harris survey shows the trend: Since 1966, public confidence in our major institutions—public and private—and their leaders has fallen more than 40 percentage points.

Each of us, I believe, feels that ours is a good country and Americans are good people. And we are right. We set high goals; we pursue noble ventures; we provide a generally high standard of living; we do address, over time, our most fundamental problems. But as our country grows and becomes more complex, our social, economic, political and governmental institutions must undergo continual reform and renewal. And wise reform requires widespread participation.

In many of the recent years, too many of us have sought the easy way out—by turning from the hard task of carefully sculpting new forms of interaction and instead trying to salve our consciences and release our frustrations by blaming our problems on someone else—the omnipresent "them."

Now, I believe, we can detect a new willingness in Americans to turn back to the harder tasks—to seek the considered, careful, thorough reform of our institutions which is demanded by the continual growth and change of our society.

And so, I hope structural reform will characterize efforts throughout our system. Toward this end, in the Congress, I am chairing an Ad Hoc Committee on Congressional Reform. As a new member of the Appropriations Committee, I am working to help lay the foundation for a fiscally responsible—as well as socially responsible—federal budget.

As a former member of the Government Operations Committee, I have steadfastly supported President Nixon's decision to concentrate on structural reforms of the Executive Branch, and I am pleased that he has announced that his reorganization efforts are aimed—not at halting change—but at reshaping our massive Federal bureaucracy so that it will better perform more effectively and efficiently with fewer burdens on the average individual. I hope that this same spirit of structural initiatives to make the American system work—or, to let each of us make the American system work for himself—will be carried through each of our major government programs, and into the private sector as well.

The need for reform of our institutions is perhaps greatest in our legal institutions, particularly the Congress which makes the laws and the Courts which interpret them.

As a member of the Senate Judiciary Committee, I am urging that we undertake some very basic reforms in our criminal justice system, particularly as it relates to juveniles. But today, I want to look at our legal institutions in a larger context.

We must start with a fundamental concept. Ours is a government of law and a society of laws. Laws determine the status, rights and privileges of individuals and institutions at one particular moment, and laws guide the development of our society by channeling

the forces of change in certain directions for certain ends.

If our laws and the legal institutions that translate them into living elements do not fulfill their roles adequately, the fundamental stability, values, and direction of our society are seriously endangered.

There are now, I believe, severe strains being placed on our legal institutions which threaten their viability. Let me suggest four sources of these strains.

The first is the failure of legislators, including those of us in Congress, to fulfill our Constitutional role. The Congress today is severely antiquated and in danger of becoming totally obsolete. I do not envision that the Capitol will be closed and business terminated. It will always be a tourist attraction. But it is not necessary to abolish Congress to emasculate it. The House of Lords still meets regularly in Westminster, but its effect on British government is less and less discernible. But today Congress is not wisely or efficiently organized or adequately staffed. As a result of this fact and others, its members are torn and tugged among competing demands within the Congress—between conflicting responsibilities to various committees and subcommittees—and between loyalty to their duties as public servants and loyalty to their Party, to other outside organizations, or to individuals within and without the government.

In this atmosphere, it becomes difficult for members to look ahead to discover the great issues which are coming down the track, or to marshal the facts necessary to make the great decisions. Consequently, crucial questions such as quality education, environmental protection, and society's responsibilities toward the poor and handicapped, are muddied, emotionalized and dealt with in half measures if they are dealt with at all. Moreover, the failure of legislators to pass carefully sculpted legislation merely leads to prolonged judicial battles over intent and execution which often place the courts in unfair and uncomfortable positions. In this regard, I am thinking of current questions such as the President's impoundment of funds, the legitimacy of the War in Vietnam, the current bombing of Cambodia, or the proper scope of privilege that should attach to newsmen, Presidential staff, or to members of Congress and their staff.

Each of these cases suggests both the need for clear statutory guidelines and the failure of the Congress to provide such guidelines.

The second cause of strain on our legal institutions is the tremendous rate of change that characterizes modern society, coupled with the fact that the United States is on the frontier of such change—a frontier populated with wars, famines, nuclear weapons and population explosions. Under the pressures inherent in this situation, we have become accustomed to operating in a state of virtually unrelieved crisis. We know, for example, that since 1933 the President and the Congress have felt it necessary to keep the United States in a formal, legal "State of National Emergency", and to renew this declaration in 1950 and 1971 just to make sure. An emergency status, of course, gives the President a vast array of extraordinary, and unchecked powers. And we have grown so accustomed to this State of National Emergency that we are told that our society could not function without it. But perhaps more disturbing than the fact of the emergency status is the thought that it is merely symbolic of the manner in which we seek to deal with change. We are too often unable to bring the genius of America to bear on a problem until we deem it a crisis or an emergency. In this regard, I am thinking of the crisis that precipitated the hasty adoption of the Gulf of Tonkin Resolution—the economic crisis marked by Phase I, Phase II, and the continuing unprecedented government regulation of our economy—or the ongoing environmental crisis and the energy crisis that is just rising. In each case, there was a real problem which was foreseeable, but it is disturbing that despite the great intellectual and technological resources at our disposal, our laws and legal institutions apparently could not cope with the problem without the emotion and haste associated with the crisis mentality. We know that neither the courts nor the Congress are designed to work best in emergencies. But laws which are supposed to guide the forces of development—such as laws regulating warfare or anti-trust laws—have been allowed to become obsolete. Often they are a burden to wise action rather than an aid. And so our continuing failure to adjust our laws and institutions to external change invites continuation of government by permanent emergencies—emergencies which threaten the values and procedures which we, as lawyers and judges sworn to uphold the Constitution, should hold most dear.

The third strain confronting our legal institutions, I believe, is the triumph of new technology which must be considered in making the decisions confronting us as legislators or jurists. Individually we are not, nor could we be, trained as experts in this technology. And yet we know that we must be its master or become its slave—not only in cases involving intricate corporate accounts or satellite communications, but in the rush of court cases and legislative problems concerning environmental impact, or the establishment and implementation of safety standards in such matters as nuclear power plants. The Congress is finally establishing its own Office of Technology Assessment to provide independent, professional, thorough evaluations of new technology. But the courts are being called upon to make many of the same findings of facts and judgmental decisions as is the Congress, and without similar help. And so I would like to ask your advice on whether the resources at your disposal will be adequate for the task in the years ahead, and, if not, what we can do to help.

The last source of strain on our legal institutions which I want to mention is our society's changing values and attitudes toward the law.

We see evidence of these changes in the increase in the number of students who wish to be lawyers, and the number and variety of new types of cases which are being brought before our courts. We are also aware of the growing popular belief that the courts are the best hope for constructive change which has been stifled in, or by, our more political institutions. Thus the courts have been asked by citizens to take a leading role in guiding change in the areas of civil rights, sex mores, quality education, school financing, legislative reapportionment, right to counsel, and prison reform. And now, once in the thicket, the courts are being asked, and expected, to go deeper and deeper into the murkiest corners of the forest. Yet, without help from the other branches, it is unlikely that the courts can meet such expectations.

The remedies for coping with these strains are not beyond our capacity. Within the Congress, Senators of both parties are coming forth with specific plans. I have sponsored a dozen separate bills, ranging from improved staffing to reforming the seniority system to simplifying our committee structure and modernizing our approach to the Federal budget. Last December, I formed an Ad Hoc Committee on Congressional Reform, and with the cooperation of Senator Adlai Stevenson, held a series of public hearings on the urgency of reforms. The response from the public was overwhelming, and I believe demonstrated that Americans really do want a more responsive, representative, and accountable Congress. And we are clearly moving in that direction.

The reform of Congress can significantly advance the opportunities of providing the courts with the general support and specific aid they need:

Carefully sculpted laws which address the major issues and guide the forces of change.

Programs which address the criminal caseload problem, for example, not only by increasing the number of judges but by dealing with juveniles before they become firmly entrapped in a criminal career.

Programs to ensure that courts have the means to deal with the new technologies and to ensure that they are not asked to make decisions that the political branches should make if they were not blatantly shirking their duty.

But in this effort, we will continue to need your advice, counsel, cooperation and support. The reform of our institutions will demand the lubricant of good will. Our leaders must reawaken the spirit of mutual respect and tolerance among our institutions. Lesser loyalties to individuals or organizations must be put aside when they conflict with our greater responsibility to uphold the Constitution and obey the law. And we must perceive that a general confidence in the competence and integrity of government is the necessary first condition for meeting the challenges which threaten the very existence of our society.

MARGARET CHASE SMITH

Mr. MUSKIE. Mr. President, on March 22 I placed in the RECORD several items relating to the present activities of Senator Margaret Chase Smith. In the Maine Sunday Telegram of April 8, 1973, Bill Caldwell reprinted a letter which he had received from Senator Smith's former administrative assistant, Maj. Gen. William G. Lewis, Jr. For the benefit of my colleagues who have expressed an interest in Mrs. Smith's active schedule, I ask unanimous consent that Mr. Caldwell's article be printed in the RECORD.

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

WHAT'S MARGARET DOING?

(By Bill Caldwell)

Not a week goes by without half a dozen people or more asking me "What is Senator Smith up to these days? When is she coming home to Maine again?"

Well, for openers, there was a fine spread about Maine former's senior senator in the Congressional Record of March 22. It covered more than six pages, and included a number of articles from this newspaper.

Perhaps the nicest part of this spread in the Congressional Record—which is the daily bible in Washington—is that the whole thing was inserted by Sen. Edmund S. Muskie, the man who is now the senior senator from Maine.

On the more personal side of what Margaret Smith is doing these days, I recently received a letter from Major General William G. Lewis Jr., the man who has long been the senior assistant to Sen. Smith. It tells what Margaret Smith has been doing of late—and will be doing in the near future. (She plans to be in Maine at the end of May).

Here is Bill Lewis' letter:

DEAR BILL: As one of Senator Smith's friends interested in her doings, I think you would have enjoyed her past ten days. We left Washington early the morning of March 3rd on what turned out to be a 2600-mile trip through Tennessee, Alabama, Georgia, Florida, North Carolina, South Carolina and Virginia. That night we arrived in Kimball, Tennessee at about 6:00 p.m. after a 600-mile drive.

Kimball is 27 miles west of Chattanooga on the way to Tuscaloosa, Alabama, where Senator Smith was scheduled for a three-day residency at the University of Alabama Law School. We stopped there because it is my mother's birthplace and I had never been there before. It is a very small village and after having driven throughout it and walked through the cemetery we left the next morning and drove to Birmingham, where we had lunch with Doctor and Mrs. Abraham Russakoff. His family comes from Skowhegan and the entire family is an amazing success story (his parents having come to Skowhegan from Russia). He is one of the leading doctors of Birmingham and Mrs. Russakoff an outstanding leader in social welfare work.

After lunch we drove on to Tuscaloosa and had dinner that night with the Dean of the Alabama Law School and Mrs. Thomas Christopher. The next two days were spent in a series of rap sessions with the law students and meetings with the law faculty. It was truly a most rewarding experience and thoroughly enjoyed by the Senator. As for the students, Dean Christopher told me that she was a smash hit, that she has far exceeded her predecessors which include a Supreme Court Justice and a former Supreme Court Justice and that they are anxious to have her back for a long period.

On Wednesday March 7th, we drove to Florida and on the way Senator Smith talked to Governor George Wallace as we went through Montgomery. She thanked him for his very warm telegram to her last November. We had car trouble early that morning (break in water hose) and early that evening (a mini-hurricane on the Florida Expressway drowned the motor). We drove to Palm Beach where we were the guests of former Representative Frances Bolton Thursday through Saturday at her beautiful home on the Atlantic. We left there Sunday morning for Jacksonville and on the way stopped at New Smyrna Beach to see the glamorous condominium that Laura and Spike Bernier (Senator's sister and brother-in-law) recently bought. Then on to the Bill Mills' in Jacksonville that late afternoon (he is Peter's brother, former member of the Federal Reserve Board, DuPont executive and MCS Library Trustee). The next morning we left for Washington.

Among the interesting experiences were the reactions of the students at Alabama. Some told Senator Smith that they wished she would visit as many universities and colleges as she could and let a little of herself rub off on the students. Several students and members of the law faculty expressed great surprise at her physical condition and mental attitude. They referred to Mike Shanahan's AP story reporting that she was a bitter recluse who had spent the past two years in a wheelchair—they were almost incredulous at seeing her walk fast without a limp and be so outgoing and cheerful. It illustrated what a false image erroneous news media reports can create.

Next month we have two trips scheduled—in the early part to northern New York for an address in one place and for induction into a Hall of Fame at another place—and on April 23rd to Washington and Lee University at Lexington, Virginia for a lecture and rap session with the students there that day and the 24th and then on to Columbus, Ohio on April 25th to address the Ohio Federation of Women's Clubs.

In May we will probably be driving to Michigan and Indiana where Senator Smith will give commencement addresses and receive her 73rd and 74th honorary degrees. In June she will give commencement addresses at the high schools in Winslow and Harrington (she has been unable to accept other Maine school invitations during this period because of previous commitments). She has regretted an invitation to give a commencement address to a California college because of Maine commitments. On May 31st she will give the commencement address to the graduating nurses at the Eastern Maine Medical Center in Bangor and on June 2nd be at Westbrook College in Portland to receive an award.

Thus far, she has refrained from accepting overtures of lecture bureaus, book publishers, and television. However, she is seriously considering purchasing an interest in a major television enterprise.

Frankly, I can't keep up with her although I am in good health (and not dying of cancer as was rumored in the October days of the campaign) having been given a clean bill of health by the Air Force after the exhaustive so-called "executive physical examination" given to Generals.

Our best to you.

Sincerely,

WILLIAM C. LEWIS, Jr.

And that's the kind of "retirement" that Margaret Chase Smith is enjoying these days.

CAPITAL PUNISHMENT

Mr. BUCKLEY. Mr. President, Dan McMahon, sheriff of Westchester County, N.Y., has written a timely analysis of the issue of capital punishment. The article, titled "Capital Punishment," appears in the February 1973 issue of the FBI Law Enforcement Bulletin.

Sheriff McMahon's outstanding career in law enforcement is well known in New York State. I am pleased to have this opportunity of introducing his article into the CONGRESSIONAL RECORD, and I commend it to the attention of the Members of the Senate; and 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:

CAPITAL PUNISHMENT

(By Daniel F. McMahon)

The issue of capital punishment has been one of the most continuous and fiercely debated in our history. Since 1846, several States, some 15 in number, have completely abolished capital punishment, and of these, 11 have reinstated the death penalty. Of these 11, 3 have reabolished capital punishment. At the moment, there are only 10 States of the 50 that have totally abolished the death penalty. As evidence of the strong support for capital punishment, the House of Representatives, on October 2, 1972, by a majority of 354 to 2, voted the death penalty for aircraft hijackers.

In 1965, New York State abolished the death penalty, with certain exceptions. On June 29 of this year, the U.S. Supreme Court, by a five to four decision, held unconstitutional the laws of Georgia and Texas, which authorized the death penalty. Two of the three cases before the Supreme Court were rape cases, not involving homicide. The decision has been widely misconstrued to hold that capital punishment was abolished for all purposes. This is not a fact, as a reading of the decision will clearly show. Each of the nine Justices had a written opinion, and only two of the nine clearly support complete abolition. In any event, this is an unfortunate decision, because it has left confusion and uncertainty in its wake. There was no legal precedent for this decision, even though the issue had been before the Supreme Court on previous occasions. Also, it is noted that the framers of our Constitution explicitly authorized capital punishment. The fifth amendment of the U.S. Constitution makes this abundantly clear.[1]

[1] The pertinent portion reads as follows: "No person shall be held to answer for a *capital,* or otherwise infamous crime, unless. . . ." (Emphasis added.)

Since the abolition of the death penalty in our State, we have had a continuous increase in the homicide rate. As a matter of fact, over the past 2 years, we have had one record after another broken with the number of murders. New York City had 1,466 murders in 1971, an increase of 31 percent over the previous year. During the first 5 months of 1972, New York City had a record of 614 homicides and an unprecedented number of 57 homicides for the first week in July of this year. It is noteworthy that this 1-week record came immediately following the announcement of the U.S. Supreme Court decision.

The greatest significance of these homicide figures for 1972 is the fact that during the same period of time the total of serious crime in the city was decreasing by 21 percent. The trend of soaring homicides is similar throughout the entire State of New York. The total recorded in the State for 1971 was 1,817, in contrast with 1,439 the previous year, representing a 26 percent increase. The circumstance of soaring homicide rates, with the aggregate of other serious crime leveling or dropping, is also true outside New York City.

It is interesting to note England abolished capital punishment in 1965. Their experience has shown a marked increase in homicides, even through their homicide rate is substantially below ours in this country. Nevertheless, responsible groups are banning together, urging the reestablishment of capital punishment.

I recognize very well that the statistics that I have set forth do not *prove,* with absolute certitude, that capital punishment is a deterrent to murder. Likewise, I would dispute the claim of the abolitionist that statistics *prove* their position. This word seems to be very loosely used in this debate. But, I do submit the statistics above stated do serve as a basis for a sound, commonsense conclusion that the nonexistence of the death penalty has direct relationship with homicides, which are now reaching epidemic proportions. Nowhere was this dramatized more than the Brooklyn Chase Manhattan holdup this past August. The holdup man, while holding eight hostages in the bank for many, many hours, told a reporter that if the cops stormed the bank, "I could kill. I will shoot everyone in the bank. The Supreme Court will let me get away with this. There's no death penalty. It is ridiculous. I can shoot everyone here, then throw my gun down, and you can't put me in the electric chair."

This is positive proof that the penalty, or lack thereof, was very much on the mind of one armed criminal, a potential killer. It is unreasonable to contend that the death penalty does not enter the minds of some other killers. Such being the case commonsense dictates that at least some will be deterred. To suggest otherwise is to contend that individuals do not fear death. *I strongly urge, if one potential murderer is deterred annually and one innocent life spared, it justifies capital punishment.* This is particularly so for homicides involving premeditation.

On March 17, 1971, J. Edgar Hoover testified before the congressional subcommittee that 19 of the killers of police officers during the 1960's had previously been convicted of murder. In 1971, when we had no executions, there were an estimated total of 17,630 murders in our country, as compared with approximately 9,000 in 1960—a 96 percent increase.

One of the unfairest arguments used by abolitionists is: In recent years the executions have dropped to zero, proving the disfavor of the penalty. This is not true. The very same abolitionists are the ones who have started massive legal attacks on capital punishment across our country, dating back 5 or 6 years. This has caused the sentencing authorities to pause, and appropriately so, pending the final word from our highest au-

thority, the Supreme Court. It does not follow that capital punishment is in disfavor—as the polls and referendums have clearly shown. Unfortunately, the Supreme Court has not given a final word, rather a very indecisive decision.

Those in State government in the executive branch and in the legislature, in the area of criminal justice, have been motivated by an overriding concern for rehabilitation of the criminal. I acknowledge their sincerity and high purpose. I fully support efforts to rehabilitate the criminal, but not at a cost of sacrificing the rights of society. A proper balance can be and must be struck. But the authorities have achieved little in accomplishing their purpose, and, worst of all, they have created an imbalance which has neglected the average citizen. Our citizens in cities and suburbs live in greater fear than at any time in modern history. It can only end when the legislature returns to the fundamental and basic principle: We must have swift and certain punishment for wrongdoing. We must show greater concern for our citizens and the victims of crime than for the criminal. The first and imperative step is to reestablish capital punishment.

SENATOR WILLIAM BENTON OF CONNECTICUT SERVED HIS NATION WELL

Mr. McINTYRE. Mr. President, the untimely passing of Senator William Benton of Connecticut was a shock to all of us who had the privilege of knowing and admiring this dedicated and able leader. He will be missed.

My heartfelt condolences go to his lovely wife, Helen, and his son, Charles.

My colleague, Senator PERCY, has recently read into the RECORD William Benton's witty and good-humored remarks at the University of Chicago when he was awarded the first William Benton Medal (Apr. 3, 1973, p. 10690). Bill Benton spoke of "the real story of Bill Benton, a tactless, not too likeable fellow who all his life has worked much harder than necessary trying to make ends meet."

Mr. President, I am pleased to recall that a distinguished institution of higher education in my own State of New Hampshire and my own alma mater, Dartmouth, took up Senator Benton's good-hearted spoof of himself in the course of awarding him the honorary degree of doctor of laws in the same year, 1968.

As President Dickey draped the hood over his shoulders, he recited:

It is not merely your having been born on April 1 or even your editorship of Humor at Yale that makes you slightly suspect as the author of "The Real Story of Bill Benton," a character who in your words, "all his life has worked much harder than necessary to make ends meet." First it was cash registers peddled from a truck, then "Certo" sold by radio until ends were so well met that at 36 you retired to be vice president of the University of Chicago whose ends also had need to meet. Purchasing what the university declined to be given, you became the publisher of the Encyclopaedia Britannica and thereby the master peddler of all man's knowledge. And there were other ends yet to be met as assistant secretary of state, United States senator, and as ambassador to UNESCO. Along the way you became a notable patron of America art and an equally notable critic of Khrushchev's communism, the first McCarthy's anti-communism, and of De Gaulle's grandeur. Today as Britannica celebrates 200 years of sustained effort to tell all, Dartmouth salutes you as a Doctor of Laws whose service to man's need to know has transcended both reward and duty.

The "cash registers" cited by Dr. Dickey refers to the fact that young Benton was, briefly, a salesman for National Cash Register, and the "Certo" to a product advertised from rags to riches during the great depression by the advertising agency of Benton & Bowles. Throughout his varied careers after he retired from advertising at 36, a self-made millionaire, Bill Benton was a relentless public servant, and a missionary for education and culture. His career in the Senate was brief, but unforgettable, as my distinguished colleagues from Arkansas and others have observed. And indeed that career has not been forgotten.

Mr. President, I ask unanimous consent that a few of the messages of condolence that Mrs. Benton has received from former Members of both Houses be printed in the RECORD.

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

WASHINGTON, D.C.
March 21, 1973.

Mrs. WILLIAM BENTON,
Waldorf Astoria Hotel,
New York, N.Y.

DEAR MRS. BENTON: Mrs. Morse and I want you to know how sad we are as a result of the loss of Bill.

He not only over the years was a generous benefactor of mine, but he was one of my cherished, biased friends. As I have often said, there isn't anything more precious than a biased friend, because such a friend stays with you through thick and thin. Bill Benton was such a friend of mine.

Mrs. Morse and I extend to you and your family our deepest sympathy.

Cordially,

WAYNE MORSE.

WASHINGTON, D.C.,
March 24, 1973.

Mrs. HELEN BENTON,
Mr. CHARLES BENTON,
Care of *Encyclopaedia Britannica,*
New York, N.Y.

DEAR HELEN AND CHARLES: The news of Bill's death has placed a pall over all of the landscape both mental and physical. Emily and I feel for you deeply. Bill was not only a good personal friend, but a marvelously useful citizen.

In the 1930's when he was Vice President for the University of Chicago charged with raising money, he defended me against the establishment who wanted me fired. He did so without knowing me nor under any personal obligation. He and [Robert M.] Hutchins saved my job and I have never ceased to remember it. Then when we came to the Senate he made his Arizona home available to us twice when I needed it badly to recuperate from the strain of conflict. Later on he put his apartment in the Waldorf and, I think, the Sherry Netherland at our disposal and made our New York stay more worthwhile. In my final and fatal campaign in 1966 he gave me money at an early stage and helped me very much.

He would not accept thanks for any of this and he seemed embarrassed when we tried to thank him, but he was a crucial supporter and a stalwart friend through thick and thin.

On the side he did a large number of useful acts. His gifts to the University of Chicago out of the profits of the Encyclopaedia Britannica were the largest of any except for John D. Rockefeller and Bill did it quietly. He raised the level of publishing by his purchase and use of Praeger and he made not only several million dollars by developing Muzak, but he raised the level of popular programs of music. He befriended Hubert Humphrey by putting him on the Encyclopaedia board and made him really financially independent. More than anyone else he was responsible for the downfall of Joseph McCarthy.

He was my friend. We shall miss him in many ways, but the world is better for his living. He was very fond of you both—proud of Charles and loving toward Helen and your loss is by far the greatest of anyone. God bless you both.

Faithfully yours,

PAUL H. DOUGLAS.

PARIS,
March 24, 1973.

DEAR MRS. BENTON: I just wanted to let you know my personal feeling of loss on learning of Senator Benton's death.

My admiration for him was unlimited, as was my affection. He helped me so many times and in so many ways. All of use who had the opportunity to come into contact with him will miss him.

Sincerely yours,

PIERRE SALINGER.

BOSTON, MASS.,
March 24, 1973.

DEAR MRS. BENTON: It is with deep regret that I have learned of the death of your beloved and distinguished husband, who was my close and valued friend for years; a great American and outstanding legislator, and by his nobility of character was truly "one of God's Noblemen."

My friendship and respect for your dear husband was deep and profound.

I convey and express to you and your daughters and sons, and other loved ones, my deep sympathy in your bereavement.

I feel most keenly for you and your loved ones in your great loss and sorrow.

Very sincerely yours,

JOHN M. MCCORMACK.

WASHINGTON, D.C.,
March 25, 1973.

DEAR MRS. BENTON. This is to let you know of my deepest sympathy in the passing of my dear friend and greatly admired friend, your beloved husband. As one of his colleagues in the Congress, I regarded him as one of our most courageous and useful members. I also appreciated the fact that in private life he continued to serve nobly the many causes in which he believed.

Sincerely

BROOKS HAYS.

TRIBUTE TO THE LATE SENATOR WILLIAM B. BENTON

WASHINGTON, D.C.,
April 10, 1973.

Bill Benton will be long remembered for his many innovations in business and publishing affairs.

But the greatest tribute that any Senator, past or present, can pay to Senator Benton, is of his courage to protect the Senate as a place where truth could counteract the forces of falsehood and slander could be put down by facts.

Senator Benton demonstrated this strong sense of courage as he rapidly attacked those who would use the communist smear to destroy freedom of expression on the floor of the Senate.

He was unafraid of those who would try to use the tar brush of communism to block progressive and patriotic proposals advocated in the Senate.

Bill Benton strongly deserves recognition as a man who had the dedication, fortitude and ability to communicate with the millions

of Americans who were anxious to preserve our Democratic form of government.

I am happy to add my personal tribute to Senator Benton to those of his widespread acquaintances throughout the United States as a result of his courageous work in the Senate.

A. S. MIKE MONRONEY,
U.S. Senate, Retired.

THE BUDGETARY PROCESS IN CONGRESS

Mr. FANNIN. Mr. President, rampant inflation has proven once again that overzealous government is an enemy rather than a benefactor of the people.

It is the Government which initiated and perpetuated the inflationary conditions that cause consternation for the housewife, anguish for the workingman and despair for the retired.

Most Americans are too busy to consider how our economy got into our current precarious condition.

Everyone should be reminded that the Federal Government began it all in the mid-1960's with the effort to carry on a major war and at the same time launch massive and ill-conceived social programs without adequate revenue. Union leaders were swept along in the euphoria as they demanded more and more wages for less and less work.

High labor costs in America, combined with unfair trade barriers abroad, meant that our exports would suffer and imports would soar.

As our balance of payments and trade worsened, foreign traders watching the inflation develop in America caused pressures for devaluation of the dollar.

Devaluation means that Americans must spend more dollars abroad to purchase products we need—such as oil to meet the energy crisis—and that American prices look better to foreigners who want to buy our goods. This latter point should be an advantage, and would be if foreigners wanted to buy our manufactured goods. Unfortunately, our trading partners have no desire for goods produced by high-cost U.S. labor; instead, they have their eye on our raw materials—such as agricultural and timber products—which puts even more inflationary pressure on the American consumer.

The chain reaction goes on and on.

Fortunately, President Nixon has stepped into the vacuum and has acted boldly to trim Federal spending and hold down inflation. His actions, however, are only stopgap in nature.

The long-term solution must come from a reform of the budget-making system in Congress itself.

There is some good news in this respect.

The program worked out by the Joint Study Committee on Budget Control could return sanity to the budgetary process in Congress and thus eliminate the prime cause of inflation.

The plan calls for the establishment of new House and Senate committees to propose an overall spending limit each year. Amounts would be allocated to each budget purpose.

If the spending limit set by Congress would cause a budget deficit, an income surcharge would be imposed the following year to make up the deficit.

Any Member of Congress proposing a breach of the spending ceiling to expand his pet program would be required to either specify another area of the budget where he would cut a like amount, or he would have to provide an increase in taxes or a higher debt limit. This would make the cost of the program expansion evident, and it would put the spotlight on the big spenders.

Congress simply must put an end to chronic deficits if we are to stop inflation, solve the energy crisis and maintain our strategic and economic integrity. We have a good blueprint to work from, and we must build this new budget-control system in all haste so that we can bring inflation under control.

THE DANGER OF U.S. MILITARY REINVOLVEMENT IN INDOCHINA

Mr. MUSKIE. Mr. President, when a Vietnam cease-fire agreement was signed on January 27 in Paris and a Laotian cease-fire was concluded some 2½ weeks later, all Americans were relieved that our involvement in the Indochina conflict was finally coming to an end and that U.S. prisoners of war were coming home. Since 1965, the United States has spent more than $109 billion in Indochina; 45,000 Americans have been killed; 303,000 have been wounded. This has been an exorbitant toll for the American people to pay for a "peace with honor" in Indochina, to say nothing of the enormous costs of this war to the peoples of Southeast Asia.

Yet today—despite White House statements that the war is over—the United States continues to engage in major military operations in Indochina. For the last several weeks, we have been massively bombing in Cambodia. In recent days, we have given encouragement to South Vietnamese military activities in Cambodia. Now, incredibly, we have resumed the bombing of Laos.

I believe these policies are extremely dangerous. Our bombing in Cambodia and Laos, our encouragement of South Vietnamese military activities in Cambodia, our threats to retaliate for violations of the cease-fire in Vietnam, the reported active recruitment of 20,000 civilian experts to replace the U.S. military advisers in South Vietnam, and our continuing force of 50,000 combat-ready American servicemen in Thailand—these could be the precursors of a large-scale reinvolvement of U.S. military forces in the Vietnam war.

There is no legal or constitutional basis for such a reinvolvement. The Congress wants no such reinvolvement. The American people want no such reinvolvement. If there is one lesson that we should have learned from our long and tragic involvement in Indochina, it is that we cannot settle the political differences between the people of Vietnam, Laos, and Cambodia by our own force of arms.

We all know—including the administration—that the Vietnam settlement was a fragile one that might not survive. We all know that violations of the agreement have occurred. The question for the United States is whether or not we really believe—as the President has said—that we have fulfilled our military responsibilities to South Vietnam and have really quit this war.

After more than 10 years of suffering in this war, it is a cruel thing to tell the American people that there is another tunnel at the end of the tunnel.

THE TRAGEDY OF ALCOHOLISM

Mr. THURMOND. Mr. President, one of the many serious problems this country is facing is the tragedy of drug abuse. Many of our young people are ruining their lives, and the lives of others, by turning on and turning in to the drug culture. Of course, they will ultimately find that drugs do not lead to a placid haven but to the depths of despair. By this time, however, it is usually too late.

This is why the news media have a great responsibility to factually document the effects of drugs. In a recent edition of "Washington," the Washington Star-News devoted an indepth article to the Nation's most widely used drug, alcohol. This story vividly depicts the tragedy of alcoholism.

Mr. President, I ask unanimous consent that the article entitled "The Young Drunks," which appeared in the Washington Star-News on April 8, 1973, be printed in the RECORD.

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

THE YOUNG DRUNKS

(By Vernon Pizer)

By prearrangement, I met Little Willie and Big Willie in a borrowed office on neutral territory near Dupont Circle—far enough from the halfway house where Little Willie awaits official determination of his future so that he could speak uninhibitedly. Big Willie's reputation among the authorities, and his assumption of responsibility for getting the youth to our nighttime meeting and back again, had been sufficient to get him out of the half-way house. While Little Willie rubbed a finger reflectively over the acne on his check and pondered my question, I thought idly that their nicknames ought to be reversed—At six feet, Little Willie is the taller of the two by a half-foot.

Corrugating his forehead in concentration, Little Willie answered me. "I can't rightly explain it. Somewhere up here"—he tapped the side of his head—"I didn't really want to do it. But, man, I couldn't not do it. It was like I had to have it even if it killed me." He paused and then added wryly, "And I guess it come close enough to doing that."

"It" is alcohol, and American stomachs are aslosh with it as never before. About nine million Americans are recurrent alcohol abusers at best, confirmed alcoholics at worst. On a national average the annual, legal purchase of alcoholic beverages works out to about 30 gallons for every man, woman, and child 15 or older. (Ten years ago it was approximately 25 gallons.) But per capita sales in the District of Columbia, inflated by suburbanites lured across the District line by D.C.'s generally lower liquor prices, soars to an astounding 47 gallons annually, making the Nation's Capital the wettest place in the country.

According to Dr. Morris E. Chafetz, director of HEW's National Institute on Alcohol Abuse and Alcoholism and a long-time specialist in the field, "Alcohol is the drug of

greatest abuse today, both nationally and locally. Abusers are not only more numerous than ever, they also seem to be younger than ever. All of our research indicates that some 85 percent of all youngsters have some drinking experience before they reach 18, a surprisingly large segment of them before they even reach their teens. The prime drug problem of youth today is not pot or pills or heroin, it is alcohol."

Father George Dennis agrees with the Chafetz assessment. Hair curling to his shoulders and dressed in his usual baggy sweater and flared trousers, Father Dennis doesn't look like a man of the cloth, which makes it easier for him to get next to the students at Wilson High where, as chairman of Neighborhood Planning Council Number 3, he rates office space. "The kids in this area are really into alcohol, no question about it," he says. "When we put on a rock concert for them in one of the parks, we know that a good half of them, some only 12, will be drinking beer, wine, or hard stuff. Before the concert ends, at least a half-dozen—that is, a half-dozen that I know about—will pass out."

At a recent hearing in Annapolis, David G. Hartlow, chairman of the Prince Georges Liquor Board, testified that the county's major alcohol problem is drinking among the 14-to-17-year age group. "Visit our Friday and Saturday night teen clubs, and you'll find more beer and whiskey served there than there is in the taverns," he reports.

It is only by calendar reckoning that Little Willie, at age 17, can be counted among the young. For the last 11 years, ever since he was 6 and an older brother—himself an alcoholic—started him off on beer, he has been swirling in a sea of alcohol. Somewhere along the way it became an insatiable, irresistible compulsion and he was hooked, no longer simply a frequent abuser but now a full-fledged juvenile alcoholic. And somewhere along the way he lost his childhood. "I never played or nothing like kids supposed to," he says in his sad, soft, velvety voice. "Other kids played ball, but me and my friends be in front of the liquor store looking for someone to go in and buy us a bottle. We could always find someone, maybe because it made them laugh to see kids guzzling the stuff. We looked like kids to them, but inside we was all old men."

Little Willie's story differs only in peripheral factors, not in essentials, from that of most young alcoholics. Son of an inner-city minister, he managed for a long time to keep his addiction hidden from his father. ("Drink is cunning," he says. "You learn to hide that you hooked. Like you go around sucking peppermint to kill the smell, or you sit looking at a book like you reading it, but your head is off somewhere else on a buzz.") To get money for drink, Little Willie ran errands for housebound neighbors, cut grass in summer, shoveled snow in winter. But he drank faster than he earned, so he became adept at petty theft—rifling pocketbooks and wallets, shoplifting. He thinks he was 10 or 11 before his father caught him with a bottle and with a buzz he could not disguise. "My father tried every way he knew to straighten me out, but I was too far gone," he recalls. "I made a lot of promises and broke every one of them. I just tried to hide it better."

By the time Little Willie was 15, "I was killing maybe two fifths a day—wine, gin, vodka, it didn't matter what—and I had the DTs. Then one day, loaded to the gills, I went to a girl's house and busted her mother in the nose. Don't ask me why. I was still swinging when the cops took me away. I got a year at Cedar Knoll." (Cedar Knoll is a D.C. correctional institution near Laurel, Md.) "I stayed juiced up at Cedar Knoll on whiskey smuggled in on the kitchen truck when it went to Laurel to pick up supplies. When my year was over, I went on a two-week drunk that I don't remember nothing about except somehow I ended up all cut and bloody. This time the judge sent me to St. Elizabeths for 60 days."

Margaret C. Spencer, alcoholism program director of the Washington Area Council on Alcoholism and Drug Abuse, shakes her head in anger of frustration. "Society has blinders on when it comes to liquor. People think you have to be a middle-aged skid-row bum to be an alcoholic. That's nonsense. Little Willie was an alcoholic in desperate need of help long before he could shave, and there are thousands like him. But when these kids come to the attention of the authorities, all efforts seem to be directed toward the symptoms of the disease—the drunken transgressions that brought them before the authorities—instead of directing them toward eliminating the disease that is destroying them. That's the way it was with Little Willie—10 years of non-stop drinking and recurring scrapes with school and police officials, but it wasn't until he was 16 that he was referred to specialists trying to deal with the disease itself."

Big Willie is deeply devoted to Little Willie, spending all of his free time with him to serve as mentor, confidant, and prod. It is a relationship that began when Margaret Spencer discovered the youth undergoing psychiatric evaluation and counseling at St. Elizabeths and alerted the older man to his plight. "I look at him and I see me," Big Willie says. "At his age I was a boozehound shuttling between the gutter and the jail. I finally admitted to myself that I was a hopeless alcoholic and taking a drink was like putting a gun to my head. That admission of addiction is the crucial first step in fighting your way out of the bottle. While I was still in jail, I started studying to try to make up for all the lost years, and when I got out, I joined Alcoholics Anonymous. It was those A.A. people—black and white, old and young, male and female, rich and poor—who gave me the strength to battle booze. With their help, I developed the backbone and self-respect I had never had. Now I have a decent job, a wonderful wife, and a fine daughter in college; I haven't had a drop in 20 years, and I never will. I'm trying to do for Little Willie what the folks at A.A. did for me."

What causes a youngster to grow into an alcohol abuser? All of the experts seem agreed that the seeds are usually planted at home. According to Dr. Chafetz, "Peer group pressure, youthful showing off, and the hard sell of manufacturers flooding the market with pop wines sweetened and flavored to seduce youthful taste buds all play a role, but most often the child's family is the chief offender. With few exceptions, a child adopts the drinking habits of those who play a significant role in his life at the time he first becomes aware of alcohol. If there is heavy drinking in the home, you can make book that the child will become a heavy drinker."

Margaret Spencer makes the startling assertion that almost all alcoholics have become wedded to the bottle by the time they reach 13 or 14. "I don't mean that they are necessarily falling-down drunks who have reached the point of addiction," she says, "but I do mean that by that age, most of them have already established the pattern of drinking and the psychological attitude toward drink that have them headed toward disaster. Nine times out of 10 they got started by imitating a member of the family or a friend to whom they were attached."

Michael McBride, D.C. Department of Human Resources alcoholism suppression specialist, says, "There is no doubt in my mind that home influences play a major role in determining whether or not a youngster will become an alcohol abuser. I see confirmation of that every day in my work. But I don't need to look to others for confirmation—I became a teenage alcoholic by following the example set for me by my parents, both of whom were lushes."

Somewhat surprisingly, the experts also point an accusing finger at the medical profession. Dr. Chafetz explains that medicine's culpability begins at medical school: "The schools give little or no time in their curricula to alcohol abuse, so they turn out doctors who know next to nothing about the disease. If the schools do expose their students to any education on alcoholism, it is almost exclusively in the treatment of organic problems that arise from it. So we face the irony of doctors who may cure their patients of liquor-triggered ailments but leave them to be ravaged by the alcoholism itself."

Mike McBride relates another aspect of the charge that many doctors exacerbate the alcohol problem: "One of the worst things that ever happened was the invention of Librium and the other tranquilizers. Instead of facing the alcoholism squarely and trying to come to grips with it, the doctor simply takes the easy way out, prescribing Librium to relieve the shakes. If the patient is young, and particularly if he comes from a so-called good background, the doctor may not even realize that the problem is booze because of the popular fiction that kids, especially 'nice' kids, are not alcoholics; he clucks his tongue because the youngster is 'high-strung' and hands out the Librium to ease his 'emotional stress.' So the patient gets tranquilized enough to go out and get loaded all over again. The doctor who prescribes Librium and lets it go at that is only keeping the guzzler hung up in a revolving door."

Big Willie adds his criticism of the medical profession: "Too many doctors advise a patient to relax with a drink when he gets up-tight. Too many patients figure if the doctor prescribes liquor, it must be good medicine, and they start to medicate themselves into alcoholism. And too many kids figure if the bottle is good for the old man, it's good for them as well."

The incongruity of the situation is striking. The very influences that should reasonably be expected to provide our young people a bulwark against alcohol addiction—the family, the medical profession, society generally—stand accused of greasing their descent into the bottle. That the grease may have been applied unwittingly is beside the point.

"If we are to come to grips meaningfully with the challenge, and if we are to set about conquering it, we have to begin by adopting an honest approach that has been too frequently lacking in the past," Dr. Chafetz says firmly, waggling his pipe for emphasis. "To start with, we must recognize that there is no inherent harm in *responsible* drinking"—Dr. Chafetz is a scotch-and-soda man, with a quota of two—"but we have to agree on what the limits of responsible drinking are and abide by them. At the same time, we have to face the fact that for some that limit is a zero intake, because—for reasons we don't yet fully understand—they simply cannot stop themselves at a self-imposed limit. We also have to alter our attiude toward the alcohol abuser. Society is ambivalent, generally conceding that alcoholism is a disease, but persisting in stigmatizing the abuser with an aura of criminality. And we need to erase once and for all the myth that alcoholism is a phenomenon confined to skid-row derelicts. It can and does strike anyone, adolescent as well as adult."

Dr. Chafetz does not shrink from castigating many who are officially charged with alleviating alcoholism. "Save us," he implores, "from the smug alcoholism-program administrator who thinks he has all the an-

swers and all that's needed is for more people to listen to him. Many of those administrators are the very ones who misuse available resources, fragmenting the various community health and social services instead of melding them into a coordinated, mutually supportive system. Even worse are inadequacies in preventing alcohol abuse from taking root in the first place. We need to initiate concerted efforts to reach kids during their school years, starting down in the elementary grades, to head off trouble before it arrives. That requires an energetic, innovative program of alcohol education, substituting enlightened realism for the mythology and scare tactics of the past. In other words, we have to level with them. Above all, we need to get off our tails and seek out those kids who are particularly vulnerable to alcohol—the emotionally maladjusted, those from homes where heavy drinking is the norm, those who tend toward delinquent behavior—and work with them and their families, both clinically and through visiting caseworkers, to prevent alcoholism from taking hold."

In the meantime—while waiting for the medical profession to reform itself, for public and private attitudes to change, for treatment resources to be brought to bear in a coordinated, productive manner, and for preventive measures to be initiated—what does Little Willie (and the others like him) do? He leans on Big Willie and on such private agencies as Alcoholics Anonymous. In Big Willie's words, uttered with conviction born of experience, "The one individual who really understands the misery of alcoholism, who really *relates to* the youngster who is hooked and knows how to help him fight free of the bottle, is another alcoholic who has been through that battle himself. Nobody knows better than he does what it takes to win and what it costs to lose." Mike McBride agrees. "The public agencies are well intentioned, but at present the best possible vehicle for helping the alcoholic is A.A.," he asserts.

Will Little Willie make his way back up out of the bottle? Big Willie is confident he will: "Look at his eyes—they have whites now. They were like two stop lights when I first met him. He's been dry now since September and he's going to stay that way. I won't let him *not* make it."

Little Willie himself says in that soft, sad voice of his, "I'm trying, really trying. But, man, it's hard. It's hard."

FOOD PRICE ROLLBACKS

Mr. RIBICOFF. Mr. President, there is still no relief in sight for the beleaguered American shopper. As each day passes he or she finds it tougher to stretch the food dollar to provide adequate meals.

Governments at all levels are showing their concern. Today I received from the city of New Britain a resolution adopted by the city council on April 4 and approved by Mayor Stanley Pac on April 6. The resolution calls on Congress to rollback food prices to January 1, 1972. My proposals to rollback prices would accomplish much of what New Britain is seeking—a halt to the skyrocketing cost of food.

I commend the mayor of New Britain and the city council for their deep concern over the runaway inflation in food prices and ask unanimous consent that the resolution be printed in the RECORD.

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

LEGISLATION TO ROLL BACK FOOD PRICES

Whereas, with the expiration of Phase 2 of President Nixon's Economic Program the price of food soared to astronomical heights, and

Whereas, the action of the President to freeze some food prices at their current level, affords little or no relief to the people who have to put food on their tables, and

Whereas, the least that could be expected in the way of relief from soaring food prices would be a rollback of prices to the expiration date of Phase 2, but more equitable would be a rollback to food prices of January, 1972, now, therefore, be it

Resolved, by the Common Council of the City of New Britain that the Senate of the United States and the House of Representatives of the United States in Congress assembled, be and they are hereby requested to enact the necessary legislation to roll back food prices to January 1, 1972, and be it further

Resolved, that the President of the United States be and he is hereby requested to lend the influence of his office in support of such legislation, and to approve the same when enacted, and be it further

Resolved, that the City Clerk transmit a copy of this resolution to the necessary parties.

LOYALTY TO OUR CONSTITUTION

Mr. BROCK. Mr. President, recently, the senior Senator from Maryland (Mr. MATHIAS) reminded each of us in this Chamber that our highest loyalty belonged to the Constitution and laws of our great Nation. The Senator's remarks were very eloquent, very moving, and true. His remarks were noted by the distinguished Columnist James Reston in a column which appeared in the New York Times, the Baltimore Evening Sun, and many other papers. As the headline in the Sun stated:

Mathias raised the fundamental point: loyalty to the Constitution.

I ask unanimous consent that the column by Mr. Reston be printed in the RECORD.

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

MATHIAS RAISED THE FUNDAMENTAL POINT—LOYALTY TO THE CONSTITUTION

(By James Reston)

WASHINGTON, March 31—Every once in a while somebody gets up in the House or Senate of the United States, usually when nobody is listening, and raises a fundamental question about the integrity of American political life.

In the last few days, Senator Charles Mathias of Maryland has done precisely that. He has raised the question of "what is loyalty?" Is the primary loyalty of a public servant to the people who finance his campaign, to the constituency or party he represents, or is it to the Constitution of the United States? Senator Mathias is raising a fundamental question: should they not get their "conflict of loyalties" straight?

Mathias didn't name any names or identify any specific political problems, but when he raised the question of the "conflict of loyalties" in Washington, most people here had an idea of what he meant.

When men like former Secretary of Defense Robert McNamara or Undersecretary of State George Ball, or McGeorge Bundy of the White House staff had serious doubts about President Johnson's Vietnam policy, was their primary responsibility to the President they served or was it to their own convictions or to the Constitution of the United States?

When President Nixon was confronted by charges of burglary, espionage, and sabotage against the people, was his primary responsibility one of loyalty to his political assistants or to the laws and principles of the Constitution?

When Senators and Congressmen have to choose between raising funds illegally for re-election, or doing without those funds, will they give their primary loyalty to the law or pretend that taking funds outside the law is a "loyal" duty to their party?

When White House spokesmen are caught in a jam between telling the truth about the Watergate conspiracy or being "loyal" to the President, should they be loyal to the Constitution and the laws, or "loyal" to their party and their chief?

"I have raised this pervasive problem of conflict of loyalties," Senator Mathias said, "because I think it has poisoned our ethical behavior and lies at the heart of public mistrust of our government and its leaders. . . .

"There have been actions over the past few years," Mathias said, "that have caused some in positions of power and responsibility to forget that the highest loyalty of an American public servant is not to any personality whether he be a President or a general or a Senator; nor is it to any organization, such as a department, agency or party; his first loyalty is to the law of the land built upon the constitutional foundations laid by Thomas Jefferson, George Washington, Alexander Hamilton, and George Mason, and the other great men of our revolutionary past."

Senator Mathias raised the issue, defined the problem, but really didn't get down in the end to the realities. In the most courteous way, he suggested that Senators, Representatives, and executive officials were serving their own interests and the interests of their bosses rather than the interests of the nation, but he didn't really get to the main point which is that many more people are cheating in American life than we dare admit, and that the political corruption is much more widespread than Senator Mathias was prepared to concede.

Senator Mathias has at least raised a fundamental question; what in the face of these ambiguous political and even ethical questions, are we to be loyal to? He says: not to the party, not to the President, but to the Constitution. We have to get our loyalties straight, he insists, and they should go not to Mr. Nixon or to Mr. Nixon's ambitious successors: Connally and Agnew, Kennedy, Jackson, or Mondale, but to the Constitution, which Mathias thinks most of us have forgotten.

BRING THE BASES HOME

Mr. HUGHES. Mr. President, the Defense Department's announcement today of planned base closings in the United States reveals a grossly distorted sense of our national priorities.

I have no doubt that some costs could be saved by some base closings and consolidations, but this is not the best way to do it.

Instead, we should act first to close our costly and unnecessary facilities overseas. We should bring these bases home before we put 42,000 more Americans out of work.

Right now, more than one U.S. soldier in every four is still stationed overseas. Over 600,000 men and women of the Armed Forces, plus about 450,000 of their dependents, are scattered among 322 major bases, and over 3,000 minor facilities around the globe.

Yet while the Pentagon slashes at domestic troop levels, it plans to bring home only 4,000 of the 500,000 troops in areas excluding Southeast Asia.

Allegedly, these domestic base reductions are being made to save about $400 million per year. If that is the goal, then why do not we bring home and deactivate just one of our divisions in Europe and save $580 million per year?

According to official Defense Department figures, the two recent dollar devaluations alone have increased U.S. operating costs by more than the $400 million projected savings from domestic base closings. In other words, to keep the same number of forces abroad will cost us more than we will save by these newly announced reductions.

The Pentagon announcement thus gives us the worst of two worlds—increased unemployment at home and increased costs and balance-of-payments deficits abroad. We could help both problems if we brought some of these bases home.

A close examination of our current overseas deployments will show that they are a costly remnant of an outdated forward strategy.

Many of these people are battle ready, powerful proof of our ability to defend our allies in case of outside aggression. They stand guard at the Berlin Wall, protect the Panama Canal, and keep open the vital sealanes to the Middle East.

But countless others just put in their time, shuffling papers during the day and itching for a chance to get onto the base golf course. According to a report in the Washington Post, many get caught in an endless round of "booze, babes, and boredom."

Parade magazine reported on March 25 that the American people no longer want to play policeman to the world. An opinion poll found that the only countries which over half the people would send troops to in order to prevent a Communist-supported invasion were Canada, Mexico, Britain, the Philippines, and West Germany. This is a small fraction of the 43 nations with which we have defense commitments at the present time.

I do not believe that our people are becoming isolationist. Rather, they have learned from our tragic involvement in Indochina that there are limits to our ability to control or shape political developments in other countries. Warweary and cynical about "great patriots" who crush their own democratic constitutions overnight, our people want to substitute economic internationalism for military involvement.

Anti-American incidents in places like Germany and Japan also convince them that important segments of these populations no longer view the U.S. presence as an unmixed blessing. Where once we were loved and welcomed, now we are merely tolerated.

The cold war which brought most of these bases and commitments into being in the 1940's and 1950's is now behind us. Hardly anyone anymore accepts the kind of massive attack which our forces were deployed to resist. Even a small attack runs the unacceptable risk of triggering an escalation which might lead to nuclear war.

Perhaps we should call the policies of the last quarter century a success. Whether or not fewer U.S. forces would have also deterred any major aggression, none took place. Now even our closest allies in Europe are beginning to relax and to build their own bridges to the East.

Proof that our NATO allies view today's threat differently can be found in the fact that they have never met their assigned quotas for NATO and that they continue to spend only about half as much of their gross national product on defense as does the United States. Some of these countries are even reported to be reducing their own force levels, because of rising costs.

Costs are a major factor for the United States as well. The direct costs of maintaining 300,000-plus U.S. troops in Europe is over $4 billion per year. Counting the forces kept in the United States to meet NATO contingencies, the yearly cost of the NATO commitment ranges from an officially estimated $17 billion to nearly $30 billion, according to analysts at the Brookings Institution.

Put another way, this $30 billion for the NATO commitment is almost as much as the Federal Government will spend this year on health, education, and manpower. Even the $17 billion official estimate is more than the President has budgeted for all Federal programs in natural resources and the environment, agriculture and rural development, and community development housing.

These huge expenditures no doubt help to deter war, but the same job could be done at a far lower cost. Meanwhile, our taxpayers empty their pockets and our factories produce weapons rather than goods which our people might buy.

We cannot get our own house in order at home until we control excessive Government spending, particularly in costly and unnecessary defense projects. And the dollar will never be sound abroad if we continue to run a balance-of-payments deficit for military expenditures of almost $5 billion per year.

Is it not time we brought our bases home? Not all of them of course, but a substantial number, in keeping with the current threat and our increased domestic needs.

Instead of putting thousands of people, civilian and military, out of work by closing bases around the United States, we should give our taxpayers a break by closing the bases overseas first.

Our improved rapid deployment capability now enables us to transport substantial forces abroad in the event of war in a very short time. Just four of our 82 giant C–5 planes can carry as much as our entire military airlift command flew to Korea to respond to the outbreak of war there in 1950.

With the extended range Trident missile, our nuclear submarines will be able to hit their targets without ever leaving their U.S. bases. We will not need Holy Loch when we can use Charleston.

In other words, we can meet all our defense objectives and commitments without such heavy reliance on overseas bases.

Why should we bear such a heavy burden in Europe when our allies themselves want to ease up? Why do we still need 60,000 troops in strong and self-reliant Japan, or 40,000 in quiet Korea, or 9,000 on Taiwan, a thorn in the side of China? Why should we keep 43,000 troops in Thailand or 15,000 in the Philippines, unless we are willing to be drawn into "another Vietnam" as the insurgencies in those countries grow?

America cannot afford such large standing forces any more—unless we want to neglect our decaying cities, our overcrowded schools, and our inadequate hospitals. We do not need such large forces in this era of negotiations, arms control agreements, and Presidential visits to Peking and Moscow.

Some people will say, as they have said every year for two decades, that now is not the time to make substantial reductions in our forces overseas. I say there has never been a better time. There is no weakness in our determination to help our allies if the need should arise, only an insistence that America tailor its commitments to its resources, balancing the needs abroad with our needs at home.

The Democratic Members of the U.S. Senate have already voted overwhelmingly in favor of substantial reductions in our overseas forces. For my part, believing that the Congress has a right to set limits on our peacetime deployments. I shall introduce legislation requiring the Congress to vote each year on the maximum number of forces to be assigned to each major region of the world. In this way, our country can decide each year on what forces are necessary to defend our vital interests at home and abroad.

DEATH OF HAROLD C. GISS, OF ARIZONA

Mr. FANNIN. Mr. President, one of the most outstanding State legislators in America died Sunday night in Yuma, Ariz.

Harold C. Giss indeed was a legend in his own time. During a quarter of a century in the Arizona Legislature he earned well-deserved respect as a man of enormous talent and energy.

He was a strong and effective majority leader for the Democrats when they controlled the Arizona Senate; he was a constructive minority leader when his party slipped from power in our State.

It was my privilege to work with him when I was Governor of Arizona and he was the senate majority leader. He had a great passion for perfecting legislation, and he had a marvelous grasp of legal and legislative processes. He was a man who dealt in facts and realities—not in personalities or partisan politics.

Mr. President, Arizona has lost one of its great leaders. I join with my fellow Arizonans in expressing my sorrow and in extending condolences to Mrs. Giss and the rest of the family. I ask that three newspaper articles and an editorial

regarding the death of Senator Giss be printed in the RECORD.

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

[From the Yuma Daily Sun, Apr. 16, 1973]

HEART ATTACK IS FATAL TO SENATOR HAROLD C. GISS

Sen. Harold C. Giss, 67, a legend in his time in Yuma County and Arizona politics, collapsed and died here last night.

Just after the Miss Yuma County Pageant, which he attended, Sen. Giss walked out across the fairgrounds. He was reportedly headed for the Indian Village. He collapsed next to the roadway north of the Rotary Club booth.

A Yuma couple saw the popular legislator collapse and rushed to his aid. Closed chest massage and mouth-to-mouth resuscitation was used and the first aid team from the emergency station at the fair was called. Oxygen was administered but Sen. Giss was dead on arrival at Yuma Regional Medical Center.

The suddenness of Giss' death stunned fair officials as they prepared to close up the fair. There was a great outpouring of tributes to the man who had served 25 years in the State Legislature.

Funeral arrangements show the esteem he was held throughout the state. The body will be taken from Dixon's Yuma Mortuary this afternoon to Phoenix. Sen. Giss will lie in state in the State Capitol Tuesday from 11 a.m. to 2 p.m. There will be an honor guard of Arizona National Guardsmen. At 10 a.m. Wednesday, there will be a memorial service in front of the Senate Wing of the State Capitol. At the request of the family, Gov. Jack Williams will deliver the eulogy.

Born Feb. 5, 1906 in Minneapolis, Minn., Giss came to Yuma in 1937. He and his wife, Goldie, have raised three sons in Yuma: Maurice, now of Phoenix; Kenneth of Manhattan Beach, Calif, and Gerald, a professor at Arizona Western College. Mrs. Giss and Gerry were with the senator at the fair last night but he was alone when he collapsed.

For years, Giss ran the Emporium Department Store on Main Street. In his first try at politics in the 1940's, he ran for mayor of Yuma and lost. He was never to lose again. He was elected to the Arizona House from Yuma in 1948 and served one term. Then he ran and was elected to the Senate.

Almost from the start Sen. Giss became a powerful legislator. His ability to digest a piece of legislation and dig out its flaws made him the number one voice in the Senate. He was soon to become the Senate Democratic majority leader and held that post until the Republican wave of several years ago. He merely stepped over to the post of Senate minority leader.

An outstanding parliamentarian, Sen. Giss was once the subject of headlines that screamed, "Giss Kidnaps Bill." Later the senator was to explain that he merely put the bill in his pocket and stepped out of the late night session until his fellow senators saw things his way.

Sen. Giss was often called "The Great Amender." He was happier to be remembered as the father of the state junior college system legislation. He was also known as a powerful defender of individual constitutional rights.

Over the years Sen. Giss served his county and state in innumerable capacities. He was on the Arizona Legislative Council, headed the Advisory Board for the Lower Colorado River Land Use Plan, he chaired the Judiciary Committee in the Senate and was a longtime member of the powerful Rules Committee.

All of his service to the community first had a telling effect on his department store, than his health. When the store was on the verge of bankruptcy, friends of the senator organized a "Thank You Harold" program that featured then Gov. Sam Goodard and over 1,000 well-wishers. But the store finally failed and he took bankruptcy. He never faltered in his political life, however, and opposition to Giss at the polls was hardly ever considered by anybody.

Here in Yuma, the editors of The Yuma Daily Sun chose him as Yuma County Man of the Year in 1955. He could have made it most any other year, too.

The body will be returned to Yuma Wednesday and friends may call that day at Dixon's Yuma Mortuary from 5 to 9 p.m. Services will be at 10 a.m. Wednesday in the largest church auditorium in town, the Immaculate Conception Church, 501 Avenue B. Rabbi Albert Plotkin will officiate. Entombment will be in the Garden of Faith Mausoleum in Desert Lawn Memorial Park. In lieu of remembrances, the family asks for memorials to the Harold C. Giss Fund in care of Dixon's Yuma Mortuary. At the funeral, pallbearers and honor guard will be provided by the Department of Public Safety and the Arizona Army National Guard.

Other survivors besides his immediate family are a brother, Monroe Giss of Santa Monica, Calif., and a grandaughter, Rebecca of Yuma.

[From the Yuma Daily Sun, Apr. 16, 1973]

LEADERS EXPRESS SORROW ON DEATH OF HAROLD GISS

State and local leaders this morning expressed both personal sorrow and Arizona's loss at the death last night of Senator Giss.

Gov. Jack Williams: "As a seasoned solon, wise beyond measure, he was a faithful servant for all the people. His service in the Arizona Legislature will never be equaled, either in time or in wise council."

Yuma County Rep. Jones Osborn: "Yuma County has lost its most faithful, most tireless and most effective public servant. At great personal sacrifice, Sen. Giss devoted a quarter-century of his life to service in the Legislature, where his ability and knowledge were unmatched. His foresight, his leadership, his wisdom and his devotion have placed us all in his debt. And I am personally indebted to him for the time he found to act as friend and counselor to me in the demanding game of politics, which he loved so dearly and played to such perfection."

U.S. Rep. Morris K. Udall: "Sen. Giss was one of the most remarkable men I ever knew. His impact on Arizona history is immense. He always remembered that he was elected to serve the people, and he worked overtime in a non-partisan way to advance the state he loved. He studied the legislative process and became a master. When he spoke, he spoke from solid ground. And people listened. The Arizona Legislature simply will never be the same without him. We have all suffered a great loss."

Glen Strohm, Yuma County Board of Supervisors: "We have lost the most knowledgeable man who has ever stepped inside the State Senate. It's a great loss for the people of Yuma County, the Legislature and the state of Arizona. I express my condolences to Mrs. Giss and the family."

Marion Beaver, Board of Supervisors: "Harold Giss was one of the greatest leaders that Yuma County ever had. He lived his life for Yuma County and the state of Arizona."

Ray Avila, chairman of the Board of Supervisors: "I personally extend my condolences to Mrs. Giss and the family. It's really unfortunate that we've lost him at this time, while the Legislature is in session and while he was working so hard for Yuma County. He was sincere, dedicated and knowledgeable in looking out for the interests of the people of Yuma County at the state level."

U.S. Sen. Paul Fannin: "The state has lost one of its abled leaders and I, a good friend. He was the state's leading expert in the legislative process, and Republicans and Democrats alike respected him for 25 years of selfless service to Yuma County and Arizona."

Sen. William Jacquin, president of the State Senate: "It is a great loss to the legislature and to the state of Arizona. We'll break for whatever arrangements are made for the senator's funeral."

Yuma Mayor Tom Allt: "The senator was a diligent public servant. He did what he honestly thought was best for all concerned, and did many good things for Yuma County and the city of Yuma. The city extends its deepest sympathy to the family."

T.O. Beach, president of the Yuma County Fair Board: "Senator Giss left us doing the kinds of things he enjoyed most—working with and helping people. It is a great loss to Yuma County; he was the best friend Yuma County has had."

U.S. Rep. John Conlan, former state senator: "He was a stern taskmaster and an excellent tutor. I learned a great deal from him."

John Underhill, president of the Yuma County Chamber of Commerce: "I feel a deep sorrow at the passing of Sen. Giss, a man who has devoted his life to public service—a loss that will be felt for many years by the community and the state of Arizona. We owe a great debt to the man who has given so much to his community for so many years. His wise counsel will be missed by all of us.

Col. Hugh H. Pattillo, Yuma Proving Ground's commander said, "It seems as though I had always known Sen. Giss when actually it was less than a year. He was that type of man. The news of his death came as a tremendous shock, not only to me but to the entire YPG military and civilian workforce. Sen. Giss served as a member of YPG's Army Civilian Advisory Committee, I am well aware of the personal interest that he had in the proving ground. He will be sorely missed by all."

Yuma Proving Grounds Technical Director Floyd Watts said, "He was a personal friend of mine and a dedicated friend of the proving ground for many years. Senator Giss was instrumental in obtaining many of the essential resources that have immensely contributed to YPG's growth from a test station to a major proving ground."

[From the Arizona Republic, Apr. 17, 1973]

GISS LEAVES LASTING MARK ON ARIZONA

(By John J. Harrigan)

YUMA.—Few men have had as much a hand in shaping Arizona's and Yuma County's destiny as state Sen. Harold C. Giss, who died here Sunday at 67. Typically, his fatal heart seizure occurred at the sort of function the popular senator never missed, the Yuma County Fair.

Locally, the senator will best be remembered as a man dedicated to education, and as a key figure in the establishment of Arizona Western College. Farmers recall his help in setting up Welton-Mohawk Irrigation District, Yuma Mesa Irrigation District and Yuma Valley Water Users.

He also chaired the influential Lower Colorado River Land Use Committee, whose recommendations will guide development of the river from Davis Dam to the international border.

He was born the son of David and Katherine Giss on Feb. 5, 1906, in Minneapolis. His father supported the family, which included three sons—Harold, Jerome and Monroe—with a small grocery in St. Paul, before being forced to move to California with crippling arthritis.

By age 14, Harold Giss was working to keep the family together. His mother brought in a few dollars as a seamstress.

He worked an ice route, sold used cars and eventually became a process server,

where he was exposed to law and lawyers. Always a scholar, he attended Southwestern University of Law in Los Angeles.

He married the former Goldie Stool of Del Rio, Tex., and they moved to Yuma Jan. 12, 1933, where they raised three sons. Shortly after arriving here, he purchased a department store, the Emporium, which ran into financial difficulty along with other stores in downtown Yuma in the early 1960's.

A testimonial dinner held for him in 1965, in part to help ward off financial disaster for his store, raised more than $50,000. But the store failed two years later in spite of the effort, as did many downtown businesses before the mall project went in.

Although the governor could call an election to fill the vacancy, the governor's office yesterday said he would not. Alternatively, state law provides for the county supervisors in the elected official's district to appoint someone within 12 days after death.

Supervisors here yesterday said they had no one in mind, but would hold a special board meeting sometime in the next week to discuss the matter.

In a formal statement, supervisors extended their concern and sympathies to Mrs. Giss and the family.

Yuma Mayor Thomas F. Alli observed that he had "great respect" for Giss' talents as a legislator, and noted his accomplishments, among them his help in bringing the Marines to the air station when Vincent Air Base closed, and expanding Yuma Proving Ground.

The senator is survived by his wife, three sons, Maurice of Phoenix, Kenneth of Manhattan Beach, Calif., and Gerald of Yuma, and a brother, Monroe of Santa Monica, Calif.

[From the Arizona Republic, Apr. 17, 1973]

DEDICATED TO ARIZONA

Harold Giss was to the Arizona Senate what Carl Hayden was to the U.S. Senate—a wise, sensible, soft-spoken expert on the matter of legislative machinery who read the bills, knew strengths and weaknesses, and supported the good ones.

Both were Democrats but each put state and nation ahead of party.

Sen. Giss was a member of the legislature for 25 years, 23 of those years as a member of the Senate. He soon won the hearty respect of his fellow legislators because he knew what was in every important bill under consideration.

Most legislators get a handle on the bills before their own committees; Sen. Giss studied them all. When information was needed, he had it.

His influence stemmed largely from this fact.

The senator represented Yuma, which probably was the reason he never ran for statewide office. A small county, offering a limited political base. Yuma is solidly Democratic. Both facts worked against any chance Giss may have had of becoming governor. A small county doesn't have many votes; a one-party county has little leverage in political nominations.

Probably Sen. Giss was just as well staisfied. He brought Yuma a fine community college, which he always hoped to raise from a two-year to a four-year institution.

He collapsed at the Yuma County Fair, of which he was a devoted supporter. Death followed a few hours later.

There is no doubt but what Giss sacrificed himself for the public good. He had heart surgery several years ago and knew he had to slow down. His small business in Yuma suffered because he had to spend so much time in Phoenix. His grateful fellow townsmen gave a testimonial dinner to help him meet his financial obligations.

Through all his troubles, and despite his switch from majority to minority leader of the state Senate, Harold Giss was a perfect gentleman. Unruffled in floor debate, sure of himself in parliamentary maneuvering, dedicated to the voters who put him in office, Sen. Giss was in a class by himself. Arizona is poorer for his death.

SENATOR EAGLETON ANSWERS I. F. STONE ON WAR POWERS ACT

Mr. JAVITS. Mr. President, Mr. Stone's letter, inserted in the CONGRESSIONAL RECORD on April 9, 1973, by Hon. CLEMENT J. ZABLOCKI, of Wisconsin, author of the House bill on the subject of war powers, is answered by Senator EAGLETON in the following letter:

U.S. SENATE,
Washington, D.C., April 17, 1973.

THE EDITOR,
The New York Review,
New York, N.Y.

TO THE EDITOR: I. F. Stone has given his usual captivating and comprehensive treatment to the war powers question in his article entitled "Can Congress Stop the President?" in your April 19 issue. As should be obvious to those who read Mr. Stone's piece, legislating a delineation of the war powers of Congress and the President is no easy task.

Some feel that to concede any unilateral war-making power whatsoever to the President is unacceptable. Others feel the same way about attempts to subjugate the President or interfere in any way with his current broad interpretation of the Commander-in-Chief clause of the Constitution. The War Powers Act, sponsored by Senators Javits, Stennis and me, falls somewhere between these extremes, not because of a particular ideological bias, but because we tried as best we could to institutionalize the original intent of the Founders.

The records of the Constitutional Convention show that the Founders had a very restrictive view of the President's right to conduct war without Congressional authorization. He would be able to "repel sudden attacks." But the idea that he could somehow read that narrow delegation of power as authority to involve the United States in civil wars thousands of miles from our shores was completely alien to those who wrote the Constitution.

On these points Mr. Stone and I agree. We seem to go our separate ways, however, over the legislative formula by which we can return our system to its intended form.

The War Powers Act (S. 440) describes three emergency conditions under which the President may use American Forces in the absence of Congressional authorization: 1) to repel an attack on the United States; 2) to repel an attack on American Forces; and 3) to protect while evacuating Americans endangered in foreign countries. The first two of these provisions are simply a reiteration of powers the President now possesses under the Commander-in-Chief clause. Legislation that attempted to interfere with that power would be clearly unconstitutional.

The third emergency provision—the avacuation of American citizens abroad—is, in effect, a statutory recognition of an historically accepted practice. While the practice was admittedly not considered at the Constitutional Convention, it has, over the years, been considered a reasonable delegation of Congress's power. Problems have arisen, of course, when Presidents have expanded the rescue mission to encompass policy considerations far afield of the announced intention. We have carefully circumscribed the conditions of this delegated power in S. 440 by restricting the President to the rescue function.

Mr. Stone then takes issue with S. 440's recognition of the President's power to "forestall" an attack on the U.S. or our Forces abroad. We have again simply reiterated what clearly is an extension of the President's right to repel attacks. While the word "forestall" does permit a degree of discretion, it seems incongruous to recognize the President's power to repel attacks and yet force him to wait until the first gun is fired before implementing adequate countermeasures. As Justice Storey pointed out in *Martin v. Mott:* "The power to provide for repelling invasions includes the power to provide against the attempt and danger of invasion as the necessary and proper means to effectuate the object."

S. 440 carefully circumscribes the President's discretion to "forestall" by placing the burden on him to prove that an attack is "direct and imminent." If the President fails to demonstrate that his actions are in accordance with the provisions of our bill, his authority can be taken away by action of the Congress prior to 30 days, or, if Congress refuses to act, automatically, after 30 days.

I would also like to clarify my remarks before the House Foreign Affairs Committee concerning the 1965 Dominican Republic incident. As Mr. Stone correctly reported, I referred to President Johnson's expansion of what he claimed to be a rescue operation as an "invasion"—hardly a word that would be used by one who supported the action. Mr. Stone has interpreted my statement that "the policy considerations that motivated President Johnson *may* have been correct" as a de facto endorsement of the action. I was, in reality, attempting to stress to a group of Congressmen (some of whom supported the 1965 action), that *any* policy consideration beyond the rescue action itself, is a matter for both Congress and the President to decide—not for the President to decide alone.

In addition, Mr. Stone alleges that the "doves" in the Senate split over the question of reinvolvement in Indochina and alleges that Senator Javits and I attempted to draw off support from the measure introduced by Senators Church and Case which attempts to force the President to seek Congressional authorization for a reinvolvement of American forces in Indochina. This is an unfortunate distortion of the colloquy Senator Javits and I had on February 20.

After the January 27 signing of the Paris Agreement, numerous colleagues and members of the press had asked Senator Javits and me for an explanation of Section 9 of the War Powers Act. This section states that hostilities in which the United States is engaged as of the date of enactment will not be affected by the provisions of the bill.

The position that Senator Stennis took on Section 9, which he has since reaffirmed, was extremely important to our 60 cosponsors since he indicated that, even in the case of Indochina, the Senate should insist on its right to authorize a reinvolvement of American Forces (after the cease-fire).

Mr. Stone's assertions that we were attempting to draw off support from Church-Case are therefore totally unfounded. I support the Church-Case amendment and deem that, under current conditions in Southeast Asia, its passage is imperative. I find nothing in Church-Case incompatible with the War Powers Act.

Sincerely,

THOMAS F. EAGLETON,
U.S. Senator.

PROGRESS REPORT ON SOCIAL INDICATORS

Mr. MONDALE. Mr. President, there has been a continuing need for a comprehensive review within one volume of our social ills and achievements. This need has been made even more timely and pertinent by our current discussions concerning the proper ordering of our national priorities within the restricting confines of the present national budget.

I was, therefore, pleased to introduce for myself and the Senator from New York (Mr. JAVITS) a bill which meets this need, entitled "The Full Opportunity and National Goals and Priorities Act." This bill has had wide cosponsorship of more than 20 Senators from both parties during the last three Congresses, and has twice been approved in committee and passed by the Senate.

The Johnson and Nixon administrations have both endorsed the purposes of this bill, but raised objections to the establishment of a new Council of Social Advisers, provided for in title I of the bill. Following the publication in the last days of President Johnson's administration, of what is described in a recent paper as that much criticized yet highly praised pathfinder, "Toward a Social Report," there was at first no social indicator work under President Nixon. Our hopes were, however, kindled by the setting up of the national goals research staff in the White House. They were going to produce annual reports, using social indicators. But, after the very first report in 1970, the group was disbanded. Soon after, the Office of Management and Budget embarked on a major review of already-available social statistical series, in order to establish which statistics were now useful as social indicators. We have been frequently informed at irregular intervals since 1970 that this statistical project will be published in 6 months' time. This report has yet to appear.

The concern for the quality of life embodied in this bill is shared by many groups of people both in this country and elsewhere. An excellent and timely paper by Dr. Pamela Haddy Kacser provides us with a useful description of the work on social indicators currently being carried out in national governments around the world, and in international organizations.

Pamela Kacser is advisor on socio-economic research in the Bureau of Labor Statistics of the U.S. Department of Labor. Her duties have included work on social indicators for the last 6 years and she is an acknowledged expert in this field.

Dr. Kacser's stimulating paper, "A Progress Report on Social Indicators—in the United States and Internationally," was delivered in December 1972, at a session of the Industrial Relations Research Association, which meets jointly each year with the American Economic Association, and other professional associations in the social sciences.

The paper analyzes some of the different approaches being used by the multiplicity of organizations working on this important subject. Besides governments, these include banks, private corporations and research organizations, as well as universities. In spite of this widespread interest, and "in spite of the considerable body of work going on concerning social indicators," the paper suggests that the "state of social indicators is undeveloped, experimental, disorganized, and still full of potential." Why is the work of all these distinguished scholars at sixes and sevens? Because the subject of social indicators has lacked the official support, the impetus and focusing of efforts around the Nation which would be the immediate effect of the formal establishment of an official body with the obligation to produce an annual social report on the social state of the Nation. This is precisely what my bill would do.

Mr. President, I ask unanimous consent that this excellent article be printed in the RECORD.

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

A PROGRESS REPORT ON SOCIAL INDICATORS—IN THE UNITED STATES AND INTERNATIONALLY

(By Pamela Haddy Kacser)

The proposal that there should be an annual Social Report, comparable in some ways to the Economic Report, has three times been placed on the agenda of the Senate, by Senator Walter Mondale of Minnesota. The Bill, now called the Full Opportunity and National Goals and Priorities Act (S. 5), has three times been the subject of extensive and useful hearings. The Bill has twice been approved in committee and by the Senate, by not by the House. It has had two successive administrations of opposite parties praise the idea and reject the Bill, with some of the main discussants changing sides as well as office between debates, opposing the Bill while in office and supporting it when out. Freed from the constraints of office, they readily expressed the need for comprehensive national social reporting, perceived while carrying the burdens of office. Neverthless, we must all be aware that the state of the subject of social indicators is undeveloped, experimental, disorganized, still full of potential.

In spite of this lack of legislative favor and this conceptual underdevelopment, some work on social indicators has persisted in the U.S. Federal Government through two administrations since 1967 to this day. The focus of this work has remained remarkably consistent and represents one of the three main intellectual threads discernible in the multiplicity of work carried out on the subject of social indicators. It is shared to a large degree by most of the governmental work going on elsewhere, both in national governments and in international governmental units, and by only a few of the private groups.

The work of the French Government (in the Commissariat du Plan) actually predates the work in the Department of Health, Education, and Welfare (HEW). A draft which I have seen is unique in including consideration of how much aid a rich nation should contribute to poorer nations.

After our work in HEW, which culminated in that now much-criticized yet high-praised path-finder, *Toward a Social Report*, had died down, social indicator work appeared to be doubly reborn in the White House in *Toward Balanced Growth: Quantity with Quality* in a single volume in 1970, and in the statistical work still under way in the Office of Management and Budget.

Social indicator work is also being carried out by the British, who have published three successive volumes of *Social Trends;* by the German Government; by the Japanese, who became forcefully aware of the social costs of their economic miracle, and who probably realized the desirability of making the rest of us aware of them, and, as we can read in the adjoining paper, by the Canadians.

The Japanese plans are unusual in that the general category of Justice or Public Order and Safety has been interpreted in terms of industrial safety, safety on the highways and in manufactured products in the home. American government work has been unique among the nations with the interpretation of justice, law and order in terms of concern for personal safety. In other words, each country has developed a slightly different set of indicators to reflect its own problems and its own efforts to solve them.

There is, however, considerably similarity in the areas of concern, or the chapters into which social indicator work is divided by the several governments, if not in the indicators themselves, nor in the capacity of each country's statistical system to develop the desired indicators. All governments working in social indicators include (though not necessarily with these exact terms): (a) health, (b) learning, science and culture, (c) income and poverty (or command over goods and services), (d) justice, public order and safety, (e) the physical environment, a mammoth topic including housing, and transportation, and pollution, and resource management. (f) Later work tends nowadays to include social aspects of employment, though no-one has satisfactorily determined how to have national social indicators of job satisfaction. As a result of this "new" topic, leisure is now contrasted with work, instead of with income, and so the general discussion of allocation of time is now discussed in the employment context.

Most of these groups have expressed an interest in, but have found well-nigh intractable, the wide general area of inter-relations between groups in society, including class and race relations, alienation, unrest, participation, and social opportunity. Officials of several latin countries indicated that they regarded these topics as the most important in the whole field of social indicators. Crucial though they are, these areas are the weakest not only in the development of indicators, but in the formulation of areas of goal concern, and in the formulation of exactly what the problems are. This general subject was also the weakest in the preparation of *Toward A Social Report*. The diversity of views was so great among the panelists working on the subject of alienation and participation that, it will be recalled, all discussion of goals was abandoned in that chapter in favor of a discussion merely touching on problems.

This common approach of governments to the subject of social indicators is not confined to the industrialized countries. In the last year, the United Nation's Economic Commission for Asia and the Far East held two conferences for its members on the subject of social indicators. The topics were similar, the only difference was that discussion of them was couched in terms of the social problems which accompany the major goal of economic development.

Within the United States, there has been some shift in emphasis. The two early governmental studies, both published in the waning days of an administration (both the *Commission on National Goals*, and *Toward a Social Report* were, I believe, published between election and inauguration days) have discussed social indicators as closely related to goals, the achievement of which would improve the quality of our lives, usually by means of the diminution of the severity of the problems measured by the social indicators. Examples would be: days of healthy life free of bed disability, and reduction in the urban citizen's risk of being mugged.

Among the stated virtues of this approach to social indicators was that a comprehensive survey of our social ills and achievements was to be summarized in one report, drawing attention to problem areas which had been previously overlooked. With its implicit policy implications, there is some analogy between a Social Report and the Economic Report of the Council of Economic Advisers. The analogy is limited, however, since the Council's report tends to emphasize certain problems and to indicate a possible policy choice. The mood of the country has changed as we have found the social problems much harder to solve, and there are enough of

them visible without drawing attention to those unnoticed. The very comprehensiveness of a social report is a hazard, since its implicitly raises hopes that the right policies could remedy the problems, without emphasizing the fundamental points of economics that resources are limited, choices have to be made from the array, and among them there may well be harsh trade-off terms, as we have come to appreciate them among the possible goals of economic policy. These reasons explain, I believe, why it has been wholly natural to shift to a much more neutral approach to social indicators.

U.S. Government work on social indicators has now shifted to the very useful purpose of examining presently available statistical series to see how far they can function as social indicators, and to see what are the important omissions. This work is being undertaken in the Office of Management and Budget and is expected to be published in mid-1973. The chapter with which I have been associated, that on employment—related social indicators, has a vast array of indicators on conditions of work, risk of unemployment to different population groups, and accident rates, but shows that we do not have adequate measures of the degree of opportunity for advancement, nor suitable social indicators of job satisfaction.

In place of goals, relatively simply stated, we have collections of statistical series grouped into "areas of goal concern." There is still a concern with improving the quality of life, and with the implicit relation to policy. But by the very quantity of the series we would not expect to be able to improve performance in all of them, and so by implication a selection has to be made from the abundant menu of choices. Thus, this statistical approach is both more neutral toward policy and more realistic. If the analogy was to be the Economic Report, the analogy has now shifted to the research arms of Commerce and Labor, such as the Bureau of Economic Analysis and the Bureau of Labor Statistics.

This policy-neutral approach has also been adopted by two of the international organizations. The Organisation for Economic Cooperation and Development hopes to complete the first stage of its work on social indicators shortly. It has concentrated on the development of a detailed listing of social concerns grouped into major areas, which could be used in the development of national systems of social indicators by any of the member countries, and for international comparisons.

For the U.N. Conference of European Statisticians in Geneva a very elaborate system of detailed indicators was developed, entitled "A System of Demographic, Manpower, and Social Statistics: Series, Classifications, and Social Indicators." Member countries were then called upon to complete the system, and fill in the empty boxes, by providing the necessary data. My office was brought in mainly for one section of this response. U.S. manpower and demographic data are relatively plentiful, nevertheless, there were a number of areas which we were unable to complete. Assuming other sections and member countries shared similar problems, I question whether such a degree of fine elaboration serves a useful purpose at the international level, other than as an intellectual exercise.

So far my discussion has been confined to governmental work on social indicators. Some private social indicator research groups share the same concern for the development of problem and policy-related indicators expressed as statistical time series. At the other extreme from the complex elaboration of the U.N. Statisticians lies the work of the Urban Institute. The Institute's work uses what I would term the "proxy approach." For each of 14 areas they have selected one available statistical measure, which acts as a proxy for all the rest, for example, one education measure, and one crime measure, and have calculated these for 18 large metropolitan areas. They are thus able to produce rapidly, inexpensively and understandably, a simple comparative measure of the "quality of life" in these 18 cities. This interesting development of local social indicators has also been the task of the Midwest Research Institute for 9 areas for 50 States, and by several individual States, notably the State of Michigan.

In spite of slight shifts over time and between groups, all of the work described so far relates social indicators to goals or goal concerns, to problems, to policy for the solution of some of them, and to the development of measurements of aspects of goals, or of problems. It thus represents one of the three, main, conceptual approaches to social indicators. Both of the other approaches have emanated from the Russell Sage Foundation, and one of them is closely associated with one of the authors, Dr. Eleanor Sheldon, of the paper following this one. Since I have discussed these views elsewhere at some length, they will be treated somewhat briefly here. In the major work, *Indicators of Social Change*, which Sheldon and Moore edited, social indicators are treated as measures of social change, and a great deal of valuable material is presented. This work thus fits into the body of sociological, statistical work. It would not, to my mind, provide adequate guidance to the would-be follower as to what social change should and what should not be included as a social indicator.

The third, important, approach to social indicators research is embodied in the work of Kenneth Land, also of Russell Sage. In his work, a social indicator must form a part of a system in which there is theoretical understanding of the operation of the indicator over time.

This places social indicators firmly back in the body of sociological theory, with the consequence that all the weaknesses and lacunae of present-day sociological theory are shared by social indicators. If the social change view of social indicators were so wide as to give no guidance for the next step, this theoretical model view of social indicators is so restricting that it would leave the cupboard almost entirely bare of social indicators. It seems to me that this represents one of the ideal goals of social indicators of the future, and also of sociological theory in the future.

Having been programmed by the title of this paper to emphasize the social indicator work of governments at home and abroad, I am unable here to do more than mention the salutory wealth of different studies funded by private foundations, by the National Science Foundation, and by commercial firms in the course of other work, and, for example, by some banks, for their communities. I am forced to omit discussion of the social accounting approaches of the National Planning Association's work, and of the National Bureau of Economic Research, and prevented from discussing the importance of the study of the values of people in work as disparate as that of the University of Michigan, and the Gallup Institute.

From the earlier remarks above, it will be clear that if the reader is concerned with social indicators as providing a menu of possible policy alternatives now, he will find that another economic analogy is appropriate, namely that of the early development of economic indicators. The highly empirical work of the National Bureau proceeded quite independently of the theoretical work on national income, with which it subsequently meshed. The development of social indicators will be still more difficult, because all the major areas of concern will, presumably, develop their own theoretical frameworks. As a consequence it seems reasonable to conclude that in spite of the considerable volume of work going on concerning social indicators we still have a very long way to go yet to the development of satisfactory social indicators.

BUSING IN THE PUBLIC SCHOOLS—STATEMENT BY SENATOR SCOTT OF VIRGINIA

Mr. BARTLETT. Mr. President, I ask unanimous consent that a fine statement made by my distinguished colleague, the junior Senator from Virginia (Mr. SCOTT) before the Senate Judiciary Committee on the proposed constitutional amendment to ban busing in the public schools be printed in full in the RECORD.

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

STATEMENT OF SENATOR WILLIAM L. SCOTT OF VIRGINIA BEFORE THE SENATE JUDICIARY COMMITTEE ON PROPOSED CONSTITUTIONAL AMENDMENT TO BAN BUSING IN THE PUBLIC SCHOOLS, APRIL 10, 1973

Mr. Chairman and Members of the Committee: First, let me thank you for holding these hearings. The question of busing of children to achieve a racial balance is one of the most serious domestic problems we have had in recent years.

A poll was taken last year in my Congressional District and the question was asked: "Do you favor busing of school children to obtain racial balance under any circumstances?" This was sent to every home in the district in March of 1972 and of the more than fifty thousand families who responded, only 7% favored busing, 91% indicated their opposition, and 2% expressed no opinion. This opposition, however, is not confined to Virginia. Every poll I have seen in recent years indicates that the people of the country are overwhelmingly opposed to racial busing. The general assembly of Virginia this year adopted a joint resolution petitioning the Congress to call a convention for the purpose of amending the Constitution to eliminate racial busing, which, with your permission, I would like to insert in the record at this point. While I do not press the convention course in proposing a constitutional amendment, this issue must be resolved one way or another. If we believe that ultimate sovereignty resides in the people of our country collectively, I feel we are obligated to respond to this collective will and to eliminate racial busing. Therefore, I commend the committee for holding these hearings and would hope that a resolution to amend the Constitution will be favorably reported so that all Senators will have an opportunity to vote on this most important matter.

Mr. Chairman, when young people are considering the purchase of a home to raise their families, they consider the location of the schools, churches and shopping centers as well as the general neighborhood. Children make friends within this neighborhood, and it seems reasonable for them to attend school with the friends they develop. We might say that parents purchase an environment within which to raise their families. In the event they are taken from this neighborhood into strange areas, emotional problems may develop and hostility. They also may be less alert on arriving at their destination and have less time during the day to devote to the learning process. It certainly seems in the interests of children to concentrate on quality education rather than attempt to use children as pawns to solve social problems for which they have no degree of responsibility.

I know there are a number of anti-busing bills pending before the Committee on Labor and Public Welfare, but it's impossible for us to judge what reception they might receive by our Federal courts if enacted, and, therefore, it does seem that the only practical solution to the busing problem is through

an amendment to the Constitution. I have sponsored S.J. Res. 35 which would amend the Constitution to provide that no public school student shall, because of his race, color, or creed, be assigned to, or required to attend a particular school. A second proposal, S.J. Res. 36 contains an identical provision but adds a second section prohibiting the assignment of teachers or other public employees on the basis of race, color, or creed. The wording of these resolutions was taken from measures previously introduced in the House, but it may be that we should concentrate on racial busing of children rather than include teachers and other public employees. Both versions, however, are before the committee and I know you have a variety of other proposals.

In Virginia we have had a number of court cases regarding busing. The most widely publicized one involved children in the Richmond area, and was heard by Judge Merhige. The Federal judge ordered the cross busing of children from the independent city of Richmond into the adjoining counties of Chesterfield and Henrico, and the busing of children from the two counties into the city of Richmond. He directed that a new school board be constituted from the three political subdivisions to administer a joint school system. Frankly, I am unaware of any bias in law for a court attempting to eliminate political subdivision lines established by the State legislature. The Fourth Circuit Court of Appeals apparently agreed in reversing the trial court. However, certiorari was granted in the case with arguments scheduled before the Supreme Court later this month.

As the Committee knows, a similar situation developed in the Detroit, Michigan, area and coming as these cases did after the Swan case in North Carolina, school districts throughout the country will not be able to manage their affairs unless the Congress does act in this field.

While I am wholeheartedly in favor of a constitutional amendment to prevent the busing of children to obtain a racial balance, it may be difficult to obtain the necessary two-thirds vote in each body of the Congress and this Committee may want to consider alternative proposals.

As you know, the Constitution provides that judicial power "shall be vested . . . in such inferior courts as the Congress may from time to time ordain and establish." This is the concept included in S. 287 introduced on January 11, 1973, and referred to your Committee. I am presently seeking cosponsors to this bill. Its intention is to clarify the jurisdiction of Federal courts with regard to cases and controversies involving the public schools, and provide that neither the Federal district courts nor the circuit courts of appeals shall have any jurisdiction to hear or decide cases and controversies involving the public schools, but that jurisdiction with respect to such cases and controversies shall be vested in the courts of the respective States and territories, with the additional proviso that the Supreme Court of the United States shall retain appellate jurisdiction by writ of certiorari to the highest State or territorial court exercising jurisdiction.

The purpose of the bill, Mr. Chairman, is to insure that cases dealing with such a vital local issue as neighborhood schools be heard by judges attuned to the problems and the needs of our communities.

Protection of the constitutional rights of the parties to disputes over schools would still be available on appeal to the Supreme Court, and Federal supremacy would still be maintained.

There is no doubt of the power of the Congress to enact such legislation, and to not only set up a Federal judicial system below the Supreme Court, but also to fix the jurisdiction of such courts.

The first Congress exercised the power created in the Constitution when it enacted the Judiciary Act of 1789 (1 Stat. 73). Congress did not grant to the Federal courts the full judicial power of the United States. Jurisdictional amount requirements kept many litigants from Federal courts and sent them instead to State courts to adjudicate Federal claims. The 1789 Act contained no grant of "Federal question" jurisdiction, so that suits arising, in the words of Article III, Section 2, "under the Constitution, the laws of the United States, and treaties * * *," except where otherwise specifically and narrowly provided for, were required to be brought in the State courts until 1876 (18 Stat. 470). And a clause barring diversity jurisdiction where diversity had been created by the assignment of choses in action, kept in State courts cases which the Constitution would have permitted Congress to assign to Federal courts.

In a case involving the "assignee clause," the court first announced the doctrine that Congress controlled much of its jurisdiction and all of that of the lower Federal courts. In the words of Justice Chase: "The notion has frequently been entertained, that the Federal courts derive their judicial power immediately from the Constitution; but the political truth is, that the disposal of the judicial power, except in a few specified instances, belongs to Congress. If Congress has given the power to this court, we possess it, not otherwise; and if Congress has not given the power to us, or to any other court, it still remains at the legislative disposal. Besides, Congress is not bound, and it would, perhaps, be inexpedient to enlarge the jurisdiction of the Federal courts to every subject, in every form, which the Constitution might warrant." *Turner* v. *Bank of North America*, 4 Dall. (4 U.S.) 8, 10 (1799). And in *Cary* v. *Curtis*, 3 How. (44 U.S. 236, 245 (1845), it was said that—

"The judicial power of the United States, although it has its origins in the Constitution, is (except in enumerated instances, applicable exclusively to this court) dependent for its distribution and organization, and for the modes of its exercise, entirely upon the action of Congress, who possess the sole power of creating the tribunals (inferior to the Supreme Court), for the exercise of the judicial power, and of investing them with jurisdiction either limited, concurrent, or exclusive, and of withholding jurisdiction from them in the exact degrees and character which to Congress may seem proper for the public good."

For similar expressions, see, for instance, Sheldon v. Sill, 8 How. (49 U.S.) 441 (1850); Plaquemines Tropical Fruit Co. v. Henderson, 170 U.S. 511 (1898); Kline v. Burke Const. Co., 260 U.S. 226 (1922); Lockerty v. Phillips, 319 U.S. 182 (1943); South Carolina v. Katzenbach, 383 U.S. 301, 331–332 (1960).

State judges under the Supremacy Clause, Article VI, Clause 2, are bound by oath to uphold the supremacy of the Constitution, as well as constitutional federal laws and treaties. Today, all cases which might be brought under "federal question" and diversity jurisdiction in federal courts which do not involve the requisite jurisdictional amount must be brought in state courts. Litigants may on their own bring most cases in state courts which could be brought in federal courts, excepting only a few classes of cases in which Congress has made federal jurisdiction exclusive.

Mr. Chairman, my bill does not go to the question of the restriction of the appellate jurisdiction of the Supreme Court, which may be the subject of a difference of opinion because the U.S. Supreme Court would still be the court of last resort, even though cases or controversies involving the public schools would be decided initially in state courts.

The reason for emphasizing S. 287, Mr. Chairman, is because other witnesses undoubtedly have testified with regard to the amending process. Transferring jurisdiction over issues and controversies involving the public schools from the federal to the state courts can be accomplished by a simple majority of the Congress rather than through a convention or obtaining the ⅔ majority of each body required to amend the constitution. However, regardless of the vehicle used for its accomplishment, there is no doubt that the people of the country want the neighborhood schools to be preserved.

If we are interested in the welfare of children, and I am sure each member of the committee is, and if we want them to receive the highest quality education, again, I know that this is the desire of each member of this committee. Then we must find a solution to this problem. Therefore, I urge that the committee bring a constitutional amendment or an alternative proposal to the floor for consideration while we have sufficient time for Congress to work its will and enact the necessary legislation during this Congress to resolve this most important domestic problem.

Again, Mr. Chairman and Members of the Committee, I appreciate the opportunity of appearing before you.

QUESTIONABLE QUESTIONNAIRE OF THE DEPARTMENT OF AGRICULTURE

Mr. ABOUREZK. Mr. President, today, in the Washington Post, I came across an item that, frankly, left me flabbergasted. A column in "The Federal Diary" by Mike Causey reports that the Department of Agriculture has told its workers to fill out new forms for computers that would include, among other things, their voting residence and congressional district.

The implications of this, Mr. President, are clear. There is fear, and understandably so, that this information can be used for the purpose of political headhunting. Advancement and even employment itself may now become dependent on one's political party. With this information in the computer it would be extremely simple to check out a person's political affiliation. From there it is a short step to directing the rise of his career according to his political activities.

Further, the instructions to the workers in filling out this form state that the information is required by the Civil Service Commission. Mr. Causey, however, states that the Civil Service Commission did not ask for this information. Even if they did, I would have to question the propriety of even the Civil Service Commission in requesting such data.

Finally, I would point out that activities in the Department of Agriculture have frequently foreshadowed what is about to happen in other agencies. When Presidential impoundments started to cut back and even terminate many programs, it was USDA that first felt the ax.

Mr. President, I hope that my colleagues will join me in protesting this action. Our democratic society and our basic freedom cannot afford this kind of interference. I ask unanimous consent that this column be printed in the RECORD.

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

THE FEDERAL DIARY: EMPLOYEES' VOTING RESIDENCE ASKED

(By Mike Causey)

Agriculture Department's 100,000-plus workers have been told to fill out new forms for the computer, giving selected data such as name, social security number, voting residence and congressional district. Deadline is Friday.

Instructions to workers say the information is required by the Civil Service Commission, Uncle Sam's personnel office, which must have the items for its central computer. Civil Service Commission says it has never asked agencies to report where their employees are registered to vote, or in which congressional district they live.

Nervous employees fear that the "computer" may be a political head-hunter team which will use the name and voting address information to check on political party registration of key civil service personnel or to play games with promotions.

The form itself, called AD-349, has 38 blanks for information. But employees are told to fill in only 14 of them. They ask for such items as name and social security number and military status, but not for local address. Workers are also told to skip over questions of citizenship and pick up with "legal voting reisdence." In other words, the form doesn't ask people where they live, only where they are registered to vote.

Employees who vote in Washington, D.C., are told to enter the number "01" to identify their congressional district. Workers who vote away from Washington are told to put down the number of their district, and to look it up in the Congressional Directory if they don't know the designation.

Agriculture officials say the form has been used since 1963, and that the new request for information is to "update information" which may have changed, or which employees failed to supply before. But Civil Service Commission brass say they have not asked Agriculture, or any other agency, to supply voter registration information.

An employee worried about the questionnaire, said "with such information, it would be easy to check out a person's party affiliation in those states where voting registration requires divulging it. It would then be a short step to match vacant supervisory positions with desired political preference." In a nutshell, he thinks a political pedigree might be the way to promotion. At least the data would be available.

The worker may be overly suspicious. It seems only right that a federal agency should ask an employee his name, age, local address, social security number, military status and even blood type. But if they aren't going to use it, why ask specifics about where he or she is registered to vote?

GEORGE BEALL, U.S. ATTORNEY

Mr. MATHIAS. Mr. President, the Senate must make a judgment about the wisdom of the choices made by the President when he nominates men and women for high public office. Thus the President has the satisfaction of knowing that his opinions are confirmed as well as his nominees.

The Senate must wait a little longer for its judgments in this matter to be confirmed, because it must wait until the officials appointed with its advice and consent are actually proved to be as good as originally thought. In other words, the Senate must wait and look at the record.

In the case of the U.S. attorney for Maryland, the record is outstanding. It is a record that should bring a sense of satisfaction to both the President and the Senate. An article on the performance in that office of George Beall appeared in the Evening Star on April 16, 1973, and speaks for itself. It will be of particular interest to Senators who know Mr. Beall as the son of our late colleague, J. Glenn Beall, Sr., and the brother of our colleague J. GLENN BEALL, JR.

I ask unanimous consent to have the article printed in the RECORD.

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

GEORGE BEALL: PROSECUTOR: MAKING HIS OWN MARK

(By John C. White)

BALTIMORE.—After graduating cum laude from Princeton in 1959, George Beall, the U.S. attorney for Maryland, got his first glimpse of law enforcement as a deputy U.S. marshal for the District of Columbia.

It made an indelible impression upon him.

"I was seized almost immediately by the tremendous public importance of what goes on in the U.S. Attorney's Office and thought from that day on that I would like to be involved in law enforcement," he said in 1970, after being named by President Nixon to head the federal prosecutor's office in Baltimore.

Now, after two years of cleaning up major cases initiated by his predecessor, most observers feel that Beall is making his own mark upon the office in the antiquated federal court building in downtown Baltimore.

The recent headline-making indictments of a state legislator on drug charges and indictments of several Baltimore City policemen on corruption charges all represent the priorities that Beall said he set when he took office.

In addition to increased pressure on suspected drug dealers through the use of a federal strike force and special drug unit, Beall has successfully brought several cases to court involving industrial pollution.

The indictment last week of state Sen. Clarence Mitchell III on income tax charges brought to the surface once again some talk of Beall as a candidate for elective office. A few years ago, several key Republicans were urging him to run for mayor of Baltimore.

But the 35-year-old son of a former congressman and the brother of Republican U.S. Sen. J. Glenn Beall, Jr. denies any suggestions that he will one day seek elective office.

"I am not pleased by the media suggestions that George Beall is in any way interested in elective office or that somehow the activities of the U.S. Attorney's Office is related to political aspirations," Beall said during an interview in his spacious office.

Beall said that he has "no aspirations" for elected office and in fact thinks the U.S. Attorney's Office should be "as far removed from elective politics as possible."

Although it seems hard to find anyone who seriously considers him as a candidate for governor in 1974, as one former assistant pointed out, "his name is Beall and how can you not think of him in a political sense?"

All of his former and present assistants who were interviewed agreed that Beall runs his office with no consideration of political affiliations. His deputy, Paul Kramer, was hired by the former Sen. Joseph Tydings Jr., they point out. Another of his assistants was granted a leave of absence to work in the presidential campaign of Sen. Edmund Muskie.

Of the 14 assistants that he has hired since 1970, Beall said that to his knowledge only one is a Republican.

Beall is seldom in the courtroom, but is considered a strong administrator of this, the 14th largest U.S. Attorney's Office in the country.

Before his appointment, he has little criminal experience as a member of a large Baltimore law firm but local lawyers consider him a fine legal writer.

Through his connections in Washington, Beall has also been able to make intangible improvements in the office such as securing money for a Dictaphone for each of his assistants. The legal library also has been updated and improved.

Beall has been able to attract several promising young attorneys, including three from the Justice Department in Washington. He is proud of the fact that several of his assistants who graduated in the top of their class in law school passed up offers from large private firms to join him.

Beall is a 1963 graduate of the University of Virginia. He was born and reared in Frostburg, Md., and now lives with his wife, the former Nancy Roche, and a daughter in a upper-middle-class section of North Baltimore.

The Bealls suffered a personal tragedy in 1971, when another child, his two-year-old daughter, died following heart surgery.

THE BOXCAR SHORTAGE: A CRISIS SITUATION

Mr. HUMPHREY. Mr. President, the Nation's boxcar shortage has now reached a crisis stage. It means extreme hardship to farmers and operators of grain elevators in farm States such as the State of Minnesota. The Commodity Credit Corporation and the big grain dealers, mainly supplying wheat to the Soviet Union, are tying up the available freight cars. Because of this, the small elevator operator and the farmers are being left with no available method for transporting the grain, and are being squeezed out of the market.

But farmers are not the only people who are suffering. The freight car shortage has tightened up the Nation's supply of grain. This has been a major factor in pushing up the price of food. As was evident during testimony by members of consumer groups to the Subcommittee on Consumer Economics of the Joint Economic Committee, rising food prices have meant considerable hardship to all American families. Experts are now forecasting a shocking 10-percent rise in retail prices during 1973, unless quick and effective action is taken against rising prices.

Mr. President, I feel that, as Members of Congress, we must evaluate the Nation's trade policies in light of these conditions. We must not let family farmers be forced out of business and the rest of the Nation suffer through continued inflation because of an inadequate transportation policy and the immediate shortage of boxcars and hopper cars.

And we must give due consideration to legislation which would alleviate the problems incurred by the railroad industry in maintaining sufficient rolling stock to move our grain.

Mr. President, I am a cosponsor of legislation introduced by the distinguished Senator from Washington (Mr. MAGNUSON) that would increase the supply of railroad rolling stock and improve its utilization to meet the needs of users, shippers, and the public.

This legislation, S. 1149, would help meet the needs of rural America, help

meet the needs of farmers throughout the Nation as they try to move their goods to market, and help meet the needs of a public that is growing more concerned each day over the high cost of food.

I think that the freight car problem is well documented in an article appearing in the current issue of Business Week. I ask unanimous consent that the full text of this article be printed in the RECORD.

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

THE IMPACT OF THE HUGE FREIGHT CAR SHORTAGE: ROTTING GRAIN, POOR DISTRIBUTION—AND MORE INFLATIONARY PRESSURE

Last week, the Brenner elevator at Worthing, S.D., was loading 63,000 bushels of government-owned corn in open-top hopper cars normally used for coal and ore. But the elevator manager, Francis McDermott, was happy to get anything in which to move the grain. "We've got an awful work load here," he exclaimed, "and five care were all we could get."

At least McDermott had some cars. And he had cars that, when loaded, would not destroy the track alongside which his elevator was located. Other elevators throughout the Midwest are packed with grain and no way to move it. Most operators are being financially squeezed, and some are on the verge of bankruptcy.

The nation is suffering one of its most serious freight car shortages, with more things to be carried by rail than there are cars available. Aside from inconveniencing thousands of shippers, the car shortage is adding serious inflationary pressures and putting new force behind proposals for government intervention. In fact, this week agricultural officials from 14 states met in Chicago in a crisis atmosphere to draw up a plan of action.

U.S. railroads are struggling to get huge amounts of wheat to Eastern and Gulf ports as a result of the massive export deal with the Soviet Union. This has caused a major shortage of railroad covered hopper and box cars, the two types normally used in hauling grain. And because so many standard box cars are now used to move grain, large quantities of general commodities that would normally travel in this equipment are waiting at shippers' docks. Compounding the problem, record floods and unusually severe spring snow storms have crippled much of the nation's bulk transportation capability (page 30). Particular concern about the inflationary impact of shipping delays is emanating from the Council on Economic Policy and the Cost of Living Council. Says a CLC source: "The three critical areas right now are: moving grain, the ability to move lumber, and the ability to move fertilizer."

There is the problem of completing grain export shipments by May 31. After that date, contract holders could become eligible for penalties unless their grain is in "exportable" condition.

Farmers must receive shipments of fertilizer to complete spring planting. Because more acreage is being planted this year, fertilizer requirements are much higher. The next eight weeks are crucial, and farmers are concerned that the current heavy grain shipments will prevent freight cars from hauling adequate fertilizer supplies in time.

Finally, skyrocketing lumber prices spur the fear that supply lags will further increase prices. "If you can't find freight cars to move commodities, whatever they may be," says the CLC sources, "then you tighten up the supply and the price goes up."

And other problems loom. The wheat harvest in Texas begins late next month and extends through early June. If the wheat for Russia has not cleared by then, the spillover may cause new problems, both in shipping fertilizer and moving the backlogs that have piled up at smaller elevators. Many elevators have defaulted on contracts to deliver grain at a specified time because they cannot find transportation for it. Even the Commodity Credit Corp., which is selling most of the grain it has in storage at elevators—even small ones such as at Worthing—cannot deliver its grain on time. In many cases, late penalties are piling up. Interest charges on loans financing elevator operations are mounting, too.

Dissatisfaction over the Russian grain sale is spreading rapidly. Says an Interstate Commerce Commission spokesman: "We won't have a wheat crop for ourselves next year if we don't move fertilizer out to our farmers. We can't destroy our own economy to have the large grain companies move Russian wheat just because some people got greedy and contracted for more than could be handled."

And that's where the current crunch comes. "If transportation were available, grain prices wouldn't be so high," says Robert Scheve, Omaha-based grain dealer for Farmarco, a large Midwest cooperative. Scheve, who is responsible for shipments from five of the company's terminal elevators, says he has more than 2,000 cars back-ordered since September from the Burlington Northern. At the current rate the BN is filling his car orders, he estimates it will take him until May, 1974, just to move the grain he has already sold. Because he can't move his grain, he is not buying more.

Other shippers agree that the Nebraska situation is bad. But the Burlington Northern, with dense trackage in the state, says proudly that it handled 54.7-million bushels of grain, or 21,895 cars, from Nebraska alone in the first three months of 1973, a 63% increase from the same period in 1972.

NOT ENOUGH

For the shippers, this is not enough. Many farmers have simply been locked out of brimfull elevators. To compound their problems, farmers have been unable to get enough fuel—much of it hauled by rail—to dry their grain after an unusually wet fall. A good deal of that grain is rotting in the open.

Farms across the Midwest are dotted with "snow-fence silos," piles of corn encircled by snow fences. This grain is deteriorating and last week was bringing only 60¢ to 75¢ a bushel at Worthing. Undamaged corn was worth about $1.20. Jack Carpenter, who farms 500 acres near Worthing says: "Some people around here were getting as little as 40¢ for their damaged corn." When corn gets moldy or begins to ferment, it is risky to feed it to livestock. And the price drops.

At a time of phenomenally high prices, farmers scattered throughout Iowa, Nebraska, Illinois, and South Dakota are nevertheless hurting. "Sure they're quoting good prices in Chicago, but we ain't in Chicago," a South Dakota farmer complains. "But the price don't matter if you can't sell it or it's going bad on you."

Even shipping in open cars can be a chancy thing, although the railroads attempt to cover the grain with canvas or plastic. Cargill, Inc., the Minneapolis-based international grain company that sold 2-million tons of wheat to Russia for export by May 31, experimented with moving wheat in open hopper cars—to its regret. The cars frequently arrived at Gulf ports coverless with the soaked contents solidified and unmanageable and the quality obviously impaired. "We have stopped that," Cargill vice-president James V. Springrose says ruefully.

Farmarco's Scheve also complains that open hoppers and boxcars seem to have lower priority than covered hoppers and get lost more easily, particularly in busy switching points. His company-owned cars have been taking as much as 45 days to make the round trip from Omaha to the Gulf, he says. This situation has been improving considerably, the railroads contend. "Turnaround time had been as much as three weeks," a BN man says. "Now it is down to nine days." An early opening of Great Lakes ports may also help out.

PROPHET

David Henderson, grain marketing manager for the Illinois Central RR, an early prophet of the coming car shortage, says that things have not been quite so bad for the ICG as he had expected. "We're moving more grain in a shorter period of time than we've ever moved before." And he adds: "I think we'll be operating at capacity right up to 1974."

RENT-A-TRAIN

Cargill's Springrose stresses that the problem is not just a shortage of cars. It is the way in which the existing capacity is used. He would like to see more use of unit trains and the ICG rent-a-train concept. But smaller dealers, who cannot ship in big, efficient volumes, oppose this. They claim the big ones like Cargill would then end up with all the current capacity and they already have major competitive problems.

A substantial number of country elevators are situated on old branch lines, many dating from the last century. The tracks cannot safely accommodate the bigger, heavier cars. So these elevators must depend either on box cars or trucks. And the number of lighter 40-ft. box cars has fallen by two-thirds since 1960. And looming on the horizon is wholesale abandonment of railroad branches.

Even though Washington and many railroads feel that the worst of the export grain rush is over, no one thinks the long-term problem will disappear. "Essentially, it is a regulatory problem," says John W. Ingram, the Federal Railroad Administrator. "You don't hear of any barge shortages or any truck shortages," he says. "The reason is they raise their rates when they have to and lower them when they have to. I wonder if we can ever expect the railroads to move grain just in peak harvest seasons. The stuff is grown all year long so why can't you store it where you need it and not where you grow it? Why can't you move it all year long? And why can't railroads have lower rates in off seasons like other carriers? What we're really talking about is changes in economic regulation."

The Transportation Dept. wants to ease regulatory constraints on all carriers to give them more flexibility with rates and will seek legislative authority for this. "The main thrust will be to set railroad regulation in tune with the 1970s instead of the 1940s," Ingram says. The Administration will also push for legislation to increase car utilization by creating a $35-million national car control system.

Such plans will certainly help, but, as *Railway Age* notes in its forthcoming issue: "Perhaps there has been too much reliance on off-track hardware and software. There has to be a certain supply of cars for the computer to control." *Railway Age* expects the car shortage to continue for at least 50 to 60 days.

W. H. Van Slyke of the Assn. of American Railroads reports that AAR expediter teams are in the field trying to ease bottlenecks and that car embargoes are being issued to congested areas to prevent massive tieups. "We have purchased about 7,000 more grain cars and have moved 73.6% of the export grain as of Feb. 23," he says.

By dint of enormous effort, the U.S. railroad industry has turned in a record first quarter this year of 204-billion ton miles, more than 9% ahead of the first quarter a year ago. In grain alone, the railroads have carried 40% more. Agriculture Dept. officials expect the total grain export to all countries for the fiscal year ending June 30 to reach a

record 2.85-billion bushels. Grain exports in fiscal 1972 totalled approximately 1.9-billion bushels.

GOOD THING

For the railroads, a little car shortage is generally considered a good thing, since it means they are operating at close to capacity. And it is hard to argue with railroad economists who insist there is no way that railroads can afford to build enough cars to meet every peak demand. Nevertheless, there is strong pressure on Congress and the Administration to bring the current car shortage down to manageable size and keep it that way.

Representative Brock Adams (D.-Wash.), who brought together a coalition of shippers, suppliers, and carriers last year to support his surface transportation bill, feels that sweeping regulatory revisions will be necessary to deal with the car shortage. Adams' bill, which has been reintroduced, calls for $3-billion in federally insured loans to allow financially ailing roads to buy new rolling stock. "This is a cyclical problem," he says, "but temporary solutions like the issuance of Interstate Commerce Commission service orders can't cope with a massive change in the pattern, like the Russian grain deal."

Adams insist that the U.S. needs an overall freight car utilization plan. "Whenever the grain harvest comes in, there is a freight car shortage," he says. "The same goes for lumber. It's a chronic condition. . . . The problem will only be solved when we get all of the special interests—shippers, operators, the Administration—to cooperate. We've got to get a solution or we'll face the alternative of a collapse of some part of the transportation system, with all the discomfort that entails, or the government stepping in . . . by nationalizing the entire rail net."

CAN THE BUSINESSMAN MEET OUR SOCIAL NEEDS?

Mr. PERCY. Mr. President, the role of free enterprise and voluntarism is basic to the American economy. I am a firm believer in the valuable benefits for Americans that can result from a partnership between the public and private sectors. Certainly an increasing utilization of this partnership in the delivery of social services can mean improved and more efficient social programs for our citizens without draining Federal resources.

The April issue of the Saturday Review features a section on the role of private industry in meeting our Nation's social needs. At this time when our budgetary resources are limited and when the need for social programs for our citizens is growing, such a discussion is particularly timely. I ask that the text of the debate between Peter F. Drucker and Edward K. Hamilton on the question, "Can the Businessman Meet Our Social Needs?" be printed in the RECORD.

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

CAN THE BUSINESSMAN MEET OUR SOCIAL NEEDS?

(By Peter F. Drucker)

Businessmen have been arguing for 40 years, since the early days of the New Deal, that the United States should employ private enterprise, rather than government, to satisfy the country's social and economic needs. They are likely to get their wish soon—with a vengeance.

Every survey of voters, including that massive "public opinion poll," last November's election, shows that the taxpayer—and especially the employed middle-class taxpayer—is increasingly restive and rebellious. The politicians are getting the message. Last year President Nixon proposed a ceiling on federal expenditures of $250 billion, roughly a quarter of the nation's total personal income. And there is little doubt that he will keep on pressing some such self-imposed limit on federal spending and that he will have broad taxpayers' support in the effort. In California, Governor Ronald Reagan, perhaps the most politically astute of all our governors, has just proposed an amendment to the state constitution that would similarly freeze state and local government expenditures at their present level of about 15 per cent of personal income in the state. Other states and cities are bound to follow.

There are good reasons for this incipient taxpayers' revolt. In the last 20 years the tax bite has roughly doubled as a percentage of personal income—with state and local government taxes going up the fastest. And this veritable explosion in the expenditures of government has occurred even though defense spending, as a percentage of the nation's total income, has been going down steadily. The American people today hand over to their governments $1.15 out of every $3.00 they earn.

Actually, the burden shouldered by the American public is quite a bit higher than is normally understood, for we do not include in the standard calculation of the tax burden of roughly 35 per cent of personal income, a number of expenditures financed out of taxes, but that are still being carried in this country outside of the tax system and are considered "private"—though by no means "voluntary"—expenditures. For example, two-thirds of the health-care services financed by nongovernment health insurance (whether through Blue Cross or private insurance companies) and a substantial part of the money for education that goes to parochial schools and private colleges and universities should, by Western European standards, be included in the so-called public sector tax burden. If these sums are added, our total tax burden is well above 40 per cent of personal income. And in rich states it is much higher. In California, for instance, the tax burden combined with nongovernment health-care and private education expenses amounts to a phenomenal one-half of the income of every man, woman, and child in the state.

There are still, of course, quite a few people who believe that we could finance even larger public expenditures by redistributing incomes or by reforming the tax system. Unfortunately, they are whistling in the dark. The only way to get additional money for government expenditures is to take it from those who have the bulk of the incomes—the employed middle class earning between $7,000 and $15,000 a year per family. The taxpayer, apparently, senses this fact and is not willing to put up with any such increased burden.

At the same time a number of recent public opinion surveys have revealed an increasing disenchantment with government programs, and especially with government programs designed to cure social ills. No one really quite believes anymore that spending more money on these programs will produce results. And indeed there is little in the record to substantiate the bright beliefs of the early 1960s that government spending is a magic wand with which to cure social problems. Foreign aid and public housing, the War on Poverty and massive spending on education—all the bright hopes of Camelot have turned to ashes.

The results of some programs have actually not been nearly so dismal as our public breast-beating would have us believe. Foreign aid, while no glaring triumph, has had considerable effect—even though the "population explosion" has made massive increases in production and productivity a holding operation at best in many developing countries. And one should not gloss over the fact that today two-thirds of America's 20 million blacks have risen above the poverty line and hold "middle-income" jobs, which is about twice what the most extreme optimist (such as this writer) dared hope for in the early years of the Kennedy administration. In 1950 only one-third of our black population had done so well, and in the early 1960s less than one-half had achieved that level. The number of black families earning $10,000 or more a year almost tripled during the Sixties; that group now stands at a quarter of the black population. And the same proportion of young blacks was enrolled in college in 1970—quite a bit more, relatively, than some white "ethnic" groups, such as young Americans of Italian or Polish origin.

These are great achievements, unique in human annals. Yet statistics do not prevail against an all but pervasive belief in the futility of the massive government program. The people of this country appear to be increasingly convinced that about all their government can do is spend billions and create massive bureaucracies. The problems themselves only get worse, however.

Yet, paradoxically, every survey of the American public also shows that nearly everyone, regardless of age, sex, race, or education, wants more public services. No one wants less. Indeed, we have been adding public needs at an accelerating rate. Where we talked of civil rights, poverty, and education a decade ago, we have now added the environment, mass transportation, the energy crisis, and a few others. No one wants to pay. But everybody wants results.

In addition, we face a major new need to create additional jobs. Today's birth rate is at zero-population-growth level. But the babies born in the high-birth-rate years, from 1948 to 1951, are now entering the work force in increasing numbers. They themselves may want few or no children. But they marry and form families. And they do need jobs. In every year during the Seventies the United States will have to create some 40 to 50 per cent more new jobs each year than we had to find in the Fifties and Sixties. The number of people who reach retirement age and thus vacate jobs will not, however, grow very much—we are at or past that peak period. Moreover, some major job categories that absorbed large numbers—especially of the educated people—will inevitably shrink. Because the birth rate began to fall sharply in 1961 and remains at a very low level, the number of children in school is already declining fairly sharply and will continue to drop—at least for the rest of this decade. Job opportunities for teachers will, therefore, shrink rather than expand. And if government expenditures are going to be limited, government jobs—the fastest-growing job category in the Sixties—will also contract rather than grow.

Most people, when they think of the need to find jobs, think of black teenagers without schooling or experience. But the largest group for whom this society will have to find jobs in the next decade will be white, middle-class, and highly educated; that is, those with schooling beyond high school. Clearly, the first *economic* priority we face is employment.

If indeed we impose a ceiling on government expenses—or if we only slow down the rapid expansion of government expenditures—people will blame President Nixon or Governor Reagan or other politicians—or will give them credit. But the politicians only react to the realities: to the growing resistance of the taxpayer and to the disenchantment with the cure-all of massive government programs. But these realities also mean that the continuing appetite for services, the continuing demand to do some-

thing about our social problems, and the need for rapid growth in jobs can hardly be met, except by mobilizing the private, nongovernment sector and making it serve social needs. "Free enterprise" may be invoked as the sanction for this shift. But the threat of government bankruptcy, fiscal and, even more so, moral, is the real reason.

What form could such "reprivatization" take? What approaches and policies are available? Where might new approaches be applied? And what are some of the land mines, pitfalls, risks, and dangers?

Perhaps the only way to make sense out of a bewildering proliferation of policies, programs, and needs is to list the main ways in which government can try to make the "private sector," which is to say, business enterprise, take on and perform social tasks.

There are essentially four such main approaches, none of them new. For, of course, we have had a "mixed economy" for decades and do have some idea of what might work and what will not.

LET THE MARKET DO IT

First, there is the simplest way: to withdraw the government, or its activity, and let the market do it. That is, we may count on profit opportunities to attract businesses into new areas of social need.

One old public service, the Postal Service, is actually in the process of being "privatized" in this way. United Parcel Service, a private company, though fully owned by its employees, already carries more parcels than does the Postal Service. Private mail services are springing up, are doing an impressive volume of business, and apparently they give satisfaction to their users. Even the Post Office's monopoly on delivering first-class mail to the home may soon be breached. One private mail carrier is currently suing in an effort to be permitted to deliver mail to the householder's mailbox, which only the Postal Service may use today; the private services have to tie their bundles to the doorknob. Yet the case of mail delivery also illustrates some of the problems we face. In sparsely settled rural areas, mail can be delivered only at a substantial loss. The same applies to Aunt Jane's Christmas gift parcels. In terms of both service and cost, the optimal solution to mail delivery would be to let private businesses take over those services when they can make a profit, and still operate more cheaply and do a better job than the Postal Service—while calling upon the taxpayer to support those inherently unprofitable services that still have to be maintained in the public interest. But on philosophical grounds it is difficult to justify a system in which the private investor "skims the cream," while the taxpayer is left with the "lemons."

Another area, an even more difficult one, in which the market could play an important role and supply most, although not all, of a public need, is housing. Public housing programs are among the oldest of our government programs. They are also among the least effective. Government has been able, fairly successfully, to subsidize housing for those who need little subsidy—that is, for persons with middle- to upper-level incomes. This is where the subsidies, tax breaks, fast write-offs, and mortgage guarantees, have helped finance the bulk of our office buildings and our moderately priced and luxury apartments and condominiums. But the government has made a botch of aid for low-income housing. In addition, high-rise public housing has run into especially great resistance, if not rejection, on the part of the poor. In this country, as in Great Britain, apparently only the very well-to-do—or, for temporary periods, the young unmarried—really want to live in high-rise apartments in the city. It may be fashionable on the part of the young to talk down suburbia. But when it comes to picking a place to live, suburbia is where they go. And the blacks, in that respect, behave no differently from the whites. Indeed, spurred by the very rapid rise of the black middle-income groups, the black exodus to the suburbs has been proceeding at a much faster rate than that of the whites and is likely to continue this way. Every survey shows around 85 percent of the respondents, whether white, black, well-off, or poor, *not* wanting to live in the city; and every census projection shows a continuation of the population drop in the city and the move to suburbia and exurbia. Thus, the main housing problem for the United States to solve over the next ten years will not be that of the "black ghetto," as horrible as its housing conditions are, but that of the suburb, both white and black.

At the same time, outside of any governmental system—in fact, until recently, hardly noticed by housing economists—this country has developed the first truly low-cost housing in history: the mobile home. Nine out of ten lower-priced homes—which together constitute a full third of the total market—are now "mobile homes," which of course are no more "mobile" than conventionally built houses once they have been erected on a concrete slab. Though far from being "good housing"—and though the esthetics and environment of the typical mobile-home industry would require much more than a major effort on the part of big business. In the process, it is safe to predict that the mobile-home industry, while totally fragmented today, would rapidly coalesce into a fairly small number of giant companies since they alone could make the tremendous investment in research and capital that would be necessary, especially in the development of communities of such houses. A multitude of governments—from the federal down to those at town and village level—would have to wrestle with zoning, environmental regulations, neighborhood opposition, and so forth. Yet the mobile home, despite its all too visible shortcomings at present, is the best solution so far to the problem of low-cost housing for low-income groups, as well as for middle-income families that are just starting out.

CONTRACTING OUT

The second policy tool for mobilizing the energies and resources of business for social tasks is to "contract out." For example, city governments may hire (or contract) private firms on the basis of competitive bids to take over any of a number of municipal services, such as garbage collection. In some American cities this is already being done, with substantial benefits in the form of lower costs and better service. Even firefighting might conceivably become "private enterprise." Again, there are some experiments already going on—in some Texas communities, for instance. We are experimenting with "voucher systems" in education that, in effect, create competition—both among educational philosophies and among different educational efficiencies. We have been experimenting, with mixed results, with "performance contracts" in a number of school systems that turn over some activities, such as the teaching of reading, to outside private contractors whose fee is based on how well the children do on standard tests.

One area in which "contracting out" is likely to be tried on a large scale is the training of the young "hard-core" unemployed. Nobody has done very well in this area, but business has done less poorly than most. In some such training programs, a full one-third "make it"; few government programs are even half as successful. If we should decide to employ the private sector to tackle this fundamental problem in our society, what incentives would be needed? What standards should be set? Is training enough, or should we also "contract out" the creation of jobs for the graduates of the training programs?

"Contracting out" has been around for a long time. Large parts of the American health-care system, Blue Cross, Medicare and Medicaid, are in effect "contracting out" programs in which an independent contractor, physician, or hospital is being paid on a fee-for-service basis.

These examples show, however, that "contracting out" is by no means a panacea. This policy requires clear standards and controls; their lack is probably the greatest weakness in Medicare and Medicaid programs. It also requires that there be actual competition between contractors, on price as well as on performance. But it provides choice and competition and thereby holds out the promise of efficiency. Above all the contractor is paid only if he performs at the minimum standard, whereas a government service, as all experience shows, tends to double its budget if it fails to deliver.

GRADUATED PUNISHMENT AND INCENTIVES

Where "contracting out" pays for services performed, graduated punishment and incentives work best if the need is to prevent the wrong thing from being done. These, too, are tools to stimulate competitive business performance.

The environment is the area in which this third basic approach to "reprivatizing" public and social tasks is most likely to be applied. The reason is that there are numerous environmental areas where the main job is to get business, as well as local governments and private persons, *not* to do damage, *not* to pollute, *not* to discharge effluents and raw sewage, and so on. And there the most effective tool by far is to have the damager or polluter pay on a steeply graduated basis for his wrongs to the environment. This policy is likely to be far more effective than outright bans, since prohibitions are hard—if not impossible—to police and since they provide no incentive whatever for doing the job efficiently and economically. A graduated penalty is a tremendous incentive for technological effort and for capital investment, at no cost to the taxpayer.

One interesting area for the application of this principle might be the control of automobile pollution. Government regulation may succeed in cutting down the emissions from *new* cars, but only the individual motorists can maintain decent emission controls on older cars—which always outnumber the new ones on the road. A steeply graduated license fee for cars based on the level of emissions might be the answer. At least it might force the worst offenders off the road.

Purists have always argued that this practice amounts to "selling a license to pollute." But what matters is whether or not the technique works. Altogether, carrots work better than sticks—and for a business (but also for a local government) there is no more effective carrot than the avoidance of loss. Rather than threaten a university with a cut-off of all its federal grants, we might, for instance, adjust grants—on a steeply graduated basis—to the number and proportion of minorities, whether women or blacks, the university puts on its faculty. It is amazing how much one can get out of a dean for a buck, especially in these days of short rations for higher education.

THE PUBLIC SERVICE CORPORATION

Finally, there is the autonomous "public service corporation," which may be employed for specific tasks. Such a corporation may be privately owned, privately run, and run for "profit," and still be "semigovernmental." One example is Comsat, which was created by an act of Congress in order to run satellite telecommunications, but whose shares are quoted on the stock exchange. Or, such a corporation may be "private," but still have its debts guaranteed by the government, which enables it to be provided for above and beyond the figures reported in the federal budget—a characteristic that has always made these corporations particularly attrac-

tive when government deficits are running high. Or, such a public-service corporation may be totally governmental like the Tennessee Valley Authority. Or, finally, it may have mixed ownership. In fact, this latter "interface" institution, which is neither completely governmental nor completely private, but a true hybrid, has been developing rapidly in all industrial countries. One can predict that such interface institutions will play an even bigger role in this country in the next few years.

Unless we shift to complete nationalization as Senator Edward Kennedy has been proposing, a public-service corporation is almost certain to be central to health care. The main burden will then be carried by private institutions, whether insurance companies or cooperatives such as Blue Cross, yet there will also be a need for a "reinsurer of last resort," and that will have to be a public service corporation, whether set up and run by the federal government or, as in the case of Workmen's Compensation Insurance today, by the individual states.

But, and the "but" should be emphasized, there are many of society's tasks that cannot be "privatized" in any form. Mass transportation is one of them. And, even in areas where we expect private business to do the main job, government policy is needed. Energy is an example. We are not, in other words, going to go into a period in which government "shrinks." At the most, we are going to enter a period in which government mobilizes the resources of nongovernment institutions, especially of business, to help carry what is rapidly proving to be an unbearably heavy load for the taxpayer.

THERE IS NO SUBSTITUTE

(By Edward K. Hamilton)

The Chinese tell us that this is the Year of the Ox. In Washington it is clear that they are right, at least to the extent that this is the year we will determine whose ox is gored in the most elemental clash of social philosophy since the late 1920s. For in 1973 it will become inescapably evident that the cumulative cost of what we Americans have asked our government to do on the domestic front is substantially greater than the resources the President is willing to make available to accomplish the job. Unlike the relatively inexpensive formative years of the Greaty Society, or the years from 1969 to 1971 when massive federal deficits made sense as stimulants to a stagnant economy, we now face a year of decisions that should provide a basic test of the priorities of a society full of fiendishly difficult problems.

Such a fundamental test presents great dangers to those in power. A President who forces the people to choose among their security (as defined by a defense community ravenous for long-delayed weapons programs), their tax rates (invariably defined as too high), and their domestic well-being (as redefined in the 180 new federal domestic programs enacted in the middle Sixties) had better have a considerable reserve of popular goodwill—and a firm hold on his stomach lining besides. If presented with such a choice, the natural instinct of most politicians is to find some way, *any* way, to persuade the public—and perhaps themselves—that the issues are basically matters of how best to achieve all good ends, not whether to subordinate some to others.

Presented with this challenge, President Nixon has stayed well within the usual rules of the game. Along with lectures on the value of thrift, he has offered us variations on the grand old American public-private hustle. In his Second Inaugural Address, he asserted that "a new era of progress at home requires turning away from old policies that have failed . . . [and] for individuals . . . to do more for themselves." In his recent budget message, heralding a financial plan which would increase defense spending, hold taxes firm, and decimate domestic social programs, he suggested that "as government takes more from people, people can do less for themselves." In short, said the President, the choice is not among weaponry, taxes, and domestic improvement—all of which he duly promised in abundance—but between doing all these things through public or private instruments. In effect, the President and his advisers seem to have decided that, rather than address the hard questions posed by very genuine shortcomings in both public and private services, they would prefer for us to view our problems as the inevitable consequence of a reckless abandonment of free enterprise.

Of course, every savvy politician is aware that this argument builds on hallowed ground. The traditional American suspicion of the public sector has less the character of economics than theology. The private sector is usually depicted as efficient, sophisticated, professional resourceful, honest, brave, reverent, and clean. The public sector is presented as wasteful, inept, insensitive, devious, slothful, and corrupt. These are among the cultural biases handed down from generation to generation. Warren G. Harding has never been accused of creativity. As a purveyor of convention wisdom, he was comfortably in the mainstream in proclaiming the sanctity of the God-fearing profitseeker. It was integral to his "return to normalcy" that the nation had to erase from memory the innovations which such radicals as the young Herbert Hoover had helped to fashion and operate during the economic emergency caused by World War I.

As the national commitment to activist government and corporate responsibility gained strength in the following 50 years, the traditional public-private distinction lapsed into deserved oblivion, with occasional revivals when the less discriminating members of our political elite were strapped for speech material. However, in a time of deep self-doubt and general malaise it has been resuscitated, sometimes with the seductive addition of what might be termed a right-wing revisionist theory of history. Conservative revisionists argue that the nation strayed from Harding's sage counsel under the shock of the Depression, that it placed its faith in the false gods of government activism and swelled the public share of the national product out of all proportion, that it compounded the error during the mid-Sixities with a national commitment to attack the causes of poverty, and finally that it must now root out the festering bureaucracies this philosophy has sprawned and harness the efficient engines of private enterprise to whatever modest social tasks are within the scope of man's legitimate aspiration.

This morality play has sold quantities of books and newspapers, and apparently furthered the fortunes of several prominent and successful politicians. But these dubious achievements must be weighed against the serious damage that can result from diverting the attention of a frustrated public greatly dissatisfied with the return on its tax investment. In these circumstances few tactics are more dangerous than equipping the citizen only with the capacity to ask irrelevant questions. Relevance in these matters requires recognition of a few basic truths, which one might have hoped were self-evident. They can be put very simply: 1) in modern "mixed" economies the distinction between public and private sectors is meaningless; 2) our present problems in delivering social services arise from the sheer difficulty of the task rather than the question of who should tackle it; and 3) this is no substitute for massive federal funds as a solution to our domestic ills, and the knee-jerk arguments about public vs. private enterprise are major distractions from the very real dilemmas we face. What follows will provide some of the necessary flesh on these basic theses.

THE HYBRID ECONOMY

Fifty years of lively innovation have produced an economy so integrated and replete with public/private hybrids, government-sponsored corporations, and controlled markets that the old definitions of public and private organizations are no longer helpful in analyzing existing operations or planning new ones.

What actually occurred under the pressure of the Depression was the beginning of a blending of the public and private sectors that has now progressed to the point where even the bravest scholars have difficulty drawing a valid distinction. The Tennessee Valley Authority was the best-known symbol of early attempts to create self-contained, self-financing, efficiency-conscious, quasi-private entities to perform those public services that lent themselves to such treatment. The TVA and its successors combined the characteristics of a corporation—a separate board of directors; internal managerial coherence; special powers over budget, personnel, and administration; the right to set prices and spend revenues, and general insulation from political pressures—with the social mission and the abhorrence of profit of a public agency.

The blend was enriched over the years at the federal level by public corporations of many kinds—the Federal Deposit Insurance Corporation, the Export-Import Bank, the Commodity Credit Corporation, the Overseas Private Investment Corporation, and finally, long after dozens of favorable experiences had made the transformation a necessity obvious to everyone except to Congress, the Post Office. Even where fully public agencies were created, a preference developed, soundly based on experience, to operate primarily through contracts with private firms, limiting the number of direct federal employees to those required to administer the contracts. The contractual activities of the Defense Department have become legendary, and two of the newest giants among federal agencies—the National Aeronautics and Space Administration and the Atomic Energy Commission—are really only super-staffs assembled to administer contracts with private firms, rather than direct administrative mechanisms. (This most recent development owed much to the widespread fear in government circles of the late Senator Harry F. Byrd, whose favorite hobby was to publish monthly federal employment figures. Contract employees did not appear in his summaries, whereas direct employees did.) It was this movement toward dependence on private instruments for public purposes that largely explained the fact that direct federal civilian employment rose by only 11 per cent between 1965 and 1972, while federal spending rose by 93 per cent.

This trend was not weakened but reinforced by the explosion of federal domestic activity in the mid-Sixties. Most of the social programs now under attack by critics of the public sector—the poverty program, model cities, housing subsidies, manpower training, and the rest—are carried out largely by private contractors. All of the methods of private management—program and performance budgeting, cost accounting, critical path analysis and planning, corporate accountability, etc.—are present and operating. There is not a scintilla of evidence that any private incentives or disciplines have been overlooked. Ways have been found to make the middle-level public manager at least as sensitive to budget consideration as his counterpart in private corporations—sometimes much more so because he must operate in the goldfish bowl of public scrutiny. Managing the public sector's work force continues to present efficiency problems, but they are not much different in degree or kind than those in the corporate executive suite,

the Vega plant, or the average company typing pool.

The same pattern of "privatization" is increasingly true on the state and local level. In New York City, for example, many key services are administered by public corporations: the 19 municipal hospitals by the $800-million Hospital Corporation, the subways and buses by the huge corporate Metropolitan Transportation Authority, the harbor and the airports by the Port Authority, while much new housing is financed by a $700-million Housing Development Corporation. Most recently a vibrant new public corporation has made the city's off-track horse betting system a financial success. Each of these bodies has the same business-type structure and operational style as the federal counterparts. The imagination applied to create such entities, with proper but not restrictive lines to elective authority, has been unbounded. No one who surveys the fantastic array of these quasi-public, quasi-private, corporate-style instruments, along with the pervasive use of contracts, can conclude that our service problems are the result of a failure to make use of the private sector.

Thus, the revisionists must look beyond the traditional antigovernment arguments to explain their distemper at the quality of service. The truth is that the nation has made a series of decisions over the past four decades that has increased the scope of public activities, but it has not done so through any slavish insistence upon classic civil service rules. The public instruments chosen to administer these activities have been increasingly private. It means precisely nothing, therefore, to prate about a return to "private" enterprise when the full spectrum of organizational forms and incentives is already available and in use. The question of form only becomes relevant when a choice must be made between the various gradations of private-type structure for a specific new or reorganized program. In almost all other cases, the argument is a diversionary tactic. If federal funds are forthcoming for domestic purposes, they will be spent through private or quasi-private mechanisms. If they are withheld, that decision cannot be validly based on any hope that the private sector will spontaneously solve our social ills, nor on the premise that the right mechanisms have not yet been devised.

THE DIFFICULTY FACTOR

The problems that do exist in all large enterprises, public and private, are generally a result of ignorance rather than ideology, and where public activities are demonstrably behind private ones in certain areas, the cause is often the greater order of difficulty of the public task.

We have only begun to learn how to manage a society in which technology is constantly changing the role of human labor. We have only recently begun to address the imbalances in the skilled labor force created by such changes. And the rigidities in our political and economic structure, which sometimes keep us from adjusting to new technologies and labor needs, are giving way slowly and with great friction.

All of us, when locked in combat with some conglomerate's computer over an incorrect credit billing, tend to forget what we are asking the big new automatic service systems to do and how rapidly our expectations have multiplied. The computer systems that rent cars and make airline reservations are technological marvels of very recent vintage, just as Super-Sleuth, the computer that processes two million parking tickets a year in New York City, has the same relation to the gaggle of criminal court clerks it replaced as the Saturn rocket has to the Model T. It is only very recently that any of our complicated social processes have been subjected to the kind of rigorous analysis that treats them as interdependent phenomena and seeks to develop sensitive, effective systems to deal with them. In the financial world only the most advanced banks have moved from straight lending to the full range of services—project initiation, management counseling, macroeconomic analysis, etc.—necessary to ensure the viability of the mammoth projects they are financing. In government the long-established links between criminal habits and inadequate food, shelter, and education are only beginning to be matched by glimmerings of understanding of equally interdisciplinary solutions. The necessary computer hardware is available, but the knowledge of how to use it lags behind.

This is not to say that all the world should be run by computers and systems analysts. Mankind preceded them, and it could survive without them. However, we must understand the importance of developing greater expertise in this area: inadequacies in public services are not so much a result of poor organization as of our ignorance of basic solutions to brutally complex problems and of the means to carry out the solutions we do have.

It should not be surprising that the tasks assigned to the public sector are the hardest to accomplish. It is simply a difficulty of a lesser order to develop a system to dispense gasoline credit than to develop one that balances all the considerations and meshes all the steps required to move from a dilapidated inner-city tenement through urban renewal financing, tenant relocation, demolition, and construction to fully occupied new apartment housing for tenants who have been selected in an equitable order of preference. In New York City we can manage the physical process of preparing and transmitting welfare checks to more than 1¼ million recipients at least as efficiently as a private pension plan can handle its payments, but we find it vastly more difficult to orchestrate job training, counseling, day care availability, and other services than can make welfare payments unnecessary. The plain truth is that the welfare cycle is composed of a whole series of problems of exquisite complexity which, experience has demonstrated, will never be addressed by fully private organizations in the normal course of profit-seeking.

THE NEED FOR GREATER INVESTMENT

There is no substitute for a national investment of money and manpower on a scale commensurate with the difficulty of our domestic problems—a level of investment that has not yet been approached.

The United States spends less than 30 per cent of its Gross National Product directly for public purposes. By way of comparison, Sweden spends 43 per cent, Great Britain 36.6 per cent, France 36.3 per cent, and almost all other industrialized countries exceed the United States. Moreover, none of these countries has a defense budget approaching the proportion of the national product that defense consumes here. Despite the myth—which some politicians find oddly comforting—that our approach to domestic problems has been to "throw money at them," we have actually invested much less in them than we have for decades in the formidable but still much simpler problems of defense. It has been proved that a steady investment averaging $5 billion per year for a decade can put a man on the moon and return him safely. Yet we seem surprised that it has been demonstrated just as conclusively that an average outlay of slightly over $4 billion per year for seven years cannot, particularly during an inflationary recession, eliminate the causes of poverty throughout the nation. Our surprise is absurd—nearly as absurd as the premise, widely accepted in this country, that the United States can meet its defense obligations and at the same time launch a major attack on domestic problems while making so relatively modest an investment of its national product in public purposes.

This is doubtless the truth from which the public/private claptrap is designed to divert attention. As a recent Brookings analysis shows, there is no way to balance the federal budget and finance even the uncontrollable increases in the costs of existing governmental programs for the fiscal year ending in June 1974. If tax rates stay constant, the President must cut back sharply on expenditures. He has pledged not to raise taxes. He has also made it clear that he will not make substantial cuts in defense. In short, he must either cut domestic programs on the scale that his 1974 budget proposes or risk another bout of runaway inflation. His political conundrum is how to accomplish the cuts with maximum protection from the slings and arrows certain to be aimed at him by a Congress that has consistenly defied him on the full range of domestic issues.

The President is correct to be concerned about popular and congressional reaction, for, despite the conservative tone of the last election, there is absolutely no sign of any slackening of the public's desire for active government. That desire, fueled by the hopes and guilts aroused by such works as *The Other America* and *The Affluent Society*, produced an upward revaluation of the public sector in the 1960s, which accounted for the flood of new federal programs, a 12–15 per cent annual increase in state and local government expenditures, a tax hike in 40 states at the deepest point in the 1969–71 recession, and an upward spiraling in government salaries that has now spread to universities, foundations, and the whole of the nonprofit community. The evidence is quite strong that, whatever their views of political personalities, foreign policy, and even taxes, the American people simply do not wish to give up the social goals they set out so recently and so boldly to achieve.

In the end, of course, more money is necessary if we are to have better domestic social programs, but it is not the whole answer. When the public-private hustle is exposed, perhaps the better minds among our leadership will move on to the more substantive questions that really do, bedevil the creation of effective incentives to promote the general welfare. These problems break into two main categories: what to do about this year's budgetary dilemma, and what to do about the critical management problems afflicting public services.

The best response to this year's budget squeeze must, in my view, lie in a major cut in the defense allocation (painful, but possibly), some trimming in lower priority domestic programs such as farm price supports, and a greater willingness to risk the effects of a substantial federal deficit in a year of general economic recovery. These will not be easy steps. Their justification flows in large part from the horrors inherent in the only acceptable alternative—a substantial increase in federal taxes. The economics of a tax increase so early in the recovery cycle are dubious at best. The politics are simply impossible—as the President's sensitive political nose rightly informs him. Given these restraints, the only hope for tolerable domestic programs is to provide our home-front effort with a somewhat larger slice of a somewhat larger pie.

Assuming that we are equal to this choice and, more doubtfully, that we set in motion a new pattern of long-term national investment necessary to any substantial attack upon our major ills, we must still cope with the basic intellectual and systematic difficulties that have become apparent in the past few years of activist government. The fact that they have nothing to do with the public/private charade does not make them any simpler. I have already alluded to the remaining mysteries in basic and applied research. But even where we have an essentially workable mousetrap, we must develop

effective means to manage it and to relate its performance to the will and understanding of the electorate. We have a long way to go in both respects. In most of the "judgmental" social services (health, education, police protection, manpower training, etc.) we have no reliable definition of what we should expect from government nor any sure test to gauge whether we are getting it.

We are only beginning to define what productivity means in public operations. Nor have we found really effective means of building the hidden costs of "free" resources—clean air and water, for example—into the scale of raw-material prices that determines industrial decisions concerning plant expansion and antipollution technology. And we have yet to come to grips with the basic contradiction between energy demand and the growing public distaste for energy-producing facilities.

These are, on the surface, less glamorous riddles than the chimerical issues addressed in the public-private debate. It is hard to work up a heavy sweat about a productivity report. However, I submit that these kinds of questions, no less thorny for being mundane, will largely determine the capacity of government, working through any combination of public and private instruments, to accomplish the ambitious tasks we have set for it. Alexis de Tocqueville long ago observed that the most difficult challenge to democracies is "to persevere in a fixed design." The steadfastness of our commitment to a high level of national investment in domestic social programs and to coping with the hard operational questions created by an affirmative response will largely determine whether we meet his test. The public-private hustle should not distract us from dealing with these genuine issues.

REJOINDERS

(By Peter F. Drucker)

Mr. Hamilton's article appears to me to have two themes that have only the loosest connection with one another; in fact they are barely compatible.

First Mr. Hamilton seems to me to say: The American taxpayer isn't going to accept higher taxes. With federal expenditures skyrocketing, there is thus no alternative to cutting back. But the taxpayer's appetite for services continues unabated. Hence politicians try to hide the reality of cuts in services behind a smoke screen of "reprivatization" rhetoric.

My only question about this argument is that I see no evidence of such rhetoric anywhere. President Nixon in the statement quoted by Mr. Hamilton did not say "a new era of progress at home" will require *businesses* to do more. He said that it will require *"individuals* to do more for themselves," which is something quite different, whether sound or not.

Likewise, Governor Reagan, in his recent proposal to amend the California State Constitution by setting a ceiling on state expenditures, did not say one word about "free enterprise" or about "turning tasks over to business." But then Mr. Hamilton knows more politicians than I do, and, for all I know, there is some "free-enterprise" rhetoric around—but I haven't heard any lately. But even if there were some around, though, it would not change the painful reality that Mr. Hamilton describes.

His second theme is quite different in this he argues that taxpayers could easily pay more taxes. He compares the tax burden of the American taxpayer to those shouldered in other countries. The disenchantment of the taxpayer with social programs he then explains as the result of our not having spent enough. "We seem surprised," he says, "that spending $4 billion per year for seven years did not eliminate the causes of poverty throughout the nation." If only we had spent much more. Mr. Hamilton implies, these programs would have had the promised results.

The argument that the American tax burden is comparatively low is, I am afraid, pure red herring. In the first place, I very much doubt whether statistics that purport to show that the American tax burden is low compared with that in Sweden or France are likely to make much impression on the taxpayer's resistance to higher taxes, which Mr. Hamilton himself cites as the central problem. But the statistics are also misleading. The tax figures for European countries include substantial expenditures that are not part of our tax load but are nevertheless "public-sector expenditures" and considered as such by the taxpayer—primarily the still substantial costs of non-tax-supported schools (private schools and colleges) and the two-thirds of the health-care bill that is borne not by governments but by various nongovernmental health - insurance schemes—a total of 7 to 9 percent of gross personal income in the country. If, for example, as a good many economists would recommend, the cost of private pension plans—more prevalent in this country than in most nations of Europe—were included, that is, if we compared "disposable income after taxes and deductions" as a percentage of gross income, this country might turn out to withhold a larger share of income than any in Western Europe (and more than twice as much as Japan, by the way).

But the real problem is not determining whether spending more money on welfare or on the schools would have results—something no one could prove. The problem is that the money we have spent seems to so many taxpayers—and especially to middle-income employed workers—to have so little result that they do not believe anyone who says, in effect, "because you have gotten so little for your money, you ought to spend more." I tend to agree with Mr. Hamilton's point that the results have not been nearly as dismal as the disenchanted public believes (I say so in my article). But we were not promised moderate results. Beginning with the Alliance for Progress, we have been promised again and again that a fairly modest program would "solve" a mammoth problem and in no time at all. The result of this has been that virtually every program immediately "escalated" in costs well beyond even the most excessive "defense overrun" and that even real, though modest, results look so picayune next to the promises that the program appears a total failure. The result may well be that we will abandon efforts just when they are beginning to show results (though that is hard to argue for low-income public housing, which has been around a long time, or for the present welfare system for families with dependent children). But the only protection I know against this danger is to start programs small and modestly, to test them before expanding them, to concentrate efforts on well-defined goals and priorities, and to postpone making promises until results are in—I first argued this point in connection with the Alliance for Progress all of 13 years ago! For what Mr. Hamilton is fighting is not "free-enterprise" rhetoric; it is deep disenchantment with the "liberal" rhetoric of government activism. I am just as appalled by the danger inherent in this as he is, but more "liberal" rhetoric is not going to avert it.

(By Edward K. Hamilton)

Essentially, Mr. Drucker argues that 1) people are demanding more and better public services; 2) they believe that "massive governmental programs" have failed to provide such services; 3) this widespread belief ignores the "great achievements, unique in modern annals," which were the result of the social programs of the 1960s; 4) nevertheless, public disillusionment with government is so great that the equally great demand for more services must be met through "reprivatization." Some of Mr. Drucker's figures, particularly those concerned with the proportion of national income devoted to public purposes, will come as a considerable shock to the United Nations and other authoritative keepers of such data. However, such technical quarrels aside, we can agree on propositions 1, 2, and 3—with the caveat that those "massive governmental programs" which people are so disillusioned with are in fact largely carried out through contracts with private firms.

Our disagreement with respect to "reprivatization" is not a doctrinal difference; I suspect that I am as favorable as he *is to* the use of private instruments for a great many public purposes. We part company at the point where he suggests that accelerating the 40-year-old trend toward greater use of private structures and incentives will somehow make possible that mind-boggling plan to freeze expenditures at all levels of government.

So far as I am aware, Mr. Drucker is alone among management analysts in making this suggestion. To those of us charged with increasing the rigor of public management, the proposition is absurd because the maximum savings achievable through managerial improvement are dwarfed by the uncontrollable factors that drive costs upward. The best that governments can hope to do, through introduction of private-type techniques at every possible juncture, as well as a host of other efficiency-increasing measures, is to shave off the peaks of spending patterns. To promise more is to mislead the public in exactly the way the President seeks.

The President's own 1974 budget, which even the conservatives in Congress are now finding too painful to swallow, calls for an 8 per cent increase in expenditure, or about $19 billion over last year. Similarly, we in New York City have been able to keep annual increases in expenditures in the 8 to 9 per cent range for the past two years only by surviving the loss of nearly 15,000 city employees, including 4,000 teachers, 2,000 policemen, 700 firemen, 1,000 parks maintainers, and similar numbers in every other vital city service. We have offset these losses as much as possible through productivity improvements of unprecedented scale, but there is no question here, as in the federal and state systems, that at least a 10 per cent annual increase in expenditures is necessary simply to stand still with respect to services. Thus the average for all states and localities across the country is a 12 per cent increase per year—and few if any of them feel they are keeping up with public demand.

The major factors behind these cost increases are 1) inflation; 2) high interest rates; 3) the need for rapid replacement of physical structures and equipment that were almost totally neglected in the years 1940–1960; 4) skyrocketing demands for services, particularly in large cities where the influx of problem-prone families is pronounced; 5) a see change in the public attitude toward receipt of public assistance; 6) a revolution in public salaries, which began a decade ago with congressional acceptance of the principle that public salaries should be comparable to private salaries for jobs of comparable responsibility; and 7) the fringe-benefit costs, particularly for pensions, associated with the salary increases.

I am in substantial sympathy with some of Mr. Drucker's specific examples of areas where private incentives can be useful—e.g., fines for polluted effluence—while others—e.g., mobile homes as a solution to the housing crisis (which largely occurs in land-poor cities)—demonstrate the intellectual distance between problems and sensible solutions. In summary, his article is an object lesson in the discrepancy between image

and reality in these matters. As he remarks, "No one wants to pay. But everybody wants results." The next move is up to Congress.

SOBRIETY IN THE SENATE

Mr. DOMENICI. Mr. President, the Pittsburgh Press recently published an editorial praising the 36 Senators who supported President Nixon's first veto of this session. The article said the Senators are to be commended for acting to give the President the leverage he needs to curb inflationary Federal spending. And the editorial rightly pointed to the impact that the distinguished Senator, HUGH SCOTT, from Pennsylvania, had in our upholding the veto.

Less than a month ago, Senator SCOTT released the names of 33 Republican Senators who had signed a resolution in support of a Federal spending ceiling in a move toward fiscal prudence—this in hopes of getting Congress and the entire Federal Government to put its financial house in order.

The bill in question—which would have provided more aid for vocational rehabilitation for the handicapped—had tremendous emotional appeal—so much so that only two Senators originally voted against it.

I think that the showing of unified strength, displayed by the Senators who voted in a spirit of fiscal responsibility to uphold the President's veto, deserves the praise the Pittsburgh Press has given. Although almost all of us support vocational rehabilitation, we had to take a long-range view of the Federal budget and the strains upon it; and for this reason—because of our desire to hold down Federal spending and its consequent inflationary pressures—36 Senators voted to support the President's veto.

Mr. President, I ask that the text of the April 6, 1973, editorial be printed in the RECORD.

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

SOBRIETY IN THE SENATE

The 36 senators who supported President Nixon's first 1973 veto may have given him the leverage he needs to hold the line on inflationary federal spending this year.

The issue was whether to pass over the President's veto a two-year, $2.6-billion job-training-for-the-handicapped bill so popular that only two senators voted against it in February.

Yet the vote on the same bill this week was 60 to 36, four votes short of the two-thirds margin necessary to override the presidential veto.

Credit should go to senators like Hugh Scott of Pennsylvania, and Robert Taft Jr. and William Saxbe of Ohio for casting responsible votes.

Had the veto been overriden, more than a dozen bills might have skipped merrily through Congress this spring offering non-existent federal money to farmers, veterans, old people and other worthy groups in defiance of the President's $268.7 billion budget ceiling for the year starting in July.

The result, as Sen. Scott ably pointed out, would have been another spending binge, an economic hangover, more inflation or higher taxes.

"It is not going to be any easier to stop on the second, third or fourth drink," he warned, "than it is to stop right now."

In a sense, of course, the President is a sitting duck for criticism every time he votoes a bill that promises to help the sick, the crippled or the retarded.

Sen. Hubert H. Humphrey, D-Minn., called his latest veto "the worst, the most cruel, the most inhumane ever handed down."

What the senator failed to mention is that federal aid to the handicapped will have increased 75 per cent, and the number of persons served 50 per cent, to 1,225,000, since Mr. Nixon took office in 1969.

Spending is running at the rate of about $650 million a year.

The issue, then, is not whether the President is a fool or a miser.

The issue is whether Congress has the courage—and good sense—to say no to well-intentioned but lavish spending schemes.

UNITED STATES-ISRAEL RELATIONS

Mr. FULBRIGHT. Mr. President, today's New York Times contains an article from the Reuters News Service concerning statements made by Premier Golda Meir of Israel in an interview with an Israeli newspaper.

According to the news reports, Mrs. Meir stated that I have never said a good word about Israel.

The Times reports:

Mrs. Meir said: "Can you remember when Senator Fulbright has said anything positive" about Israel?

I greatly regret that Mrs. Meir has made such a statement and I do not believe her claim can be borne out by the record. I am afraid that Mrs. Meir confuses a lack of complete and total support for every action taken by the Israeli Government or every request that it makes with a lack of respect or friendship for Israel.

I will state once more, as I have on many previous occasions, that I have a profound regard for the State of Israel and for its people. The nation and many of its citizens have an outstanding record of accomplishments and the 25th anniversary of the Republic of Israel is an appropriate occasion to note this.

Although I differ with some of the policies of the Government of Israel and, indeed, with some of the actions taken by this body with regard to Israel, I do not believe it is fair or accurate to categorize my position as anti-Israel. What I have advocated is what I see as a more balanced policy in the Middle East, aimed at achieving lasting peace in the area. I do not believe that it is in our best interest or in the best interest of Israel for the United States to give unquestioned support to every action and every desire of the Government of Israel.

I have gone to great lengths to spell out my position in detail, in speeches in the Senate and elsewhere, in articles and books. I am convinced that an objective reading of my views will not support the view that I have no concern for Israel. In fact, my position does not differ greatly from that of some leading Israelis, including the Nation's first Prime Minister, David Ben-Gurion.

In the New York Times article about Mrs. Meir's statement, she refers to a recent appearance before the Committee on Foreign Relations by Mr. Joseph J. Sisco, Assistant Secretary of State for Near Eastern and South Asian Affairs.

Since Mrs. Meir has referred to Mr. Sisco's testimony before the committee and my comments on that occasion, I think it is appropriate to refer to certain of my remarks that she apparently overlooked. I would like to quote from my remarks to Mr. Sisco from the transcript of the hearing on April 3, just 2 weeks ago:

But the Israelis are among the most energetic, brightest, most capable people in the world. They have proved it for two millenia, I do not deny it, and they are very great people, but when you give them that kind of military power they tend to use it just like other people do, and I think you create a dangerous situation. They are almost tempted to attack their neighbors because they know they can beat them all. They have got more arms than all their neighbors put together as you know, and there is not a one of them that they could not run over tomorrow if they wished to do it. Now they are restrained in the situation, I agree, but we contribute to a dangerous situation. . . . That is the way it looks to me.

Mr. President, I would like to submit for the RECORD, just a few more of the many examples I could cite where I have made comments which I do not believe could be fairly construed as "anti-Israel." I cite these remarks from some of my appearances on network interview programs, because these are spontaneous answers to questions posed to me.

From "Face The Nation," CBS, July 6, 1970:

Mr. MACNEIL. Senator, back in the Middle East, do you think the United States has a commitment or should have a commitment to Israel—to its territorial integrity?

Senator FULBRIGHT. We have no formal commitment—no treaty or otherwise. The commitment is the tremendous respect that the people of this country have for the Israeli and the Jewish people in general . . . if you say, will we go to great lengths to assist and protect Israel, we will, but without any formal commitment.

That's in the nature of our country and the people who live in it and the respect that they have for the Israelis.

From "Face the Nation," CBS, October 31, 1971:

Mr. KALB. Will you support a continuing resolution to make sure that money gets to Israel?

Senator FULBRIGHT. Well, Israel is a very special case, and I have acknowledged that we should support it.

Ms. BERGER. Senator, may I catch you on another point? Do you still favor a mutual security treaty with Israel, and do you think that in the given mood of the United States today Israel could put any faith in it?

Senator FULBRIGHT. I don't know about Israel but I still favor that. I think—when I reflect on the speech or proposal I made a year ago August (1970), I think it was a good one. I still think it is a good one. I still think it would be very wise. I agreed, as I did then and now with Mr. Ben-Gurion, that this is the safest way for Israel's future.

From "Meet the Press," NBC, August 23, 1970:

Senator FULBRIGHT. Now, the Middle East, I have stated that we have very long association with the Israelis . . . This country played a major role in the creation of the State of Israel. . . . it so happens the Russians did too. The Russians agreed, approved, or voted for the resolution of partition, back in 1947, I believe it was, and this was very much on the conscience of the West because of what happened in Western Europe, in Germany. I don't know that you want to recall

all of those instances, but there has been a long history of association, of sharing of cultural background, and I would say, a political background, with Israel.

Mr. President, I could cite other examples, but I hope these few will have made my point. I do not expect Mrs. Meir to agree with everything I say, nor do I believe she should expect me to agree with everything she says. If she wants to view me and my views as misguided then that is certainly understandable. However, if she construes my position as one of a lack of concern and respect for Israel, then I believe she is being unfair to me and not seriously trying to understand my position. I ask unanimous consent to print the statement of Prime Minister Meir as reported in the New York Times in the RECORD.

Further, Mr. President, I wish to state once again that I believe a political settlement in the Middle East, consistent with the proposals made by Secretary Rogers in 1969, is in the interest of the United States, of Israel, and of peace. I urge President Nixon to insist upon such a settlement in order that we may proceed to make arrangements with the countries of the Persian Gulf for an adequate supply of oil for our country. A political settlement is essential to the establishment of stability in the area and to the economic health of the United States during the next 10 years.

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

MRS. MEIR SAYS THAT FULBRIGHT HAS NEVER SHOWN FRIENDSHIP

TEL AVIV, April 16 (Reuters).—Premier Golda Meir said in an interview published here today that Senator J. W. Fulbright, Chairman of the United States Senate Foreign Relations Committee, had never said a good word about Israel.

In an interview with the left-wing Mapam party newspaper, Al Hamishmar, Mrs. Meir said that Senator Fulbright should not be quoted as an example of American thinking toward Israel.

Mr. Fulbright, in an interview on the Columbia Broadcasting System program "Face the Nation" in the United States yesterday, asserted that the Nixon Administration was unable to put pressure on Israel for a Middle Eastern peace settlement because the Senate was "subservient" to Israel.

Mrs. Meir said, "Can you remember when Senator Fulbright has said anything positive" about Israel?

"This is a man who hasn't slept nights for years," she said, because under American law part of the United Jewish Appeal funds are free of income tax. "Charity contributions are free of tax. Fulbright knows the law. He has been searching for years. Maybe one day he'll find something."

The Premier said that when Joseph J. Sisco, the Assistant Secretary of State for Near Eastern and South Asian affairs gave evidence before the Senator's committee, Mr. Fulbright asked, " 'It doesn't worry you that so much money flows to Israel?' Money is flowing in, but it is mainly from Jewish contributors, apart from Government loans under American law. So why is he so worried."

In his appearance yesterday, Mr. Fulbright said that the United States possessed leverage over Israel because "we supply all the wherewithal—or a major part of the wherewithal—to finance or pay for everything Israel does." But he said that this leverage could not be used because "Israel controls the Senate."

THE GASOLINE SHORTAGE

Mr. ABOUREZK. Mr. President, yesterday morning's Washington Post bore the grim news that spot shortages of gasoline have now blossomed into a coast-to-coast shortage.

The Middle West, the article says, has been the hardest hit.

I did not need the Washington Post to tell me that. I have been hearing from independent distributors who have been getting the ax for more than a month.

It is unbelievable that the administration still maintains quotas on the importation of foreign oil at the exact same time when gasoline shortages and rationing are blossoming from coast to coast.

It is high time we had a coordinated energy policy.

If you were to remove the quotas at high noon tomorrow, it would still take several months for supply to catch up with demand.

We should lift the oil import quota immediately. Unless immediate moves are made to increase the supply of oil in this country, we will see further rationing, higher prices, and a cold winter next year.

We should take immediate steps to insure a continued flow of oil from foreign sources.

To meet national security questions, we should require that anyone who brings in foreign oil put 25 percent of his imports in storage. Such a policy would insure continuity of supply and get us away from our present "drain America first" policy.

Such reserves are common practice in Europe, a part of the world far more dependent than we are when it comes to oil imports.

It comes as no surprise that the gasoline shortage will be particularly hard on rural areas. They tend to be on the end of distribution systems. They are more dependent upon independent jobbers, the ones who are being driven out of business as this speech is made.

When the day comes when farmers find that they cannot get fuel for their tractors, the administration's plan for increasing farm production to combat food price increases will be defeated.

This so-called shortage has enabled hundreds of independent businessmen to be driven under while giant chains strengthen their hold on the market.

We need a policy which assures that the small independents will get a share of the supply instead of a policy which assures that the giants will just get bigger.

Mr. President, at this point I ask unanimous consent to have printed in the RECORD the article from this morning's Post and an editorial from the April 16 issue of Oil Week.

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

GASOLINE RUNS SHORT THROUGHOUT THE UNITED STATES

(By Thomas O'Toole)

What began 10 days ago as spot scarcities of gasoline in a handful of states has now blossomed into a coast-to-coast shortage.

It is not so bad that motorists can't buy gasoline, but it is serious enough to have forced the closing of hundreds of discount and off-brand gas stations whose supplies have been cut off by the major oil companies. It is also bad enough to have closed major-brand stations in states like Minnesota and Florida that are at the end of the gasoline distribution network.

"These are the states that are on the drag end of the pipeline system," said an official of Gulf Oil Corp. "Things are very tight right now in Florida, where there isn't even a refinery to help things out."

The Middle West has been hit hardest by the shortage. Metro 500 of Minneapolis has closed 21 of its 22 stations. All last week, gas stations in northern Illinois found themselves out of either regular or premium gasoline. Gas stations throughout Iowa were being rationed to between 70 and 90 per cent of what they got last year, even though demand was running 10 per cent ahead of last year's pace.

Oil jobbers (wholesale distributors) insisted it would get worse in the Middle West. Over the weekend, a refining subsidiary of Kerr-McGee Oil Co. named Triangle Petroleum closed its storage terminals in Des Moines, Kansas City, Chicago and Madison, Wis., a move that cut off independent distributors in a four-state region from a 25 million gallon gasoline supply.

"There's no question it's going to close a lot of independents," said William Deutsch, who represents all the independent marketers in Illinois. "It will even put some of the branded stations in trouble."

Things were almost as bad in New England where an average of five stations were closed in both Connecticut and Massachusetts each day of last week.

Sure Oil Co. was forced to close 12 of the 50 stations it runs in Massachusetts and Connecticut. Sure said it had been getting 40 tank-loads of gasoline per week, was cut back to 20 two weeks ago and has been told it will be down to 10 in another two weeks.

Rural Connecticut has been *hit* especially hard. Sure closed three Save-Way stations selling the only discount gas in the farm country of eastern Connecticut. Several distributors of bulk gasoline in the same region of the state have been told they will get no gas next month, which means that the farmers they serve exclusively will have trouble getting gas for their tractors.

Further south, things aren't that bad but neither are they very good. The Greenbelt Consumer Services, Inc., which runs a chain of 10 stations that discount BP gasoline in the Washington area, has just been told that the 9 million gallons that BP supplies it with every year will not be forthcoming after July 9.

"They've cut us off from the only supply of gasoline we've had for the last 10 years," said Eric Waldbaum, president of Greenbelt Consumer Services. "We've gone to other suppliers, who have all told us they don't have enough to service us or any other new customer that might come along."

One of the ironies of the sudden shortage of discount gas is that the major oil companies are getting into the discount business at the same time that the independents are being forced out of it.

Exxon is now marketing discount gas under the brand name Alert at 16 stations in four states. Gulf discounts gas under two labels, Economy and Bulko. Shell markets it under the brand name Ride, Mobil under the name Cello. Phillips Petroleum discounts Blue Goose and Red Dot gas.

The emergence of the big discounters come at a time when major oil companies are closing their unprofitable brand name stations all over the U.S.—stations that are more than 300 miles from a refinery, have only a few pumps and do auto repair.

Exxon is in the process of closing 150 of its 400 retail stations in Illinois, Michigan, Wisconsin and Indiana. Gulf has put up for sale 3,500 stations in 21 states, from Illinois across the country to California and Wash-

ington State. BP has already pulled out of the Northeast, and Sun Oil Co. has withdrawn from Tennessee and most of the upper Midwest. Cities Services, Atlantic Richfield and Phillips Petroleum are also closing station.

The oil companies insist that the big reasons for the gas shortage are a worldwide shortage of "sweet" (low sulfur) crude oil and a nationwide shortage of refinery capacity. They claim they need five new refineries a year to keep up with demand. They point out that not one new refinery is being built in the U.S. today.

The refinery shortage is so acute that the independent refineries find themselves being courted with more fervor than at any time in memory. An aide to Rep. Robert H. Steele (R-Conn.) claims that the competition for refined products like gasoline is one reason Sure Oil has had to close some of its Connecticut stations.

"The company was about to negotiate a contract with a Canadian refinery," the aide said, "when a major oil company offered to buy the refinery's product at the same prices Sure offered but won the contract when it guaranteed to supply the refinery with crude oil."

The head-to-head combat between the major oil suppliers and the independent distributors is bound to get worse as the gasoline shortage gets worse.

Greenbelt Consumer Services has filed a formal complaint with the Federal Trade Commission protesting the move by BP that will cut them off from gasoline, and in the only known court action so far a federal judge in Phoenix ordered Phillips Petroleum to restore gasoline sales to a discount chain it tried to cut off.

Meanwhile, the gasoline shortage itself promises to get worse as motorists take advantage of the improving weather. Last week, Detroit, Indianapolis and Boston reported that they did not reecive a single bid for contracts to fuel city vehicles. For the first time in history, they faced the prospect of being unable to run police cars and fire trucks because of the gasoline shortage.

How To Help National Security and Assure Supplies

How about this for a cheap way to preserve national security while producing adequate oil supplies at reasonable costs:

Junk the quota system as method of draining America's supplies first at highest cost.

Do away with tariffs because of the beneficial effect on our trade with other nations.

But require anyone who brings in foreign oil to put 25% in storage here in the U.S.

While it would be too expensive to store the oil in tanks above ground, the oil could be stored in the most natural place . . . within wells depleted by the Drain America First policies of the 1960's.

Independent drilling and exploring companies now owning partially depleted wells would be able to import oil from abroad, store some and sell the rest to inland refiners.

A study is being made now by a leading foundation of how much space is available in underground salt domes for oil storage.

The domes occur in nature along the eastern seaboard up into Massachusetts.

Domes have more regular surfaces than depleted wells and would return more of the stored oil.

Some land-locked refiners might not be able to benefit directly from the plan, but the general availability of crude oil would ease the demand for domestic crude generally making it easier and more economical for them to bargain for supplies.

The only serious argument against free imports from abroad is the alleged threat to national security of relying on Arabs and Venezuelans.

Of course Japan and Europe have prospered by relying on those cheap sources of oil for the past 10 years while Americans had to make it on $3.50 a barrel crude.

Yet what could offer the U.S. more security than adding to our national reserves that have now fallen to a 6-year supply.

You can imagine that the domestic oil producer wouldn't like this plan because he would have to face competition from low priced foreign oil.

If it's true, as some majors allege, that foreign oil is now more expensive than domestic, there wouldn't be a need for import controls.

High prices would keep foreign oil out. Quotas or tariffs are needed, as Interior Secretary Rogers Morton testified earlier this year, so long as foreign oil is cheaper than domestic . . . or at least that's the producer's viewpoint.

How would marketer gain?

But what effect would it have on marketers?

Since the fuel oil and gasoline crisis—now threatening most all marketers—is a characteristically American phenomenon not shared by other countries, the effect of lifting import curbs would be to provide abundant oil at better prices.

With more oil available at wholesale the marketer would take on a new attractiveness to refiner-producers trying to move gasoline and oil.

Free trade in oil would quickly end the "who needs you" attitude of so many refiners today.

Independent terminal operators would be able to integrate backward into refining being assured a supply of foreign oil.

Meanwhile the U.S. would be adding to its reserves by 25% of imported oil a year instead of draining known reserves by about 13% a year.

Operation of the program would be far less troublesome than the current mess with importers registering their imports and the location of the stored 25%. Spot checks by inspectors would cut administration costs from the present bureaucracy.

An outstanding idea from Worth Rowley, the prominent Washington antitrust attorney.

But the storage plan is worthless if your goal is to keep out low-priced oil and destroy competition.

We asked American Petroleum Institute's marketing vice president what he thought of the idea.

Ray Wright had just given a speech in Philadelphia to the National Carwash Council.

"I think it's going to have to come to something like that," Wright said.

Wright was, of course, giving his own view rather than official API policy.

MARKETERS VIEW OF SUPPLY

[In thousands of barrels]

	Stocks for week ended Apr. 6	Week ago	Year ago
Gasoline:			
East coast	48,868	+1,516	−6,041
District 1	54,492	+1,643	−5,909
Indiana-Illinois-Kentucky	40,060	−676	−727
Minnesota-Wisconsin-Dakota	8,571	−8,509	−223
Oklahoma-Kansas-Missouri	18,255	−853	−6,556
District 2	70,285	−1,353	−7,461
Inland Texas	9,252	+298	−937
Texas Gulf	23,052	−1,309	−5,712
Louisiana Gulf	11,719	−2,097	−3,063
North Louisiana and Arkansas	8,832	+813	+2,048
New Mexico	867	−64	+188
District 3	53,722	−2,359	−7,476
District 4	7,314	−290	−1,068
West coast	23,654	−557	−3,035
Total, United States	209,467	−2,916	−24,949
Distillate:			
East coast	38,077	−3,360	+7,001
District 1	40,416	−3,179	+7,623
Indiana-Illinois-Kentucky	16,458	+465	+715
Minnesota-Wisconsin-Dakota	6,323	−124	+979

MARKETERS VIEW OF SUPPLY—Continued

[In thousands of barrels]

	Stocks for week ended Apr. 6	Week ago	Year ago
Distillate—Continued			
Oklahoma-Kansas-Missouri	10,035	+11	+1,110
District 2	34,519	+332	+2,514
Inland Texas	1,936	−250	+210
Texas Gulf	8,689	+475	+44
Louisiana Gulf	6,373	+1,917	+851
North Louisiana and Arkansas	2,843	−1,630	−2,186
New Mexico	172	+23	−91
District 3	20,013	+535	−1,172
District 4	2,764	+166	+75
West coast	10,552	----------	−2,391
Total, United States	108,264	----------	+6,649
Refinery output:			
Motor gas	43,558	+981	+2,253
Distillate	17,741	−52	−59
Cap. in operation (percent)	90.3	+1.6	+5.0

PROUD TO BE A HUMAN BEING

Mr. YOUNG. Mr. President, one of North Dakota's best newspaper columnists recently wrote a very good story about Mr. Patrick Gourneau, chairman for several years of the Tribal Council at the Turtle Mountain Indian Reservation, Belcourt, N. Dak. This is an interesting story about one of the finest men I ever knew, my longtime Ojibway friend, Pat Gourneau.

Mr. President, this is an article I believe would help most people to better understand and appreciate Indian people and I ask unanimous consent that it be printed in the RECORD as a part of my remarks.

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

Pat Proud of Being Human Being

(By Wayne Lubenow)

ROLLA, N.D.—Patrick Gourneau sat quietly and rubbed a leather covered prayer bone which he had made himself. He pondered the burning and the rioting in Custer and the barbusting in Rapid City, South Dakota, and then he said:

"I am strongly opposed to the radical and militant actions of the American Indian Movement. I wish all Indians would be friendly and peaceful and well-behaved instead of greedy and disorderly."

His face was deadly serious and sort of sad and he leaned forward and in a very soft voice he said, "The AIM is hurting our cause. If I was still a security officer I would prosecute them all."

That is the way of Pat Gourneau, a Chippewa here on the Turtle Mountain Reservation and a strong, quiet man who was tribal chairman for six years. He learned, he says, that Indians can get more respect and honor and equality with honey than they can with vinegar.

Pat Gourneau is a self-made man who has pulled himself and his Chippewa tribe up by his own mocassin tops.

He is a gentle man—but not so gentle that, as tribal chairman, he didn't spank the Bureau of Indian Affairs often. The difference is that he spanked them in such a diplomatic and nice way that they didn't know they were being chastised.

Pat is either 68 or 69 years old, take your choice. He was born on the Turtle Mountain Reservation and the tribal rolls put his birth date as February 11, 1904. But his baptism certificate says he was born February 11, 1905.

Observes Pat, "I prefer 1905 because it makes me one year younger and I could stay employed one year longer." The Social Security people accepted the 1905 birthdate.

He was born on his father's place on the reservation, spent his early years in Indian schools before wandering around the country looking for work to help out the family.

Pat started school in 1911, a reservation day school named after his grandfather. In 1912 he went to the Wahpeton Indian School and stayed until 1914. Then back up to Fort Totten and the Haskell Institute in Kansas and back to Wahpeton until 1923.

That's 12 years of school—and when he finished in 1923 nothing much had changed. He started roaming several states in search of farm work.

"Indians," Pat says slowly, "couldn't get much else in those days."

Pat kept working on farms until 1928 when he met and married the daughter of a truck farmer near East Grand Forks, Minnesota. He learned the business and in 1930 moved back to the Turtle Mountain Reservation and bought the land which he still owns. It is a 120-acre tract which he added to in 1947 by purchasing an additional 80 acres.

And Pat Gourneau started his truck farm that they are still talking about around here—at least the oldtimers are.

Man, back in the late 1930's, during the depression, he was growing hybred vegetables—20-pound squashes, lettuce that you could just squeeze eight heads of into a bushel basket, giant tomatoes, things like that.

"We didn't starve," Pat says, "but I had to sell onions for 60 cents a bushel and potatoes at one-half cent a pound."

He has old pictures of his commercial enterprise which he shows with great pride, pictures that show a baby with a mammoth squash, a child with a super head of lettuce, vegetables as big as the kids.

Pat was a truck farmer for 23 years, until 1953 when Turtle Mountain Indians drafted him into tribal politics. He had stayed out until then, content to work hard and mind his own business.

Tribal affairs were in a sorry state when Pat became chairman in 1953. Nobody trusted anybody else and the Bureau of Indian Affairs considered Turtle Mountain one of their most complicated reservations, even took stern steps against those Indians.

The tribe was heavily in debt—and in just five years Pat Gourneau had cleaned up that debt. Just before he resigned, he deposited $30,000 in the U.S. Treasury for the tribe.

Yeah, he used a lot of his own personal money—but that wasn't the only thing. Pat tells it this way: "I went to the white merchants of Rolla and all around and I asked for cooperation in putting on Pow-Wows and things. I have never had such cooperation as I have gotten from the white men around here."

When the jewel bearing plant started operations in Rolla in 1953, Pat went to work there as a security guard, was elevated in 1966 to supervisor of maintenance and guards, held the position until 1970 when mandatory rules put him into retirement.

So he's retired now, has a wife and four boys and four girls, loves to fish and dance at Pow-Wows.

Pow-Wows are his big love because they are his chance to express his Indian heritage. He goes to the Yakima Reservation near Spokane, the Red Lake Reservation in Red Lake Falls, Minnesota, and to Fort Totten near here—and he dances at them all in full Indian regalia. He attended a national Pow-Wow in Oklahoma, the only Chippewa there.

He is a Christian, has a fervent belief in the Almighty, has Indian symbols for God and the Holy Spirit and Christ and the Cross. Inside his prayer bone are "all the things of the earth"—seeds of all fruits and vegetables, bone particles from deer and other animals—"all things needed by Mankind."

He is the author of an historical account of his tribe titled: "History of the Turtle Mountain Band of Chippewa Indians." So authoritative is it that he is about to begin the revised 5th edition.

He is a homespun lecturer, not a speechmaker, and he talks to school classes and others who want to know about his people.

Years ago he gave up drinking and his one big passion, snuff-chewing, to pay penance to the one Big God he believes in.

But he is no prude. At the big Pow-Wow in Oklahoma he was called to perform but had no more Chippewa with him. But there were Fort Berthold Indians there and he called on them to beat the drum and sing while he danced.

Pat danced to the outer edge of the arena where all the people were jammed around. He approached a group of ladies and cut loose with his "high and fancy."

One lady took a look, then screamed, "Boy, that Chippeway is really a jitterbug."

Pat grins when he tells that story. Because he is a marvelous mix of humor, pride and dignity.

He is proud he is an Indian, all right, but he's even prouder of being a human being.

NATIONALIZATION—CONCERN FOR THE AIR TRANSPORT INDUSTRY

Mr. CANNON. Mr. President, the health of the airline industry is a matter of great concern to the transportation needs of our country and to the economic health of U.S. industry. For these reasons, I have watched closely the efforts of leaders of the domestic airline industry to bring aviation out of the economic doldrums which have afflicted the airlines in recent years.

A great deal of progress has been made and the efforts of the president of United Airlines, Edward Carlson, have been particularly impressive. I believe that his remarks in a recent address to the National Association of Manufacturers in New York City will provide food for thought for all those who have a concern with the challenges confronting the air transportation industry and ask unanimous consent that this statement be printed in the RECORD.

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

NATIONALIZATION—A CONCERN FOR THE AIR TRANSPORT INDUSTRY

(Remarks of Edward E. Carlson)

I'm honored to join you and privileged to express my views to the distinguished members of the 77th Congress of American Industry. I am sure we are in full agreement that our economic system is crucial to the continued eminence of this great country. My remarks today will center on the role of private enterprise in air transportation.

By way of background, it's appropriate to recall that at this time in 1970 the nation's airlines were winding up the most disappointing year in their history, with trunkline losses of more than $100 million. This year the trunkline industry should show total profits after taxes of about $225 million. This is indeed an impressive turnaround. However, the industry picture is by no means a rosy one, and solution of the serious and complex problems we face will require strong efforts.

As a result of helping to cope with such problems, I've gained some insights that may be of general interest. I would like to share these thoughts with you, and in doing so, highlight threads of change that decision-makers in government, business and labor should be aware of—and hopefully to draw their attention to forces that threaten the private enterprise concept in America's air transport system. I'm not referring to any sinister plot—but merely to historical trends and the clear influence of profit and loss.

In 1972 the domestic scheduled airlines will carry some 168 million passengers and that total represents about three-fourths of all common carrier, intercity passenger traffic in the United States. The industry has assets of more than $13 billion, including flight equipment valued at $11.5 billion. It provides employment for approximately 300,000 and they command an annual payroll of approximately $4 billion.

The airlines have attained their present importance both because, and at times in spite of government regulation. In 1938, the Congress, in passing the Civil Aeronautics Act, established the Civil Aeronautics Authority, known since 1940 as the Civil Aeronautics Board.

The authority of the Civil Aeronautics Board extends to six major areas, two of which I'll specifically mention because of their primary effects on the industry's economic health. First, the Board regulates airline fares and rates. Pricing of service is not an independent prerogative of airline management, and timely adjustmnets to reflect changes in cost levels cannot be accomplished as readily as in most other industries. Second, the Board decides how many and which airlines can operate over every route in the United Staes. To put this another way, the Board determines the amount of airline competition on any given route. The amount of competition influences load factors, and load factors influence profit margins.

That's a complicated relationship to discuss at a luncheon and I'll clarify it with an actual example. Up until the latter part of 1969, Hawaii was served by three U.S. carriers, including United Air Lines which inaugurated commercial schedules between the Mainland and Honolulu in 1947, 25 years ago. In the years between 1947 and 1969, load factors were generally favorable, fares were among the lowest in the world, and our Hawaiian service made substantial contributions to United's profits.

Beginning in September, 1969, five additional U.S. airlines were added to the Hawaiian market by the Civil Aeronautics Board in the Transpacific Route Case. In a short time, a profitable market became a financial wasteland. Consider these results: For the 12 months ended September 30, 1969, United's operating profit on Hawaiian service totaled $31 million. For the 12 months ended September, 1970, profit dropped to $1,600,000. This year for a 12-month comparable period our pretax loss exceeded $16 million. In this three-year period there was a swing of $47 million—profit of $31 million in 1969—loss of $16 million in 1972.

The fact is, none of the U.S. carriers is making a profit on Hawaiian service. Fares are too low, discount travel is heavy, and erosion of yield is excessive. The airlines themselves cannot wear the white cloak of purity and blame all woes on the CAB. We must confess to our own inadequacies at times. But to demonstrate the seriousness of the financial problem, last August, United's Mainland-Hawaii flights attained a 72.2 per cent load factor, which ordinarily would be profitable. Instead, we had a pretax loss for the month of August of $730,000.

In reviewing the Hawaiian situation, it's fair to point out that the Civil Aeronautics Board didn't use persuasion or force to bring five additional competitors into the market. The carriers acted on their own in applying for the new route authorities. But many believe this did not relieve the Board of its responsibility to use restraint in responding to route applications. The Board by Congres-

sional act is the watchdog of the airline industry's economic condition.

Competition has benefits with which we are familiar, but in our industry excess competition wastes resources without producing any significant advantage for consumers. Indeed, the Hawaiian situation demonstrates that excessive competition works against consumers by contributing to the economic pressures which prompt the carriers to seek higher fares, and I would add that the Hawaiian episode also demonstrates that the Board has economic power of tremendous impact, requiring delicate use with careful consideration of long-range consequences.

Today, many in the industry and financial community believe that the present membership of the Board is exercising power wisely and they are to be commended for the healthy regulatory climate which prevails generally. A de facto moratorium on new competitive route awards has been in effect for several years. In the spring of 1971 the Board authorized a 6 per cent fare increase, following several months ago by an increase of 2.7 per cent. These adjustments have been of great benefit in the industry's financial recovery.

Two years ago when distress signals began going up on all sides, the Board initiated an investigation of passenger fares. This resulted in determination of a 12 per cent rate of return as fair and reasonable. We hope the Board will use its economic power in such way that well-managed, efficiently operated airlines will be able to achieve the 12 per cent rate of return hopefully soon—making it a realistic financial fact, rather than an elusive target.

Airline economic problemswhich surfaced in 1970 have been of great intensity. The airlines have been caught between the pincers of government regulation and the extreme effects of cost inflation. In the last five years, the industry's inflation rate has been higher than the general level, averaging 6.7 per cent annually, compared with the national average of 4.4 per cent. The items that go into the production of air service have moved up strongly year after year, whether manpower, food or fuel, engine parts, landing fees, media advertising—in fact everything we buy.

Labor costs are the largest single component of airline operating expenses, and salary increases can be correctly described as substantial and sobering. In the four years from 1966 through 1970, the average salary per airline employee rose 43 per cent. Over the same period, in comparison, the average salary per employee for industry in general increased 27 per cent. Last year the average earnings of U.S. airline employee were $13,156—a rise of almost 7 per cent over 1970, and some $5,400 higher than the average of $7,800 earned by workers in all of private industry in 1971. These figures explain why almost half of our total annual cash expenditures are claimed by salaries and benefits.

About 60 per cent of United's employees are represented by labor organizations, principally the Air Line Pilots Association and the International Association of Mechanics and Aerospace Workers. Now I've said many times that I believe in the labor movement and I do not intend to reverse that opinion. Historically, unions have helped to create a standard of living for American workers far superior to that which exists anywhere else in the world.

Yet, labor must recognize that its welfare is linked with the financial health of the airlines, and government must recognize that the financial condition of the industry influences the national economy.

While airline employees have been receiving sizable increases in salaries and benefits, what about investors? Have traffic gains, service impovements, and the efficiencies of new technology brought them an increased return? Unhappily, the answer is no. For a time in the 1960's airline stocks advanced steadily, as justified by profits and prospects, but subsequently they faltered and began a long slide. Between 1966 and 1970, the average price of many airline stocks declined some 75 per cent. The rebound has been less than spectacular.

The airlines have enormous capital requirements and they sorely need investor confidence. Obtaining capital has become increasingly difficult and expensive in recent years. More and more, the carriers have been obliged to raise funds through various forms of leasing and debt financing, with consequent impairment of debt/equity ratios and closure of capital sources formerly wide open.

By 1980, only 7 years from now, according to present forecasts, the U.S. scheduled airlines will carry 302 million passengers, an increase of 80 per cent over the estimated total for 1972. Capital requirements to meet anticipated growth in the current decade are placed at almost $28 billion.

Many thoughtful people are concerned about what will happen, if airlines continue to follow a roller-coaster pattern of profit and loss, inconsistent with the uptrend in traffic. Such a pattern would result in additional financing difficulties, and conceivably some might propose nationalizing the air transport industry—a horrible thought for those of us who believe in the strengths of the free enterprise system—but the point deserves serious consideration while there's time to develop constructive action programs.

It's clear that in years to come, the airlines will need large additional sums for flight and ground equipment. Reasonable profits would eliminate financing problems, but the record of the past indicates that reasonable profits up to a 12 per cent return on investment will be exceedingly hard to achieve. Equipment modernization and expansion will have to be financed both through internal sources—depreciation and retained earnings—plus large amounts of outside capital. Raising outside capital, especially new equity capital, becomes tough when profits are thin or non-existent. The industry may already be near the practical limit for equipment leasing and debt financing, if improved earnings are not forthcoming. When an essential industry such as air transportation reaches the point where it cannot obtain its capital requirements, the remaining step is nationalization in one form or other—either outright or by de facto government control of management actions.

Now, some may say I'm seeing things—that the politics and traditions of our country are solidly opposed to nationalization. True enough, but the needs of commerce, national defense and the public interest require air transportation, along with surface transport, regardless of economic considerations. If a critical situation occurs, the government simply cannot permit airlines and other common carriers to close the doors as they were ordinary business establishments. In such an emergency it is reasonable to assume that nationalization would be proposed as the answer.

It's generally believed that nationalization of the British Railway System was due primarily to the philosophy of a Socialist government, but according to Mr. Robert Marsh, chairman of British Rail, another important factor was involved. One of the main reasons, to quote him, was this: "The railways found it extremely difficult to raise the new capital which they required for modernization." In other words, they had reached the fatal time when the rolling stock was worn out, and government was the last resort for financing.

I heard a railroad executive say recently that outside of the United States, the only major railroad still privately owned is the Canadian Pacific. And in this connection, you know that most of the foreign-flag air carriers are either government-owned or government supported, which leads to this question:

Would nationalization of the airlines provide advantages for customers . . . employees . . . labor organizations? All the information I have on the subject adds up to a resounding no. Fares charged by the nationalized airlines in Europe are higher than for equivalent distances flown domestically by U.S. carriers. Far more people travel by air in this country than on European scheduled airlines, due in part to our better standard of living. But, most important, the high volume of U.S. air travel also testifies to bargain fares, frequent schedules, the modern equipment and quality service offered by the competitive, privately owned airlines.

As for advantages to employees and labor organizations, it's significant that union leaders have never promoted a drive for nationalization. The fact is that nationalized airlines have low wage scales which tend to stay that way.

I'm sure you in this audience don't have to be told of ill effects associated with nationalization. The immediate question is, how can we solve airline problems which, if ignored, can lead to government financing and control?

I have these recommendations:

In making them I want to initially state that observers both within and out of government agree that the Civil Aeronautics Board does subscribe to the need of carriers maintaining strong balance sheets and adequate earnings on a continuous basis, if this country is to maintain a strong air transportation system. The industry has not maintained strong continuous adequate earnings and this affects a strong air transportation system and that becomes a matter of national interest.

We have never had a national air transportation plan for guidance, stability and purposeful growth. We need such a plan without further delay. The group to develop this plan should include representatives of the carriers, airport management and the public, working in partnership with the department of transportation, the Federal Aviation Administration and the Civil Aeronautics Board which already has established guidelines in some important areas.

The domestic route structure is foremost among the areas to which planning should be addressed. We need a logical basis for an air transport route network that will fulfill, but not exceed, the nation's requirements. The present excess sprawl of overly-competitive service stands in need of pruning and reform to avoid future economic degeneration, and to spare the airlines from the incredibly tedious process of route consolidation the railroads have been going through. To implement the plan, we need workable procedures to permit route transfers when mutually agreeable. We need procedures that will make it possible to undo mistakes, such as the one I mentioned in talking about the Hawaiian market. We need procedures that will enable the airlines to move rapidly in correcting loss situations.

Where two airlines are operating on a route without responding to the need for service improvement and expansion to meet growth, there should be ways to stimulate a change in short order. Often in the past, the Board's reaction to cases of inadequate service has been simply to add another carrier. I suggest use by the Board of its authority to require adequate service, or to replace service with another carrier, as a more appropriate remedy.

The optimum number of carriers for any given route should be determined in relation to proper levels of service and the need to maintain reasonable earnings. I'm not suggesting the industry should be sterilized

of competition—that would be counter to the public interest—but I believe competition in a regulatory framework should not be so excessive and wasteful as to bleed off resources which could be applied elsewhere in serving the public.

The planning group might also focus on the industry's future requirements for new technology aircraft. Historically, military research and development contributed to improvements in commercial aircraft, but this is no longer true because of changes in the military requirements and budget. Who will conceive and build the aircraft of tomorrow? Development costs will be too great for any one manufacturer to bear.

Secor Browne, chairman of the Civil Aeronautics Board, is deeply concerned with the problem. Based on technological leadership, this country has supplied more than 80 per cent of the Free World's commercial aircraft, but that leadership is being seriously challenged overseas. How will the challenge be met? Mr. Browne's solution is to establish an aerospace reconstruction finance corporation that would provide loan guarantees to support the development and production of new aircraft. And here, I point out, not only are airlines involved—the problem affects the aircraft industry, thousands of jobs, the nation's balance of payments and the national economy, and I might add, a little pride. We have always had a great "can do" attitude in this country. Are we losing it?

Airline managements, individually and collectively, fully recognize and actively assume responsibility for the future of the industry. Neither the government nor the financial community will ever replace effective managerial skills and energies as the first-line defense of free enterprise in air transportation. It is and it will be the job of airline management to preserve and to protect its present and future business independence. It can do this only by continuing to achieve profitable results from its operations; by maintaining efficiency, along with safety and dependability; by avoiding excess in schedule capacities and in service features; and by sticking to the business principle of giving the customer what he wants at the lowest price that will permit a reasonable profit.

Our privately owned and operated air transport system has distinguished itself by its efficiency and low cost to the consumer; its development of new markets and classes of service; its improvements, innovations and technological advances; its safety and dependability record; and its ceaseless efforts to provide satisfaction for millions of customers.

Despite its accomplishments, the system is vulnerable and its survival will depend on the collective wisdom of airline management, our regulators and others in government who share responsibility for what is now the finest air transport system in the world.

The threads of possible change are there—they should be recognized and action initiated while there is still time.

Thank you.

THE PROBLEM OF PRIVACY

Mr. MATHIAS. Mr. President, as our society becomes increasingly impersonal and technological, the ever present dangers to the privacy of the individual multiply. I am pleased to note, however, that attention to the problem of privacy has resulted in a fine symposium in the Columbia Human Rights Law Review. Included in the symposium is an article by my distinguished colleague from North Carolina, Senator ERVIN, entitled "The First Amendment: A Living Thought in the Computer Age." The privacy symposium has now been reprinted in hardback so that its essays and articles will reach a much wider audience. I think that this book, "Surveillance, Dataveillance and Personal Freedoms: Use and Abuse of Information Technology," should be on the reading list of all thoughtful Americans.

THE CRIPPLING EFFECTS OF MALNUTRITION ON INFANTS

Mr. MONDALE. Mr. President, an outstanding article appeared in the April issue of Redbook magazine, one which describes the crippling effects of malnutrition on infants. This article, entitled "How to Save Babies for Two Dimes a Day," was written by Virginia M. Hardman. It highlights the dramatic results achieved by a nutrition program in Memphis, Tenn., undertaken jointly by the Memphis Area Project South—MAP-South—and the St. Jude Children's Research Hospital.

In the 4 years MAP-South has been working with St. Jude's, the program has restored some 4,000 children from Memphis to health. In one area of the city, the yearly infant death rate has been reduced from 84 per 1,000 births to 20 per 1,000—the national average.

Malnutrition can permanently disable children, both physically and intellectually. The cure for hunger is food, but it must be provided to infants in critical early months—before it is too late.

That is why last fall the Congress approved the proposal introduced by my colleague from Minnesota, Senator HUMPHREY, to enable local health or welfare agencies and nonprofit private groups to provide food to pregnant women and to infants endangered by malnutrition.

This measure, which I was privileged to cosponsor in the Senate, recognizes that special high quality foods designed specifically for infants ought to be made available as part of the Federal effort to combat hunger.

Congress made available $20 million each year for fiscal 1973 and 1974 to serve as the beginning of a nationwide effort to eliminate malnutrition among the very young. However, the administration has refused to spend any funds for the new program, and the Department of Agriculture has failed to move forward on its implementation.

This is another clear indication of lawlessness by the executive branch.

Mr. President, I urge my colleagues in the Senate to carefully consider Virginia Hardman's article in Redbook, and I ask unanimous consent that it be printed in full in the RECORD.

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

HOW TO SAVE BABIES FOR TWO DIMES A DAY

(By Virginia M. Hardman)

December. A raw day. I am in Tennessee, walking through the South Memphis slum neighborhood. My companion, Mrs. Johnnie Mae Jones, is a member of Memphis Area Project South (MAP-South), a community self-help organization. Working jointly with the St. Jude Children's Research Hospital, of Memphis, women like Mrs. Jones have brought large numbers of undernourished children into a special nutrition program. I have joined her to learn how the program operates.

Mrs. Jones seems to know almost every person, street and house in the area. We wait ten minutes at an unguarded intersection for a freight train to pass. She tells me that a child was killed here. In a half hour's walk, not a bus passes. Finally we reach our destination, a dilapidated frame house. It looks abandoned. Mrs. Jones knocks on the door.

"Come in," says the housewife, Mrs. Henry Trainer, who knows my companion well.

Inside, two little old men are sitting on a broken-down couch; the one sucking on a bottle is Bobby, aged three. He and his four-year-old brother, Ralphy, stare straight ahead. They have the glazed look sometimes seen in the eyes of the aged who have lost interest in life, who expect nothing good ever to happen to them again.

Usually I get along better with children than with adults. Not this time. All my overtures meet with no response, and the children finally retreat to the kitchen, leaning motionless against a table while I talk with their mother.

She tells me that Bobby and Ralphy were born in Memphis, the youngest of nine children, and she tells me a little about her struggle against poverty and despair. Although her husband works, the pay is so low and the family so large that it qualifies for food stamps, which are issued by the Tennessee Department of Public Welfare and bought at special branch offices in slum neighborhoods. Mrs. Trainer spends $49 for food stamps a month. Most months. With the stamps she can buy about $160 worth of food, which works out to less than 50 cents a day per family member.

As we sit there talking the wind blows through the flimsy walls of the five-room house. Mrs. Trainer explains that the family uses only three of the rooms in winter to save on heating. She ignores my next query, on the logistics of bedding down 11 people in three rooms. She has the strength of a countrywoman in imposing her silences. Then she opens a new subject, telling me what I already know—that Bobby and Ralphy are in the nutrition program.

"They much better than they used to be. Been on it 'most three years. They started giving me extra food for the five youngest all at the same time. Then coupla weeks later they took the older ones too for a while. The older ones don't get it any more. They over six years old and get school lunches instead—'cept these two."

Bobby was three months old and Ralphy 16 months when they came into the program. In Ralphy's case the underdevelopment of his brain, caused by malnutrition, may be permanent.

Only when we are at the door and I call out to the children, "We're going now—come say good-by," do they venture out of the kitchen. Bobby, in a hoarse kind of whisper, seems to be trying to say good-by.

Out in the street with Mrs. Jones, I think about what I have learned so far about the effects of child malnutrition and about this nutrition program in Memphis, which has already decreased the yearly infant death rate in one area of the slum from 84 per 1,000 live births to 20 per 1,000, the same as the over-all infant death rate in the United States.

Malnutrition can kill. That is terrible enough. But malnutrition in children who survive it can disable them for life. It not only stunts physical growth and makes its victims sickly, but also its effect in brain-cell development in the first six months of life can be disastrous.

These facts had been given me by Dr. Donald P. Pinkel, medical director of St. Jude Hospital, and his associate, Dr. Paulus Zee, the hospital's nutrition director. It is their concepts in relation to nutrition that are

being tested in the remarkable program operated jointly with MAP-South in the effort to save the lives and intelligence of preschool children in this Memphis slum.

The MAP-South project has a history dating back to 1964, when the people of the area formed a community organization to find ways of breaking the poverty cycle in their neighborhood. This group evolved, with the support of the U.S. Office of Economic Opportunity, into a highly effective institution that today includes full-time specialists, part-time neighborhood aides (recruited from impoverished families and counseled by professional social workers), as well as VISTA and citizen volunteers from the community at large. In the four years MAP-South has been working with St. Jude's, the program has restored some 4,000 children to health. And it was done by "prescription"—prescription for the only cure and prevention there is for malnutrition: food.

Special "prescriptions," signed by St. Jude physicians or specially trained nurse practitioners, are taken by poor mothers to a warehouse filled with surplus and donated foods and run by MAP-South personnel. There the mothers are given evaporated milk, enriched farina, a corn-syrup blend, canned juice, canned meat or poultry, canned vegetables, milk-beverage mix and instant nonfat dry milk.

And for infants there is Similac, a special formula reinforced with iron and containing protein, lactose, calcium, phosphorus and all the vitamins a baby needs, from A through E. Cost of the proper dosage for a baby? Twenty-one cents a day—$37.80 for each child in the crucial first six months of life—$37.80 to support the brain during its most critical growth period, to assure good physical growth, to prevent anemia and vitamin deficiency. This immensely valuable St. Jude-MAP-South nutrition program is a pilot project, and it may pattern a pioneering new approach to the care and well-being of the infants of this nation.

Mrs. Jones and I continue on our way. Our next stop is the warehouse. I watch as the mothers hand in slips for their month's supplies and sign receipts. Sometimes the process is slow as a name is laboriously printed, or quick when an *X* is the signature; only a few seem to write with ease. The women wait on a bench while their orders are packed into cartons by two friendly and businesslike men.

"How do they get those heavy cartons home?" I ask.

"We're all apples off the same tree," says one of the men cheerfully. "We help each other manage."

In an adjacent office two women—employees of MAP-South—maintain the records of families with children on the nutrition program. They tell me that about 140 people a day come in for prescribed food. I leaf through a few case histories. I find that in a surprising number of families the husband is employed, but his wages are pitifully low.

There are the Fishers, for example. Mr. Fisher is a day laborer for a large barge company. He earns $2.26 an hour. Mr. and Mrs. Fisher and their eight children occupy a four-room apartment. The eight-year-old twins each are blind in one eye. Both have been hospitalized for pneumonia at St. Jude. The other children have been treated there for an assortment of illnesses, including malnutrition.

Winter is especially hard for the Fishers because it is the off season in Mr. Fisher's work and he gets only two or three days of work a week. Sometimes he's laid off for a week or more. At such times, says Mr. Fisher, the family would starve if St. Jude and MAP-South did not help with emergency food.

Mrs. Jones and I leave the warehouse and pay a visit to Mrs. Daisy Leonard. Daisy has worked hard most of her life. Her smile and slim body are girlish, but her eyes and hands belong to a woman of 50. In fact, Daisy is 26, and the head of a household of four small children. She has what she calls an "income" of $1,740 a year—just $33.46 a week to house, feed and clothe a family of five.

Daisy's schooling ended with the sixth grade, when she went into the fields and picked cotton with other members of her family, sharecroppers in Arkansas, who worked from dawn to dusk like beasts of burden. Seven years ago an older sister broke away and moved to Memphis, a distance of 150 miles. A year later she sent for Daisy, who was then 20 and the mother of two babies.

"It was another world. We stayed on because we have a better chance in the city. Everything's better here, especially for the kids. I did day work—cleaning houses and going out to chop cotton just over the border, in Mississippi. Me and my sister lived together, took care of each other's kids. But she got married and moved out, so now I can't work. Don't have anyone to mind my little ones."

There are four children now, Letty, Danny, Frankie and Ginny.

What does Daisy want for her children?

"The first thing, I want them to have a good education and stay out of trouble. That's why I scrimped and saved to get this TV; children gotta have something to do. Then I want them to be able to get good jobs and keep them. I want them to be happy. Strong too.

"My two youngest was real sick awhile back. If it wasn't for the hospital, I don't know if Ginny'd be here today. They took care of Frankie too—operated twice for his eyes. They still feeding both children."

The two youngest children seem lively and healthy enough now. But Ginny was an undersized, irritable three-month-old with a swollen belly and spindly legs when a St. Jude nurse first visited the household, three years ago last summer. She was promptly hospitalized for treatment for severe malnutrition. Frankie's malnutrition was less critical. A nourishing high-protein diet with plenty of minerals and vitamins was prescribed for him.

"I knew something was wrong with the baby—she never acted right. Same with Frankie. But I didn't know what to do. Then that hospital came and found us like we were lost. They kept Ginny in St. Jude's awhile. I was scared just thinking about that tiny little baby of mine without her mother. I knew they were good to her. But I missed her. So I used to walk there every day to see her."

Isn't there a bus?

"Costs thirty-five cents. Each way."

So Daisy walked six miles in the blazing heat of a Memphis July to be with her baby. Every day for ten days.

The room in which we are sitting is the only warm one in the ramshackle house. A gas heater is going, and on top of it is a skillet of rice "because the kitchen is too cold to cook in." The stuffing is coming out of the couch, but the bed is carefully made up. The only other furniture in the room are a chair and a TV set.

Mrs. Leonard's monthly income of $145 comes from the Aid to Dependent Children welfare program. She pays $40 a month for rent. Gas and electricity run between $30 and $40 in this unheated place. After rent and utilities are paid, $70 is left. Thirty-six dollars goes for food stamps, with which Mrs. Leonard buys some $115 worth of food each month. With today's high prices, the food is insufficient to feed the family of five. If it were not for the nutrition program. Mrs. Leonard couldn't manage.

While we talk, Ginny and Frankie play cowboys. Daisy interrupts them to give Ginny a spoonful of peanut butter. Frankie claims and gets a spoonful too.

"They eat it like candy," Daisy tells me. "For a while, when we couldn't get it from the warehouse, I had to scrape up the money to buy it because the nurse said the children need it. It makes them grow."

I look at this young mother trying so hard—and alone—to bring up her children and at the roaches boldly crawling along the walls. Suddenly the vermin and the dilapidation sicken me. I want out. Instead I ask, "Wouldn't you like to move?"

"Into what? This here is the best place I ever had. We got our own toilet and running water—they're indoors and just for us. I'm happy here. I'm treated good, especially the children."

Danny Thomas Boulevard connects two worlds, the South Memphis slum and St. Jude, which is at the opposite end of town. The hospital was built in fulfillment of a vow to the patron saint of the hopeless made in 1940 by a young man desperately struggling to break into show business. Many people helped entertainer Danny Thomas build the hospital that is the fulfillment of that vow.

St. Jude Children's Research Hospital opened its doors nearly 11 years ago as a research center for catastrophic childhood diseases, including leukemia and other forms of dystrophy. No fees are charged. Patients come from all over the country, but only on referral by their own doctors. To Danny Thomas, "St. Jude Hospital is what democracy is all about—caring for each other regardless of race or creed, not thinking of pay."

On my second day in Memphis, late in the afternoon, I am in the office of the hospital director, Dr. Pinkel. He is a barrel-chested man in his mid-40s, with blue eyes as inquisitive as a small boy's. He seems like an athlete eager to get back to the game. Despite his courtesy, it's clear that he doesn't enjoy talking to visiting journalists, just as it was clear in the clinic where we've already met that he very much enjoys children. He has nine of his own. After this one item of personal information is elicited from him, Dr. Pinkel takes over the interview, plunging into the subject of our meeting.

"Malnutrition is unconstitutional. It's also unethical and immoral.

"Every American child has a constitutional right to be adequately nourished. Life, liberty and the pursuit of happiness are impossible if you're stunted in infancy, physically and mentally. I don't understand why the American Civil Liberties Union doesn't take this up."

This is no radical firebrand talking, as I already know, but a rather conservative, churchgoing pillar of society with impeccable scientific credentials. Everything about Dr. Pinkel seems conventional except his rage against malnutrition and his battle to save the children.

"Adequate diet is more important than compulsory education. For if the brain cells don't develop in the first six months of life, they never will. And without enough brain cells you can't learn. If you're anemic, as almost all malnourished children are, you don't even have the energy to try. Some folks opposed free schools a hundred and fifty years ago. Today some folks oppose free food for children. Yet an infant's diet determines his life. Poor diet makes for poor people."

How widespread is malnutrition among preschool children?

"Nobody's ever taken a census. But if you consider the number of working poor and welfare families and add to that the unemployed, and allow a margin for poor eating habits in the middle class, you'd get a high estimate."

As high as a million?

"I'd say many millions. There's probably no community in America in which some children are not suffering from malnutrition. It's a disease, a widespread disease. We need state laws guaranteeing every child's

nutrition. There's enough inborn, genetic retardation about which nothing *can* be done. But the brain damage caused by poverty is preventable. All it takes is food. There are Federal standards for animal care, none for child care."

How did St. Jude get started on its nutrition program?

"We started by asking the community what was needed and then did a study. Once the facts were clear, we devised a method—food by prescription. We left initiative and control to the MAP-South people. They receive the food and distribute it and they maintain a constant alert for malnourished children. We provide the expertise—medical personnel, nurse practitioners, hospital facilities, medicine, vitamins, infant formula."

Can the Memphis program be duplicated elsewhere?

"Yes. And it should be. We've proved that nutritional needs of a low-income population can be defined and met—and at very low cost—if the community itself is enlisted from the start. Memphis isn't unique. Nor are the affluent immune to the effects of malnutrition, here or anywhere. Many middle-class people don't know the facts about good nutrition. Besides, no matter how far away you move from the source of infection, the economically comfortable family in East Memphis gets sick too, and often from a disease that began in the South Memphis slum. Poverty anywhere is a threat to everybody's children. The point is to go out into the community and do something there, where the trouble starts.

"We're dealing with a catastrophic disease. And as we've proved, it costs very little to save the body and mind of a child. Why, it's the bargain of the century! In human terms the social costs of malnutrition are devastating. They're cumulative. If nothing is done, your kids and mine will have to pay the bill."

Dr. Zee, whom I meet next, looks like a Dutchman—the lean, intense sort often seen in student cafés near the University of Amsterdam, from which Zee himself was graduated with an M.D. degree in 1954. He then came to the United States, acquired a Ph.D. in biochemistry, specialized in pediatrics and in 1963 became St. Jude's chief of nutrition.

Dr. Zee says that the big push for the nutrition program came after the assassination of the Reverend Dr. Martin Luther King, in 1968.

"We'd been working on the nutrition problem since 1964. But Dr. King's murder right here in our town was a kind of catalyst. People were in a state of shock. Then they said, 'Let's do something.' Med students volunteered. We went into the homes of the people—we were appalled by what we saw. And we started a clinic for poor families.

"Almost half the kids—forty-four percent—had vitamin A deficiency. That can be corrected—we *are* correcting it—for pennies a day. We began in a small way with whatever donated foods we could get. Then in 1969 the U.S. Department of Agriculture supplemental-food program enabled us to start a program for preschool children and for mothers who were nursing their babies. We still get donated food from time to time from private companies.

"Pregnant women began to concern us too, since brain damage can start before birth. We now have an arrangement with St. Joseph Hospital, about two hundred yards from here; they provide the facilities and we provide prenatal care, delivery of the babies and postnatal care.

"Children treated in early infancy do best," Dr. Zee continues. "Two- and three-year-olds, already stunted and debilitated by malnutrition, are difficult to treat and must often be hospitalized for a month or more. Half the indigent babies in the South Memphis area get Similac with iron, which means that anemia could be virtually eradicated in Memphis. It's ironic to be spending sometimes up to a hundred and fifty dollars a day on hospital care for a baby that has been damaged by a disease that can be prevented for a dollar fifty a week.

"It has been proved that with early treatment, two years' catch-up growth can be achieved in one year. But all indications are that if the children are not reached until after infancy, they will require help for five years or more to correct damage often caused by only brief periods of malnutrition. Infants respond rapidly to food; children over three do not.

"Let me show you some slides. You'll see what food can do."

I see and am condemned by what I see. Some of the slides could have been made in Biafra. Through some curious transposition, we who eat three meals a day have convinced the hungry that it's shameful to be poor in rich America. Now it's I who am ashamed.

Dr. Zee, misreading my silence, tries to explain to me how it feels to go hungry day after day.

"Believe me, malnutrition is an affliction. I know. It happened to me when I was twelve, in the Second World War, just before the Allied breakthrough at the Ardennes. We lived in Hoorn, north of Amsterdam. My father was a physician, the family well off. We had books, records—Shakespeare, Beethoven, all the classics. But none of us read or listened to music. We sat in gloom, apathy. All we could think of was food, how to steal or beg something to eat."

Dr. Zee abruptly changes the subject. Two years after the event, he is still incensed at the Department of Agriculture for removing peanut butter, scrambled-egg mix and dehydrated potatoes from the supplementary-food program. "That one act took out one third of the proteins and calories."

Peanut butter and scrambled-egg mix have since been restored, but from time to time other crucial foods, such as canned meat, canned vegetables and instant dry milk, disappear from the list.

The regional office of the USDA holds that such items can be purchased with food stamps.

Dr. Zee points out that many mothers can't buy the stamps because their husbands may earn a fraction more than is permitted to qualify for the program, or because they cannot afford to spend for the stamps the minimum number of cash dollars per member of the family required under the program. Many who *can* buy stamps don't know enough about nutrition to buy high-protein foods.

The doctor's argument for education in nutrition as well as for more free, nourishing food for the poor is persuasive, but unfortunately the U.S. Department of Agriculture food program was designed primarily not to feed the hungry but to remove farm surpluses and support farm prices.

The Administration itself has bluntly observed: "Their ['surplus foods'] primary thrust is to help balance the agricultural economy. . . ."

In contrast the U.S. Congress has given priority to nutritious food for infants, regardless of farm interests, and there is hope today that at least a beginning can be made to eliminate malnutrition in the children of the poor through projects similar to the St. Jude–MAP-South nutrition, experiment. This hope is contingent on new legislation, enacted last fall, which enables local health or welfare agencies and private nonprofit groups to provide food to needy pregnant and lactating women and to infants who are "nutritional risks."

The Department of Agriculture is in charge of the operation, but the new program is not limited to surplus foods. The emphasis rather is on *special* foods that, as defined by the Congressional act, contain "high-quality protein, iron, calcium, vitamin A and vitamin C." Perhaps with reference to such products as Similac, the bill also specifies that at the discretion of the Secretary of Agriculture the program will also include any commercially formulated preparation designed specifically for the nourishment of infants.

Twenty million dollars is authorized for this purpose for each of two years—the fiscal year ending June 30, 1973, and the one ending June 30, 1974. This clearly is insufficient to solve the national problem of malnutrition, which affects millions of our children, but it could be a beginning—the start of what might be a great experiment.

The Department of Agricultures lack of enthusiasm for this experiment, however, was made evident when by late January of 1973 it had failed to set up the necessary machinery for the special infant-feeling projects.

The success of the program authorized by Congress thus depends heavily on efforts by Americans to bring pressure on the Department of Agriculture; letters should be addressed to Secretary of Agriculture Earl L. Butz, urging an end to delays in feeding hungry children. Americans can also write to the President, their congressmen and senators in support of this special $20-million infant-food legislation, which has bipartisan support. Women can help directly by stimulating the creation of projects similar to the St. Jude–MAP-South effort in their own cities and towns.

If you want to help, send to your congressman for a copy of *Public Law 92–433.* Read Section 17, entitled "Special Supplemental Food Program." Contact your local health or welfare department or hospital, or other social agency, and urge it to help you begin a community rescue operation in your own town.

The legislative go-ahead from Congress is clear; citizen initiative and support can move that act into action. Successful feeding programs this year and next could be the basis for an ongoing national effort to give every baby in the nation a healthful diet.

What a way to celebrate America's upcoming 200th anniversary!

(Editors' Note: Names of families on the nutrition program have been changed to protect their privacy.)

A MESSAGE FROM DANNY THOMAS

Malnutrition is not confined to any one section of the country or to any particular group of people. It is a national problem and a common one. The St. Jude-MAP-South nutrition program is a working model that can be adopted by any community in the country willing to use existing facilities to save its children from the disability and death caused by malnutrition. Requests for information on setting up such a program may be sent to St. Jude Children's Research Hospital, Dept. RB, P.O. Box 318, Memphis, Tennessee 38101. Contributions to St. Jude for its battle aaginst malnutrition and other catastrophic childhood diseases may be sent to the same address, checks made payable to St. Jude Children's Research Hospital.

RESOLUTIONS ADOPTED BY THE PACIFIC NORTHWEST WATERWAYS ASSOCIATION BOARD OF DIRECTORS

Mr. STEVENS. Mr. President, at its meeting on March 29, 1973, the Pacific Northwest Waterways Association board of directors adopted two resolutions which I would like to call to the attention of my colleagues and the general public. The first stressed the need for the immediate building of the trans-

Alaska pipeline and requested Congress to pass legislation soon.

The second urged the study of timber resources in the Pacific Northwest including the use, harvesting, and marketing thereof. It also indicated the undesirability of a total ban on log exports in the Pacific Northwest.

Both of these resolutions mirror the feelings of Alaska. Both of these issues are of extreme importance to our State.

I request unanimous consent that both resolutions be printed in the RECORD.

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

BOARD RESOLUTION NO. I

TRANS-ALASKA PIPELINE

The United States of America is confronted with a grave energy shortage which theatens the security and economic well-being of its citizens.

The reserves of oil and gas on the North Slope of Alaska, those already proven and those which remain to be discovered, can most substantially alleviate the Nation's energy shortage.

Those reserves can most quickly and economically be brought to productive use for the Nation by the proposed Trans-Alaska Pipeline which, after intense and thorough study, has been approved by the United States Secretary of the Interior as environmentally acceptable and superior to other alternative means of transporting those reserves to domestic markets.

The Trans-Alaska Pipeline System will materially stimulate the economy of the Pacific Northwest and will provide needed economic benefits to the entire Nation in the form of reduction of balance of payments deficits, improvement in our Nation's merchant fleet and otherwise.

The Pacific Northwest Waterways Association urges the Government of the United States, and all of its branches, to take all steps necessary to immediately authorize construction and operation of the Trans-Alaska Pipeline System as approved by the Secretary of Interior, including enactment by the Congress of the United States of such legislation as may be needed to enable the System to be efficiently and expeditiously constructed, operated and maintained.

BOARD RESOLUTION NO. II

USE OF PACIFIC NORTHWEST TIMBER RESOURCES

The Pacific Northwest Waterways Association is fully cognizant of the diverse economic and environmental factors involved in the harvesting, marketing and use of the timber resources of the region.

These resources play a significant role in both domestic and export markets.

The Association believes that decision which involves a long-range commitment for the use of this, or any other, resource should be made only after careful study and consideration of all factors and alternatives.

The Pacific Northwest Waterways Association does not feel that a total ban on log exports is in the best interests of the region at this time.

The Association urges the Administration and Congress to authorize Federal agencies to conduct necessary studies and institute necessary management practices to resolve this problem and to make available funds to achieve these ends as expeditiously as possible.

TRIBUTE TO A. PHILIP RANDOLPH

Mr. JACKSON. Mr. President, on April 15, A. Philip Randolph, one of the great figures of the 20th century, celebrated his 84th birthday. This is not only an occasion to honor him, but also an opportunity to reflect on the meaning of his accomplishments.

The six decades that he has dedicated to bettering America should teach us that social change cannot come in a single stroke, but must grow out of hard work and constant struggle. Indeed, it took Mr. Randolph almost a dozen years to organize the Brotherhood of Sleeping Car Porters. There were many times that he might have quit, but he refused to give up. There were many times that he might have abandoned his faith in democracy, but he remained steadfast. And once this great union was organized, he might have sat back and let others carry on the struggle for social justice, but he persisted.

He led the campaign to integrate the defense plants during World War II; he led the successful struggle to integrate the Armed Forces—in close alliance with another fighter, Harry S Truman. Fifteen years later, he was still in the forefront—as the leader of the historic "March on Washington" in 1963. Since then, he has continued the fight to remove the last vestiges of discrimination from the labor movement.

Mr. Randolph has done much for America, for he has moved us to the fulfillment of our highest ideals. But his career also teaches us that true humanitarian concern cannot be confined merely to one's own people or society. His leadership in obtaining racial justice in America did not blind him to the threat of fascism in Europe for he spoke out forcefully against the isolationism of the 1930's. His leadership in obtaining economic justice in America has not blinded him to the threat of totalitarianism of the left, for he has not been swayed by the winds of fad and fashion.

A. Philip Randolph has found the proper balance between concern for one's own people and concern for people around the world. He once said—

Salvation for a race, nation, or class must come from within. Freedom is never granted; it is won. Justice is never given; it is exacted. Freedom and justice must be struggled for by the oppressed of all lands and races, and the struggle must be continuous. . . .

Mr. President, even today we still hear voices which preach racial division at home while other voices urge us to turn our back on those struggling for individual liberty abroad. But the career of A. Philip Randolph is the most eloquent of rebuttals. And he has inspired a whole new generation to press on toward a free and just world.

All Americans should be grateful for his long career of service to mankind, and I know that they join me in paying tribute on the occasion of his birthday.

PROPOSED SELECT COMMITTEE TO STUDY JURISDICTION OF COMMITTEES

Mr. MATHIAS. Mr. President, I am pleased to sponsor, with my colleague Senator BROCK, a resolution for a temporary select committee to conduct a comprehensive study of the jurisdiction of committees in the Senate.

The House of Representatives has recently authorized a similar committee with Congressmen RICHARD BOLLING and DAVE MARTIN serving as cochairmen. Our committee would be patterned after theirs, with authority to examine a whole range of committee matters—the number of committees and subcommittees, their rules and procedures, their size, the breadth of their jurisdiction, whether they are open to media coverage, the staffing, space, equipment, and even the appointment of Senate conferees. Ten Members of the Senate would sit on the committee, five from the majority and five from the minority party. A budget of $1,500,000 would match the House appropriation and would be shared equally by the members of both parties. The committee's duration would be limited to the remainder of this Congress.

Just as the prestige of the Congress is inextricably linked to how effective an institution it is, so, when public support for the legislative branch falls to a low of 26 percent, the preeminence accorded Congress in the Constitution is clearly diminished as well. No concern of mine is greater than restoring this body to its constitutional equality. Perhaps the biggest stumbling block to achieving a Government capable of winning the respect and faith of the people is our inability to establish wise policy priorities and see that they are carried out.

The committee structure no longer matches congressional needs, and we all feel the frustration of the present system in different ways. When William Ruckelshaus, the Administrator of the Environmental Protection Agency, comes to Congress to talk about the environment, it is not a simple matter. Depending upon the subject at hand, he could appear before as many as three committees. If the subject is solid wastes and how they are generated, it is handled by a subcommittee of Commerce; if the subject is the disposition of solid wastes, it is handled by a Public Works Subcommittee; and still other matters are handled by the Interior Committee.

If Henry Kissinger is invited to the Hill, the situation is similar. His remarks might be appropriate for the Senate Foreign Relations Committee but they might also be suitable for Armed Services or Appropriations. We have no committee which considers our national security policy as a whole.

While we have a Joint Committee on Atomic Energy, there is no single committee to consider all our energy needs. There are no committees to match President Nixon's proposed Departments of Human Resources, Natural Resources, or Community Development. No wonder that Presidential assistants, executive officials, and the public as a whole view Congress as an unending maze of separate and isolated fiefdoms. While a few of us delight in accepting the challenge of finding a path through the maze, most Americans have decided they have better things to do than pay attention to such games.

The dominant message of the ad hoc reform hearings which I held along with Senator STEVENSON last December is that the public is fed up with an ineffective, archaic government which cannot respond efficiently to the will of the electorate. Among the laundry list of reform proposals that were offered, none was more important than the proposal that we examine our own ability to determine sound national policy and oversee the executive branch.

The healthy reform spirit I sensed at the start of this Congress has begun to be dissipated as we have all become enmeshed in our individual responsibilities. Our resolution would refocus the Senate upon its most important collective task—restoring the effectiveness of our branch of Government.

As Abraham Lincoln said more than a hundred years ago about another Congress—

> Fellow-citizens, we cannot escape history. We of this Congress and this administration will be remembered in spite of ourselves. No personal significance or insignificance can spare one or another of us. The fiery trial through which we pass will light us down, in honor or dishonor, to the last generation.

Our proposal for a select committee to review the structure of committees represents something of a "fiery trial" through which this Congress must pass in order to reclaim the honor of the legislative branch. I have confidence that this path will reaffirm the wisdom of our Founding Fathers in writing a Constitution that sets forth three equally powerful branch within our democracy.

THE PROPOSED CLOSING OF NAVAL FACILITIES IN RHODE ISLAND

Mr. PELL. Mr. President, I am absolutely outraged at the decision announced by the Secretary of Defense today to close two major naval facilities in Rhode Island.

This move will have a brutal effect on many, many citizens of my State. According to the Pentagon figures, there will be more than 4,500 civilians—men and women who have given years of their lives to hard and conscientious work for the Navy—who will be put out of work. This is shameful.

The closing of the Quonset Point Naval Air Station and Naval Air Rework Facility and the departure of the Cruiser-Destroyer Force-Atlantic from the Newport Navy Base will not only hurt the people of Rhode Island. These moves will also weaken our national security and cost our taxpayers money.

I say this, Mr. President, on the basis of detailed studies which I have had prepared by the General Accounting Office. On several occasions I have called these figures to the attention of Department of Defense officials, including the Secretary of Defense, and never once have they refuted the figures.

The lack of a refutation indicates to me that neither strategic nor economic considerations played a role in the decision to close these facilities.

From a strategic standpoint, these figures show that the round trip from Norfolk to Gibraltar, at an average steaming speed of 16 knots, takes 26 more hours than the round trip from Newport to Gibraltar. The round trip from Charleston to Gibraltar takes 50 more hours than the round trip from Newport and the round trip from Mayport takes 76 more hours than that from Newport.

Similarly, when the destination is the Norwegian Sea, it takes 32 more hours from Norfolk, 58 more hours from Charleston and 82 more hours from Mayport—all in comparison with the round trip from Newport.

From an economic standpoint, the increased costs of moving our ships from these other ports to the duty stations is substantial. Not counting the salaries of the crews or the depreciation of the vessels, the actual operating costs of fuel and maintenance for a CVS–11 ASW aircraft carrier is $2,070 per steaming hour and for a destroyer—DD Fram 1—is $61 per steaming hour.

This means that a round trip from Norfolk to Gibraltar for an aircraft carrier costs $53,820 more than such a trip from Newport. A round trip from Charleston to Gibraltar costs $120,060 more than from Newport and a round trip from Mayport to Gibraltar costs $157,320 more than from Newport.

When the destination is the Norwegian Sea, the round trip from Norfolk costs $66,240 more than from Newport; the round trip from Charleston costs $120,060 more than from Newport; and the round trip from Mayport costs $169,740 more than from Newport.

For the destroyer sailing to Gibraltar, the round trip from Norfolk costs $1,586 more than from Newport; the round trip from Charleston costs $3,538 more than from Newport; and the round trip from Mayport costs $4,636 more than from Newport.

When the destroyer's destination is the Norwegian Sea, the round trip from Norfolk costs $1,952 more than from Newport; the round trip from Charleston costs $3,538 more than from Newport; and the round trip from Mayport costs $5,002 more than from Newport.

I have also had a special study done by the General Accounting Office on the performance of the Naval Air Rework Facility, another vital facility that the Defense Department plans to close. This closing would result in the loss of almost 4,000 civilian jobs in Rhode Island.

The GAO study confirms my long-held belief that the traditions of efficiency and quality at the Quonset NARF are of the highest order.

The GAO figures indicate that, among all the NARFs on the east coast, Quonset has the best ratio of actual man hours and production man hours in contrast to DOD allocated hours for work assignments.

These figures demonstrate that neither strategy nor economy guided the administration in its decision to close these facilities. Therefore I must conclude that either prejudice against our section of the country or whim must have guided this decision.

This decision was just plain wrong and the manner in which it was arrived at is also wrong. I simply do not see how it can be justified.

Another frustrating aspect of this wrong decision is that our more than 2,000 bases and facilities abroad, each of them a potential hostage in case of hostilities and a further prod to military involvement in other nations, are left untouched and unscathed by these base closings.

I believe it is far better that the resources of these bases and facilities benefit our own people and not the foreign countries around the world.

JOHN F. STEVENS: ENGINEERING GIANT AND CREATIVE GENIUS OF THE PANAMA CANAL

Mr. THURMOND. Mr. President, one of the truly towering figures in the history of the Panama Canal was John Frank Stevens—1853–1943—of West Gardiner, Me., who was Chief Engineer—1905–1907—of the Isthmian Canal Commission that supervised the construction of the Canal. For his creative work in its design and in organizing the forces for its construction, and bringing the project to the point where success was assured, President Theodore Roosevelt in 1907, in spite of the resignation of Stevens, appointed him as the first official to hold the combined positions of Chairman and Chief Engineer of that commission.

The 1972 annual meeting of the Panama Canal Society of Washington, D.C., held on October 21 at the highly respected Cosmos Club in the capital city of our country, was in honor of former Chairman and Chief Engineer Stevens and in recognition of the 102d birthday of the late Governor of the Canal Zone—1910–1913—and Congressman—1923–1933—Maurice H. Thatcher who, for many years until his death on January 6, 1973, was the sole surviving member of the Isthmian Canal Commission—1910–1913.

In a very real sense Governor Thatcher after leaving Canal service never lost his interest in the Isthmian land and its people, but constantly labored for their well-being. In so doing he served as the connecting link between the builders of the Canal and those who will modernize it. In recognition of his many services, the Congress in 1961 designated the great bridge across the Pacific entrance of the Canal at Balboa as the Thatcher Ferry Bridge.

Featured on the Society's October 21 program was an eloquent tribute in verse by Governor Thatcher to Stevens, which I now quote:

> Amongst all those whose labors cleft the land
> To blend, as one, the seas at Panama—
> There was none greater than John Stevens; and
> The passing years bear witness. He foresaw—
> More clearly than the others had foreseen—
> The value of the plan for lock and lake,
> And let Authority—in doubt between
> Diverse designs—the wiser choice to make.
> Possessed of genius rare, with skills supreme
> And ripened knowledge gained from ventures vast—
> He shaped the molds to vitalize the Dream
> Which has so long persisted in the Past.
> His all he gave to serve the Isthmian task;
> What more could men demand, or duty ask?

The meeting was truly of superior character—expertly planned and effec-

tively executed. The principal speakers were Neal Fitzsimons, C.E., historian of the American Society of Civil Engineers, and Vice Adm. T. G. W. Settle, a distinguished naval officer and student of canal problems. The invocation was by Capt. Gerald H. Sargent, Chaplain Corps, U.S. Navy, personnel officer, Chaplain's Division, Navy Department.

Interesting features of the program were a fine musical prelude by the U.S. Air Force Ceremonial Band with Lt. James M. Danielsen conducting, a series of still pictures of the canal shown by Vice Admiral Settle in the course of his response to the principal speaker, films showing a rapid transit of the canal and the transit of the *Tokyo Bay*, the largest vessel ever to cross the isthmus—950 feet long and 105 feet 10 inches wide—and the introduction of two senior members of the society who had participated in the canal's construction.

Among the distinguished guests were the following:

Hon. John H. Reed, former Governor of Maine, and Mrs. Reed:

John F. Stevens III and his son, Donald H. Stevens, grandson and great grandson, respectively, of former Chief Engineer Stevens;

Rear Adm. Calvin B. Galloway (M.C.), U.S. Navy, Retired, president of the Gorgas Memorial Institute of Tropical and Preventive Medicine, and Mrs. Galloway;

Herman H. Dinsmore, former foreign affairs editor, New York Times;

Maj. Gen. Thomas A. Lane, U.S. Army, Retired, eminent military strategist and author;

Jon P. Speller, author of the recent book, "The Panama Canal: Heart of America's Security."

The society, largely composed of persons knowledgeable of Canal history and problems, adopted at this meeting a resolution summarizing the contributions of Stevens for the Panama Canal and supporting his election to the Hall of Fame for Great Americans at New York University.

The officers of the Society are: Capt. Miles P. DuVal, Jr., U.S. Navy, retired, president; Maj. Gen. Charles G. Holle, U.S. Army, retired, vice president; and Prof. Richard B. O'Keeffe of George Mason University, secretary and treasurer.

In order that a suitable account of the proceedings of the 1972 meeting of the Panama Canal Society of Washington, D.C., may be available to the Congress and the Nation at large, I ask unanimous consent for its principal parts, including the previously indicated resolution, be printed in the RECORD at the conclusion of my remarks.

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

INVOCATION BY CAPT. GERALD H. SARGENT

Eternal God, who has given us this great land as our heritage, grant us Your blessings as we gather for this annual meeting of the Panama Canal Society of Washington, D.C. Increase our gratitude, O Lord, for John F. Stevens whom we honor today—for his service to mankind and his great influences for good that have made this world richer because of his presence. We thank Thee, Our Father, for the visions of all the farsighted men whom we remember and recognize in our meeting this day. We are grateful for the courage and strength of these heroic men who dared to set aside the concepts of the past and who boldly took daring and noble steps into the future. Awaken anew our spirit of thanksgiving for the devotion to duty, the valor and the sacrifice demonstrated by their accomplishment. We pray that from the inspiration of the past and of this present hour, we may go forth this day with renewed zeal, to ever greater service to the world, to our nation and to Thee.

And now, O Lord, we ask that You will bless this food to our use and each one of us to Your service. This we ask in Your name. Amen.

PROLOG

(By Capt. Miles P. DuVal, Jr.)

Fellow Members of the Panama Canal Society, Distinguished Guests, Ladies and Gentlemen:

The program today is the third in a series of our revitalized society. The first, on August 15, 1970, was on the occasion of the 56th anniversary of the opening of the Panama Canal and the 100th birthday of the Honorable Maurice H. Thatcher when our society paid its highest tribute to its most venerable member, the sole survivor of the Isthmian Canal Commission that supervised the construction of the great waterway. That day was also the date of completion of the widening of Gaillard Cut from 300 feet to 500 feet, an important part of canal modernization started in 1959 and costing about $95,000,000.

In the second of the series, on October 16, 1971, our society honored all the builders, operators and defenders of the Canal and recognized the 101st birthday of Governor Thatcher in another notable program dealing with the crucial questions of the future canal.

The significant parts of these two programs were published in the Congressional Records September 9, 1970, and October 27, 1971, respectively, and are thus available in the principal libraries of the nation.

Our program today honors the memory of one of the towering figures in Panama Canal history—John F. Stevens, the first Chairman and Chief Engineer of the Isthmian Canal Commission. It also recognizes the 102nd birthday of Governor Thatcher, which was spent quietly at his residence in Washington.

Although unable to attend this gathering, he did dictate a message that he wished to be read. I now call upon our Secretary, Professor Richard B. O'Keeffe to read it.

REMARKS OF HON. MAURICE H. THATCHER

(Read by Professor O'Keeffe)

Mr. President, Fellow Members of the Society and Distinguished Guests:

I hardly feel equal to the effort of attending this meeting of the society. Notwithstanding which I would like to write a few words in behalf of its purpose to honor the late John F. Stevens by supporting his election to the Hall of Fame for Great Americans. This is an honor for which he is eminently worthy.

As to the future of the society, I wish to commend its enduring existence under its revitalized constitution. It is discharging a great duty with respect to the most outstanding waterway of the world.

I assure you that I deeply appreciate the honors that the society has bestowed upon me in the course of the years.

REMARKS OF BRIG. GEN. VOGEL INTRODUCING NEAL FITZSIMONS

Mr. President, Fellow Members of the Society, Ladies and Gentlemen:

The subject of our program today is indeed a challenging one. Because of that it is only natural to ask what are the qualifications of our speaker to address us on this special occasion.

After serving in the Army during World War II, he, like many other veterans whose education had been interrupted, returned to Cornell University and graduated in 1950 in civil engineering shortly before the outbreak of the Korean War.

Commissioned in the Corps of Engineers as a lieutenant, he specialized in technical intelligence which involved studies of enemy transportation networks, power systems and terrain analysis.

After demobilization, he resumed his civil engineering profession, first in teaching and then in the fields of planning, design and construction on projects in the United States, Africa and Southeast Asia. Later he joined the Department of Defense where he was concerned with protection from nuclear weapons effects. He is now the Director of that Department's System Evaluation Division in the Defense Civil Preparedness Agency.

In addition to his regular duties, which have included extensive travel in various parts of the world affording an opportunity to observe land, sea and air transportation systems, he has developed a deep interest in the study of engineering history; written and edited many articles and books on that subject; and has lectured extensively before professional groups here and abroad.

At present, he is chairman of the Committee on History of the American Society of Civil Engineers and of the Committee on the Bi-Centennial of the Engineers' Joint Council, consultant for the *Encyclopedia Britannica* and contributor to the *Dictionary of American Biography*.

For the last, he is the author in its *Supplement Three* of the first biographical sketch in a general reference work of the great civil engineer whom we honor today.

Because of this background, when the John F. Stevens Hall of Fame Committee was organized, our speaker was a natural choice for appointment as one of its historical consultants and is eminently qualified for his present task.

It is my privilege to present Mr. Neal FitzSimons, who will address us on the subject of "John F. Stevens: Engineering and Leadership."

ADDRESS BY NEAL FITZSIMONS, F.A.S.C.E., JOHN FRANK STEVENS: ENGINEERING AND LEADERSHIP

Mr. President, Members of the Panama Canal Society and Distinguished Guests:

A few days ago, the Board of Direction of The American Society of Civil Engineers passed the following resolution:

Whereas, John Frank Stevens, Past President of the American Society of Civil Engineers achieved eminence in the profession of Civil Engineering through his life-long devotion to the planning, design, construction and operation of American railroads and,

Whereas, through his courageous explorations, the first major rail link to the Northwest became a reality and,

Whereas, through his dynamic leadership and engineering skill, the unsuccessful methods to build the Panama Canal were changed into efficient engineering construction procedures thus saving the Canal project from failure and,

Whereas, through his strength of character and managerial skill, he created order from the chaos of the Far Eastern Railroad system; accomplishing this at the request of the United States government although it required great personal sacrifice;

Now be it therefore resolved, that the American Society of Civil Engineers wholeheartedly support the election of John Frank Stevens to the Hall of Fame for Great Americans.

It is my privilege today to talk to you about him.

John Frank Stevens was a Classical American Hero. The kind of man that other men were proud to know. The kind of man that younger men aspired to be. The kind of man that needed America and the kind of a man that America needed.

His early years were spent in a small town in Maine. Too young to serve in the Civil War, he was only about ten years old at the time, Stevens received only a "common school" education and began a teaching career. But restless in mind and body he

quit the school house to work on local engineering projects.

The bottom rung of a professional ladder can be the top rung of a man's career if he allows himself to become intellectually drowsy. Stevens did not. "Work and study has always been my unromantic slogan . . . the man who continually strives to make himself more capable [makes it] difficult for opportunity to ignore him." So said John Stevens in 1925.

But opportunity did not seek out Stevens. In 1872 he had decided that Civil Engineering was to be his profession and he entered it as a "stake pounder". Despite hard work and assiduous study, he remained at this level for seven tedious years. His first break occurred when he was hired by the Denver and Rio Grande Railroad and given the opportunity to learn the art of railway location. He practiced this art in New Mexico and Iowa and learned it well.

The Canadian Pacific Railroad hired Stevens in 1882. This was a private venture which had obligated itself to the Canadian Government to complete the linkage to the Pacific before the end of 1890 or lose its contract. With men like Stevens, they blasted their way through the Rockies in record time and finished the job in 1885, five years ahead of schedule. Stevens himself was everywhere; at the railhead supervising construction or 50 miles ahead in the wilderness deciding on location, with an ax in one hand and his other focusing his transit.

His big opportunity did not come until he was 36 years old; this was his meeting with the aggressively enterprising James J. Hill. The business world had scoffed at Hill's plan to cross the Rockies *and* the Cascades by a railroad which would open up the Pacific Northwest to the East. Encouraged by the Canadian Pacific success, but without federal subsidy he launched the project. Stevens became a key man on Hill's staff and he received the rail mogul's lifelong gratitude by his courageous exploration for the route's location. Today a hero-size statue of Stevens at Marias Pass in the Rockies commemorates his services to the Great Northern Railroad, in particular, his discovery of the Pass for the location of the rail line on December 11, 1889.

Although always an engineer first, Stevens' ability as an executive raised him to high levels of management in several major railroad companies. By 1905 his reputation was world-wide and he had agreed to take over the responsibilities for developing the railroad network of the recently acquired Philippines. Fate decided otherwise.

President Theodore Roosevelt, through the "silver-tongued" go-between William Nelson Cromwell, approached Stevens and persuaded him to undertake the technical stewardship of America's greatest construction project, the Panama Canal. On June 28, 1905 Stevens agreed to accept the responsibility, and after receiving personal assurances from the President that he would be unfettered by Washington red tape, he set out for the Isthmus. Arriving there on July 26th Stevens found that "nobody was working but the ants and the typists." He also observed that "there are three diseases in Panama, yellow fever, malaria and cold feet; and the greatest of these is cold feet!" With the able Gorgas taking care of the first two diseases, Stevens took care of the "cold feet."

Instead of yielding to the public clamor to "get the dirt flying", he realized that much more preparation was necessary so his energies were first directed to providing better living conditions for the workers, repairing the decrepit Panama Railroad, then over fifty years old and in reorganizing the enervated operations. This did not take long and soon an inspired army of workers were removing earth from jungle floor at the rate of a million cubic yards (1.2 million tons) a month. Later the system that Stevens designed and built was excavating and disposing four times this amount. Using his great skill in railroad construction and operation he developed a 24-hour a day scheme to have the huge steam shovels food the soil from the slopes into a never ending stream of hopper cars which carried away the spoil, dumped it and returned for more. This required perfect operational planning and precise timing, but "Big Smoke" Stevens achieved his goal of putting the canal construction on a solid schedule. But he did even more. At the time he joined the work, the final plans were not complete and most engineers, including Stevens thought a sea level canal would be the best solution. However, after reconsidering the matter he confidently joined the minority that were persuaded a canal with locks would be superior. Assuming leadership in the controversy, he soon convinced the President and then the Congress. On June 29, 1906 the lock alternative was approved by Congress. The greatest obstacles to the canal's successful completion were overcome and Stevens began making his plans to return to the United States. Roosevelt appointed him chairman of the Isthmian Canal Commission on March 4, 1907, but "Big Smoke" had made up his mind to leave—his resignation was accepted on April 1st. He turned over the job to the great army engineer, Major George W. Goethals who was to complete the project and officially open the canal on August 15, 1914. And so it was Goethals whose name is so closely associated with the Panama Canal. It was also Goethals who "insisted that two men, Theodore Roosevelt and John F. Stevens, had far more to do with the successful building of the canal than he."

Stevens returned to private enterprise and later rejoined his early benefactor Hill on a new railroad in the Northwest. He established himself as a consulting engineer in 1911, but in 1917 President Wilson called upon him to chair the United States Railway Commission to Russia. During the next turbulent six years he became the symbol of stability in the chaos of revolution and until 1923 managed a network of railroads that extend from the Pacific to the heart of Russia.

Although then 70 years old the indefatigable Stevens was to continue his consulting services for many years, but his last major project was a study of the New Cascade Tunnel at Stevens Pass which was completed in 1928.

The great engineer and leader of men passed away at his home in Southern Pines, North Carolina at the age of ninety.

Throughout his long and eventful life, he was constantly striving to improve himself until his technical abilities were unsurpassed. But he always maintained a strong human bond with his engineers and "construction stiffs"; and his leadership was strictly by example—no facade, no public relations man was ever needed by "Big Smoke". Never bound to the office, he went into the field or onto the construction site as often as possible, because he had to see for himself and talk to the men to find out what was happening. He inspired them and they knew they would always get a square deal from him.

The great works of John Frank Stevens still serve us today; the Panama Canal and mile after mile of railroads with their magnificent bridges and tunnels. But perhaps his life itself is another great work which should be recognized for the rich legacy it has left us in American Engineering and Leadership.

RESPONSE BY VICE ADMIRAL SETTLE—JOHN F. STEVENS: CREATIVE GENIUS OF THE PANAMA CANAL

Mr. President, members of the Panama Canal Society and guests:

In the course of a long naval career, it has been my privilege to have crossed certain paths trod by John F. Stevens many times and to have observed some of the notable contributions of this great engineering leader. The address that you have just heard is superb. There is little that can be added but I do wish to stress that with the passage of the years the major achievements of Stevens have now come into historical focus. This is particularly true as to his work for the Panama Canal, which is increasingly regarded as his greatest monument.

At this point I shall show a few slides that will enable a better understanding of what will be said later in my remarks.

As those of you who attended the society's annual meeting in 1971 may recall, the Congress of the United States now has under consideration the weighty question of the future Panama Canal. However, few know about the vital role that Stevens played in 1905 and 1906 in laying the foundation for much of the current debate on canal modernization.

Being an operationally minded railroad official as well as an experienced engineer, Stevens thought in terms of the vessels that would transit the canal and sought the canal plan that would be best for operations as well as for engineering. Recognizing the navigational superiority of a canal formed largely by fair sized lakes in preference to that provided in plans that he had inherited from his predecessors.

He interpreted the topography of the Isthmus from the viewpoint of the Mariner and relocated the Atlantic locks at Gatun as close to the seas as configuration of the land permitted. Because of the more complicated terrain on the Pacific side of the Continental Divide, the problem there was more difficult. The full plan of Stevens called for placing all the Pacific locks in consolidated structures just south of Maraflores near a hill called Aqula Dulce duplicating the layout at Gatun instead of separating those locks as was called for in the approved plans; and he so recommended in January 1906 in testimony to the Congress. This plan, had it been carried out, would have created a summit-level terminal lake in the Pacific end of the canal to match the arrangement at Gatun. Moreover, he recognized that such plan would have provided not only the best canal for engineering but also best for navigation.

In mid summer of 1906 he prepared a draft report making formal recommendations for the necessary changes in the approved plans for the Pacific locks. Unfortunately, that was at a time when opponents of any canal at all the advocates of a canal of sea level design were poised ready to seize upon any change in the approved plans as evidence of weakness in the plans developed by Stevens.

Though the plan for consolidating the Pacific locks was approved by Chief Engineer Stevens on August 3, 1906, his foundation explorations for the locks proved unsatisfactory and he feared to jeopardize the project by further delay. Twenty days later, on August 23, still confident that the Pacific lock subject would come up again, he marked the draft "void," wrote on it "not to be destroyed but kept in this office," and started construction under the previously approved plan that divided the Pacific locks into two sets separated by a small intermediate level Miraflores lake, which plan he did not personally favor.

As foreseen by Stevens, the Pacific lock location plan did come up again. In 1908, Colonel William L. Sibert endeavored to bring about a change in the approved plans that would have consolidated all Pacific locks to conform to the Stevens plan. Because such modification would have caused a delay in opening the canal, Sibert was not successful and the canal was built with two sets of Pacific locks. In 1943, as the result of World War II experience, there was developed in the Panama Canal Organization the first comprehensive plan for the major increase of capacity and operational improvement of the canal as derived from marine requirements. As stated last year by Senator Strom Thurmond and Representative Daniel J. Flood, who are authorities on the canal sub-

ject, they introduced legislation for major canal modernization in both the Senate and House. The plan contemplated in the pending measures is almost identical with that recommended in 1906 by Stevens. It is known as the Terminal Lake-Third Locks Plan and has strong professional support as offering the best solution when the canal problem is evaluated from all consequential angles.

It is historically significant to a unique degree that, on February 19, 1906, in his message to the Congress recommending the construction of the lock type of canal at Panama, President Theodore Roosevelt described Chief Engineer Stevens as the one "who will be mainly responsible for the success of this mighty engineering feat." More than 50 years of efficient operation of the Panama Canal constructed according to the Stevens plan establish not only the wisdom of the original decision but also marks Stevens as an engineering giant whose work at Panama has been of immeasurable benefit to mankind and has won him great fame as the creative genius of the Panama Canal.

CONCLUDING REMARKS

(By Captain DuVal)

Members of the Society and Guests:

The films that you have just seen of the Panama Canal and the *Tokyo Bay*, dramatize better than any words of mine the magnitude of the vision of Theodore Roosevelt, John F. Stevens and of those who followed them, completed the great waterway and have kept it operating.

Two eminent leaders in Panama Canal history have been elected to the Hall of Fame for Great Americans: Theodore Roosevelt and William Crawford Gorgas. The time has come to choose the third—former Chief Engineer Stevens.

To sponsor his election in 1973, the John F. Stevens Hall of Fame Committee of which the National Chairman is John M. Budd, former President of the Great Northern and now Chairman of Finance of the Burlington Northern, is already campaigning for the enshrinement of Stevens with other American greats.

For those seeking information on Stevens, attention is invited to the major article in the June 1971 issue of *American Heritage* by David G. McCullough under this striking title, "A Man, A Plan, A Canal, Panama!"

PANAMA CANAL SOCIETY OF WASHINGTON,
Fairfax, Va.

RESOLUTION ADOPTED BY THE PANAMA CANAL SOCIETY OF WASHINGTON, D.C., AT ITS ANNUAL MEETING IN THE JOHN WESLEY POWELL AUDITORIUM OF THE COSMOS CLUB OCTOBER 21, 1972—JOHN FRANK STEVENS: BASIC ARCHITECT OF THE PANAMA CANAL

Whereas, the Panama Canal Society of Washington, D.C., is composed of persons in the metropolitan area of the District of Columbia with special knowledge of the construction, maintenance, operation, sanitation civil protection and military defense of the Panama Canal; and

Whereas, the late John Frank Stevens of West Gardiner, Maine (1853–1943), renowned railroad builder, served with great distinction as Chief Engineer of the Isthmian Canal Commission during the planning and organizational period of the Panama Canal (1905–1907); and

Whereas, the history of the project shows that Chief Engineer Stevens made the following contributions:

(1) Rescued the project in 1905 from chaos and defeat;

(2) Supported Colonel William Crawford Gorgas in the vital work of health and sanitation on the Isthmus;

(3) Planned the railroad transportation system for disposal of excavated earth and rock;

(4) Purchased the major part of the plant necessary for canal construction;

(5) Planned the existing high level lake and lock type canal with Atlantic locks at Gatun and was mainly responsible for the great decision by President Theodore Roosevelt and the Congress for its adoption;

(6) Organized the engineering forces for the design and construction of the Panama Canal and led the work until success was demonstrated, with full acceptance of both canal plan and organization; and

Whereas, President Theodore Roosevelt in 1907, after the resignation of Stevens, in recognition of his tremendous contributions to the Canal Zone and Canal, appointed him as the first official to hold the combined offices of Chairman and Chief Engineer of the Isthmian Canal Commission; and

Whereas, Chief Engineer Stevens was recognized by President Roosevelt in his February 19, 1906, message to the Congress as the one "mainly responsible for the success of this mighty engineering feat" and has been subsequently acclaimed by authoritative scholars and recognized in the Canal Zone as the "basic architect of the Panama Canal;" and

Whereas, Stevens' contributions at Panama have been accurately memorialized in a mural painting by William Andrew Mackay in the Roosevelt Memorial Hall of the American Museum of Natural History of New York showing Stevens giving the plans for the Panama Canal to President Roosevelt; and

Whereas, in 1962 the United States Government named the principal traffic circle in Balboa as the Stevens Circle and erected thereon a monument with the following inscription that includes a tribute by the successor of Stevens under whom construction was completed and the great waterway launched into the era of operations:

John F. Stevens 1853–1943, Isthmian Canal Commission, Chairman, Chief Engineer 1905–1907, "The Canal Is His Monument"—Goethals

Be it, therefore, Resolved, That the Panama Canal Society of Washington, D.C., because of the fundamental nature of the contributions of John Frank Stevens in the design of the Panama Canal, the procurement of the necessary plant, the organization of the forces for construction, and its later successful completion and operation, recommends him as eminently worthy for memorialization in the Hall of Fame for Great Americans at New York University and respectfully urges that he receive that great distinction.

RICHARD B. O'KEEFFE, *Secretary.*

AN INSPIRING SPEECH BY A GREAT AMERICAN — CAPT. JEREMIAH DENTON

Mr. HELMS. Mr. President, recently a great American made a most inspiring speech in my State. Capt. Jeremiah A. Denton, Jr., U.S. Navy, a returning prisoner of war, addressed a Founder's Day audience of more than 5,000 people at Elon College.

Mr. President, this patriot on this occasion again said some things worthy of note by every American.

As evidenced by his moving remarks when he was the first POW to step from the plane at Clark Air Force Base, Captain Denton's gift of expression is exceeded only by his dedication to God and to his country.

He was a prisoner for 7 years and 7 months. Four of these years he spent in solitary confinement.

Through all these years of suffering, Captain Denton's faith never faltered. "Prayer," he said, "is the firmest anchor to windward." He maintained a steadfast belief in God and an unswerving trust in his country.

Mr. President, it makes me very proud to know our country produces men of such high caliber and such strong moral standards as Captain Denton. Truly, he and his fellow POW's personify the most desirable traits of great citizenship.

They now belong to the brotherhood that binds the brave of this earth. And surely, Captain Denton, by his expressions and his example, is a valued member of an even more august assemblage—the Christian brotherhood of man.

Mr. President, I ask unanimous consent that this speech by Captain Denton be printed in the RECORD.

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

ADDRESS BY CAPT. JEREMIAH A. DENTON, JR.

It is an honor and a pleasure to be associated with the commemoration of the founding of Elon College. I am aware that the general assembly of the State of North Carolina chartered Elon College in March 1889 for the purpose of offering Christian training and instruction in the liberal arts and sciences. I am also aware that Elon considers itself primarily a liberal arts college, but recognizes that the teaching of science can help liberate students in their thinking.

Certainly the success of the development of liberal thinking here is shown by the fact that you chose for a speaker on such an occasion—not a State Governor—not a national vice president, not a prominent editor—but an ex-jailbird!

I have evidence of the quality of this institution through my close association and friendship with two of its graduates: Rear Admiral Jim Ferris and Commander Red McDaniel, two of our Navy's finest officers. After seven years separation from my son, Jim, I am pleased with the obviously favorable influence this college has exerted on his development. He seems to keep himself quite busy, but I retain hopes he will find the time to merit graduation this May.

So I am not entirely a stranger to Elon's purposes nor to its products. Let me offer a few rather personal remarks, from an admittedly unusual perspective, but remarks which will at least tend to express a great appreciation for those who work and sacrifice to preserve and to proliferate the spirit of morally oriented education. Hopefully my words will even serve to stimulate those who are studying here.

A man does a lot of thinking during seven years and seven months in enemy prisons . . . particularly when more than four of those years are in solitary confinement with extreme pain an all too frequent companion. In solitude and without books, a man develops a terrible thirst for facts. Mental exercise, in terms of review and extrapolation of previously acquired knowledge, helps the mind escape the confines of tiny cells. Such escape will also be desirable and possible in many normal life situations in which freedom from boring environmental conditions can be achieved through exhilarating intellectual excursions.

Students, from my own intense experiences, I say you would all do well to value your present opportunity to learn philosophy the arts, the sciences; to learn about and, more importantly, to participate in sports . . . not just for the sake of future professional advantage or to fill in a blank on a social check list . . . but primarily to endow yourself with the broadest possible scope of freedom in which to experience the fullest intellectual joys which God has made available to His noblest creation—mankind.

But, even more than thinking . . . a man does a lot of praying in an enemy prison. Prayer, even more than sheer thought, is the firmest anchor to windward . . . as my good friend Major Norm McDaniel, seated there, so well knows. Prayer brings the prisoner to God who cares for him and helps him to do his duty. Unusually intense prayer may also help him think with more than usual clarity. I like to believe that my own sense of values has sharpened.

For example . . . at the time I was shot down in 1965 . . . I had some ideas about the strengths and weaknesses of our society. Then . . . as now . . . I was convinced of the glorious validity of the political philosophy of our founding fathers. Then . . . as now . . . did I believe that the United States of America is the greatest nation in the history of the world. I had seen an ecumenical movement begin among our churches. I've been edified to find that the spirit of this movement has grown by leaps and bounds. I see a deepened sincerity of worshippers in church and improved racial relations . . . though further improvement is possible and necessary.

In 1965 . . . I could see the awakening of the awareness of the dangers of pollution to our physical environment. Now I find that this has become a major national concern . . . and our young people are in the forefront of the ecological movement.

Our citizens . . . and our students . . . are increasingly interested in political and international affairs. They are searching from broadened perspectives for the right answers as true democracy requires.

The spectacular developments in science are understandably noticeable . . . and I have been amazed at the tremendous surge in the availability of refined educational aids . . . such as a planetarium in a public junior high school.

But then . . . in 1965 . . . I had noticed unfavorable trends which have since accelerated and now I perceive a new set of social conditions, some of which I find deeply regrettable.

Our literature, movies, news media, popular music and other cultural manifestations sometimes reflect a dangerous pollution of our spiritual environment and, for a large segment of our population, the words, "One Nation, Under God," seem sadly less deserved than perviously.

Too many of us no longer even feel it necessary to try to conform to the basic Ten Commandments of Almighty God. These commandments are thrown back in His face by the apparent denial of their application extant in so much of our culture. Man seems to have developed the misconception that the Ten Commandments are an outmoded set of arbitrary restrictions imposed on his natural desires. What arrogant folly! The truth is that God's commandments are the channels within which man must behave not only for heavenly reward but for successful coexistence as a species on this earth.

For example . . . sexual promiscuity may be called natural in that it is natural for any male animal to be attracted to many female animals. But, man is *more* than an animal. The magnificent pleasure of sex is God's invention . . . not the devil's. Sex it should have full play only in matrimony. It should be a joyfully recognized but carefully restrained factor in courtship. The preservation of a marriage is a fragile difficult task; for marriages are beset by many distractions . . . by the monotonous duties of housekeeping, child rearing and breadwinning . . . by partial clashes of personality; by inevitably associating the marriage partner with unpleasant obligations. God knows not only that sex is the natural appetite ensuring procreation, but that the exclusivity sharing of sex between the two marriage partners can naturally compensate for the forces tending to break up the marriage. Take away the exclusivity of sex in the marital bond . . . and you destroy the cement required to preserve the bond. Rear a youth to regard unmarried sexual intercourse as a casual act and you've reared a prospect likely to contribute to raising our already distressingly high divorce rate. Destroy respect for the laws of God pertaining to the family . . . and you destroy the family . . . which is the building block of the Nation . . . and you destroy the Nation.

Sexual permissiveness . . . as it is so mildly called . . . is not to be calmly noted as an interesting phase of our constantly changing mores, but as a total failure of man to be true to the very nature of the species. Too many of us have lost our orientation: We are men . . . higher than animals . . . and subservient to God. God's laws don't fight nature—they are nature, and man must be true to his full nature, not overly distracted by one part of his nature.

Such loss of orientation has come to nations before . . . always with disastrous results . . . either in the form of an obviously divinely imposed calamity such as the flood or the punishment of Sodom and Gomorrah, or in the form of a so-called natural result such as the fall of a once great but finally undisciplined and weakened nation.

Such disorientation and weakening usually follows great prosperity—too much wealth. Christ said it is more difficult for the rich man to reach Heaven than it is for a camel to pass through the eye of a needle. An old cliche says, "powers corrupts . . . absolute powers corrupts absolutely." This tends to be true in both a personal and a national sense.

Some of you are old enough to remember the World War II expression, "There are no atheists in foxholes." I have seen that men's active faith in God increases proportionately with the degree to which man is faced with the more absolute pressures of life and death.

But our Nation, like ancient Persia, Greece and Rome which have fallen before us, is and has been a rich nation with most of its citizens recently unbeset by such vital pressures. If our citizen discount subservience to God, they will also discount respect for other forms of authority, national, parental, and civic. There seem some sickening signs even among our leader class that the opportunity afforded us to dissent is disproportionately stressed over the responsibility to respect appropriate and conscientious authority. And I not a right winger.

Is there no way out? I think there is. Some rich and powerful men retain virtue. I believe the proper use of intellect and conscience can provide the substitute for the physical pressure which ordinarily provides the moral stimulus men require to achieve nobility of character. If enough Americans thus use their intellects and consciences, this Nation can retain her strength, share and increase her wealth, and expand her greatness.

If the application of intellect and conscience is the solution . . . then we are saying that religious oriented education is the most crucially needed influence in our Nation today. Thus . . . the mission of Elon and its students is not only educational . . . but is the roll-back of the forces of evil for the preservation of national and spiritual survival.

Elon produces and influences leaders. We need national leaders who have both good minds and a full consciousness that they have souls. In my opinion we have had such men in all the Presidents in office during my adult life. I am sure we have such a President now. While I recognize the right of and need for dissent, I think there is room for trust in his good will and superior perspective, especially in the poker game of international affairs.

We need citizens who recognize that there must be a self-subordination of man to God . . . of citizen to State. Render unto Caesar what is Caesar's and unto God what is God's. Without that belief or its equivalent, nations simply cannot survive. A culture without a cult is not viable. I think Elon, and other schools similarly dedicated, are the hope of this Nation.

I have not presumed to speak as a man clothed in righteousness. I do not smugly regard myself as a good man. But I am a man who wants to be good . . . who wants his country to be good. I am a man who cherishes the value of this college . . . who regards its mission as urgent.

In conclusion, let me exhort those here who generally agree with me not to be intimidated into not speaking out against evil simply because self-dedicated evildoers can jibe that we are unqualified to speak since we ourselves are not perfect. The determination of our general level of personal behavior and the infinite issue involved in Divine judgment lies not in the distinction between perfect and imperfect behavior, but in the difference between trying and not trying to be good.

I heartily join this assemblage in saluting the occasion on which this prestigious institution of Christian learning was founded. May God continue to grant it and you his blessings, through continuing to bless America.

THE EFFECT OF THE HOUSING MORATORIUM ON EVANSVILLE, IND.

Mr. HARTKE. Mr. President, the housing moratorium announced by the President victimizes the poor and the ill-housed for the shortcomings of Federal housing administrators. On the one hand, the administration states that more progress in constructing housing for low- and moderate-income people has been made over the past 4 years than at any other time in the Nation's history; but on the other hand, the administration declares that we must stop all programs indiscriminately for a period of evaluation.

To be sure, we must have evaluation of all Federal housing programs. Some have not performed as promised. Others have experienced outright fraud. But evaluation should be an ongoing task carried out by both the administration and Congress.

Mr. President, I am convinced that the proposed moratorium will do more harm than good. Writing of the effect which the moratorium will have on Evansville, Ind., Ms. Barbara Jackson, president of the League of Women Voters of Southwest Indiana states:

> The moratorium works an unjust penalty on the Evansville realtors and contractors who have provided decent housing under the FHA 235 and 236 programs without the kind of cheating which has gone on in other cities. It tragically penalizes hard working but low-income people who live in our city. As the supply of older housing decreases, inner city rental prices increase. Without a program in the nature of FHA 235 and 236 to provide modest priced housing we will lack any effective means of relieving the pressure on the too few units available.

Mr. President, I ask unanimous consent that a newspaper article and materials from the Evansville Coalition to End the Moratorium on Housing be printed in the RECORD. I also ask unanimous consent that a representative survey on the impact of the housing moratorium prepared by the League of Women Voters of the United States be printed in the RECORD.

There being no objection, the material

was ordered printed in the RECORD, as follows:

FEW IN SUBSIDY PROGRAM HAVE COME BACK: FHA FORECLOSURES ARE BEHIND NATION, STATE

(By Janice Perkins)

More than 500 homes of the Federal Housing Administration (FHA) 235 variety for low-income families have been built to date in the Evansville area, and only seven have gone into foreclosure.

This is far different from the national picture, in which scandals in the federally-subsidized housing programs have led to President Richard Nixon calling an 18-month moratorium, pending a study.

"Evansville presently has no great problem, compared with the nation and particularly the state, which is the common denominator," says Ray Becker, the local foreclosure agent and president of Hahn & Becker Agency Inc.

He makes the comparison that Evansville had two new foreclosures on FHA's February list of repossessed homes, while Indianapolis had 56 and Fort Wayne, 34. The list included 23 Indiana communities, with the rest having 9 or fewer listings each.

Becker indicated the other large cities in Indiana have had consistently larger listings than Evansville, particularly Indianapolis.

He has handled FHA foreclosures in a 13-county Southwest Indiana area for about 13 years, starting out when Evansville was the trouble spot in the state as major industries closed here or moved out.

"I'd get 80 (homes) at a time in those early years," he said recently.

Now, state officials "can't understand why we don't have more," he said. "They keep telling me it's got to come. For two years, they've been saying it's got to come."

He recognizes that maybe it is starting here, since the last four on his list—two added in December, two in February—are 235s.

NONSUBSIDIZED

There are 17 foreclosures on the list, one dating to August, 1971, 14 spread over 1972 and the two in February. All but the seven 235s are from FHA's 203 program of nonsubsidized mortgaging, however.

Becker said he'd handled few repossessions in the area outside of Evansville, until 235 was started. He recalls now having had 10 foreclosures in Tell City, two or three in Vincenes, two at Huntingburg, one at Jasper, others in Rockport, Washington, Cannelton and Shoals.

Becker suggests Evansville was slower to start on the 235 program and is perhaps slower in picking up repossessions.

He credits local contractors with doing a better job, with being more responsible in their sales of the subsidized homes. No falsified mortgage papers have turned up here, as in other areas, he said.

And the Sixth Ward City Council member, always quick to promote his West Side area, points out he's had only three FHA foreclosures in the West Side in all the years he's handled the work here.

He said 75 per cent of the foreclosures have been in the Southeast Side, where the bulk of FHA homes have been built in Evansville. Values range from $10,000 to $20,000, he said, but he received no foreclosures on a home worth more than $15,000 until the 235 program came along.

Becker notes in the 235 program, repossession in the one place FHA still has money. He explained that one-half of one per cent in interest paid is put in reserve to cover foreclosure costs.

With an estimated $500 million worth of FHA-financed homes in the Evansville area, he said, the reserve so far has handled all expenses.

The foreclosures process involves checking the condition of a repossessed home, getting bids on repair if feasible, demolition if not, and carrying it through to resale of the home or vacant lot.

Becker's list of 17 includes five either sold or in the process, one torn down and a second to be torn down, three repaired and ready for sale and seven now being repaired.

REQUIRE MAINTENANCE

He said the homes generally require routine maintenance, rather than major repair.

He's had one home where the maintenance crew had to wear gas masks to walk into the filth and other homes where the owners had gone as far as waxing floors in cleaning up to move out.

The list includes only one home that "shouldn't have been sold in the first place," said Becker, because of the substandard condition.

Bids showed repair would run nearly $9,000, while market value would have been only $6,000. The home was torn down for $500 and Becker has an outmoded 25-foot lot to dispose of on Harriet Street.

He said he is reluctant to tear down such homes in the black community, because of the critical need for housing. It is one area where more than the market value of a home will be spent to make it livable, generally requiring redoing all heating, plumbing and electrical facilities, he said.

FORECLOSURE AGENT

Becker became the local foreclosure agent by request and has been the successful bidder to retain the work on each three-year contract since. He notes, however, that an office secretary, Mrs. Vaneta Felstead, has done 95 per cent of the work for the past six years.

He's used the FHA foreclosures as a barometer of the Evansville area economy, and thinks the current status shows it "is pretty economically sound. This has been a good indicator over the years."

He added he wouldn't be as concerned over foreclosures on 235 housing as on 203. "When that man starts losing his home, it's a good indicator of problems," he said.

EVANSVILLE COALITION TO END THE MORATORIUM ON HOUSING FOR LOW- AND MODERATE-INCOME FAMILIES AND INDIVIDUALS

On January 5, 1973, Secretary Romney of the Department of Housing and Urban Development on behalf of the Nixon Administration announced an eighteen (18) month moratorium on the approval of any new rental or sales housing for low and moderate income families and individuals.

As a result of this moratorium, there are currently no single family sales homes available for sale to moderate income families under the FHA Section 235 Mortgage Insurance Program in Vanderburgh County and there will not be any for 18 months. Based on previous experience, a total of 368 units would have been made available during this period of time.

As a result of the moratorium, 860 units of rental or cooperative sales housing under the FHA Section 236 Mortgage Insurance Program will not be built in Vanderburgh County. Eighty (80) percent of these units would have been available for moderate income families and elderly individuals and twenty (20) percent for low income families and elderly persons.

As a result of the moratorium, 365 units of housing for low income families and the elderly promised to the City of Evansville as a part of our agreement with HUD will not be built.

During the same 18 month period, additional units of low cost housing will continue to be removed from the housing supply due to public acquisition programs; code enforcement; and, the ordinary operations of private enterprise.

The lack of construction during the next 18 months of 1,593 units of sales and rental housing for low and moderate income families coupled with the removal of existing units, due to age and obsolescence, will place an extreme hardship upon that segment of our community that are most poorly housed at the present time.

In addition, the economic impact of the moratorium will be considerable. Based upon a conservative estimate of $15,000 per unit, the moratorium means that $23,895,000 in construction will not take place. Since each $1 million in construction generates 115 jobs, the moratorium will affect the lives of an estimated 2,760 persons in the construction trades, building supply firms, building supply manufacturers and related business and industry in Vanderburgh County.

The undersigned, individually or on behalf of their organizations, respectfully requests President Nixon to reconsider the moratorium in light of its economic and social impact and to take prompt steps to end the moratorium and begin funding sound proposals for housing low and moderate income families and the elderly.

We urgently request the citizens of our community to write President Nixon and urge him to end the moratorium on housing:

Rev. Kenneth Knapp, Commissioner of Community Affairs, Catholic Diocese of Evansville.

Michael Malone, Executive Director, CAPE.

Mrs. Myrtle Scales, Executive Director, Evansville Housing Authority.

Mrs. Nae Broerman, Executive Director, HOPE of Evansville, Inc.

Rev. Francis Frellick, Executive Director, Evansville Council of Churches.

Mrs. Larry Jackson, President, League of Women Voters, Evansville Chapter.

Donald McNary, Executive Director, Human Relations Commission.

Raymond A. Andersen, Executive Director, Department of Redevelopment, City of Evansville.

Rudy T. Steller, President, Metropolitan Evansville Home Builders Association, Inc.

John Cable, President, Evansville Chapter, NAACP.

FACT SHEET ON THE EFFECT OF THE MORATORIUM ON THE CONSTRUCTION OF LOW- AND MODERATE-INCOME HOUSING IN VANDERBURGH COUNTY—HOUSING UNITS PLANNED FOR JAN. 1, 1973, THROUGH JUNE 30, 1974

FHA SECTION 235—SINGLE FAMILY SALES

Builders and number of units

Roger Klassy	72
Holtzman and Silverman	64
Beverly Heights	61
Guthrie May	51
R. H. Meyers	45
F. D. Railey	30
W. Corbett	20
Other builders	25
TOTAL	368

FHA SECTION 236—MULTIFAMILY RENTAL OR COOPERATIVE

Builders and number of units

Guthrie May	254
Justus	250
Beverly Heights	150
Holtzman and Silverman	148
Liberty Baptist	58
Total	860

PUBLIC HOUSING—RENTAL AND HOME OWNERSHIP

Type and number of units

Family	250
Elderly	115
Total	365

Total units affected: 1,593.

Estimated cost per unit: $15,000.

Economic impact $23,895,000 and 2,760 jobs.

IMPACT OF HOUSING MORATORIUM

Sample reports from state and local Leagues of Women Voters about the social and economic impact in their communities of the Presidential moratorium halting new contracts for low- and moderate-income housing subsidy programs and the need for federally subsidized housing programs.

Alaska. LWV of Anchorage, P.O. Box 1345, Anchorage 95901:

Reports that cuts in water and sewer grants mean no on-site water and sewer facilities for planned housing. "All FHA 235 monies have been stopped. There has been an overwhelming demand for 235 housing in Anchorage because the cost of housing (materials, labor, maintenance) is astronomically high. In the last 6 months 400 families have qualified for 235 housing. . . . All 235 monies have been stopped. Presently 2000 families are eligible. Existing units total 900, with 840 proposed units lost due to loss of funding. . . ."

"Rent supplement money cut. Anchorage has over 50% rental units. Considering unemployment figures already cited, these supplements are needed.

"We have a month to month waiting list for low-rent public housing for over 400 families. All monies for such housing have been cut."

(From a special memo to Mrs. Bruce Benson, President of LWV of U.S., by Joan L. Hayes, Chairman Human Resources Committee, Anchorage League.)

California. LWV of Pasadena Area, 1321 North Lake Avenue, Pasadena 91104:

"Although the League is aware that there has been some corruption and mis-management in the housing program in certain localities of the country, federally assisted housing in the Pasadena community has made a significant contribution towards alleviating the housing needs of the low-moderate income population.

"Your moratorium calling for an eighteen month suspension of federal housing subsidy programs seems an unwise approach to the problem. These funds will be withheld from many proposals which have received city and county approval. Our non-profit housing development corporations and other citizen housing groups have spent many years developing expertise and educating the community as to the housing needs of low-moderate income persons. In our own community unemployment due to cut-backs in the Space program, a constant rate of unemployment of minorities—about double the national average—and the general rise in living costs have created a greater financial demand than can be overcome locally.

"Since much of the problem of inefficiency seems to be an administrative one, we wish to recommend that federal programs which assist in the development and rehabilitation of housing for low-moderate income persons be continued and adequately funded until alternatives can be deveolped and refined. We suggest that in the meantime, the Department of Housing and Urban Development be directed to make every effort to formulate methods of increasing the housing supply, so that the national goal of a decent home in a suitable living environment for all Americans can be achieved."

(From a letter to President Nixon, from Marguerite Ernstone, President and Helen L. Burr, Housing Consultant, Pasadena Area League.)

California. LWV of Fresno, 977 Pierce Drive, Clovis 93612:

"The League of Women Voters of Fresno is very concerned about the effect of the housing moratorium on our city and county. The voters of Fresno passed a measure in November to build 800 low-rent housing units. With a waiting list of 1,918 families, these units are desperately needed. It is highly unlikely that state and local governments will be able to provide funds for these housing units.

"Another consideration is that Fresno is an area with severe unemployment problems. Building this housing would provide hundreds of badly-needed jobs. . . ."

(From a letter to HUD Secretary James T. Lynn, from Mrs. Gilbert Rodriguez, President, Fresno League.)

Colorado. LWV of Arapahoe County, 142 Woodlawn Center, Littleton 80120:

"Since the announcement of the housing moratorium this region has received more than its share of program cuts—many to previously allocated and funded projects.

"The Arapahoe County League is concerned, in particular, with one housing program: the Littleton Housing Authority. Although awarded a $3.5 million grant for development and construction of 150 low income housing units, actual construction has not begun and the program is in serious jeopardy.

"Littleton, Colorado was one of the first suburban communities in the state to adopt a policy and program for housing its low and moderate income residents. Creation of the Authority culminated a year's work spearheaded by members of the Arapahoe County League. . . . We cannot let this program die.

"The Littleton Housing Authority has under contract land for the elderly housing (70 units) and options for 13 family sites. If the program is canceled or held in abeyance, the possibility of keeping this land or purchasing similar properties at present market rate is impossible."

A letter to Senator Dominick relates how, after three years work, Littleton became the first suburb in Colorado to take positive action in the area of low-income housing and was one of the few communities in the Denver Metro area to be ready to implement its fair share of providing low- and moderate-income housing.

(To Senator Peter Dominick and Representative William Armstrong, from Mrs. T. Ross Bignell, 1st Vice President and Housing Chairwoman, Arapahoe County League.)

Illinois. LWV of Forest Park, 301 Springfield, Forest Park 60130:

"The League developed a resolution to the President and U.S. Congressmen, sent it to Village President and Council asking that the Council send the resolution from the Council. The resolution was adopted and sent on March 12. The resolution asked the President and Congress to agree speedily on means for restoring funds to provide "an adequate supply of housing for persons of low and moderate income." The resolution said, among other things, "The goals set by the federal government for new housing and subsidized housing have not been met and cannot be met unless governmental action is taken; and Whereas, the freezing of the federal share of funds to the Illinois Housing Development Authority and Section 23 Public Housing Act has seriously curtailed the options of the Village at a time when we are considering methods to increase the supply of housing for low and moderate income families; . . ."

Illinois. LWV of Chicago, 6723 South Euclid, Chicago 60659:

The Chicago and Cook County Leagues and the League of the U.S. filed amici curiate briefs in the Gautreaux V Chicago Housing Authority, Romney case—a demonstration of League commitment to the goal of equal opportunity in housing and an end to the practice of racially discriminatory housing in Chicago, and a "remedy for the effects of past discrimination through the placement of low-income or public housing on scattered sites, both in Chicago and in suburban communities.

"Full relief to fulfill the requirements of the Gautreaux decision will be 40,000 units in the city and 20,000 units in the suburbs.

"The moratorium would permit the use of federal funds to construct only 267 units of public housing, because that is the number of units which the Chicago City Council has approved and for which there was a HUD Area V Office approved plan (at the time of the moratorium cut-off date)."

"Unless federal funds are made available for housing in Chicago, the remainder of HUD-approved reservation for 2958 family-type units will not be honored."

Mayor Daley's office reported to the League that Chicago would lose more than $20 million in model cities over the next 17 months; 3,100 units of low and moderate income housing; and 13,000 elderly citizens would be unable to get adequate housing.

(To Congressman Ralph Metcalfe, from Eleanor Elam, President and Andrea Rozran, Housing Chairwoman, Chicago League.)

Maryland LWV of Calvert County, Silver Rock Circle, Box 148, Lusby 20657:

"Talk of planned housing in the pipeline is no consolation to communities such as ours, because we were caught before our housing plans reached the pipeline. In rural areas the shortage of housing available to poor people is particularly severe. In Calvert County, about one dwelling out of four has some or all of the following deficiencies: utter lack of plumbing, dilapidated condition, incredible overcrowding, or serious fire hazard.

"The vast majority of ill-housed people in Calvert County are children, oldsters on pitifully meager annuities, or people who are disabled or incapacitated. These bitter facts are not minimized by citing scandals and mistakes of other regions.

"Real people, not statistics or averages, are really being hurt by the housing moratorium and impoundments now in effect. Experience has shown that poor communities, the same as most poor people, can do little to help themselves. . . ."

(To Representative William Mills, from Mrs. Walter T. Wilson, Human Resources Chairwoman, Calvert County League.)

Massachusetts. LWV of Cambridge, 15 Brattle Street, Cambridge 02138:

"The Administration's decision to suspend immediately for an eighteen month period the operation of our federal subsidized housing programs without consultation of Congress represents a curtailment of government-assisted housing programs which in human and economic terms can only be described as catastrophic. The results of this action will work a severe hardship on the people who need housing the most and who are the least able to afford it.

"No dollar figure has been projected for Massachusetts, but housing and finance officials say the freeze could wipe out as many as 14,000 units of new and rehabilitated housing, including 1,200 units in Boston . . .; the freeze on 235 housing alone would result in the loss of 7 million dollars to Massachusetts. . . ."

"Several private mixed-housing projects already planned for Cambridge have had to be totally cancelled."

(From "League Items," the Cambridge LWV bulletin, President, Dorothy Altman.)

Minnesota. LWV of Minnetonka-Eden Prairie Area, 3606 Croftview, Minnetonka 55343:

"Eden Prairie citizens, for the past few years have worked with their council to plan for a housing mix which would provide shelter for people of all incomes. Now just when plans were to become a reality, funds have been cut off. Two 236 proposals were accepted by the Eden Prairie Council in August 1972. The moratorium prevents local citizens from carrying out their plan.

"Minnetonka has a Housing and Redevelopment Authority and recommended 200 units of public housing (170 elderly, 30 family units). The City Council authorized an application for 200 units of elderly housing, which has recently been turned down. Even more recently, a 236 proposal had received HUD approval—only to find two months later that it had been taken away.

"Our discouragement and despair is beyond words. Just when our suburban communities were making headway in helping to solve the problems of core cities by making housing available for our own low income persons, funding has been removed. . . ."

(To Senator Hubert Humphrey; Senator Walter Mondale; Representative Bill Frenzel; and press, from Gwen Luhta, President, Minnetonka-Eden Prairie League.)

New Jersey. LWV of Ewing Township, State Police Department, West Trenton 08628:

"We feel that the putting of a moratorium on the housing program because of possible abuses and problems is a form of cynical discrimination against programs which are very meaningful to a large number of people in our state and community. Ewing Township, like most New Jersey communities in the most thickly populated state in the United States, has a severe housing shortage in all areas but has *no* housing available at all for people with moderate or low income. . . . As League members we cannot sit by and watch the Executive Branch of our government subvert the will of Congress and the will of the majority of people who elected that Congress by refusing to spend funds appropriated and desperately needed."

(To President Nixon and HUD Secretary Lynn, from Marcia Felcone, President, Ewing Township League.)

New York. LWV of Rochester Metropolitan Area, 75 College Avenue, Rochester 14607:

Participating in the NY State Emergency Committee Opposed to the Housing Moratorium.

The estimated loss to Monroe County includes 200 new single family section 235 units, 55 rehabilitations-235-J, 5798 multi-family section 236 units, and 484 public housing units. Total housing units that would have entered the housing pipeline after January 5, 1973 is 6,537; the direct construction cost, not counting land—$132,251,000; associated community development—$17,133,000. Using a multiplier effect of $3.00 per $1.00 of the total estimated dollar loss of $149,384,000, the total impact loss reaches $481,200.000 in Monroe County alone—a significant loss in time of high unemployment.

(Data gathered for state meeting of Emergency Coalition, submitted by Gloria Samson, Housing Chairman, Rochester Metro League.)

Ohio. LWV of Greater Dayton Area. 120 West 2nd Street, Dayton 45402:

"The housing moratorium in the Dayton area will have the effect of punishing the poor and those with a moderate income for the inadequacies of administrators or those who gain financially from the programs. . . . Several Communities are becoming aware of the Dayton Plan and beginning to work out agreements with the Metropolitan Housing Authority (West Carrollton and Germantown.) We were on our way to some reasonable housing solutions and the moratorium on public housing upsets this applecart. The Miami Valley Regional Planning Commission has estimated that a minimum of 1,125 low and moderate income units in the region, and 283 units in the City will also be lost.

"We are concerned that this moratorium may signal a reneging by federal government on its commitment to assist with low income housing. Also, when the moratorium is lifted there will be a long time lag before new housing starts can get underway. We repeat, for the people who need public housing, there are no alternatives. In addition to the housing moratorium, the City of Dayton will lose one half of the allocated HUD funds for code enforcement for 1973, with no funds allocated for 1974. The loss of funding for code enforcement, which will come to an end in 1974, may well leave whole sections of our city susceptible to blight."

(Statement by Gail Levin, LWV of Dayton Area.)

Pennsylvania. LWV of Beaver County, 209 Marble Street, Aliquippa 15001:

"It was quite a jolt to read the information in our local paper that the Administration had revised the moratorium date on HUD-sponsored housing projects and set it back to December 31, 1972. This is a serious blow to our community. For years we have been trying to find a way to force the upgrading of one of the worse housing areas in Aliquippa. . . . It has been only in the last two months that we felt the psychological climate would permit the project to proceed. (That is, for a 96-unit known as the "Bricks" area.) A plan for the 96 units has been presented to HUD. The non-profit sponsor has received a feasibility letter for the $1,900,000 project and was awaiting firm commitment. The new federal regulation has seemingly canceled out all the painstaking work of the last two years. Aliquippa is left with 96 units of absolutely wretched housing which becomes worse each passing day."

(From letter to Senator Hugh Scott and Senator Richard Schweiker, from Gilda de Ferrari, Board member Beaver County League.)

Pennsylvania. LWV of Pennsylvania, 8th and Market Streets, Philadelphia 19015:

An alert sent by the State Human Resources Chairman to all local leagues pointed out: "These cuts will seriously affect the supply of housing for low and moderate income families. The Pennsylvania Housing Finance Agency will be limited to financing housing for people of moderate income because of the freeze. PHFA had intended to use federal subsidies as a means of reducing housing costs so builders could lower their sales and rental prices. 'Seed money' for predevelopment costs, and 'write-downs' of development costs previously provided by the Department of Community Affairs will no longer be available as a result of the federal freeze. . . . In Pennsylvania alone, Farmer's Home cuts will result in a total estimated loss over the next 18 months of $24,495,975 and 1,827 man years of employment for home builders."

(Sent by Mrs. Mark Neuman, State Human Resources Chairwoman).

Wisconsin. LWV of North Shore, 4221 North Maryland Avenue, Milwaukee 53211:

"On March 3, 1973 a meeting was held in Milwaukee for the purpose of evaluating the effects upon our area of the recent housing moratorium. Attending were representatives or organizations concerned with the need for increasing the supply of low and moderate income housing throughout Southeastern Wisconsin. The League of Women Voters shares this concern and I (Helen McGregor, President) went as a representative of the North Shore League.

"The impact at the state level was reported by a representative of the State Department of Local Affairs and Development. Oven an 18-month period an estimated loss of 13,245 units will occur and this will mean a total loss of one-half billion dollars worth of economic activity and 17,800 jobs throughout the state. The DLAD also says that the state cannot take over the housing programs because it cannot provide either the depth of subsidy necessary or the expertise which the local governments need and receive from the federal government. As for how revenue sharing will affect the problem, local governments are not likely to opt for as controversial a use as low and moderate income housing.

"The Community Relations and Social Development Commission said that in one year's time, 3,200 units of low and moderate income housing will be lost by Milwaukee County. It was reported by the Conference on Religion and Urban Affairs that with 1,500 applications for housing for the elderly now on file and the vacancy rate zero, 400 units have not been eliminated."

(From letter to Senator William Proxmire; Senator Gaylord Nelson; Representative Glenn Davis, from Helen McGregor, President, North Shore League.)

JUVENILE JUSTICE SYSTEM

Mr. MATHIAS. Mr. President, there is no more important or difficult task for any society than achieving the twin goals of order and justice. Though the best of human minds have concentrated on this dilemma for centuries, we are still a frightening distance from achieving a solution. One of the most important lessons we have learned, however, is that we should place more emphasis on the youth of our society, on guiding our young people away from a criminal career.

I am pleased therefore that the Columbia Human Rights Law Review has published an outstanding collection of thoughtful articles and essays on the juvenile justice system in its fall 1972 issue. Among the authors is my distinguished colleague from Indiana, Senator BAYH, the chairman of the Juvenile Delinquency Subcommittee of the Senate Judiciary Committee. I am informed now that this excellent symposium has been reprinted as a book entitled "The Legal Rights of Children: Status, Progress and Proposals," and I hope that in this form it will reach the wide audience which it deserves among all Americans concerned with the juvenile law system.

THE WATERGATE AFFAIR

Mr. MONDALE. Mr. President, the continuing controversy surrounding the "Watergate affair" has done much to undermine the confidence of the American people in the workings of their government. The only way that this confidence can be restored is for President Nixon to come forward and give the American people a full accounting of the facts leading to the Watergate episode, and any other acts of political sabotage and espionage which may have occurred last year.

Mr. President, I ask unanimous consent that the editorial from the Minneapolis Star be printed in the RECORD at the conclusion of my remarks, since this editorial points out this need for full disclosure and its importance to our democratic system.

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

[From the Minneapolis Star. April 3, 1973]

STOP DUCKING, MR. PRESIDENT

Last Aug. 29, President Nixon said he had directed John W. Dean III to determine if any White House staffers were involved in the Watergate scandal. Using Dean's findings, he declared flatly that none "presently employed" were. This is the essence of the White House position since.

It was not good enough then because the position was too narrow. It is not good enough now because, in a contrary sense, it may be too broad. President Nixon is out on a limb. To give him the benefit of every doubt, he could be the victim of subordinates who were more arrogant than venal. But even putting the best possible construction on the scandal—the right word, for it is no longer a "caper"—Nixon simply has not

shown the political sensitivity for which he prides himself. A harsher assumption would be that he is ducking. If so, it is too late for that.

He should have spoken out on the basis of what has been proved or confessed to already, disavowing the snooping, sabotage and burglarly that, after all, were done on behalf of his re-election campaign. By the most elementary logic, quite apart from allegations now being made by James W. McCord, it is obvious that somebody with lots of clout and lots of money was calling the signals for the hapless convicted defendants. It wasn't a self-starting, free-lancing band. This was clear from the evasions on the record at the trial.

Significantly, the most urgent admonitions are coming from Republicans and political conservatives, in and out of office. The substance of their rebuke is that Nixon will have to confess error, and if the consequence of the trials and investigation is convincing proof of involvement within his official family, he can spare no feelings, including his own. He should act before the White House is acted upon. If some must then depart, so be it. The office he has so often held up for world veneration requires that. He should, in short, clean house.

We think Nixon has deluded himself if he interprets his landslide victory as a mandate for disdainful silence. Far better was his once proud standard, "clear as a hound's tooth."

Nixon should realize that his diverting role as the global planner and peacemaker is being overshadowed by the clamor of domestic events, of which Watergate is one, So we say, come home, President Nixon.

WHAT SHOULD BE THE U.S. POLICY ON CUBA?

Mr. MATHIAS. Mr. President, on March 31, the Baltimore Sun carried a discussion of U.S. policy toward Cuba by two distinguished Members of Congress, Senator EDWARD J. GURNEY and Representative CHARLES W. WHALEN, JR. In light of recent developments in United States-Cuban relations, leading to the signing of an antihijacking agreement, this debate featuring both sides of the question, "What Should Be the U.S. Policy on Cuba," is particularly timely. I highly recommend it to my colleagues and ask unanimous consent that it be included in the RECORD.

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

[From the Baltimore Sun, Mar. 31, 1973]

WHAT SHOULD BE THE U.S. POLICY ON CUBA?

After more than a decade of mutual diplomatic isolation, the United States and Cuba recently signed an anti-hijacking agreement that could have wider ramifications. Arguing for a normalization of relations is Representative Whalen (R., Ohio). The opposite view is by Senator Gurney (R., Fla.).

(By Representative CHARLES W. WHALEN, JR.)

The time is ripe for the United States to take appropriate steps to normalize relations with Cuba.

For the past decade relations between these two countries have been marked by mutual distrust and hostility, initiated by the Cuban subversive activities in Latin America, the Russian military build-up on the island, the expropriation of U.S. owned properties in Cuba, and the Bay of Pigs invasion. The United States in 1961 severed its economic and diplomatic ties with the Castro government, encouraged other nations in the Western Hemisphere to follow in the Organization of American States, and in effect, isolated Cuba from the rest of Latin America.

The political realities of 1973 indicate that a careful review of United States-Cuba relations is in order. Three major developments are responsible for a new political climate which make the normalizing of relations between the two countries desirable and potentially attainable.

First, the President's policy of dealing realistically with all types of governments has resulted in a relaxation of tensions with the People's Republic of China and the Soviet Union. A dialogue with Cuba would be in line with this philosophy. Further, it would eliminate a policy inconsistency which thrives for friendship and an increasing dialogue with Russir while isolatng China for permitting a Soviet presence.

Second, there is a growing trend among Latin American countries to re-establish formalities with Cuba as evidenced by OAS votes and independent behavior of Latin countries. Only two weeks ago Cuba was invited to participate in a working caucus by the Latin American delegations to the United Nations after having been excluded from discussions since the 1961 OAS sanctions. Cuba's subversive activities in those nations has lessened perceptibly since the Che Guevara's unsuccessful 1967 efforts in Bolivia. In the eyes of these governments, Cuba no longer poses a serious threat to their existence.

Third, Prime Minister Castro's policies toward the United States and other Western Hemisphere nations are becoming less strident. The recent signing of a hijacking agreement between the United States and Cuba is evidence that the Cubans are willing to discuss and negotiate on matters of mutual concern. Furthermore, Cuba's involvement in subversive activities throughout Central and South America has significantly waned, according to testimony from State and Defense Department officials. Their statements reveal that Cuba clearly has lost the revolutionary fervor of earlier days.

What benefits will accrue to normalize relations with Cuba? First, the anti-hijacking agreement, which resulted from our indirect dialogue with the Castro government, should be a significant deterrent to air piracy.

Second, in time Cuba might be re-established as one of our important trading partners. During the last year the United States traded with Cuba, our exports to that nation exceeded our imports by $19.1 million. Cuba supplied the United States with sugar and certain essential minerals while buying primarily finished goods from us.

It is inconsistent for us to trade with the Soviet Union while maintaining a complete trade embargo with Cuba. Resumption of trade would be consistent with the policies now pursued by many of our closest allies, such as Great Britain, Canada, and Japan, who trade with Cuba.

Third, a more relaxed political atmosphere in the Western Hemisphere, would result from renewed U.S. relations with Cuba. Isolation of Cuba long has been a divisive issue within the OAS. Moreover, it has caused anti-United States feelings among several Latin American groups. A detente with Cuba should eliminate tensions and lead to greater economic and political cooperation among the countries of the Western Hemisphere.

Obviously, certain major issues will have to be resolved before diplomatic relations can be restored. Of particular concern are the status of Cuban refugees, the future of the Guantanamo Naval Base, compensation for expropriated property and the reallocation of sugar quotas. It is my judgment that none of these issues is impossible to resolve.

Incidentally, Russia—whose presence in Cuba contributed to the division between the United States and Castro government—has expressed an interest in U.S.-Cuban rapprochement as evidenced by recent articles in *Pravda*.

In order to move toward the goal of resuming U.S.-Cuban ties, eleven House colleagues and I proposed that several steps should be taken by the legislative and executive branches of government.

A normalization of relations is clearly in our best interests.

(By Senator EDWARD J. GURNEY)

It has been 11 years since the United States broke off diplomatic relations with Fidel Castro's Cuban government in response to the cutting of our embassy staff, the continuing stream of anti-American invective, and the confiscation of American property in Cuba.

In that time, four things have become evident.

First, Castro has shown no indication that he wants the U.S. to be anything other than a punching bag to use as an excuse for his domestic failures; second, there is no evidence that he is willing to compensate Americans for losses suffered at his hands; third, there has been a concerted effort on his part to export violent revolution to other Latin American nations who want no part of his brand of communism; and, fourth, Castro has developed strong military ties with the Soviet Union, ties which nearly brought on a nuclear war once, and which continue to threaten the peace and security of the Western Hemisphere.

The record is quite clear as to Castro's responsibility for the breakoff in relations and his persistence in widening the rift over the years. Anyone who studies the facts carefully would be hard pressed to come to any other conclusion.

Fidel Castro came to power on January 1, 1959, riding a wave of popular support. Taking advantage, he first eliminated all opposition.

Then he followed up by instituting, in the name of land reform, a program of property expropriation, with deliberate emphasis placed on American holdings.

And, although he promised compensation it was never forthcoming. By November 1960, Castro had confiscated over $81 billion worth of American-owned property, without regard for either the rights of the owners or the expressed wishes of the U.S. government. To this day, none of this property has ever been paid for.

Simultaneous with these expropriations came an increase in the verbal attacks on the United States.

Castro then added force to his words by ordering the United States to cut back its embassy staff to an inoperable level of 11. Since then Castro has given no indication that he favors the renewal of normal diplomatic relations on anything other than his own terms.

We are, of course, all aware of the circumstances surrounding the Cuban missile crisis and the way in which it was resolved. However, it should be noted that, since 1962, Castro has continued to accept sophisticated military equipment from the Soviet Union as part of his unrelenting hostility toward the United States.

Unfortunately, the Soviet military presence is only part of the problem. There is also the matter of Castro's attempts to export revolution to the Americas.

Ever since consolidating power in 1960, Castro has tired to impose his style of revolutionary government on a number of unwilling Latin American nations.

These efforts have not had popular support, but they have caused nations like Venezuela, Colombia, Brazil, Uruguay and Bolivia untold trouble and expense.

In spite of this record, there are some people who believe that Castro has reduced his

efforts to export revolution to Latin America. What in fact has happened is that, instead of a reduction, there has been a shift in tactics from rural guerilla warfare like that which took place in Colombia and Venezuela to urban terrorism such as practiced by the Tupamaros.

On September 16, 1971, the Deputy Assistant Secretary of State for Inter-American Affairs, Robert Hurwitch, stated to the Senate Foreign Relations Committee, that "unless the Cuban government were to abandon its policies and actions which constitute a threat to the peace and security of the hemisphere, the benefits to be derived from the normalization of relations with Cuba are not readily apparent, whereas the costs are clear."

If the United States and other Latin American nations continue their economic boycott, Castro may, as a result of Soviet aid cutbacks, be forced to make a choice—either explain to the Cuban people his failures or adopt a responsible or responsive attitude toward the rest of the hemisphere.

The possibility of forcing Castro into such a position requires that we continue political and economic sanctions.

To ignore the opportunity would be to break faith with freedom loving people around the world, including some 650,000 refugees who have fled Castro's tyranny.

The time has long since come for Castro to give up his dreams of revolution and to make good on the promise of freedom that brought him to power.

The burden of proof is upon Castro. When he is ready to return Cuba to the Western Hemisphere, the hemisphere will be ready to re-evaluate him.

ABA AND THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, we frequently hear opponents of ratification of the Genocide Convention citing the official opposition to ratification of the American Bar Association. While the ABA is a distinguished professional association which I greatly respect, there are several reasons why its position should not be considered dispositive.

First of all, the ABA was very closely divided on the issue. The ABA's house of delegates failed to endorse ratification by only four votes. The very closeness of the vote, and the spirited debate that surrounded it, indicate that the ABA membership as a group has no decisive or overwhelming constitutional objection to the convention. A large number of lawyers see the Genocide Convention posing no threat to American sovereignty nor to the individual rights of American citizens.

Even more impressive than the closeness of the vote is that the ABA's standing committee on world order under law, and its sections on individuals' rights and responsibilities, international and comparative law, and criminal law—those very divisions of the ABA most directly and intimately concerned with the Genocide Convention—all strongly favored ratification. The distinguished men and women who know most about the subject, who had the responsibility of delving into every relevant issue, supported ratification. The report of the committee as a whole strongly urged ratification to the ABA's house of delegates and found no legal or constitutional reason why we should not become a party to this agreement.

Mr. President, I ask unanimous consent that the text of the committee resolution be printed in the RECORD.

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

RECOMMENDATION

The Committee on World Order Under Law of the American Bar Association approves and recommends the following resolution for adoption by the House of Delegates of the American Bar Association:

"Whereas, in the field of human rights the United States of America has exercised significant leadership; and

"Whereas, the Charter of the United Nations, in the drafting of which the United States played a major role, pledges all Members to take joint and separate action in cooperation with the Organization for the achievement of . . . universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion; and

"Whereas, it is in the National interest of the United States to encourage and promote universal respect for and observance of human rights and fundamental freedoms.

"Be it resolved that the American Bar Association favors the accession of the United States to the Convention on the Prevention and Punishment of the Crime of Genocide; and

"Be it further resolved that copies of this resolution be forwarded by the Secretary of this Association to the President of the United States, the Chairman and members of the Foreign Relations Committee of the United States Senate, and the Ambassador of the United States to the United Nations; and

"Be it further resolved that the Chairman or any representative of the Association's Standing Committee on World Order Under Law be authorized to appear before appropriate committees of the Congress, and to cooperate with the executive departments of the Government of the United States, to present the views of the Association as herein expressed."

WHAT IS REALLY SPENT ON SOCIAL PROGRAMS?

Mr. HUMPHREY. Mr. President, the Friends Committee on National Legislation has recently published its Washington newsletter detailing where Federal resources were allocated in calendar year 1972.

The calculations made by the Friends shows that current military programs took 38.4 percent of the $216.2 billion voted by Congress in 1972. Health, education, housing and welfare—the traditional human resource programs—received less than 22 percent of the total moneys appropriated by the Congress in that year.

Mr. President, the Nixon administration has claimed over and over again that it has rearranged priorities—that defense spending has been less than spending on human resources.

But what the administration does not say is that when computing the percentage expenditures on human resources it lumps into one category funds from the social security trust fund which are used to pay social security benefits.

By using this computation method, the administration is inflating and obscuring the actual commitment it is making toward human resources. Expenditures on social security programs is an uncontrollable item—it reflects little in the context of priority setting by this administration. It is a fixed expenditure, paid for by payroll taxes.

Mr. President, I ask unanimous consent that the Friend's Committee Washington newsletter be printed in the RECORD.

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

MONEY VOTED BY CONGRESS IN 1972 [1]

[In millions of dollars]

I. Military activities (38.39 percent):	
Defense Department and other military funding:	
Military personnel (including Coast Guard)	29,683.3
Operation and maintenance	21,391.0
Procurement of equipment including missiles and aircraft	17,800.0
Research and development testing	7,959.5
Military public works and special foreign currency program	2,326.8
Atomic Energy Commission (military portion) [2]	1,343.0
Maritime activities, including Merchant Marine	523.3
Civil Defense, emergency defense activities	99.3
Selective Service System	83.5
National Security Council	2.8
Military aid, including arms sales and supporting assistance	1,553.7
Estimated permanent appropriation for Maritime Administration	239.8
Total	83,006.0
1970: $75,295.0 (45.09 percent).	
1971: $78,444.7 (41.16 percent).	
II. Veterans and other costs of past wars (5.89 percent):	
Veterans' Administration and other veterans rights and benefits	12,692.0
Memorial and Army cemeterial expenses, Foreign Claims Settlement Commission	33.1
Estimated permanent appropriation for Veterans' Administration	2.5
Total	12,727.6
1970: $10,209.5 (6.11 percent).	
1971: $12,291.8 (6.45 percent).	
III. Administration of the national debt (at least 75 percent was created (11.23 percent):	
Bureau of Public Debt	74.0
Estimated permanent appropriation for interest on public debt	24,200.0
Total	24,274.0
1970: $20,872.2 (12.50 percent).	
1971: $21,480.1 (11.27 percent).	
IV. Space exploration (1.58 percent):	
National Aeronautics and Space Administration and National Aeronautics and Space Council	3,420.2
Total	3,420.2
1970: $3,321.8 (1.99 percent).	
1971: $3,342.5 (1.75 percent).	
V. The developing world (2.31 percent):	
Development loans	250.0
Development grants and U.S. technical assistance	280.5
Contingency fund—for emergencies	25.0
Overseas Private Investment Corporation	12.5
Peace Corps	81.0
International education exchange activities	51.4
Administrative expenses of economic aid program	54.2

Voluntary contributions to international programs (including some UN activities)	105.0
Indus Basin Development Fund—grants and loans	22.0
Investment in Inter-American Development Bank	418.4
Special Payments to International Institutions (including International Monetary Fund, World Bank and Asian Development Bank)	
International Development Association	320.0
Alliance for Progress, development loans and technical assistance	227.5
Assistance to refugees in United States, migration, and refugee assistance	303.8
Sales of surplus foods and other agricultural commodities for foreign currencies (P.L. 480 sales)	371.4
Donations of commodities abroad (from Commodity Credit Corp.)	818.1
Administration of Pacific Trust Territory and Ryukyu Islands	60.0
Estimated permanent appropriations for educational exchange	.4
Total	5,001.2
1970: $2,929.8 (1.75 percent).	
1971: $3,827.6 (1.96 percent).	
VI. Other foreign relations (0.39 percent):	
International organizations and conferences	194.2
U.S. missions to international organizations, commissions, and conferences	18.5
Arms Control and Disarmament Agency	10.1
Panama Canal Zone government	59.7
Administration of foreign affairs	307.2
U.S. Information Agency, International Radio Broadcasting	247.9
Estimated permanent appropriations (largely for administration of foreign affairs)	10.9
Total	848.5
1970: $678.2 (0.41 percent).	
1971: $775.3 (0.41 percent).	
VII. Agricultural resources (2.88 percent):	
Agricultural Research, Marketing and Extension Services	594.5
Soil and water conservation programs, removing cropland from production	430.1
Costs of administering conservation, acreage control and price support programs; other activities and administration, Agriculture Department	746.3
Payments to sugar producers and dairy farms	91.9
Commodity Credit Corporation (excluding donations at home and abroad)	3,457.0
Estimated permanent appropriations, largely for agriculture marketing service	900.5
Total	6,220.3
1970: $4,471.5 (2.68 percent).	
1971: $5,516.6 (2.89 percent).	
VIII. Other natural resources (2.21 percent):	
Land, water (including some ocean) and mineral resources, Corps of Engineers, rivers, harbors and flood control; Bureau of Reclamation; Federal Power Commission; Bureau of Mines; related agencies; Forest and Park Services, outdoor recreation, fish and wildlife; other administrative expenditures of the Department of the Interior	4,412.5
Estimated permanent appropriations, largely for Forest Service, land management, sports fisheries and wildlife	366.2
Total	4,778.7
1970: $3,486.6 (2.09 percent).	
1971: $4,392.8 (2.31 percent).	
IX. Human needs at home (21.70 percent):	
Welfare:	
Maintenance and/or medical grants to states for dependent children, the aged, blind, disabled, maternal and child welfare, work incentives, administrative expenses and research for welfare programs	10,585.1
Office of Economic Opportunity Teacher Corps	906.2
Donations of surplus commodities to the poor (from Commodity Credit Corp.), Food Stamp, school lunch, special milk, and other food and nutrition programs	3,374.8
Housing:	
Department of Housing and Urban Development, including home ownership assistance, low rent public housing, community planning, fair housing and Model Cities	4,324.7
Education:	
Elementary and Secondary Education	2,710.6
Higher Education	623.9
Assistance to schools in federally affected areas (Impact Aid), Vocational rehabilitation, other education (including libraries)	2,337.0
Health:	
Health insurance for the aged (Medicare) [2]	1,901.8
Health services for the poor (Medicaid)	5,239.6
Public Health including Institutes of Health	6,454.8
Indian Health, Education and Welfare	539.7
Other:	
Disaster Relief	1,862.5
Environmental Protection Agency, other environmental activities	2,378.9
Rural Electrification Administration, Farmers Home Administration	1,004.2
Food and Drug Administration, consumer interests, product safety	158.7
The arts and sciences, National Science Foundation, and D.C. Institutions	952.1
Miscellaneous activities of the Department of Health, Education and Welfare	59.0
Estimated permanent appropriations, largely for Federal Housing Administration fund	1,494.5
Total	46,908.1
1970: $30,545.6 (18.29 percent).	
1971: $40,794.7 (21.41 percent).	
X. Economic development, labor, commerce and industry (3.54 percent):	
Manpower training and labor: Development, manpower training and unemployment compensation; mediation and regulation of labor disputes; standards, enforcement, statistics and administration	4,829.7
Commerce:	
Regulation of foreign and domestic commerce, general administration of Department of Commerce	1,307.1
Civilian programs of Atomic Energy Commission [2]	1,290.4
Estimated permanent appropriation for Appalachian Regional Development Programs	180.0
Total	7,607.2
1970: $4,381.1 (2.62 percent).	
1971: $6,215.9 (3.26 percent).	
XI. Communications and transportation (2.15 percent):	
Post Office	1,410.0
Transportation (Including Department of Transportation)	2,168.3
Federal Communications Commission, Coast Guard (civilian portion)	790.4
National Oceanic & Atmospheric Administration (including weather forecasting), Office of Telecommunications	237.4
Estimated permanent appropriations, largely for Civil Aeronautics Board	36.3
Total	4,642.4
1970: $5,069.2 (3.04 percent).	
1971: $5,709.2 (3.00 percent).	
XII. Administration of justice (1.11 percent):	
Federal Bureau of Investigation	353.3
Juvenile Delinquency, Law Enforcement Assistance Administration (LEAA), Justice Department, Federal Prison System; Bureau of Customs, Secret Service, Narcotics Control, Tax Court and Subversive Activities Control Board; Immigration and Naturalization Service	1,722.3
Administration of Courts	188.3
Commission on Civil Rights, Equal Employment Opportunity Commission (EEOC), civil rights education and related activities	51.9
Estimated permanent appropriations, largely for Bureau of Customs	93.2
Total	2,409.0
1970: $1,702.2 (1.02 percent).	
1971: $2,269.2 (1.19 percent).	
XIII. General Government Expenses (2.80 percent):	
Legislative establishment including Congress and the Capitol	606.2
Executive Office and the White House	51.3
Tax Collection, auditing and financial management	1,376.7
Civil Service Commission and General Services Administration; miscellaneous, including other claims against the Government	1,933.5
Administration of Territories and the District of Columbia, Native Americans (except welfare programs), Indian Claims	717.1
Estimated permanent appropriations, largely for Civil Service Commission	1,376.2
Total	6,061.0
1970: $4,024.1 (2.41 percent).	
1971: $5,522.4 (2.90 percent).	
XIV. General revenue sharing (3.84 percent):	
Estimated permanent appropriation for payments to state and local governments	8,294.7
Grand totals:	
1970: $166,986.6 million.	
1971: $190,527.8 million.	
1972: $216,198.9 million.	

[1] Includes all funds appropriated by Congress during Calendar year 1972 when the money was spent in the fiscal year ended June 30, 1972, or allocated to the year ending June 30, 1973. Monies to finance all of the above programs will be drawn largely from income and excise taxes and borrowings. Ad-

ditional outlays not included in the tables will be made from Social Security, health, highway and other Trust Funds. Funds for the foreign assistance and Labor-HEW (Health, Education and Welfare) programs are by continuing resolution through June 30, 1973, because of lack of agreement on the regular appropriations bills.

[2] Estimates. (The Atomic Energy Commission—*AEC*—actual appropriation is $2,633,410,000. The AEC estimates 51% of that total is for military components, 49% for other AEC spending.)

ST. PAUL SUNDAY DISPATCH ATTACKS BOMBING OF CAMBODIA

Mr. MONDALE. Mr. President, I wish to call to the attention of my colleagues an excellent editorial which appeared in the April 15 issue of the Saint Paul Sunday Dispatch. Attacking the President's bombing policy in Cambodia, the editorial calls upon Congress to act to end American military involvement and commitments in Indochina.

Mr. President, I ask unanimous consent that the editorial be included in the RECORD.

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

PRESIDENTIAL WARMAKING MUST BE CHECKED

President Nixon, by his own personal choice, is carrying on an American war in Cambodia which threatens to drag the United States deeper into the bloodsoaked political and military quicksand of Indochina.

There is no congressional authorization for this war. There is nothing in the U.S. Constitution which says that a President may through mere personal desire carry on wars in foreign lands. Instead, the Constitution says: "The Congress shall have the power to declare war."

This explicit provision was written into the Constitution nearly 200 years ago as a direct breakaway from old British practices which permitted Kings to wage war for their own purposes. For some years now it appears that American Presidents have been more interested in increasing their own war powers than in honoring the restrictions of the Constitution.

In Cambodia President Nixon is using the U.S. Air Force to support the weak and unpopular Lon Nol government. The Lon Nol regime is endangered by a civil war in which rebel Cambodian forces are assisted by a few thousand North Vietnamese troops. Most of Cambodia already is under control of the insurgents. The capitol city, Phnom Penh, is under siege.

This situation markedly resembles conditions which prevailed in South Vietnam a dozen years ago when President Kennedy intervened on behalf of the unpopular regime of President Diem, who was menaced by civil war among the Vietnamese. Kennedy also acted without congressional authorization. Later President Johnson expanded this presidential war with disastrous results.

The eventual penalty for U.S. involvement in Vietnam came to include nearly 50,000 American combat dead, more than 300,000 wounded, taxpayer costs of some $100 billion, devastation of both South and North Vietnam and shattering the lives of millions of Vietnamese peasants.

The lesson Americans generally read into this experience was that we should get out of Indochina. For a time it appeared that President Nixon was following this course as he withdrew the American ground forces. But now it seems he has no intention of doing so. He continues his dogged intervention in Cambodia and he appears to threaten renewing the Vietnam war by more bombing of North Vietnam if the present wobbly "peace" falls apart completely as the Vietnamese politicians carry on their fratricidal power struggles.

It is against this background that the Senate Foreign Relations Committee has begun hearings on renewed proposals for legislation to put a stop to unchecked presidential warmaking in foreign lands with congressional approval.

In related developments, Sen. Walter Mondale of Minnesota has introduced a bill specifically to prohibit President Nixon from using tax funds to finance further military operations in Cambodia. "The Congress no longer can permit the President's warmaking powers to go unchecked and unchallenged," he declared.

Senators Frank Church, D, Idaho and Clifford Case, R., N.J., have sponsored a bill to prohibit the re-engagement of U.S. forces anywhere in Indochina without advance approval by Congress.

Sen. Mark Hatfield, R, Ore., said the Nixon Administration's activities in Cambodia "may be repeating the pattern of secret commitments and public denials" which characterized America's early involvement in Vietnam.

Senate Majority Leader Mike Mansfield of Montana declared in a floor speech that "there are no legal or constitutional grounds for our becoming involved in any way, shape or form in the Cambodian civil war."

But the State Department's legal adviser, Charles Brower, told the Senate Foreign Relations Committee that President Nixon has authority to intervene in Cambodia "to ensure South Vietnam's ability determine its own future." Furthermore, Administration officials admit privately that "contingency plans" are being made in Washington for further expansion of U.S. military actions, if this is deemed necessary by the President.

Under such an open-ended concept of presidential authority the Nixon Administration could continue its wars in Indochina for years without end, as long as it feels that its chosen regime in South Vietnam needs help. The war in Cambodia could be kept up and expanded into Thailand and the bombing attacks on North Vietnam could be resumed at any time.

Such a policy is absolutely without justification. South Vietnam has long since been provided at American expense with an army and military supplies sufficient for its own defense. America cannot guarantee the perpetuation of the Thieu regime. The United States should get out of Cambodia and out of Indochina's endless wars and political struggles.

Since the Nixon Administration shows no signs of accepting this goal, the Congress should proceed to pass the laws which will force an end to American military involvements and commitments. Presidential warmaking at the whim of whomever may chance to occupy the White House must finally be checked.

THE AL BRAMLET STORY

Mr. CANNON. Mr. President, once in a great while the American success story of young men and women rising to the peak of their professions from humble origins, can be told.

Such is the case in my home city of Las Vegas, Nev., where recently the community gave testimony to the career of a much accomplished leader from the ranks of organized labor.

I refer to Al Bramlet, the president of the State Federation of Labor and secretary-treasurer of Local 226 of the Culinary Workers Union, who received the great honor of being selected by the nonsectarian City of Hope as the Man of the Year in the 60th observance of that organization's service to mankind.

The tribute to Al Bramlet's contribution to his State and Nation, as well as his humanitarian interest in the progress of those less fortunate than he, merits the attention of all.

I ask unanimous consent that a portion of that tribute, extracted from the proceedings in which he was the recipient of the 1973 Golden Torch of Hope Award, be printed in the RECORD.

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

THE AL BRAMLET STORY

It is more than his basic ties to the needs of others, more than the deeply ingrained humanitarian response to those who have been less fortunate . . . to Al Bramlet, it is a way of life.

Born in Jonesboro, Arkansas, and raised on a small farm there, Al was moved to Joliet, Illinois, where he completed his secondary education. He got his first job when he was fourteen, and has been self-sufficient, working in various fields of the service industry, ever since.

The rest, as they say, is history. During a long and productive career. Al Bramlet now occupies an enviable place as secretary-treasurer of Culinary Workers Union, Local 226.

With time out for service in the U.S. Navy during World War II, he has spent more than a quarter century in Las Vegas, where he has dedicated himself to the needs of the working man and the underprivileged. Widely known as a man deeply committed to community and philanthropic endeavors, Al Bramlet was a member of the original board which assisted in raising funds for the construction of Our Lady of Las Vegas church. He has actively championed the causes of the performing arts, Heart Fund, Rose de Lima Church, and raised funds for buses to transport handicapped children to and from special education classes.

More recently, Al and Local 226 raised more than $30,000 to construct a kitchen for use by the mentally retarded. This project enables youngsters to practice and learn kitchen skills and, hopefully, to make them independent.

Before coming to Las Vegas, Al took a good look at life and the world, working in such population centers as Chicago, Los Angeles, Miami and New York. He transferred to Las Vegas as a union business agent and, in 1953, when he ran for secretary-treasurer of Local 226, he was elected by a two-to-one margin. In the following twenty years, he has been opposed only once in seeking re-election. Six years ago, Al was honored with election to the presidency of the Nevada State AFL–CIO, a post he still holds.

Because he exemplifies so perfectly the humanitarian ideals of the free, nonsectarian City of Hope, the National Board of Trustees, on the occasion of the City of Hope's sixtieth anniversary of service to mankind, is proud to honor Al Bramlet and salute his efforts which will establish a Las Vegas Research Facility in his honor.

BOARD CHAIRMAN OF 3M TESTIFIES BEFORE HOUSE WAYS AND MEANS COMMITTEE

Mr. MONDALE. Mr. President, I wish to commend to my colleagues' attention a recent article which appeared in the April 6 issue of the Saint Paul Pioneer Press. The article relates the frank and perceptive testimony offered before the

House Ways and Means Committee by Mr. Harry Heltzer, board chairman of the 3M Co. of Saint Paul. Mr. Heltzer recommended that the United States try to eliminate as many tariff and non-tariff barriers as possible in our trade with other countries.

Mr. President, I ask unanimous consent that the article be included in the RECORD.

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

HELTZER IMPRESSES CONGRESSMEN—3M: A REFRESHING COUNTERPOINT TO ITT

(By Al Eisele)

WASHINGTON.—There was an almost audible sigh of relief from members of the House Ways and Means Committee after Harry Heltzer, board chairman of the 3M Company, completed an appearance before them this week.

The response was not due entirely to Heltzers' testimony, although it was an impressive performance by the short, stocky executive whose salary runs into six figures beginning with the number 300.

Rather, like Diogenes successfully concluding his search for an honest man, the members of the House's most powerful committee obviously felt they finally had found an honest spokesman for American big business.

The committee members, and undoubtedly Heltzer himself, were painfully aware that only the day before, on the other side of Capitol Hill, a Senate subcommittee had completed hearings that revealed some of the dirtiest corporate linen in American history.

The Senate Multinational Corporations Subcommittee's two-week probe uncovered ITT's incredible offer of $1 million to the CIA and other government agencies to affect the outcome of the 1970 Chilean election.

The Senate hearings not only produced evidence of perjury by ITT officials in regard to their efforts to protect ITT's $153-million investment in Chile, but persuaded the subcommittee chairman, Frank Church, D-Idaho, to call for legislation making it a federal crime for a business organization to meddle in another country's internal affairs.

By comparison, Heltzer and 3M came off as symbols of corporate integrity and probity.

Referring to Heltzer's testimony about 3M's far-flung overseas operations, Rep. Hugh Carey, D-N.Y., declared, "I think we're seeing possible the best of multinationals here today."

Even the harshest critic of U.S. multinational companies such as 3M, Rep. James Burke, D-Mass., was forced to agree.

After badgering Heltzer over 3M's opposition to the restrictive Burke-Hartke trade bill, Burke conceded, "It is unfortunate that you and the 3M Company do not represent the type of multinational corporations we tend to have before this committee."

Burke's backhanded complement reflected the praise the committee lavished on Heltzer after he offered it an extraordinarily detailed glimpse of 3M's corporate inner sanctum.

Although Heltzer several times declined to answer technical questions by pleading a lack of expertise, he satisfied the committee's intense curiosity about the business philosophy and tactics of 3M, which does about a third of its $2 billion annual business in 36 foreign countries.

Armed with a 44-page statement entitled, "How and Why 3M Company Puts People and Money to Work in World Markets," Heltzer unflinchingly supplied answers to dozens of questions about 3M's production and sales figures and its attitude toward U.S. tax and trade policies.

Sitting by himself at the witness table dressed in a brown, double-breasted suit, Heltzer looked more like a Soviet apparatchik or a modern-day Fiorello LaGuardia than one of the nation's highest-paid business executives.

Noting that 3M's foreign income was virtually nonexistent when he joined the company in 1933 as a 35-cent-an-hour laborer with a Depression-devalued degree in metallurgical engineering, Heltzer made an effective argument for continuing the free trade policies that helped 3M sell $800 million worth of goods abroad last year.

Heltzer's testimony was hailed as extremely constructive in terms of the problem we're studying now" by Rep. Barber Conable, R-R.Y., and won him an accolade from Carey, who said, It looks like the free trade group led off with a thoroughbred here today." Even the irascible Burke agreed with that assessment.

Heltzer's testimony was summed up by Rep. Joseph Karth, D-Minn., whose district includes the St. Paul-based company and who once negotiated a union contract with Heltzer at 3M.

As I understand the thrust of your testimony," said Karth as Heltzer nodded his affirmation, it is that you recommend very strongly that we do everything we can as a country to eliminate the tariff as non-tariff barriers between us and other countries?"

Karth, his face showing the pain of a back ailment went on to voice his agreement with organized labor concern about cheaply-produced foreign goods flooding the American market and drew agreement from Heltzer that the Nixon Administration should take reciprocal action against countries having restrictive trade policies in regard to the U.S.

Heltzer's appearance, his first before a congressional committee, called to mind a remark by Karth's predecessor on the Ways and Means Committee, former Sen. Eugene McCarthy, who when asked during a tax hearing what the name 3M stands for, replied, "It stands for a lot of Minnesota."

In light of the ITT disclosures, it now appears Heltzer and 3M—like McCarthy, who helped restore the integrity of the political process, and like another Minnesotan, Chief Justice Warren Burger, who has helped restore the integrity of the Supreme Court after the Abe Fortas scandal—may stand for a lot of the American business community, as well.

COUNTRY-BY-COUNTRY MILITARY ASSISTANCE ALLOCATIONS FOR FISCAL YEAR 1973

Mr. FULBRIGHT. Mr. President, in view of the current interest of many Members of the Senate in curtailing unnecessary U.S. spending abroad, I ask unanimous consent to have printed in the RECORD the executive branch's country-by-country allocations for fiscal year 1973 of military grant assistance provided under the continuing resolution spending authority.

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

DEPARTMENT OF STATE,
Washington, D.C., April 12, 1973.

Hon. J. WILLIAM FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate.

DEAR MR. CHAIRMAN: Pursuant to Section 653 of the Foreign Assistance Act of 1971, I am transmitting to you the country allocations of grant military assistance for fiscal year 1973.

Sincerely yours,

MARSHALL WRIGHT,
Acting Assistant Secretary for Congressional Relations.

Attachment: Country Allocations.

Latin American region

(In thousands of dollars)

Argentina	$550
Bolivia	4,150
Brazil	820
Chile	950
Colombia	778
Dominican Republic	676
El Salvador	515
Guatemala	950
Honduras	554
Mexico	87
Nicaragua	911
Panama	501
Paraguay	293
Peru	820
Uruguay	875
Venezuela	870
Regional	2,900

European region

(In thousands of dollars)

Austria	$18
Finland	30
Portugal	980
Spain	9,900
Regional	123

African region

(In thousands of dollars)

Ethiopia	$9,199
Ghana	55
Liberia	220
Mali	50
Morocco	910
Senegal	25
Tunisia	2,100
Zaire	288
Regional	93

Near East and South Asia region

(In thousands of dollars)

Afghanistan	$215
Greece	6750
India	143
Jordan	34,750
Lebanon	230
Nepal	38
Pakistan	285
Saudi Arabia	231
Sri Lanka	55
Turkey	69,010
Regional	99

East Asia and Pacific region

(In thousands of dollars)

Cambodia	$146,675
China	36,950
Indonesia	17,975
Korea	149,475
Malaysia	180
Philippines	16,775
Thailand	37,975
Regional	267

SAVE THE LEGAL SERVICES PROGRAM

Mr. CRANSTON. Mr. President, the legal services program was established to provide professional legal assistance to the poor so that they could secure equal protection of the laws through our civil justice system. The importance of providing adequate legal counsel to those who cannot afford to retain private counsel was recognized by the Congress as one of the purposes of the 1964 Economic Opportunity Act:

To further the cause of justice among persons living in poverty by mobilizing the assistance of lawyers and legal institutions and by providing legal advice, legal representation, legal counselling, education in legal matters, and other legal services.

The Federal commitment to the provision of adequate legal services was begun to counter the bad image the poor

have always had of the law; as Robert Kennedy said:

The poor man looks upon the law as an enemy, not as a friend. For him, the law is always taking something away.

This commitment was renewed by the Congress less than 8 months ago with the passage of the Economic Opportunity Act Amendments of 1972—Public Law 92-424.

The legal services program has done much to change that image of the law and the lawyer. And, ironically, as the reward for its success, the legal services program is now embattled in a bitter struggle for its very existence. Under the direction of OEO Director-designate Howard Phillips, programs are being choked off by harassment, delay, misinformation, and the general confusion which surrounds the present OEO management. This is an appalling situation for what has been one of the most cost-effective Federal programs for fighting and eliminating poverty. Its record of accomplishment on behalf of the poor is eloquent testimony to its success.

Mr. President, we can all be grateful for the recent U.S. District Court decision enjoining the dismantling of OEO. But the Congress cannot sit idly by. As a principal sponsor of legislation to create an independent National Legal Services Corp. for the last 2 years—now S. 706 amendment No. 5—I am convinced that we must act quickly if the Federal commitment to provide the poor with full access to the justice system is to be preserved. The administration's fiscal 1974 budget states it favors the establishment of such a corporation—yet, the actions by the Office of Economic Opportunity have, to say the least, certainly not lent credibility to those administration pronouncements.

Mr. President, my very strong sentiments about OEO's recent activities vis-a-vis legal services and migrant programs in California were expressed in an April 9, 1973 letter to OEO Director-designate Phillips. Mr. President, I ask unanimous consent that the full text of this letter be printed in the RECORD.

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

APRIL 9, 1973.

HON. HOWARD PHILLIPS,
Acting Director-Designate, Office of Economic Opportunity, Washington, D.C.

DEAR MR. PHILLIPS: I am writing to express my deep concern regarding the delay and confusion which surrounds the refunding of numerous OEO grantees operating in California. The handling of these grantees by the Office of Economic Opportunity—in all cases programs, according to the President's budget, not scheduled to be "phased-out"—has, to say the very least, not reflected procedures condusive to an orderly transition and continuation of operations.

Project directors, unable to gain clarification of their grant status, have sought my assistance in obtaining specific information from OEO as to expected refunding dates. Yet, my staff—despite innumerable telephone calls to OEO and the efforts of several conscientious OEO employees—has been unable, in most cases to obtain any specific information from OEO as to expected refunding dates. In the few instances where information has been provided, my staff has subsequently found that the information has been inaccurate and misleading.

I call your attention to the two enclosed documents. First, the OEO press release announcing that OEO was to resume standard funding procedures on March 1. Second, excerpts from your testimony during the House Education and Labor Committee February 29 hearings, assuring the Committee members that normal funding patterns would be resumed on March 1, with the exception of funding for community action agencies.

In view of these statements of OEO policy, I am requesting the following specific information regarding the OEO grantees listed below: the refunding status of each program; an explanation in detail of the reasons for the agency's delay in the refunding of each program; the expected refunding date; and, if a project is not to be refunded, a detailed explanation of the rationale for that OEO decision.

Also, I would like to know what steps have been taken by OEO to provide technical assistance to programs which have been delegate agencies of a community action agency, in order to establish effectively and promptly direct funding procedures for such programs.

All eight of the legal services programs listed below have received loan authorization telegrams from OEO indicating OEO's intention to refund the program. However, in several instances, the telegrams have proved to be non-negotiable and the projects have been unable to obtain the "authorized loans". This is a specific problem, of which the agency is well aware, and of which the agency was aware prior to the issuance of these telegrams—yet, OEO still issued telegrams which were of no practicable value to the grantees. Even in the utilization of this highly unusual administrative practice, OEO has again—under your leadership—been totally unresponsive to program needs.

LEGAL SERVICES

Project	Grant expiration date	Refunding request	Present status
Solano County Neighborhood Legal Assistance Agency.	Mar. 31, 1973	[1] 90,500	Split 6 mo funding at $42,500 announced/no funds allocated.
Berkeley Neighborhood Legal Services.	....do....	[1] 112,900	Split 3 mo funding at $28,225 announced/no funds allocated.
Legal Aid Association of Ventura County.	Mar. 30, 1973	[1] 93,300	12 mo funding at $93,300 announced/no funds allocated.
Contra Costa Lega. Services Foundation.	Mar. 31, 1973	[2] 711,132	Split 4 mo funding at $117,000 announced/no funds allocated.
San Francisco Neighborhood Legal Assistance Foundation.	....do....	[2] 517,950	Split 6 mo funding at $517,950 announced/no funds allocated (grant held in national OEO).
Legal Aid Society of Marin County	Mar. 31, 1973	[1] 75,000	12 mo funding at $67,000 announced/no funds allocated.
Stanislaus County Legal Assistance, Inc.	Feb. 28, 1973	[1] 80,800	12 mo funding at $105,000 announced/no funds allocated.
Legal Aid Society of San Mateo County.	Mar. 31, 1973	[1] 307,200	12 mo funding at $307,200 announced/no funds allocated (held in OEO national).
Greater Bakersfield Legal Assistance, Inc.	Feb. 28, 1973	[3] 37,500	6 mo funding at $37,450 announced/no funds allocated.

[1] 12 mo.
[2] 15 mo.
[3] 6 mo presently split funded.

Additionally, I am deeply concerned about the refunding status of the Migrant Legal Action Program (MLAP). OEO's continued and deliberate refusal to release funds obligated to MLAP is an inexcusable abuse of administrative authority which requires a full explanation by OEO.

MIGRANT AND INDIAN PROGRAMS

Project	Grant expiration date	Refunding request	Present status
Greater Calif. Education Project	Mar. 1, 1973	$1,295,349	Funds obligated and not released
Trabajadores Adelante	Feb. 1, 1973 [1]	$200,445	Refunding denied, no OEO explanation.
Bakersfield Target Community Citizens Anti-poverty Council.	Mar. 15, 1973 [2]	152,500	Refunding denied, no OEO explanation.
Intertribal Council	Mar. 31, 1973	822,000	Refunding denied (Mar. 2, 1973) no OEO explanation.
California Department of Human Resources Development "Migrant Services."	May 1, 1973 [3]	650,000	Funds obligated and not released.
Self-Help Enterprises	Apr. 1, 1973 [4]	277,178	Funds obligated and not released.

[1] 2d 6 mo. of split funding/originally to run to July 31, 1973.
[2] 2d 6 mo. of split funding/originally to run to Nov. 30, 1973.
[3] 2d 6 mo. of split funding/originally to run to Oct. 31, 1973.
[4] 3d 4 mo. of split funding/originally to run to July 31, 1973.

I would point out that the Migrant programs listed above are scheduled to be transferred to the Department of Labor May 1, 1973. It would appear that OEO, under your direction, is engaged in a course of deliberate indifference and calculated evasion with a view toward destroying the Migrant programs before the scheduled DOL transfer.

Mr. Phillips, this is an intolerable situation. These are programs which serve tens of thousands of poor Californians. It is the responsibility of the Federal Government to provide administrative procedures which facilitate the orderly operation of programs. Yet, the problems which have arisen appear to be solely the result of OEO's mishandling of these grantees—which has been characterized by delay, outright misinformation, disorganization, insensitivity and neglect.

I urgently request that you immediately stop the lengthy delays and refund these programs in accordance with your prior assurances. I look forward to your reply by Monday, April 16, 1973.

Sincerely,

ALAN CRANSTON.

Mr. CRANSTON. Mr. President, the Nation cannot afford to wait any longer for the details of the administration's proposal to continue the legal services program while it squeezes the life out of legal services and other OEO programs by highly irresponsible and illegal methods which circumvent normal funding procedures and protections.

Mr. President, Senator MONDALE and I have been joined by Senator JAVITS and Senator KENNEDY and a bipartisan group of four other Senators in a letter, sent to the President today, urging that the administration's legislation for a National Legal Services Corp be transmitted to the Congress immediately. I ask unanimous consent that the full text of this letter be printed in the RECORD.

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

U.S. SENATE,
COMMITTEE ON LABOR
AND PUBLIC WELFARE,
Washington, D.C., April 16, 1973.

The Honorable RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We are writing to you as supporters of the concept of a National Legal Services Corporation, which we believe to be the most effective means of providing equal justice under the law for Americans who are poor.

Although we may differ among ourselves on the precise form such a corporation should take, we share the objective expressed in last year's Administration bill, S. 1769, to establish a National Legal Services Corporation, with an independent board, making funding available directly to grantee programs. We believe this is a highly effective means of providing for a legal services program responsive both to the legal needs of the poor and to the general public.

Accordingly, we are pleased that your fiscal year 1974 budget submitted in January indicated that you have maintained your commitment to this concept and would transmit new legislation to that end.

However, we are concerned that your proposal has not been submitted to Congress as of this date and that in the interim, as a result, the effective operation of the current legal services program has been impaired by short-term funding and questions about its future.

We urge that legislation for a National Legal Services Corporation be transmitted in the immediate future, so that it, along with other proposals before the Congress, may be considered and acted upon at the earliest possible date.

We pledge that the Administration proposal will be given every consideration in order to promptly establish a National Legal Services Corporation to meet the vital needs for equal justice under our Constitution.

With best regards,

Sincerely,

Jacob K. Javits, Robert Taft, Jr., Richard S. Schweiker, Robert T. Stafford, Walter F. Mondale, Alan Cranston, Harrison A. Williams, Edward M. Kennedy.

Mr. CRANSTON. Mr. President, I call on the President to demonstrate his concern for the poor of our Nation and to demonstrate his commitment, as a lawyer, to equal justice in the courts for all. I urge him to send the administration's legal services legislation to the Hill immediately. And I ask the President to work with us toward a mutually acceptable formula that will insure a responsible, accountable Legal Services Corporation—responsive to clients, to the organized bar, and to the public.

Mr. President, former Chief Justice of the Supreme Court, Earl Warren, stated it well for us all in a recent interview with Leo Rennert of the Sacramento Bee, when he said that legal services for the poor were "an adjunct to the right of petition, to correct abuses as provided in the Constitution." In the article about this interview, the former Chief Justice, who devoted 16 years in service to the highest court of the land and over 50 years in public service, speaks eloquently about the vital importance of legal services to the very nature of the American system of justice.

Mr. President, I think this insightful interview with this great legal scholar and judicial statesman will be of great interest to my colleagues, and I ask unanimous consent that the full text of the article be printed in the RECORD.

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

EIGHTY-SECOND BIRTHDAY INTERVIEW—WARREN SAYS LEGAL AID PROGRAMS FOR POOR DESERVE WIDE SUPPORT

(By Leo Rennert)

WASHINGTON.—US Chief Justice Earl Warren, retired, says legal aid programs for the poor deserve the nation's full support because they give exploited groups effective, peaceful means to obtain justice.

In contrast to a growing White House view that antipoverty lawyers should not file controversial lawsuits, Warren firmly believes the poor must have full access to all appropriate legal channels.

In an exclusive interview with The Bee to mark his 82nd birthday anniversary today, he spoke out strongly in defense of class action suits brought on behalf of the poor against government agencies.

California Gov. Ronald Reagan, Vice President Spiro Agnew and other high officials in the Nixon administration maintain such activities constitute an unwarranted use of tax funds and tend to deepen social divisions.

Warren, however, said poverty lawyers who expand the frontiers of the law while advancing the interests of their clients "render a great public service."

Society, he declared, benefits when long-standing grievances are corrected through legal channels.

"That's what the courts are for," he remarked. "They're there to allay tensions and frictions by showing poor people they can have redress to sustain their rights.

"Eliminate those frictions and tensions, and you're on your way to curing a lot of things."

Warren said legal services for the poor are "an adjunct to the right of petition, to correct abuses, as provided in the Constitution."

He also depicted them as an essential survival weapon in poverty areas.

"Look at the poor districts in any community," he remarked. "That's where you find the worst depredations by shrewd crooks. The people are poor and they have no legal representation. They can abuse them.

"The mere fact that there is a neighborhood legal office where residents can get advice drives out such crooks who are seeking to fleece the poor."

Warren said he advises law students to look upon their prospective career as an "exciting" challenge because the courts increasingly are lending themselves to attacks on poverty, discrimination, monopoly, pollution and consumer abuse problems.

"These are exciting fields," he remarked. "And you're doing it for all the people—not just one paid client."

Warren granted the 45-minute interview on March 9 in his office in the Supreme Court building, where he presided over the nation's highest tribunal for 16 years. By agreement, his remarks are being released today.

Robust and in excellent health, he still punctuates his comments with frequent bursts of hearty laughter. He also remains "as busy as ever" with a wide range of new activities, including the writing of a book about his 52 years of public service.

Warren said he is "right in the middle" of reviewing his year on the high court and hopes to complete the book this year.

Asked if his memoirs will "tell all," he replied he could not violate the confidentiality of conferences the court held to reach its decisions.

Warren said he also has ruled out any public comment on the course followed by the court under his successor, Chief Justice Warren Burger.

"I'm interested, of course," he remarked. "But when I left the court, I left it. I don't want to express an opinion prejudging or second-guessing what they do now. I think that's the proper posture."

RETIREMENT TIMING

Warren was willing, however, to lay to rest a widespread impression here that he decided to retire in 1968 to give Lyndon Johnson—not Richard Nixon—a chance to name his successor.

In a city quick to attach political significance to any major public action, the timing of Warren's decision to step down was viewed by many as an attempt to influence the continuity of the court along pro-Warren lines.

As it turned out, President Johnson was rebuffed by the Senate in his attempt to replace Warren with former Justice Abe Fortas. Warren stayed on another year until the Senate confirmed Nixon's choice—Burger.

Recalling his departure from the court, Warren said his decision to retire was personal—not political. He also noted that he announced it before Nixon had won the GOP nomination.

"I did not want to wither and die on the vine," he explained. "I was 78. Almost anyone would say that's an appropriate retirement age. I had put in more than half a century of public service.

"Also, I've always believed that the strength of our institutions lies in the infusion of new blood."

SOME SPEAKING OUT

While generally reticent to speak out on controversial political issues, Warren has made a few important exceptions since leaving the court.

He openly supported congressional repeal of a law which gave the President authority to order mass detentions during national emergencies.

The successful repeal effort was sponsored by organizations of Japanese ancestry which recalled their forced removal from the West Coast during World War II—A move which Warren at the time supported as attorney general of California.

"War is a terrible thing," he remarked. "It can give rise to hysteria.

"It was a sad thing. I hope it never happens again."

NATIONAL HEALTH INSURANCE

On another legislative front, Warren said he has written to Sen. Edward M. Kennedy, D-Mass, to express support for a comprehensive national health insurance program.

He recalled how he pushed a similar program when he was governor of California.

"The medical profession never forgave me," he said.

"But it's still one of the great needs in our country. We just have to have a medical program that's available to everybody. We can't afford to continue with the present hit-and-miss system."

Warren said he and his wife stayed at the LBJ Ranch shortly before the former president's death and, unlike other close acquaintances, thought he "looked better than he had seemed for a long time."

The Warren's visit coincided with the former chief justice's participation in ceremonies which marked the opening of the Johnson civil rights papers at the LBJ Library at the University of Texas.

"He did more in the field of civil rights than any president since Lincoln," Warren remarked.

A day after he granted this interview, Warren left for Geneva to attend a conference on labor relations under the auspices of the International Labor Organization—a unit of the United Nations.

He is a strong believer in strengthening the UN and in enlarging the jurisdiction of the World Court.

Because of this interest, he also participates in the World Peace Through Law program, which sponsors biennial conferences. Warren is chairman of a subunit, the World Association of Judges.

While he accepts few speaking invitations, he tries to set aside some of his time for talks with law students. Since his official retirement he has conducted seminars at Berkeley, Notre Dame and here at George Washington University.

CHICAGO TRIBUNE SERIES ON THE ENERGY CRISIS

Mr. PERCY. Mr. President, I would like to call to the attention of my colleagues an excellent series of articles on the energy crisis which recently appeared in the Chicago Tribune. This series provides a particularly well-rounded, thorough, and readable summation of the multitude of considerations that are part of the energy crisis. Because these articles may aid in our understanding of the complex nature of the crisis and the actions needed to solve it, I ask unanimous consent that the Tribune articles be printed in the RECORD.

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

[From the Chicago Tribune, Mar. 4, 1973]

CAN AMERICA SURVIVE THE 20TH CENTURY?

(The concern that man is using his natural resources faster than nature replenishes them has reached new heights in the last several months as debate grows over the "energy crisis." Two veteran Tribune reporters, Science Editor Ronald Kotulak and Environment Editor Casey Bukro, have been studying the issue from the perspectives of their special fields. This is the first in a series.)

(By Ronald Kotulak)

Americans are living in the most affluent, luxurious, and materialistic society the world has ever known. Unfortunately, it may be the last "good time" society the earth can support.

According to many experts, we may soon have to tighten our belts. Our children and future generations may have to do without many of the creature comforts we take for granted, such as air conditioners, gas furnaces, and cheap energy—the cornerstone of our industrialized culture.

Warnings of a looming energy crisis and a natural resources crunch are often dismissed in disbelief. It is like trying to tell someone who is gorging himself at a banquet that he eventually will be hungry.

Yet, most of the experts, the studies, and the surveys point to the same ominous conclusions—we are headed for the twin hardships of an energy shortage and a dwindling stock of usable minerals (iron, copper, zinc, and so forth).

We are energy hogs. With only six per cent of the world's population, we consume 35 per cent of the earth's total energy. The amount of energy daily consumed by the average American is the equivalent of 80 slaves working for him day and night.

Our lives, our economy, and our country revolve around the grossly wasteful use of abundant energy. The gasoline that powers our cars, for example, has an energy efficiency rating of only 25 per cent. A light bulb, which wastes most of its energy as heat, is only 5 per cent efficient.

If all the rest of the world's population could be brought up to our energy consumption level tomorrow, all of the earth's energy stores would be used up in 40 years even without any increase in population or the use of energy.

We are headed for a critical energy shortage period in the next 10 to 15 years, primarily because of our rapidly shrinking reserves of natural gas and oil.

Prices will more than double, and there probably will be rationing.

How we operate after 1985 will depend on the development of new technology to provide new sources of energy. But these new technologies aren't developed yet—and we aren't sure they will work.

We are also material hogs, consuming 35 per cent of the world's production of raw natural resources. The birth of an American baby, because of all the things he will eventually consume, has 10 times the impact on the environment as that of an infant in India.

The planned obsolescence of objects such as cars, products designed for once-only use, and devices that are cheaper to replace than repair account for much of our enormous appetite for natural resources.

The average American's use of material things can be seen in his garbage can, where he deposits five pounds of solid wastes each day.

There doesn't seem to be any escape from the conclusion that our affluent lifestyle is going to decline somewhat. How much will depend on what we do and how fast we act to seek a balance with nature.

"The American lifestyle, insofar as it depends upon materials, is changing and will continue to change in the near future as the nation pays the deferred social costs of past consumption and inequities in distribution and begins to calculate the costs of depletion, replacement of nonrenewable resources, and environmental restoration and protection," said the National Academy of Sciences' National Research Council.

Dr. Preston Cloud, the University of California at Santa Barbara geobiologist who headed the National Academy's study on the national materials policy, said the problem is far more serious than most people realize.

Anyone counting on worldwide reserves of natural resources and fuels can forget it. Of the 20 minerals most commonly used in industrialized nations, only 11 will still be available in the world by the turn of the century, Dr. Cloud said.

By the year 2042, which is only as far into the future as the invention of the airplane and the discovery of radioactivity are into the past, we can count on only 8 of the 20 commodities for the world and maybe three for the United States [molybdenum, perhaps iron, and coal], Dr. Cloud said.

"One does not have to be an economic geologist or a mineral economist to see that, short of plundering the rest of the world, the availability of mineral resources of itself will place real limits either on population growth or on affluence in the U. S. by early in the 21st century, and sooner if we are not alert and skillful in dealing with imminent shortages," he said.

What got us into this mess? First, our economy is based on cheap, abundant energy. Now we find that our fossil fuels, except for coal, is running out. Second, we have used up most of our high-grade mineral deposits.

Only recently have some people come to think of the earth as a limited storehouse, with just so many goodies for everyone to share.

The vise constricting our natural resources became tighter when people began to rebel at the environmental rape of our country—dangerously high levels of air pollution, despoiled rivers and lakes, and hundreds of thousands of acres of land denuded thru open-pit mining.

Added to this has been the growing population, not only in America but in the world; the growing demand for more resources; and the awakening of the "third world"—the underdeveloped nations—to the understandable desire to share in the good life.

But, the rising expectations among the deprived that they, too, may share the affluent life are doomed to bitter disappointment without population control and holding the population to present or lower levels, Dr. Cloud said.

"The growing populations of Americans will be confronted with the hard choice of foregoing some of their affluence or continuing to import, at increasing rates, the raw materials on which the underdeveloped countries might base their own industrial growth," he said.

At the same time, the people of all developed nations will have to face the agonizing question of what to do about the pressures against their gates by the less privileged.

The burgeoning population is the overriding factor that now threatens the earth's ability to support the human race, Dr. Cloud said.

The world population is expected to jump from 3.7 billion to 7 billion by the year 2000. To support this many people in a style of living that Americans enjoyed in 1969 would require 200 to 400 times the present annual world production of iron, lead, zinc, and tin—an impossible task.

Competition for the earth's resources will become sharper. Friendly countries may turn against each other. Canada recently announced that it is drastically reducing its export of crude oil to the U.S. so that Canadians can be assured of having enough as the shortage worsens.

Perhaps our troubles are due to man, the planetary disease, said Dr. Ian L. McHarg of the University of Pennsylvania, an expert on ecological planning.

"Man is an epidemic, multiplying at an upper-exponential rate, destroying the environment upon which he depends, and threatening his own extinction," he said.

"He treats the world as a storehouse existing for his delectation; he plunders, rapes, poisons, and kills this living system, the biosphere, in ignorance of its workings and its fundamental value."

Look what happened to energy. Americans use it as if it were a perpetual motion machine, never giving a thought as to where it came from. It was there to be used, abused, and wasted, and the utilities and the government condoned such waste.

"Isn't that how we got into this predicament—by serving the public's desires, by feeding its appetite for a prosperity purchased with cheap energy?" said C. Howard Hardesty Jr., executive vice president of Continental Oil Co., Stamford, Conn.

"The American people were buying affluence on margin, and their brokers failed to warn them that cheap energy has hidden costs—like polluted air, polluted water, and ruptured and abandoned landscapes," he said.

Americans will have to pay for this, said John F. O'Leary, director of licensing for the Atomic Energy Commission, with "spiralling prices for our energy's resources . . . and the concomitant of a diminished standard of living."

The outlook for natural resources is just as bad. The National Research Council notes that this country is almost completely dependent on foreign sources for 22 of the 74 nonenergy mineral commodities considered essential for a modern industrial society.

The National Commission on Materials Policy, set up by Congress to study the resource depletion problem, said the nation is importing more and more of its basic materials. The latest count shows that two out of every five barrels of oil used here come from foreign lands.

In 1970 the United States imported all of its primary requirements for chromite, columbium, mica, rutile, tantalum, and tin; more than 90 per cent of its aluminum, antimony, cobalt, manganese, and platinum; more than half of its asbestos, beryl, cadmium, fluorspar, nickel, and zinc; and more than a third of its iron ore, lead, and mercury.

The cost of the imports is tremendous. Having to import them also raises serious questions not only in areas of national security [depending on faroff lands for U.S. resources] but in balance of payments which could catapult the U.S. into bankruptcy.

In 1970 the U.S. exported $5 billion worth of minerals and imported $9 billion, for a deficit of $4 billion. At the present rate, the deficit in the year 2000 could grow to more than $60 billion, with more than half of the nation's raw materials coming from foreign lands.

Of course, Americans may not be able to import so many raw goods by the turn of the century, given the dwindling worldwide supplies and the increased competition for these materials from Japan and Europe, which are worse off than America. The world stores of natural gas and oil, for instance, probably will last only 50 to 65 more years.

"In a little over 100 years of industrialization, we have arrived at the point where we can see the end of these 'naturally manufactured' high-grade raw materials," the AEC's O'Leary said.

U.S. steel mills, for example, are supplied in large part by materials that 20 years ago wouldn't have been counted as ore. In the 1920s copper mines weren't worked unless they had 5 to 30 per cent copper. Today a mine appears attractive with only one-half of one percent copper.

The gloomiest picture of the earth's future was painted by scientists from the Massachusetts Institute of Technology and six other nations as an outgrowth of a Club of Rome project.

Using a computer to figure the relationships between population increase, agricultural production, natural resources depletion, industrial output, and pollution generation, the scientists concluded that at our present rates of economic and population growth the world will collapse around the year 2100.

The period would be marked by an industrial flameout, breakdown of society, and a soaring death rate, they said.

Altho most experts aren't ready to accept such a "hell on earth," they do agree with the M.I.T. group's assertion that major measures must be undertaken soon to stop the population growth, use material goods more wisely, and see that everybody gets a share.

These changes will mean recycling goods so that all essential materials remain in use, building things to last instead of becoming obsolete in a matter of years, substituting available materials for scarce ones, and synthesizing new materials.

It will also mean better methods of exploring for natural resources, including using spy satellites and remote sensing devices to detect hidden deposits. Improved mining techniques are also needed, such as chemical excavators that leach minerals out of the earth without disturbing the surface.

Some geologists believe that as the prices of minerals go up, the supply will increase because mining low-grade deposits then becomes profitable.

There are large unexplored areas in the world and vast offshore continental shelves that may hold a wealth of resources if some way can be found to extract them without endangering the environment. Removing minerals from sea water is a good possibility, but it is costly and Americans must not fall victim to the delusion the Germans entertained of paying off their World War I debts by mining gold from the sea.

It is hoped that a clearer understanding of earth's geology thru the emerging concept of continental drift and seafloor-spreading may give scientists a better idea of where to look for mineral deposits.

There is no doubt that new reserves of natural resources will be found, but at the present rate of use, 4½ times more of these resources will be needed by the turn of the century.

[From the Chicago Tribune, Mar. 5, 1973]

U.S. Fuel Supply Nearing Bottom of Barrel

(By Casey Bukro)

This country is using more fuel—oil, natural gas, and coal—than it can produce.

Result: The energy crisis.

For millions of Americans, the energy crisis became real during the winter of 1972–73. After decades of cheap and plentiful fuel that nourished this nation's herculean growth, the United States suddenly could not find enough fuel to heat its homes and power its factories and transportation.

"The joyride is over," says S. David Freeman, one-time energy adviser to Presidents Johnson and Nixon. The richest nation in the world is becoming energy poor because, among other things, it has burned most of the oil and natural gas that have been easy to find in America.

"The era of low cost, clean energy sources is almost dead," says former Commerce Secretary Peter G. Peterson. "Popeye is running out of cheap spinach."

Experts say the energy situation is going to get worse in the next 10 to 15 years and they warn of fuel rationing. They also warn that we have the next 10 to 15 years to find our way out of this mess, before things really get bad.

Despite all of our glib talk of the "space age" and "space age technology," this generation of Americans feasts on the bounties of Mother Earth like no generation before it.

Oil, natural gas, and coal that are pumped or dug from the earth account for 95 per cent of our power. They energize our stoves, air conditioners, electric blankets and toothbrushes, home furnaces, dishwashers, television sets, lawn mowers, and the 100 million autos that clog our highways.

With less than 6 per cent of the world's population, the U S. guzzled one-third of the globe's energy production in 1972.

Energy consumption is growing at a rate of 5 per cent a year, or four times faster than the increase in U. S. population. American energy demands are expected to double by 1985, and swell five-fold by the year 2000.

Some experts are alarmed because energy consumption in this country is doubling and redoubling in shorter periods of time. Between now and the year 2000, for example, the U. S. will consume more energy than it has in its entire history

"I think our energy shortage is not only endemic, it's incurable," said a member of of Federal Power Commission. "We're going to live with it the rest of our lives."

The pessimism is understandable. Even a glance at the energy picture in this country shows an incredibly tangled and interwoven web. Touch one part of it and all the other parts quiver.

The story of coal in the last 30 years is a good example.

Since 1945, coal's share of the nation's energy source has fallen sharply to 18 per cent, while natural gas and petroleum have shot upward. Railroads began converting to diesel engines in the 1940s and retiring coal-burning locomotives. By federal action, the price of natural gas was kept low, so this fuel invaded major coal markets for heating and industry.

In the mid-'60s, coal suffered another serious setback when electric utilities began ordering nuclear reactors instead of coal-burning boilers. In 1969, the Coal Mine Health and Safety Act set mine safety standards that added as much as $1 a ton to the cost of deep mine coal.

Then the Clean Air Act of 1970 set air pollution standards that outlawed much of the use of high-sulfur coal. In the last two years, 850 underground coal mines have closed down.

The governmental action was taken because coal takes such a heavy toll on human health and safety.

It blackens the lungs of miners with coal dust and kills them in mine accidents. When burned in boilers and furnaces, it fills the air with dust and gases that damage the lungs. Researchers are seeking ways to burn coal without environmental and health risks.

And so, in the midst of plenty of coal, this country is not using its greatest source of fuel.

The coal industry, like the oil and gas industries, is quick to blame environmental control for all of its troubles. But it is much more complex than that, involving economics, governmental controls, long-time business trends, competition, and environment.

Here is what the United States fuel supply looks like.

Oil—Petroleum, the world's key energy source, filled 44 per cent of the nation's energy needs in 1972. Of the 2.9 trillion barrels of oil in U.S. soil, only 52 billion barrels have been located and can be pumped out. That is less than a 10-year supply at the rate we use it. A lot of oil in the earth is unreachable with current technology.

Natural gas—The fastest growing fuel in the U.S. over the last 20 years, natural gas supplied 33 per cent of the nation's energy needs in 1972. Known and recoverable gas reserves in the nation amounted to 290 trillion cubic feet—enough to last another 11 years.

New gas customers were refused in 21 states last year. Forty-three per cent of industry and 150 million Americans rely on gas for power, heating, and cooling.

Coal—Our most plentiful source of fuel, coal accounted for only 18 per cent of the nation's energy budget last year. Nearly 3.2 trillion tons of coal are believed to exist in the U.S. Up to 390 billion tons of that can be mined. That could last 300 to 800 years depending on how much we use or export.

If this nation turns heavily to coal when technology is perfected to burn coal cleanly or to convert it into liquid or gas fuels, the coal supply in this country might last about 100 years.

Uranium—Nuclear fission accounts for less than 1 per cent of the energy in the nation today, but it is expected to rise to 13 per cent by 1985. Nuclear electric power generat-

ing plants use uranium to keep the atomic fires burning.

Known uranium reserves amount to 273,000 tons, or enough to last another nine years. Estimated reserves still to be found in this country amount to something like 1.6 million tons—enough to last until the year 2000.

Water—Hydroelectric power put 4 per cent of the electric in the nation's energy basket last year. By 1985, water power probably will account for less than 3 per cent of the total energy picture because there are not many places in the country where hydroelectric plants can be built.

But that still might be enough to aggravate the rising furor over water quality and water quantity. As the population grows, so does water use. Some calculations indicate that the U.S. will have a water deficit of 30 per cent by the year 2020.

Electricity—Electricity is considered "secondary" energy because power generating stations burn coal, gas, oil, or nuclear energy to make electricity. Power generation is one of the largest energy consumers in the nation, accounting for 25 per cent of the total. That will rise to 36 per cent by 1985.

Electric power production in the U.S. has doubled every 10 years for the last 30 years.

[From the Chicago Tribune, Mar. 6, 1973]

SACRIFICES NEEDED TO MEET ENERGY CRISIS

(By Casey Bukro)

President Nixon turns up his air conditioner in the summer so he can burn logs in his fireplace.

He's part of the problem.

A South Side woman burns all the lights in her apartment all night to ward off burglars.

She's part of the problem.

The problem is that fully half of all the energy used in the United States last year [69 quadrillion BTUs, equal to 12 billion barrels of oil] was wasted.

The way we use energy in America is a mirror of our society. Look at it and you see how we live, work, and play. It is the foundation of the affluent American way of life. Energy has been so cheap that we give almost no thought to using it efficiently.

"Energy is treated almost as a free good," says R. Stephen Berry, a University of Chicago professor of chemistry who is specializing in U.S. energy problems.

"The presumption was that only good could come from using energy," Berry said. "We now think we know better."

Scientists taking a closer look now at energy-use practices in homes, industry and on highways are reporting some startling findings:

An ordinary 100-watt light-bulb wastes 95 per cent of its electrical energy as heat and uses only the remaining 5 per cent to make light.

Autos shoot about 75 per cent of the energy from internal combustion out the tailpipe. Mileage per gallon of gas has fallen off over the last 50 years, primarily because cars are getting heavier.

The efficiency of a nuclear power plant is about 30 per cent, meaning that 70 per cent of its energy is poured out into lakes and streams as wasted heat. Coal- or oil-burning power plants waste about 60 per cent of their fuels' energy potential.

When wood or coal is burned in an open fireplace, less than 20 per cent of the energy actually warms a room. The rest goes up the chimney.

The pilot light on a gas range burns a third of all the gas the appliance uses.

Solutions to such problems could strike at the heart of the American lifestyle.

It's not just how fast we use energy, but how fast our population is growing. The U.S. population now is 208 million and is expected to reach 241 million by 1985.

This could mean an increase in motor vehicle registrations from the 111 million today to 155 million in 1985. Another 40 million housing units will be needed.

"The simple fact is that we are spoiled rotten," says C. Howard Hardesty Jr., executive vice president of Continental Oil Co. "Except for our family, sacrifices don't come easy to any of us."

Normally a promoter of energy use, even the petroleum industry has joined the growing chorus asking for energy conservation. The word being heard most often is "sacrifice."

Higher prices [double or triple] for electricity, heating, or gasoline are being forecast as the tool by which runaway energy use most likely will be curbed.

"The price of energy should encourage a policy of energy husbandry," said Berry. This appears to be the way energy prices will go.

The more energy a consumer uses, the less he pays under energy price rates all across the country. Paradoxically, the low rates promote the use of energy at a time when we are suffering shortages.

A survey of Chicago utilities and fuel distributors shows a typical energy price situation.

Home consumers who use relatively little energy [20 per cent of the national total], but are the largest class of customer, pay 23.41 cents per therm for gas. Industrial bulk users, who consume 40 per cent of the nation's energy, pay 7.1 cents per therm.

Commonwealth Edison Co. charges residential customers 3 cents per kilowatt hour for electricity. Large industrial users pay 1.34 cents per kilowatt hour. A homeowner pays 19.5 cents a gallon for heating oil. A bulk user pays 12 or 13 cents per gallon. Even a ton of coal costs a home consumer 40 per cent more than a big user pays.

Fuel dealers say long-term contracts and the cost of producing and delivering bulk fuel play a role in this price difference.

"Charging less for greater use would make sense only if energy were in fact free," said Berry. "But it is not."

Berry, along with Harvard economist John Kenneth Galbraith, believes that manufacturing prices should include "external diseconomies," the unpaid cost to human health and ecology from industrial production.

With higher prices, energy planners say, the next move will be to energy conservation in home and industry. For example, they are talking of charging $1 for a gallon of gas and banning internal combustion engines from central cities.

Not all economists agree that the solution is that simple.

"We don't have an automobile crisis because they're raising car prices," said Irwin Stelzer, president of National Economic Research Associates in Washington. "We don't have a clothing crisis because they raise the price of clothes. All higher prices will mean is we'll pay more for fuel, maybe buy a Volkswagen if gas goes to 80 cents a gallon."

Our high horsepower cars consume 6 million barrels of gasoline a day, or 2.2 billion barrels of gasoline a year. They account for a third of the 6.2 billion barrels of petroleum products consumed in the nation a year.

Even at 40 cents a gallon, Americans pay less than half what Europeans pay for gasoline. The Federal Power Commission, on the other hand, predicts "market chaos" would follow doubling or tripling of gas prices.

But the federal government already has embarked on studies of savings in fuel that can be expected from energy conservation.

In one of the first reports of its kind, the Office of Emergency Preparedness showed recently that the U.S. could cut its energy demands by a margin equal to 7.3 million barrels of oil a day by 1980 thru conservation. That much oil would be worth $10.7 billion at current prices.

"The most significant energy conservation measures are the installation of improved insulation in both new and old homes and the use of more efficient air conditioners; a shift of intercity freight from trucks to rail, intercity passengers from air to rail and bus, and urban passengers from automobiles to motorized mass transit; and the introduction of more efficient processes and equipment," the report said.

In any language, that spells "upheaval" to our present way of life. The report outlines key areas:

Transportation—Twenty-five per cent of energy used in this country goes for transportation. Petroleum accounts for 96 per cent of fuel used for transportation. Autos use 55 per cent of it, trucks 21 per cent, and planes 7.5 per cent.

The report suggests developing urban clusters that minimize transportation, rather than today's sprawling suburbs that ring cities.

Residential—Space heating and cooling, water heating, refrigeration, and cooking account for 88 per cent of the energy used in homes. The biggest chance for energy conservation in homes was found to be better insulation.

The OEP report points out that if all home thermostats were set two degrees higher in the summer and two degrees lower in the winter, that would save energy equal to 600,000 barrels of oil a day by 1980.

Commercial—U.S. planners are taking a hard look at those modern glass and steel buildings, which leak heat in the winter and air conditioned coolness in the summer. In either season, the windows cannot be opened to take advantage of natural heating or cooling.

Some architects and lighting experts say there is 10 to 20 times too much light in most modern buildings. It's so excessive, some say, that office air conditioning often is needed to remove the heat caused by indoor lighting, even when it is snowing outside. And what about our miles of neon display lighting that burns throughout the night, when most people are sleeping?

Industrial—Industry uses about 42 per cent of the energy in this country. The OEP emphasizes that "underpriced energy encourages wasteful energy use" and says industry easily could cut its energy demands by 10 or 15 per cent.

The federal agency also suggests tagging appliances with information on how much energy each draws, so that consumers can avoid inefficient machines.

It also urges reuse and recycling of materials, in effect mining junk piles. Studies show 22 per cent less energy is needed to produce a car from recycled material, while throwaway glass container production is twice as expensive as manufacturing returnable bottles.

The public in general was warned that it must become more accustomed to thinking about and acting upon "tradeoffs."

Ecologist Paul Ehrlich, meanwhile, says higher prices for energy and fuel rationing do not necessarily spell doom for the U.S.

"A great deal of energy is used frivolously and wastefully in the United States, partly because energy is so cheap," says Ehrlich. "Such extravagance has little to do with a real standard of living and nothing to do with improving the lot of the poor."

SAVINGS START IN HOME

Here are some tips on ways to conserve energy at home:

Shut off lights when leaving a room. Draw blinds and drapes, close doors and registers in a room not in use.

Don't leave appliances, like television sets, running except when needed.

Use full loads in washing machines and dishwashers.

Most homes are overheated in the winter. Turn the thermostat down.

Insulate your home. A $200 investment in insulation could cut heating and cooling

losses by one-half, also cutting your heating and cooling bill.

Keep your furnace in good operating condition. Keep dust off radiators or baseboard units.

Never let a faucet drip. One drop a second can waste 700 hundred gallons of water a year.

Cover saucepans when cooking when possible. Food will cook faster and you'll save gas. Use a low flame.

[From the Chicago Tribune, Mar. 7, 1973]

AMERICAN OIL INDUSTRY HAS ONLY 27 YEARS BEFORE ITS WELLS GIVE OUT

(By Casey Bukro)

OIL

In Texas it's called black gold and has brought prosperity to millions.

But across the country warning signals pronounce the petroleum industry, a bulkwark of the American economy, in deep trouble. No matter how you slice it, the petroleum industry as we know it today probably will not exist beyond the year 2000—only 27 years away. The signals show:

Tho the U.S. still is the world's leading oil producer, its total production peaked in November, 1970, and has been dropping.

Imports are filling a bigger share of the nation's oil needs, up to 28.5 per cent in 1972.

Texas oil wells, pumped to the limit as an emergency measure to meet this winter's fuel crisis, dribbled when oilmen had expected them to gush.

Drilling by the major oil companies for new domestic oil sources has fallen 63 per cent in the last 20 years.

Only one new oil refinery is being built in the United States today, altho oilmen say 58 new refineries are needed by 1980.

One of the reasons is simple: This country has tapped the oil that was easy to reach in the last 50 years and burned it in our homes, factories, cars, trucks, tractors, planes, and ships.

"The easy oil is gone," said Theodore [Ted] Eck, chief economist for Standard Oil Co. [Indiana].

As a result, half of the total oil heritage of the continental United States [about 240 billion barrels] has been used. The other half is deeper, more widely scattered, and more expensive to recover.

The major oil companies say they should be given tax advantages, import quotas, depletion allowances, relaxation of antipollution standards, and higher prices as incentives to explore and drill oil and gas wells on the continent, off-shore, and in Alaska. Their opponents call this the "Drain America First" policy.

People such as S. David Freeman, former presidential adviser on energy matters, take a different view. He is one of those who say oil companies are using energy crisis scare tactics to raise the price of fuel.

"Thus far, the energy crisis is a self-inflicted wound," says Freeman, who now directs the Ford Foundation Energy Policy Project. "It is not Mother Nature but Uncle Sam that is to blame."

The federal government failed to lower barriers to the free flow of oil into our nation, Freeman contends. The energy crisis, he says, "could well serve as a smoke-screen for a massive exercise in picking the pocket of the American consumer to the tune of billions of dollars a year."

Joel Darmstadter, senior research associate for Resources for the Future, Inc., believes the short-term fuel problems facing this nation are serious, but temporary. "There are different avenues open to us," he says. "If we don't succeed in one area, we will in another."

"This certainly seems to be the first time, however, that we have not been able to fall back on some energy source in order to plug the scarcity in one form," he said of current fuel shortages. Darmstadter and Freeman agree that management of fuel resources has a lot to do with fuel shortages this winter.

Richard Leet, vice president of supply for American Oil Co. in Chicago, was asked what will prevent the fuel shortages from recurring next winter.

"Nothing," he answered.

While all sides do not agree on the nature of the energy crisis and actions needed to solve it, they seem to agree on the wisdom of increasing prices for energy supplies.

The public posture of the oil industry is that "we must accelerate the development of our domestic energy resources."

"If present trends continue, the U.S. could become dependent on foreign oil for more than 50 per cent of our petroleum energy needs over the next decade or so," warns Frank N. Ikard, president of the American Petroleum Institute.

The warning, like a litany, is repeated by major oil and gas spokesmen. Gas production also is expected to peak soon in this country.

Privately, some oil men admit there is really no way to avoid importing 50 per cent or more of our oil by 1980 or 1985, because of the amount of time and money it takes to find oil and build refineries.

"There are not enough years left in this decade to avert it," said Eck. He, like the other oilmen, would like to see higher prices for gas and oil that would give oil companies the capital to reap oil in Alaska and offshore United States. They say low profits and high costs have discouraged them from exploring or building refineries.

Alaskan and offshore oil could fill 90 per cent of the nation's oil needs by 1990, Eck believes. But it would not last long enough to keep this nation in the lifestyle to which it is accustomed.

"We've got enough fossil fuel [oil and gas] to tide us over thru the century," Eck said. "Hopefully, synthetic fuels and nuclear energy will have been developed by then so we don't depend on fossil fuels as our basic energy."

The oil finds in Alaska and the offshore continental shelf sound huge, until you compare them with the 17 million barrels of oil consumed daily in the U.S. It might be 30 million barrels a day by 1980. Oil production in America today is 10 or 11 million barrels a day.

The much-heralded Prudhoe Bay oil field in Alaska, the largest oil find in U.S. history, holds 10 million barrels. That would supply the U.S. two years.

The continental shelf off our coastlines supposedly holds 160 to 190 billion barrels of oil. Some analysts say that would be a 10-year supply at future consumption rates, if environmentalists did not block its development. Ecologists oppose offshore drilling and have fought off 17 proposals for new oil refineries, and also are fighting the trans-Alaskan oil pipeline.

Leet said the major oil firms have spent most of the exploration money—$3 billion—for lease rights to the Alaskan north slope.

"If the price were higher, there would be more drilling and more gas and oil," Leet said.

Oilmen say the price of natural gas has been held artificially and ridiculously low for the last 35 years by the Federal Power Commission. To keep competitive, the price of domestic crude oil also is held low—about $3.40 a barrel—they say.

Increase the price of natural gas about 20 percent and the price of crude oil about $1 a barrel, and the oil industry would have the incentive to expand domestic oil and gas production, oilmen say.

That would cause the price of gasoline to go up about 2½ cents a gallon and add about $10 to a $50 monthly gas bill.

But the oil industry admits the costs facing them are grim. Oilmen say it will cost $150 billion to produce an additional 10 billion barrels of domestic oil a day for the United States. Tomorrow: What the federal government is doing about the energy crisis.

[From the Chicago Tribune, March 8, 1973]

ENERGY LOOMS AS NEXT CRISIS ISSUE FOR UNITED STATES

(By Casey Bukro)

Henry Kissinger appears on video screens thruout the nation to report on the outcome of sensitive negotiations bearing on the welfare of the United States.

An agreement has been reached with Mideast and North African countries on new supplies of imported oil for the U.S., he says.

Farfetched? Not to Washington officials who are predicting that "energy" will replace the Viet Nam war and ecology as an issue of prime national concern and "the pet of Washington politics."

Kissinger's staff already is deeply involved in the thorny international implications of a national energy policy, including diplomatic, military, and economic problems.

President Nixon has said he soon will propose a plan to assure the nation adequate supplies of energy "at acceptable economic and environmental costs." It is expected to be one of the most important things he does in 1973.

White House aids are scampering, goaded by sharp criticism that this nation has no clear-cut policy on energy use and planning and simply is drifting toward disaster.

Remarks by the President and key Washington officials in the past few months hint at things to come. President Nixon, in his second inaugural address last January, urged locating "more responsibility in more places."

"We hope to avoid the frequent fault of over managing the problem at the government level and of not letting market forces play a major role," said Peter Peterson, former Secretary of Commerce during a visit to Chicago last November.

Accordingly, states soon may find themselves deeply involved in the energy business, following a trend set by federal air and water pollution control laws. They give states primary responsibility for stamping out pollution.

State public utility commissions and state governors have as much authority to regulate power as the federal government, say Washington officials.

But that does not mean the federal government intends to bow out of the energy business. Not by a long shot.

At least 50 per cent of the nation's remaining oil and gas, about 40 per cent of the coal, 50 per cent of the uranium, 80 per cent of the oil shale, and 60 per cent of the geothermal energy are located on federal lands.

The Nixon administration reportedly is readying a package of proposals putting emphasis on stepping up domestic production of oil and natural gas soon as possible. This includes accelerated programs for leasing oil and gas rights on federal land.

This is expected to infuriate ecologists and delight the National Petroleum Council.

"People are concerned about the environment until the lights go out," said Richard M. Fairbanks, a White House aid and assistant director of the Domestic Council.

His remarks underscore the apparent conflict between energy goals and environmental goals. There are some who believe, however, that the need to conserve energy eventually will accomplish some of the things ecology crusaders tried to do in protecting natural resources.

For the time-being tho, predictions are that environment will take a back seat to energy in Washington calculations.

The Office of Energy Preparedness reports, for example, that auto emission standards cost us 300,000 barrels of oil a day now, and maybe will cost us another 2 million barrels

by 1980. That could worsen the nation's fuel supply outlook.

The OEP also is taking a survey to see how many electric power utilities can switch their generating stations back to burning coal, instead of oil or gas.

Clean air demands tipped the scales in the growing national fuel shortage, and exposed it in a dramatic way to the American public. It also showed that this nation is pushing conflicting policies.

Air quality laws across the country have restricted burning coal and other dirty fuels. This created a sudden demand for cleaner gas and oil this winter when supplies were abnormally low. The result was a nationwide fuel shortage.

Fairbanks named international, economic, and environmental concerns as "the three keys" to the upcoming Presidential message on energy.

"We're trying to produce an energy policy that recognizes trade-offs," said Fairbanks. It will "lean heavily toward national security" considerations and "letting the market system operate," he said.

The economics and politics of energy are incredibly complex. In trying to sort it out, government planners are looking at it in three time frames: Now and the next few years, the next few decades, and the distant future. These are some of the vital points being considered:

National Security—Dependence for our future oil supplies on foreign countries—especially those hostile to the U.S. or politically unstable—is viewed as a security risk. The U.S. probably will be importing 50 per cent of its oil by 1980 or 1985.

Among the most likely sources of this imported oil are the Mideast and North Africa. Buying that much oil from the Arab world would disrupt U.S. ties with Israel. The Arabs could amass hundreds of billions of American dollars thru oil exports and use their dollar wealth for political and economic pressure against the U.S.

Allies—Japan and Western Europe need oil more desperately than the U.S. does. Head-to-head competition for oil to sustain the American lifestyle of high consumption could strain relations with these allies, not to mention the third world developing nations that want a bigger slice of the natural resources pie. Raw materials are political commodities and the stuff or world power.

Balance of Payments—The U.S. trade deficit for fuel and energy purchases in 1970 was $3.7 billion. That could climb to $30 billion by 1985. This drain badly tips the balance of American imports and exports, and threatens the dollar's stability. It could touch off another world dollar crisis.

Prices—Should low-cost energy continue to be a primary national goal? To that end, the Federal Power Commission has controlled the price of natural gas since the 1930s, encouraging growth with cheap power. The petroleum industry says this has had a severe impact on the profitability and growth of coal, oil, and natural gas. Thought is being given to decontrolling the price of natural gas and setting prices on fuels that encourage slower consumption.

Domestic fuels—The President is expected to give his blessings for higher prices for crude oil, taxes, tariffs, import quotas, and depletion allowances that will spark expansion of domestic exploration, production, and refining. He is expected to call for incentives to resuscitate the faltering coal mining and railroad industries, including encouraging large industry to switch to coal.

Those who will oppose this say the oil import quota program costs fuel consumers $5 billion a year to keep out cheaper foreign oil. A cabinet task force on the quota system recommended abandoning it in 1970. Oil interests also will want supertankers and ports to handle them, offshore drilling, and the Alaskan pipeline. These run contrary to ecology goals.

A bill to abolish the oil import quota was introduced last week in the U.S. Senate.

Sen. Henry M. Jackson (D., Wash), has called for a top priority program to build oil storage facilities to hold a 90-day supply for the nation. Supplies of oil on hand normally in the U.S. would last about six days. The oil storage plan has gotten a lot of attention in Washington, but oil producers oppose it because it could be used to affect prices.

Environment—Strip mining surpassed underground mining in 1971 as the nation's leading method of coal production. It costs about $1.50 a ton less to strip coal than to take it from underground mines. Stripped coal is expected to account for 60 to 70 per cent of total coal output in the U.S. by the end of the decade. This will clash with ecologists who oppose the wastelands normally left by strip mining.

Conservation—The government also might try to reverse the wasteful use of energy and get Americans to use energy wisely. This will not be intended to curtail economic growth.

Organization—Sixty-four federal departments and agencies have authority over energy. An executive order for a new chain of command on energy matters is expected. President Nixon already has taken a step toward consolidating this authority by appointing Agriculture Sec. Earl Butz as his counselor for natural resources. This could be a step toward creation of a department of natural resources in the federal government.

Research—The federal government has spent more than $3 billion in the last 10 years on developing power for the nation, most of it for nuclear electric power generation. Scientists say we have put all our eggs in one energy basket [nuclear], while alternatives have been ignored.

They also say that the sheer volume of heat being radiated by our lights, motors, furnaces, and machinery threatens to change the earth's climate.

BIGGER ATOM ROLE SEEN BY YEAR 2000

WASHINGTON, March 7 [UPI]—The Atomic Energy Commission [AEC] today predicted that 60 per cent of the nation's electricity will be produced by nuclear power at the end of the century.

At present, the AEC said, atomic energy accounts for only 4 per cent of the total supply.

In a forecast entitled "Nuclear Power—1973–2000," the commission said nuclear generating capacity would grow to 1.2 billion kilowatts in the year 2000 compared with 14.7 million kilowatts at present.

The AEC said the growth forecast would result from development of fast breeder and high temperature gas-cooled reactors. They are expected to be introduced for commercial use in the United States and abroad in 1986.

[From the Chicago Tribune, Mar. 9, 1973]

NEW TECHNOLOGY—HOPE FOR U.S. ENERGY

(By Ronald Kotulak)

We are playing scientific roulette with our energy future.

Scientists hope new technologies will be developed for producing abundant amounts of clean energy to head off an energy flameout, but the trouble is that none of these new technologies are now in hand.

Many experts speak in glowing terms about the promise of the breeder reactor, fusion, solar energy, geothermal power, and other exotic forms of energy. But we don't know if they will work, or, if they do work, if they will be practical. These new technologies must first be developed, and government and industry have been slow in developing them.

There is no question that science and technology can work wonders. It is also true, however, that in many new technological developments there are unexpected delays, setbacks and complexities that slow their use and diminish their promise.

This is one reason why we are now in an energy crisis, said John F. O'Leary, director of licensing for the Atomic Energy Commission.

The current energy crisis arose in large measure because utilities, coal companies, and the financial community relied on projections that nuclear energy would take over more of the load, he said.

But nuclear power has not lived up to its promise. Increasing construction costs, unexpected technical problems, and environmental roadblocks have put the development of nuclear generating stations years behind schedule.

As a result, we face an immediate critical shortage of natural gas and oil, and the bulk of the coal that is left contains so much sulfur that burning it is a hazard to health.

Outside of coal, every fuel now in use is threatened. At our present rate of use the known deposits of natural gas will begin running out in 10 years, oil in 30 years, and uranium 235 in 30 years.

Echoing the belief that our future energy supplies lie in new technologies, Peter G. Peterson, former commerce secretary, nevertheless warns that "none of these [new] sources are currently economically practical and most of them are not even technologically feasible at present."

The federal government is now faced with a dilemma, he said. If it concentrates on developing one or two of the new technologies it could find it has been betting on the wrong horse, and our energy crisis will deepen.

If the government tries to support all the promising leads, its funds will be diluted, and the development of worthwhile new energy sources will be delayed.

The Federal government now spends $600 million a year for research on new sources of energy, with nearly half, $260 million, going for only one project, the breeder reactor. President Nixon has given the breeder top priority.

And for good reasons. The breeder is an alchemist's dream, because it makes more nuclear fuel than it burns. It may be able to produce abundant energy for centuries. But, altho the breeder is scientifically feasible, it has not been shown to be technologically possible yet.

Scientists have been working on the breeder concept for 25 years. The Fermi plant near Detroit was the first to use a modified breeder reactor, but it failed dismally. It went into operation in 1963, experienced a fuel melt, and was shut down in 1966. It is now scheduled to be dismantled.

The AEC wants to try again. Along with Commonwealth Edison Co. and the Tennessee Valley Authority, the AEC hopes to develop the first working model 400 megawatt breeder reactor in Oak Ridge, Tenn., around 1980. The AEC hopes commercial breeder reactors will be ready by the late 1980s.

The breeder reactor is a wondrous machine. Besides making more fuel than it consumes, it doesn't pollute the air, and if it becomes commercially feasible, it could give us cheap, abundant energy for centuries.

But among the drawbacks, critics say, is the fact that it produces vast amounts of heated waste water, as do all generating stations, and they are worried about radiation hazards.

Reactors are theoretically designed to withstand the ultimate accident. But doubt has recently been cast on the prime back-up system, the emergency core cooling system [ECCS]. There are indications it may not work to quench the reactor core with water. The AEC is taking another look.

In the light-water reactor, the water absorbs the neutrons, but in the fast breeder they are allowed to proliferate. These tiny particles bombard a surrounding blanket of U–238, converting it into plutonium. Plutonium, like U–235, readily undergoes fission.

Breeders make 1.4 atoms of fissionable plutonium for every atom they use up. Thus they not only can supply their own needs, but they can supply fuel for other reactors. Some experts, however, are concerned about the manufacture of plutonium, since it is one of the most toxic substances known to man; it is used in making nuclear bombs.

Here are some other energy possibilities:

Fusion—This is an ambitious undertaking to harness the nuclear process that fires the sun and ignites the hydrogen bomb. Fusion is the opposite of fission, because it requires two atoms to be fused together to produce energy. Light atoms such as heavy hydrogen [deuterium] can be used. There is an almost inexhaustible supply of deuterium in the oceans, so fusion can just about supply our energy needs forever.

But the problem is that fusion has not been demonstrated to be scientifically feasible. The main stumbling block is finding some way to hold the plasma, a gas that becomes so hot that its atoms lose their electrons.

Scientists are trying to devise a "magnetic bottle," a womb-like magnetic field, to hold the inferno that reaches 60 million degrees.

AEC officials hope this can be done by the late 1980s, and the commercial fusion reactors can be ready by 2000. The reason fusion reactors are so enticing is that they produce practically no pollution of any kind, and they have very little radioactive waste.

But whether fusion can ever be harnessed remains to be seen. Some experts are doubtful. Many researchers are attempting to find a shortcut. By shooting intense laser beams at plasmas to trigger brief fusion bursts. So far they have had little success.

Solar energy—Using the radiation from the sun has long been a dream of man. However, it has remained out of his grasp. Some promising new research indicates that the large-scale use of solar energy may begin sometime after 1990. Aden and Marjorie Meinel of the University of Arizona have developed new films that can convert the sun's heat into high-grade heat that can be stored in molten salt.

Geothermal—Tapping hot spots beneath the earth may provide some localized help, but much work needs to be done to bring this source into wider use. Local steam deposits, as in the Geysers, Sonoma Valley, Cal., are limited. A layer of hot granite [600 degrees] underlies most of the earth. The AEC wants to drill two holes at depths of 15,000 feet, one to inject water and the other to collect the resultant steam.

Magnetohydrodynamics, in which hot, ionized gases are directly converted into electricity, may be commercially available in the late 1980s. This process is highly efficient in producing electricity, and it can be fueled by coal.

Synthetic gas—This is produced by converting coal into gas and removing the sulfur. The gas can then be pumped through existing natural gas pipe lines. This may be ready for commercial use between 1975 and 1985. Four pilot plants, including one in Chicago operated by the Institute of Gas Technology, are operating.

To make up for the dwindling supplies of natural gas and oil, the use of coal is expected to triple by the year 2000. But since 70 per cent of our coal reserves contain large amounts of sulfur, we are faced with the inescapable prospect of more air pollution, which already is at levels deleterious to health in 40 per cent of our cities.

Even if methods of producing clean coal are commercially available by 1980, the sulfur in our air will have more than doubled to 41 million tons a year. "Unless the necessary technology becomes available, the country may have to choose between clean air and electricity," said the National Academy of Engineering.

Another important question is whether we should use up our coal reserves. Some experts believe coal may be more valuable in the future for producing plastics, petrochemicals, and other synthetics.

Smokestack emission control—techniques to remove sulfur from smokestack gasses may be ready between 1980 and 1985.

Oil shale—Oil found in rocks and tar sands is in plentiful supply in the Rocky Mountains and offshore deposits, but getting it out is the problem. Economically feasible extraction methods are some time off.

Tidal power—Harnessing the energy of the tides has been abandoned as a practical measure.

Hydrogen—Using giant offshore nuclear-generating plants to break down water into hydrogen and oxygen through electrolysis may be feasible in 20 years. Hydrogen can then be used like natural gas, but people would have to overcome the "Hindenburg complex."

Recycling garbage—Baltimore recently broke ground for a $15 million solid waste disposal and resource recovery system. The unit will process 1,000 tons of municipal waste a day, half the city's total, producing salable energy as one of the byproducts. The process is based on pyrolysis—baking the material in an oxygen-deficient atmosphere—which significantly reduces pollution and produces iron, steel, and glass.

Superconductivity—Researchers hope that by cooling transmission lines to 320 degrees below zero, resistance to the flow of electricity can be greatly reduced, increasing efficiency and the amount of power that can be carried.

We need a strong energy research program, said Peterson. With a little bit of luck and a lot of commitment, energy research may hold the key to bringing back for future generations some of the abundant, cheap, and clean energy we have enjoyed until now.

THE ROLE OF THE CONGRESS IN CONTROLLING THE FEDERAL BUDGET

Mr. MOSS. Mr. President, I am placing in the RECORD correspondence I have had with a few of the Nation's Governors regarding the role of Congress in controlling the Federal budget and setting national priorities. The President has made inaccurate comments about Congress in his battle of the budget, and I felt it necessary to correct them. The President's economic policies have led to large deficits. Congress has reduced the President's budget requests every year he has been in office, and Congress urged the President to adopt a sound economic strategy by passing the Economic Stabilization Act early in 1970. But the President continued his disastrous policy of "stagflation" until August 1971. He now appears to be repeating the same mistakes he made in the first 2½ years of his administration.

If the President had listened to Congress from the start, we would not be faced with high inflation and large deficits.

Mr. President, I ask unanimous consent that the correspondence to which I have referred be printed in the RECORD.

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

U.S. SENATE,
Washington, D.C., March 6, 1973.

Hon. CALVIN L. RAMPTON,
Governor, State of Utah,
Salt Lake City, Utah
Hon. DANIEL J. EVANS,
Governor, State of Washington,
Olympia, Wash.

DEAR CAL AND DAN: I saw your appearance on NBC's Today Show and commend you for aiding public understanding of the issues debated at the Governor's Conference last week. You clearly uncovered the devastating effect of the President's proposal to slash programs aiding the poor, the old, the sick, our schools, our cities, and our national forests and parks.

Congress—not one man in the White House—has the authority and responsibility to determine the priorities of the Federal government; I concur with your comments supporting the role of Congress in making determinations on spending priorities.

I do feel, however, that Governor Evans' comment about their responsibility of Congress in over spending must be corrected. *Congress has cut President Nixon's money requests every year he has been in office.* Congress has been a responsible watchdog guarding the public purse. President Nixon has not.

The President now attempts to paint Congress as the "bad boy" of fiscal irresponsibility. The more this distorted charge is repeated, the more difficulty the public will have in learning the truth. Let's look at the actual cuts Congress has made in the appropriation requests which President Nixon has sent Congress:

Reductions by Congress below administration budget requests

(In billions)

Fiscal year 1970	$8.269
Fiscal year 1971	3.505
Fiscal year 1972	2.743
Fiscal year 1973	6.600
Total	21,117

In the meantime, the President has spent funds to amass a huge deficit, caused largely by a mismanaged economy.

Administration deficit over the past 4 years

(In billions)

Fiscal year 1970	$13.1
Fiscal year 1971	29.9
Fiscal year 1972	28.9
Fiscal year 1973	24.8
Total	96.7

Congress is still best able to maintain the fiscal integrity of the Federal government. And it has the responsibility to set priorities and cut waste and inefficiency. The facts show that we have done just that.

I appreciate the efforts you made to take the issue of the President's budget cuts to the public. Your appearance was a true public service.

Sincerely,

FRANK E. MOSS,
U.S. Senator.

OFFICE OF THE GOVERNOR,
Phoenix, Ariz., March 21, 1973.

Hon. FRANK E. MOSS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MOSS: Thank you for sending me the copy of your letter of March 6 which you addressed to Governors Rampton and Evans.

Your observation that the President has amassed a deficit of $96.7 billion in the past four years appears to be an overstatement. The correct figure is $73.8 billion. Page 371 of "The Budget of the U.S. Government—

FY 1974," and page 62 of "The U.S. Budget in Brief—FY 1974," agree on the following data:

U.S. Government deficits

(In billions)

Fiscal year 1970	$2.8
Fiscal year 1971	23.0
Fiscal year 1972	23.2
Fiscal year 1973	24.8
Total	73.8

Similarly, your statement of the "cuts Congress has made in the appropriation requests which President Nixon has sent to Congress" could not be verified by my research. However, the following figures appear in the budgets of the U.S. Government—1970 through 1974:

[In billions of dollars]

	Budget authority requested by the President	Actual budget authority as passed by Congress
Fiscal year:		
1970	[1] 210.1	[2] 213.0
1971	[3] 218.0	[4] 236.4
1972	[5] 249.0	[6] 248.1
1973	[7] 270.9	[8] 280.4
Total	948.0	977.9

[1] Page 10—"The Budget of the U.S. Government, fiscal year 1970."
[2] Page 44—"The Budget of the U.S. Government, fiscal year 1972."
[3] Page 10—"The Budget of the U.S. Government, fiscal year 1971."
[4] Page 15—"The Budget of the U.S. Government, fiscal year 1973."
[5] Page 10—"The Budget of the U.S. Government, fiscal year 1972."
[6] Page 31—"The Budget of the U.S. Government, fiscal year 1974."
[7] Page 15—"The Budget of the U.S. Government, fiscal year 1973."
[8] Page 31—"The Budget of the U.S. Government, fiscal year 1974."

I believe you are wrong also in your appraisal of "the devastating effect of the President's proposal to slash programs aiding the poor, the old, the sick, our schools, our cities, and our national forests and parks." The President's budget proposal for Fiscal Year 1974 indicates an outlay of $268.7. This is $18.9 billion more than FY 1973, and $36.8 billion more than FY 1972. What you have failed to perceive is that the President has cut those programs that have been failures, and has recommended that Congress plough the money into the same families of programs that have proven successful. The President's FY 1974 budget gives the following actual and projected outlays for the poor, the old, the sick, our schools, and our cities:

MAJOR BUDGET ITEMS
[Outlays in billions of dollars]

	1972	Fiscal year 1973	Fiscal year 1974
Health, Education, and Welfare	71.8	83.6	93.8
Housing and Urban Development	3.6	3.4	4.8
Transportation	7.5	8.0	8.1
Veterans' Administration	10.7	11.8	11.7

We should not overlook one of the most important features of the President's budget. It is the proposal to trim the bureaucracy by 41,000 federal civilian employees through the device of reducing the number of categorical grant programs, and providing the funds directly to the states and local communities where priorities can best be established to enhance the social and economic well-being of our people.

Yours sincerely,

JACK WILLIAMS.

U.S. SENATE,
Washington, D.C., April 16, 1973.

Hon. JACK WILLIAMS,
Governor, State of Arizona,
Phoenix, Ariz.

DEAR JACK: Thank you for your letter of March 21. You are correct that President Nixon did not amass a deficit of $96.7 billion in the past four years. The correct figure is $106.3 billion for that period. The figures you cite, which give the impression of a somewhat smaller deficit, include trust fund money, which masks the real impact of Federal initiatives. Trust fund surpluses are not the result of any "presidential austerity" but in fact are the result of Congressional actions taken long ago to set up self-financing programs.

The Federal funds account is a more accurate measure of the yearly discretionary activities of the Federal government.

The figures in my letter of March 6 were from that account, and were based on data from last fall. New figures reveal even worse deficits than I had stated. The figures are found on pps. 363 and 368 of the FY 74 Budget:

FEDERAL DEFICIT
[In millions of dollars]

	Fiscal year—			
	1970	1971	1972	1973
Expenditures	156,301	163,651	177,959	188,390
Receipts	143,158	133,785	148,846	154,250
Deficit	13,143	29,866	29,113	34,140

Note: Total deficit, fiscal years 1970–73, $106,300,000,000.

Though Congress made significant cuts in appropriations, the economic policy of the President hurt Federal revenues substantially by creating unemployment and lower profits, thereby reducing Federal tax revenues (as well as those of state governments). This lost revenue more than offset Congressional appropriation cuts. Congress urged the President to adopt more effective economic policies by passing the Economic Stabilization Act in 1970, but the President refused to implement it until August of 1971.

The figures used in page two of your letter discussing appropriation cuts blur trust fund accounts with non-trust fund actions. Those figures also do not contain the actual supplemental budget requests of the President, which can be very different from the "guesses" made at the time the budget is introduced. A complete accounting of all appropriation bills, including supplemental requests and excluding trust funds, is contained on page 1469 of Senate Document 92–95, *Appropriations, Budget Estimates, etc.* This document does in fact show that Congress cut the President's requests by $21.1 billion during his first four years in office. It is compiled each year by the Appropriations Committees of Congress, and is done *after* the budget and appropriations cycle is completed, whereas the President's document is presented at the *beginning* of that cycle. The most important factor, however, is the accounting of trust funds, which should not be included because of their self-contained financing arrangements.

Your total reliance on information packaged by White House aides and placed in the budget documents issued by the Administration precludes the opportunity to see where changes are occurring in the budget. The poor, the sick, cities, schools, parks, natural resources, etc., *have* received reduced appropriations, in spite of the President's attempt to cover this over in his 1974 Budget. It would be surprising if these cuts were not becoming visible in Arizona, unless Arizona is the only state that is not closing Model Cities programs, REA loans, water and sewer grants, Impact Aid funds, and substantially reducing many areas of health research, water pollution control grants, public service jobs, forestry management, Land and Water Conservation Fund purchases, libraries, etc.

Independent bipartisan analyses compiled by the Joint Economic Committee of Congress reveal that social and economic programs have indeed been reduced at the expense of rising defense expenditures.

The Committee's recent report of March 26 demonstrates how the FY 1974 Budget incorrectly lumps programs under "human resources" that more appropriately belong elsewhere:

"A more informative functional division of spending can be developed by including veterans benefits in national defense because it is a defense-related expenditure; separating out self-financing social insurance funds; and creating a social and economic development category which would show what the nation is spending in the important domestic areas of education, manpower, health, environment, agriculture, transportation, housing, public assistance, and revenue sharing . . . defense spend . . . [takes] . . . a disturbing jump in 1974 despite the end of hostilities in Vietnam. Spending on social and economic development, on the other hand, has shown a reduction in the rate of growth." *The 1973 Joint Economic Report,* p. 57.

The country desperately needs a sound wage-price control program coupled with a Federal budget sensitive to the needs of America. Instead, the President has chosen to blame his errors on Congress. This is factually incorrect as well as counter-productive. I would hope that state and local leaders would join together with Congress to restore proper priorities.

Sincerely,

FRANK E. MOSS,
U.S. Senator.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

URGENT SUPPLEMENTAL APPROPRIATIONS FOR THE CIVIL AERONAUTICS BOARD AND THE VETERANS' ADMINISTRATION

The ACTING PRESIDENT pro tempore. Under the previous unanimous-consent agreement the Senate will now proceed to the consideration of House Joint Resolution 496, which will be considered under a time limitation for debate on amendments and the bill. The clerk will report the bill by title for the information of the Senate.

The joint resolution was read by title as follows:

A joint resolution (H.J. Res. 496) making appropriations for the fiscal year ending June 30, 1973, for the Civil Aeronautics Board and the Veterans' Administration, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time not be charged against either side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Who yields time?

Mr. JAVITS. Mr. President, on the ur-

gent supplemental appropriation measure, I ask unanimous consent that Mr. Roy Millenson, of the Committee on Labor and Public Welfare minority staff, may be present on the floor during its consideration.

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

Mr. COTTON. Mr. President, I ask unanimous consent that Mr. Warren Kane, who is on the professional staff of the Appropriations Committee, but whose credentials are not yet with the Sergeant at Arms, be permitted to remain on the floor during the consideration of the joint resolution.

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

Mr. COTTON. Mr. President, I suggest the absence of a quorum under the same condition previously granted.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, the period for the transaction of routine morning business was terminated a little earlier. The distinguished Senator from Missouri (Mr. EAGLETON) is here now. He had intended to make a brief statement of about 3 minutes during morning business. In view of the fact that the Senate is awaiting arrival of the distinguished ranking Republican member of the committee, who is on his way to the floor, before proceeding with the debate on the urgent supplemental appropriation resolution, I ask unanimous consent that the distinguished Senator from Missouri (Mr. EAGLETON) may be recognized at this time to speak out of order for not to exceed 4 minutes, and that the time be equally charged against both sides under the bill.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

PEACE WITH HONOR?

Mr. EAGLETON. Mr. President, how happy we were, less than a month ago, when the President told us that the last American POW had been released and that the war in Vietnam had ended. "Peace with honor" had been achieved

The long Vietnamese nightmare was over. The anguish, the bitterness, the division, the disillusionment engendered by our involvement in Vietnam—all of that was behind us now. We could abruptly bring down the curtain on this tormented chapter of American history comforted in the euphoria that at last we had extricated ourselves—POW's and all—from the quagmire of Southeast Asia.

We brought the curtain down not only on our recollections of the grim past, but also, so it seems, on our awareness of the troubled present and the uncertain future.

But make no mistake about it: There is a war still going on in Southeast Asia. It is a hot war, a bloody war. It is a war with a continuing and now escalating American presence.

Item: American B–52 bombing runs are flown daily out of Thailand to carpet bomb in the vicinity of the beleagured capitol of Cambodia, Phnom Penh. The intensity of these bombing forays rivals the Christmas 1972, bombing of Hanoi. There are no SAM missiles in Cambodia so, thus far, no B–52 has been shot down.

Item: With the five access roads to Phnom Penh cut and with only occasional ships able to get up the Mekong River, the United States was called upon to airlift oil and other supplies to Phnom Penh.

Item: Lon Nol, the President of Cambodia, under pressure from American advisors, is forced to remove his brother Lon Non from his too visible position of power. One has to think back to 1963, when Ambassador Henry Cabot Lodge constantly pressured South Vietnamese President Diem to unload his brother and sister-in-law, Ngo Dinh Nhu and Madam Nhu.

Is America's "security" now inseparably entwined with the survival of the Lon Nol regime in Cambodia just as it became entwined with the survival of Diem and all his successors?

Item: South Vietnamese troops make "incursions" into Cambodian territory. Have not we heard that word "incursion" before?

Item: Yesterday the American Air Force began bombing in Laos, the first such bombing in 52 days.

Step by step, action by action, the United States gets a little more deeply involved. Each decision, in naked isolation, has an ostensible plausibility to it. Just as each step by Eisenhower, Kennedy, Johnson, and Nixon seemed, at first blush, so logical.

The Vietnam war droned on for so long that we could not really remember how or when it all began, or how or when we became so deeply, irrevocably involved. But the Vietnam war was ended and so President Nixon told us on March 30:

> We have ended the longest and most difficult war in our history . . .

We had, he said, achieved "peace with honor."

Within 3 short weeks we are bombing in both Cambodia and Laos, airlifting in supplies to Phnom Phen, probably encouraging South Vietnamese "incursions" into Cambodia, and giving political direction to President Lon Nol to put a better face on his faltering regime.

How short our memories. How still our voices.

Gone are the peace rallies; gone are the sacks full of mail; gone are the earnest college students walking up and down the hallways of the Senate office buildings lobbying Senators to vote for peace.

Maybe its because the draft calls have ended. Maybe its a stupifying cynicism about the whole governmental process as being incapable of responding. Maybe we are so emotionally drained that we simply no longer have the ability to care. Maybe our national elation at the news of March 30 so saturates our thoughts as to preclude a dream-interupting doubt.

Whatever the cause of our current unconcern it, like our renewed military activity in Southeast Asia, is dangerous business.

One of these days, we may pick up our paper and read a headline, "U.S. Renews Bombing of Ho Chi Minh Trail." Maybe later a headline, "U.S. Bombs North Vietnam." Perhaps then a headline "U.S. Plane Shot Down; Crew Captured."

And then what?

Can it be that America would once again travel the bloody Indochinese road?

URGENT SUPPLEMENTAL APPROPRIATIONS FOR THE CIVIL AERONAUTICS BOARD AND THE VETERANS' ADMINISTRATION

The Senate resumed the consideration of the joint resolution (H.J. Res. 496) making appropriations for the fiscal year ending June 30, 1973, for the Civil Aeronautics Board and the Veterans' Administration and for other purposes.

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. McCLELLAN. Mr. President, what is the pending business?

The ACTING PRESIDENT pro tempore. The pending business is House Joint Resolution 496.

Mr. McCLELLAN. Mr. President, there are four items contained in this resolution as unanimously passed by the House last week.

First, there is a supplemental appropriation of $26,800,000 for the Civil Aeronautics Board to cover the Government's obligations to pay subsidies to carriers in accordance with the rates prescribed by the CAB for eligible services performed and to be performed in fiscal years 1972 and 1973. These subsidy payments are made to the so-called "feeder" or local service air carriers whose route structures are such that subsidization is necessary since pasenger and freight revenues are not sufficient to recover costs and a reasonable profit return. The CAB exhausted the balance of its appropriation for this purpose for fiscal 1973 on March 15.

Second, there is a supplemental appropriation of $468 million for the Veterans' Administration to cover educational benefit payments for an unbudgeted number of veterans—primarily from the Vietnam era—their wives, widows, and children, who have been participating in this readjustment effort during fiscal 1973. The Vietnam Veterans' Readjustment Assistance Act of 1972, which Congress enacted last October, together with a program enrollment of approximately 124,200 more servicemen than expected during the present fiscal year, is primarily responsible for this urgently needed supplemental request. Funds for this program will be totally exhausted by April 25. Therefore, this appropriation is

needed in order to make benefit payments that will be due our veterans after that date.

Third, a supplemental appropriation of $872 million was added when the House adopted Representative FLOOD's amendment to carry out certain ongoing, higher education student assistance programs, not sufficiently funded or provided for in prior appropriation bills.

Hearings have been held by the Senate Labor-HEW Appropriations Subcommittee on the student assistance program, and it was hoped that this matter could have been considered in the second 1973 supplemental appropriation bill that is scheduled to be acted on next month. However, the House added this provision on the floor in order to expedite action on this appropriation and enable colleges, universities, students, and their parents to know what Federal aid will be forthcoming for the new school term.

This provision affords a total of $872 million for four student assistant programs, and represents the same total amount requested by the administration. The $872 million is broken down as follows: $269.4 million for national defense student loans—there is $23.6 million already available, so that will make a total of $293 million available for 1973–74; $210.3 million for supplemental opportunity grants; $270.2 million for the college work study program; and $122.1 million for the new basic opportunity grant program.

It should be noted that while the administration requested a total of $872 million for student assistance, its proposed breakdown differs from the Flood amendment as follows:

[In millions of dollars]

	Budget request	Flood amendment to H.J. Res. 496
Basic opportunity grant program	622	122.1
Supplemental education opportunity grants		210.3
College work study program	250	170.2
National defense student loans		269.4

The 1972 educational amendments require that certain amounts be provided for the three existing continuing student aid programs before funds may be used for the new basic opportunity grant programs. The administration proposed, however, to fund only one of these three, the college-work study program, and requested $622 million for basic opportunity grants, a new program. As was pointed out on the House floor, this approach would have been subject to a point of order. Moreover, concern was expressed over putting that much money into a complicated new program at this late date.

Briefly stated, the breakdown for educational programs contained in House Joint Resolution 496 represents the best "mix" that the House felt it could present at this time.

The question of this breakdown was the subject of considerable discussion at our committee's executive session on the pending resolution.

The junior Senator from Pennsylvania (Mr. SCHWEIKER) offered, on behalf of Senator PELL, chairman of the Subcommittee on Education, an amendment which would have funded the four programs as follows:

	Million
Supplemental educational opportunity grants	$175.0
College-work study program	250.0
National defense student loans	269.4
Basic opportunity grants	412.6

Senator PELL's proposal is $235 million over the $872 million figure and he proposes to obtain that by transferring $235 million from funds already appropriated for the emergency school assistance program.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the letter and memorandum received by all the members of the committee from Senator PELL.

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

U.S. SENATE,
Washington, D.C., April 13, 1973.

Hon. JOHN L. MCCLELLAN,
Chairman, Appropriations Committee,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: H.J. Res. 496, passed by the House on April 12, will shortly be coming before the Committee on Appropriations.

In this regard, I am concerned that the House proposal funding the Higher Education programs would greatly alter the basic purposes and premises of the landmark Education Amendments of 1972. Accordingly, I hope very much that you might consider modifying the appropriations for Higher Education programs in accordance with the attached memorandum. This modification, while increasing funds for certain student aid programs, would keep the total appropriation for education for fiscal year 1973 exactly the same as in the President's budget requests.

I really believe that this modification, if adopted, would improve the quality of our youngsters' education and more faithfully implement the purposes and intent of the authorizing act.

With very real appreciation and regard, I am,

Ever sincerely,

CLAIBORNE PELL,
Chairman, Subcommittee on Education.

APRIL 13, 1973.

To: Members of the Senate Committee on Appropriations.

From: Claiborne Pell (D., R.I.), Chairman, Subcommittee on Education.

The House of Representatives has amended H.J. Res. 496, a supplemental appropriation measure, to include $872 million for student assistance. This is divided as follows:

[In millions of dollars]

SEOG	$210.300
Work-Study	270.200
NDSL	269.400
Basic EOG	122.100

I am concerned about this apportionment of the funds, since the amount of money allotted for the Basic Opportunity Grants is insufficient to have any significant impact upon the needs of students.

The present funding situation for student assistance may be summarized as follows:

[In millions of dollars]

Program	Minimum required by law	President's budget
SEOG	$130,093	0
Work-study	237,400	$250,000
NDSL	286,000	0
Basic EOG		622,000
Total	653,493	872,000

Mr. MCCLELLAN. Mr. President, I believe that the fund for basic grants must be increased to a level that will make the program in its effect on each student viable. This can be done without exceeding the fiscal 1973 budget—the amount requested by the President for the second supplemental, plus some funds already appropriated pursuant to the President's request—if the following amendment is adopted:

Program and recommended Senate amendment

[In millions of dollars]

SEOG, 175.000 (last year's initial appropriation level; $45 million more than the minimum required by law) ($35.3 million less than in House Amendment).

Work-study, 250.000 (the budget figure is $12.6 million more than the minimum required by law) ($20.2 million less than the House Amendment).

NDSL 269.400 (plus a carryover of $23 million).

Basic EOG, 412.600 (which is 122.100 from the House Amendment, plus 55.5 saved from the House Amendment, to which is added 235.00 already appropriated for Emergency School Assistance which the agency has announced it will not spend).

Total, 1,107.000 (of which $235 million is to be derived from "Emergency School Assistance").

Mr. President, following a thorough analysis of the situation, and on the recommendation of the Labor-HEW Subcommittee chairman, Senator MAGNUSON, the committee agreed to accept the House version of House Joint Resolution 496.

I now understand, however, that the amendment has been or will be considerably modified and offered on the floor of the Senate by the Senator from Rhode Island (Mr. PELL). My understanding is that the modified amendment will have the approval of the Secretary of Health, Education, and Welfare.

Mr. COTTON. Mr. President, will the Senator yield at that point?

Mr. MCCLELLAN. I yield.

Mr. COTTON. What the Senator has just said is true, and perhaps I should indicate, as ranking member of the Subcommittee on Health, Education, and Welfare, that I will be saying a few words on behalf of the Department of Health, Education, and Welfare, which means the administration, in favor of the PELL amendment.

Mr. MCCLELLAN. I understood the administration would favor it. The Senator from Washington (Mr. MAGNUSON) is not here. I owe him an apology; I promised to request a quorum call before I began, but I shall do that when I conclude and give him an opportunity to come to the floor.

Mr. President, the final item in House Joint Resolution 496 was added on the House floor and would appropriate $1.8 million for operating expenses for the national industrial equipment reserve—NIER—established by the National Industrial Reserve Act of 1948.

Under this program industrial equipment is loaned to nonprofit vocational training schools and educational institutions. Over 8,000 items which originally cost $41 million have been loaned to 399 schools in 44 States and are now being used for teaching youths, the handicapped, and disadvantaged persons.

In addition, this equipment is used to

expand defense supporting industries in time of national emergency. During the Vietnam conflict 1,917 tools from the NIER inventory valued at $31 million were activated for industrial production.

NIER was previously funded under the General Services Administration appropriation bill. In fiscal year 1973, the Administration attempted to transfer funding to the Department of Defense. However, the Congress did not include NIER funds in either the GSA or DOD appropriations, and the program officially expired on December 31, 1972. Senator MONTOYA, chairman of the Subcommittee for Treasury, Postal Service, and General Government, held hearings on this item last month and it appears that, in addition to the adverse effect the discontinuance of this program would have on vocational schools, there also would be a deteriorating effect on the general condition of this equipment if simply left in storage.

Mr. President, I shall urge the passage of this joint resolution. I would, however, like to remind my colleagues as we enter upon the consideration of this measure that the second annual supplemental appropriation bill will be presented to the House of Representatives for action, as I understand it, on May 3. This measure has already, I think, over 100 items in it with amounts aggregating or totaling more than $4 billion, so I hope that my colleagues will take that back into consideration with respect to offering further amendments. Any amendments adopted here will send the joint resolution to conference, no doubt, and if the Pell amendment is adopted, I do not know what the House attitude toward it will be. But if the joint resolution gets tied up in conference, in view of the impending recess, we may not get it reported back out of conference until after the recess adjournment.

I suggest that we bear that in mind as we contemplate offering amendments to the pending measure.

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

Mr. McCLELLAN. I yield to the Senator from Nebraska.

Mr. HRUSKA. Mr. President, I ask unanimous consent that Mr. Hennigan and Miss Sramek, members of my staff, be accorded the privilege of the floor during the consideration and vote on this measure.

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

Mr. McCLELLAN. I yield to the Senator from Rhode Island (Mr. PELL).

Mr. PELL. Mr. President, I ask unanimous consent that Mr. Richard Smith of the staff of the Committee on Labor and Public Welfare be admitted to the floor of the Senate during the consideration of this measure.

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

Mr. McCLELLAN. Mr. President, I had promised the distinguished Senator from Washington (Mr. MAGNUSON) that I would call a quorum. I have overlooked it so far. I should like at this time to call a quorum unless the Senator from North Dakota—

Mr. YOUNG. Mr. President, I have a short statement, if I may. I ask unanimous consent that my administrative assistant, Chris Sylvester, be permitted the privilege of the floor during the consideration of my amendment.

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

Mr. YOUNG. Mr. President, as the ranking Republican on the Appropriations Committee on this resolution. I am in full accord with the views expressed by the distinguished chairman, the Senator from Arkansas (Mr. MCCLELLAN), with one exception. I do have an amendment of an urgent nature which I will be offering later. I have consulted informally with the chairman of the Appropriations Committee. There are five other cosponsors of my amendment. As soon as amendments are in order, I should like to offer it.

Mr. PERCY. Mr. President, I would like to comment specifically on the portion of this supplemental dealing with veterans benefits.

Last year, Congress appropriated close to $2.25 billion to pay readjustment benefits to veterans, their dependents, and survivors for fiscal year 1973. We are now told by the Veterans' Administration that these funds will be completely exhausted by the end of this month.

Two mitigating factors account for this sudden lack of funds. Firstly, after 2 years of work Congress passed and President Nixon signed on October 24, 1972, the Vietnam-era Veterans' Readjustment Assistance Act of 1973. Pursuant to the substantial increases provided by this new GI bill, the President requested a $318 million supplemental appropriation for fiscal year 1973 in his 1974 budget.

Just last week, the Veterans' Administration informed Congress that they considerably underestimated the number of participants in the various training programs established by the act. An additional $150 million had to be added to the supplemental appropriation to insure that sufficient funds would be available for the remaining 2 months of fiscal 1973.

Although costly, this is encouraging news. At least 124,200 over the estimated 1.92 million veterans are participating in one or more of the VA training, educational, or rehabilitation programs. This increased participation can be directly attributed to the dedication, hard work, and sincere interest of fellow veterans. In Illinois, 110 student veterans are currently employed on a part-time basis by the Governor's Office of Human Resources as "Outreach Workers." This program was established over 2 years ago by former Governor Ogilvie with the aid of Federal Public Employment program funds. These student veterans seek out their newly returned peers, inform them of the available GI benefits, and encourage them to enroll in suitable education or training programs. The direct result of this hard work has been a substantial increase in the number of Illinois veterans who are taking advantage of the benefits to which they are entitled. Assuming this is true in other States, it is easy to see why the VA was unable to correctly estimate the total number of participants.

It is clear that unless these funds are made available to the Treasury Department by April 25, the checks to all those participating in the GI bill will not be mailed on May 1. Over 2.1 million persons would be forced to tell their school administrators, their landlords, and their creditors that the Federal Government had allowed the GI bill to go unfunded. I urge my colleagues not to abandon the men and women who did not desert this country's call to service.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

How much time does the Senator yield to the Senator from Washington?

Mr. McCLELLAN. I yield the distinguished Senator 10 minutes on the resolution.

Mr. MAGNUSON. Mr. President, I should like to take this time to discuss the higher education section of House Joint Resolution 496, the part of the resolution that covers student aid.

Most Members will recall that the authorizing legislation for the higher education programs—the Education Amendments of 1972—became law last June 23. The President's budget proposals for funding the programs that we are considering today were not submitted until January 29 of this year, more than 7 months later.

Once again, Congress is faced with a crisis not of its own making. It was last October that the Labor-HEW Subcommittee encouraged the administration to submit its student assistance budget so that Congress could include the funds in the first fiscal 1973 supplemental appropriation bill.

The authorizing bill has been law since June. We thought they would at least have a program ready by the time Congress took up the first supplemental last October. But we all knew what time of the year it was, and I suppose that influenced the administration to delay in submitting the necessary request at that time. Now we have another crisis.

Our Subcommittee on Labor-HEW programs recognized the urgency of this matter long before anyone even thought of putting student assistance money into the urgent supplemental.

After all, the funds requested are for the school year beginning just a few short months from now. The money must be in the hands of the students as soon as possible, as well as in the hands of the student-aid administrators.

The subcommittee completed its hearings weeks ago and was prepared to mark up the bill the day after the House passed it. Now, as all Members are aware, we are considering a proposal to fund certain student assistance programs under this urgent supplemental resolution.

Let us take a look at some of the specifics. The budget requests, the House bill—I am talking about the total—and the Senate committee, all agreed on $872 million for student aid programs. However the House bill and the Senate committee agree to one distribution, while the administration has another plan.

Specifically, the budget requested $250 million for the college work-study program, and $622 million for the basic opportunity grants or the so-called BOG's programs. As I say, this is a new program, one which I believe might be extremely beneficial when fully operational.

If I may digress a moment, Mr. President, when the Congress was deliberating over the enabling legislation for these programs last year, the fear arose that the BOG's program would be thought of as a replacement for the existing grant and loan programs. To avoid any confusion, Congress included in the law, section 411(b)(4), which stipulates that the basic grants shall not be funded unless the existing programs are funded at certain minimal levels—that is, the educational opportunity grants, the direct student loan program, and college work-study.

We all thought the President agreed to this when he signed the education amendments into law. But, to our surprise, when we saw the budget requests for these three items, we found that the administration disagreed. Despite obvious legal requirements, the budget requested no funds—zero—for supplemental grants, which we know as the educational opportunity grants, or for the National defense student loan program.

So the Senate committee has concurred with the House bill, which provides the same level of support for the upcoming school year as was provided for the 1972–73 school year. To provide any less would place great hardship on thousands of students and their families. In addition, there is enough money to start up the new basic grant program. If more is needed for this program, we will be able to consider a request for an additional amount when the next opportunity for funding presents itself. The supplementals come up here about once every month, for some reason.

Let us be reminded what the urgent bill before the Senate now will provide. It will provide $210.3 million for supplemental grant programs, and $122.1 million for BOG's, and if BOG's does not get off the ground in time, we have included language that would allow HEW to use the money for supplemental grants. An additional $269.4 million to continue the student loan program—a program, I might add, which is both essential and proven—which the administration proposes to discontinue. We merely say that these tried and proven programs ought to be continued at least until we get the BOG's program operational.

The bill also would provide $270.2 million, an increase of $20.2 million over the budget for the work-study program. Here again we propose to maintain last year's level of support for an established, well-proven, self-help program.

Last Friday, the Secretary of HEW asked the committee to reject the House bill. Unfortunately, I did not receive the appeal request until about noon. I did not see it until about noon or 1 o'clock, and we had a meeting of the full committee on this matter at 2:30.

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

Mr. MAGNUSON. I yield.

Mr. COTTON. I think I should say to the Senator and to the Senate, to make the situation clear, that I owe the chairman, the distinguished Senator from Washington, an apology. I was not notified, as he was not notified, of the position downtown. I authorized my chairman, the Senator from Washington, because I could not be at the meeting, to state for himself and for me that we were in favor of no amendments, in order to avoid a conference with the House; and the Senator so stated for me, with my authorization.

Since then, I have found that because of what is involved in the so-called Pell amendment and because of my position as ranking Republican on the Subcommittee on HEW, and my conferences with the head of HEW, I must today support the Pell amendment, despite the authorization I gave my chairman to announce the contrary at the meeting of the full committee. I want to make clear to him—and to express my sincere apologies to him—that I was forced into this position.

Mr. MAGNUSON. I understand the so-called Pell amendment will be substantially the same as the position taken by HEW's Secretary.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MAGNUSON. May I have 5 more minutes?

Mr. McCLELLAN. Mr. President, I yield 5 additional minutes to the Senator from Washington.

Mr. COTTON. Mr. President, the Senator is entirely correct, but I regret that sometimes the Departments downtown give us their opinion at a very, very late date, which makes it more difficult for us.

Mr. MAGNUSON. Mr. President, the Secretary asked the committee to reject the House bill. Rather, he suggested that we eliminate direct loans, reduce work-study by $33 million, and provide the bare minimum required under the law for supplemental grants. I understand this has now become the Senator Pell amendment.

This is a much more reasonable approach, perhaps, than the original budget request, but it does not fill the bill. More than 300,000 students who would otherwise be getting direct loans could not do so under the Secretary Weinberger and Senator PELL approach. And with nearly 40-percent less money for the supplemental grants, I think it is safe to assert that students would lose out even more under this approach.

The Senator from New Hampshire and I, and the rest of us, look with some hope upon the BOG's program. I think perhaps it will be one of the answers. It is in the 1974 budget. But we are talking about 50 days down the road. In the meantime, this supplemental resolution would prevent the dismantling and elimination of all the student loan grants and the administration's proposal to wipe out the educational opportunity grant program.

The real objective, which is proved, as far as I am concerned, is help to all the students. We think the better part of discretion is to adopt this plan now—and follow it up in the regular second supplemental bill if necessary.

In this case we took the House budget. The House voted it unanimously. I know, and the Senator from New Hampshire knows also, that the House adopted it by a vote of 367 to 0. I happen to be a veteran of many, many conferences. I want to be practical and help all students by keeping the proven ongoing programs in place, and still support the BOG's program.

Mr. COTTON. Mr. President, will the Senator from Arkansas yield me a minute, to ask the Senator from Washington a question?

Mr. McCLELLAN. Yes; but the Senator has his own time on the bill.

Mr. MAGNUSON. We have plenty of time.

Mr. COTTON. I merely wanted to call the attention of the distinguished chairman of the subcommittee to the fact that there is one point I think he is omiting in what he recently said. That point is rather important to the question of the Pell amendment.

A part of the money under the House bill is being appropriated ahead. That is under the national direct student loan program, and it reduces the availability of funds for the basic opportunity grants. The difference that really counts with the Senator from New Hampshire, something he did not realize previously, is that the Pell amendment, which reflects the viewpoint of HEW, cuts out money we are appropriating for 1974 and uses that money for exactly what this bill is termed—an urgency bill, to provide funds immediately under the basic opportunity grants to students for the coming year.

Mr. MAGNUSON. Mr. President, I wish to reiterate to the Senator from Rhode Island that I have been a veteran of many conferences with the House on HEW appropriations. I have no illusions that with a vote of 367 to zero they are going to agree to anything we might put in here that they might think unreasonable.

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

Mr. MAGNUSON. First I wish to finish my statement and then I will be glad to yield.

The PRESIDING OFFICER. The Senator's additional 5 minutes have expired.

Mr. MAGNUSON. Mr. President, will the Senator yield to me for 5 additional minutes?

Mr. McCLELLAN. I yield 5 additional minutes to the Senator from Washington.

Mr. MAGNUSON. Mr. President, there has been some discussion of transferring money already appropriated for the emergency school aid program to buttress the aid for BOG's. Besides setting a bad precedent, a shift of funds would constitute a breach of faith on the part of Congress. The moneys we are talking about were appropriated for specific purposes. I am told by HEW that nearly all the emergency school aid funds will be obligated before the end of the fiscal year. Such a transfer would amount to robbing Peter to pay Paul, and it gets us nowhere. We cannot play musical chairs with this money, because it would get us nowhere and would only add to the smokescreen the administration keeps sending up to confuse the public.

Mr. President, in conclusion, this is the

best bill we could have—given the short fuse and the fact that the students need the money right now. This measure is what it says—an urgent supplemental. I hope it can be approved and sent to the President for enactment. Thank you.

There is no problem about the committee giving additional sympathetic or urgent consideration in the next 20 to 30 days to the so-called BOG's program in the second fiscal year 1973 supplemental appropriation bill.

There is about $900 million in the 1974 budget for BOG's and all we are doing is confusing the whole thing on the part of all the students and all the people involved. It seems to me that for the next 30 or 60 days we should continue the ongoing student aid programs that are now there, and that the law says should not be terminated. But the administration has done it by submitting this particular type amendment which would terminate the tried and proven programs, hoping to substitute a new and untried program which would probably cause chaos in the field of higher education student aid. I think it is the better part of discretion to do what we are doing. This resolution would continue student loans, the work study program, the opportunity grants, and all these things that the administration previously said they would not take away if we agreed to phase into the basic grant program.

Why be in a hurry and foul this up in the meantime? What is so urgent about this?

Mr. PELL. Mr. President, will the Senator yield? I will be glad to tell him why.

Mr. MAGNUSON. In just a moment I will be glad to yield to the Senator. We had to consider this matter quite hurriedly. The amendment of the Senator from Rhode Island was presented by someone else. Now I guess it is changed a little. So we have an urgent supplemental. We were told to, "Get going, get going." So we did get going and the House by a vote of 367 to 0 got going. We will give this matter adequate consideration. I think the BOG's program is going to be a good thing once it gets started up. I am hopeful about it. But why foul this urgent supplemental up? Is there any urgency about funding this new program now when other programs that are ongoing and proven are moving ahead but are threatened with elimination or cuts—that will result in a breach of faith with all these people on direct loans, educational opportunity grants, and work-study programs?

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

The PRESIDING OFFICER. Who yields time?

Mr. MAGNUSON. The Senator can present his amendment.

Mr. PELL. No; the Senator from North Dakota is going to present his amendment first.

Mr. McCLELLAN. I have yielded.

Mr. MAGNUSON. I yield the floor for amendments.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. YOUNG. Mr. President, would the Senator like me to yield to him at this time?

Mr. PELL. No; the Senator may go ahead.

Mr. YOUNG. Mr. President, I have an amendment at the desk I wish to call up.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 2, line 7, insert the following: School Assistance in Federally Affected Areas

None of the funds made available by the Continuing Resolution as amended (Public Law 92-334), Public Law 93-9 for carrying out Title I of the Act of September 30, 1950, as amended (20 U.S.C., ch. 13), shall be available to pay any local educational agency in excess of 54 per centum of the amounts to which such agency would otherwise be entitled pursuant to section 3(b) of said Title I and none of the funds shall be available to pay any local educational agency in excess of 90 per centum of the amounts to which such agency would otherwise be entitled pursuant to section 3(a) of said Title I if the number of children in average daily attendance in schools of that agency eligible under said section 3(a) is less than 25 per centum of the total number of children in such schools.

Mr. YOUNG. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Chair would like to ask the Senator from North Dakota if this is the amendment of the Senator from North Dakota on which he has 1 hour?

Mr. YOUNG. That is correct.

The PRESIDING OFFICER. The Senator may proceed.

Mr. YOUNG. Mr. President, this amendment is similar to the one that has been cosponsored by the Senator from Nebraska (Mr. HRUSKA) for the last 4 years. Now it has other cosponsors: Senators HRUSKA, BURDICK, CURTIS, McGOVERN, and ABOUREZK. This provision is exactly the one that was in the law for the past 4 years and it was in the bill vetoed by the President.

Mr. President, the amendment which we are offering would authorize the Secretary of Health, Education, and Welfare to provide increased funding for fiscal 1973 for the education of 3-A students under Public Law 874. It has two provisions: it would continue the 100-percent funding for 3-A students where they represent 25 percent or more of the enrollment in a school district, and would provide 90-percent entitlement for all other 3-A students. 3-A students are those whose parents live on military bases or other Federal land.

This amendment is the same as the provision affecting 3-A students which was a part of the HEW appropriations bill vetoed by the President. The amendment is very urgent and critical.

Late Friday afternoon the Office of Education in the Department of Health, Education, and Welfare, announced the release of some impacted area funds which had been impounded. The funds released will provide 54 percent of entitlement for all categories.

A similar provision to the one we are offering today has been included in every HEW appropriations bill since 1970. The urgency of the present situation was brought about by a ruling in the Department of Health, Education, and Welfare that the continuing resolution under which HEW is being financed does not include this authority.

Since the HEW appropriation bill was vetoed, the officials of that Department state—and appropriations officials agree—that under the continuing resolution HEW is limited to the spending provisions of either the House or Senate bill, whichever was the most restrictive. While the Senate bill provided for 100-percent impact funds for this 3-A class student whose parents are living and working on Federal property, the House bill had no such provision.

Mr. President, I do not believe anyone questions the obligation of the Federal Government to provide full entitlement for the education of 3-A children of military families living on bases. In fact, the President's budget for every year since 1970 has recognized this.

The situation is much the same on all military bases—the schools are located on the military bases, but the public system of the nearby city operates and pays the expenses of operating the schools. These school districts, usually hard-pressed, just cannot afford to operate schools on military bases at a loss.

Neither the States nor local subdivisions, including school districts, realize little if any tax revenue from these bases.

There is no property tax, real or personal; they pay no sales taxes on purchases made on the bases through facilities such as commissaries, post exchanges, gasoline stations, liquor stores, or the like.

The military personnel which are assigned to these bases have no choice with respect to their assignment. However, they do have the right for their children to have an opportunity for education without them having to pay tuition to another school, which would be the case if the Federal Government is unwilling to pay the cost of their education.

The present crises at the Ellsworth Air Force Base near Rapid City, S. Dak., is typical of the crisis situation which is approaching. The public school system there, for lack of funds, recently closed the school they were operating for the Air Force base.

Mr. President, I had a call only yesterday from Col. Lester Ekland, commander of Ellsworth Air Force Base, demanding to know what we are going to do about providing school opportunities for his children and those of other personnel on the base.

Permit me to read two telegrams from my State:

Re-874 decision—incredible! Grand Forks lost between $720,000 and $745,000. Over 25 mills. Cannot continue to operate schools for air base dependents unless aid compensates for tax loss.

Need assurance of full 3-A funding. Fast. Erratic government behavior complicates all planning and executive processes. Board and community will not tolerate long.

(S) Dr. RICHARD HILL,
Superintendant of Schools, Grand Forks Public School District No. 1 Grand Forks, N. Dak.

Here is another telegram from Minot:

Failure to receive 100% funding for 3-A students located at Minot Air Force Base will result in calamitous financial situation for the Minot School Board by losing about $160,000. Any decrease in previous funding levels can and will seriously jeopardize our ability to continue operating these air base schools.

As we have submitted numerous times in the past, all our cost data indicates our per pupil costs to be much higher for 3–A students than local resident students. If funding levels are maintained, the school board will meet in emergency session to consider their position as to continued operation of the Minot Air Force Base schools.

Your urgent support is requested to maintain the funding level in highly impacted districts."

(S) Dr. MARLOWE JOHNSON,
Superintendent of Schools, Minot, N. Dak.

Mr. President, providing 100-percent entitlement for this particular category of children does not represent a windfall to the school districts, but only pays them for their actual cost of educating children.

This is merely a tax replacement payment for the cost to the school district providing education for these children. These local school districts cannot afford to continue providing high-quality education for these children at a considerable financial loss to the school district.

In the case of these two schools, the schools are located on the base but operated by the nearby school districts.

If the public school districts are no longer able to absorb these costs, and they have reached that point, the only alternative is for the Department of Health, Education, and Welfare to operate the schools. This can be done under section 6 of Public Law 874. This method of providing education would be more expensive than the policy followed now of paying the local school districts for the education of these children.

Mr. President, if the Federal Government decided to operate the schools under section 6 the cost of such operation would come off the top of moneys appropriated before any other allocations for any categories are made.

Section 6 school operations have the first claim to the full extent they are needed on any Public Law 874 funds appropriated.

As to the cost of such a program, school administrators inform me that their best estimate is that it would cost the Federal Government at least twice as much to operate these schools under section 6 as it now costs the local school districts to provide education to these children living on military bases.

I believe, Mr. President, that the local school districts could not only provide a better education for the children living on the bases than the Defense Department could if they operated it themselves, but the overall cost to the Federal Government would be less if we worked through and with the local school districts.

Mr. President, I deem it of the utmost importance that this amendment be approved. Mr. Caspar Weinberger, who is the Secretary of the Department of Health, Education, and Welfare, advised me that because of the veto of their appropriations bill last year, there is no legal authority for them to continue payments at these levels.

Mr. HRUSKA. Mr. President, will the Senator yield me 5 minutes?

Mr. YOUNG. I yield 5 minutes to the Senator from Nebraska.

Mr. HRUSKA. Mr. President, this is called the urgent supplemental appropriation bill, and if it would apply to any situation, it would apply to the situation concerning the category A impacted schools. The school areas served in North Dakota to which the Senator from North Dakota has referred are among the high impact areas. There is a school district in Bellevue, Nebr., which is adjacent to Offutt Air Base, which is likewise a high impact area. When I tell the Senate that only 27 percent of the enrollment of 10,000 students is not federally connected, and that nearly 40 percent is in category A, then the gravity of the situation can be speedily discerned. They have a category A population of 3,884 out of 10,044—40 percent of the student body. Category B military constitute an additional 2,866 or 29 percent. Category B civilian amount to only 584 or about 6 percent. So it is a situation where a school with 10,000 students has a budget for some $8 million, about 45 percent of which comes from the school impact aid, and justly. Certainly 45 percent is not high when the federally connected students in that area are 73 percent of the total enrollment.

So our situation is grave. It will resolve itself into a very premature closing of that school, pretty much on the basis of what has already happened in Rapid City, S. Dak., if we do not have this amendment and its benefits immediately. The situation is bad.

If time permitted, the mill levy, which already is at the 61.4 mill rate, would have to be increased at once by more than 40 percent just to keep the school open. Of course, time does not permit the levying of such taxes, and it would be unconscionable to do so under the circumstances.

Mr. President, I wish to make a more detailed statement at this time.

Again I come before the Members of this body to make my annual plea for adequate impact aid funds for those school districts adjacent to large military installations. I had hoped that my remarks of June 27, 1972, would have made clear my basic position with respect to the fiscal 1973 appropriation. Due to the inability of the Congress to agree upon an appropriation bill for the Departments of Labor and Health, Education, and Welfare that will survive a Presidential veto, we are forced to reconsider funds for fiscal year 1973 which are critical for some 40 school districts throughout the Nation.

Mr. President, the fiscal 1973 situation was left to confusing interpretations under the continuing resolution. We would all agree that this is an unfortunate and inadequate method by which Congress appropriates funds. However, we had little choice in this situation.

While I fully understand and appreciate the reasons behind President Nixon's vetoes of the two previous bills, I would also like to point out that both of those bills contained very significant language with respect to the funding of Public Law 874. By guaranteeing 100 percent of entitlement for 3(a) on base students when 25 percent impacted and of 90 percent of entitlement for other 3(a) impaction situations; and of 73 percent for 3(b) off base students, the Congress served notice that the highest Public Law 874 priorities would go to those school districts which suffer severe financial difficulties due to the presence of military installations. Such districts have no choice but to accept students from military families. These districts tax themselves to the hilt. Yet they receive no property taxes from those families who reside on Federal property.

Impact aid was designed to fulfill a responsibility. It is a payment by the Federal Government to a school district for that school district's willingness to educate a youngster who would not normally be part of that district had it not been for the presence of a military base.

Unfortunately, the Department of Health, Education, and Welfare has ruled that under the terms of the continuing resolution the language written into the 1973 bills does not apply. The Department has decided to apportion the money on a pro rata basis. This means that no distinction is being made between genuinely impacted school districts and those which have been receiving impact aid as an added extra to their budgets.

Mr. President, the Bellevue School District of my State is one of the most highly federally impacted school districts in the Nation. I want to share with you the ramifications for Bellevue if we permit this interpretation of the continuing resolution without change. The school district has an annual budget of about $8 million. Impact aid accounts for approximately 45 percent of that total. From an anticipated $3,435,000, Bellevue will receive under the terms of the continuing resolution $1,825,000. Mr. President, that is $1,610,000 short of what they had anticipated. Now I ask you, how is Bellevue going to make up such a loss? This says nothing about the fact that the school year is close to ending, that teacher contracts must be negotiated, et cetera.

Mr. President, I have learned that such a decrease represents a substantial increase in the already high mileage rate being paid in Bellevue—by more than 40 percent. Let us be realistic. There is no way the school district can bear such a loss on such short notice. It will have to close the school.

I ask unanimous consent to have printed at this point in the RECORD a tabulation showing school enrollments, comparison of mill levies, and so forth.

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

BELLEVUE PUBLIC SCHOOLS ENROLLMENT

	Number	Percent
Average daily attendance 1972–73 school year:		
3(a) students	3,884	38.7
3(b) students (military)	2,866	28.5
3(b) students (civilian)	584	5.8
Other students	2,710	27.0
Total	10,044	100.0
Total impaction	7,334	73.0
Relative impaction	5,609	56.0

Comparison of mill levies

Mill levies, 1972–73:

Bellevue	61.40
Omaha	56.49
Lincoln	55.03
Westside	54.24
State average	28.00

Comparison of assessed valuation per pupil

Assessed Valuation per pupil in ADA, 1972–1973 (Rate is 35 percent of real valuation)

Westside	$16,134
Lincoln	13,925
Omaha	12,909
Bellevue	4,283
State average	17,186

Comparison of total assessed valuation

Total Assessed Valuations for School Districts of Approximately Equal Enrollment (Rate is 35 percent of real valuation)

Westside	$156,097,174
Bellevue	49,133,588

Costs per pupil in ADA, 1972–72

Westside	$878.50
Lincoln	865.23
Omaha	774.37
Bellevue	736.64
State average	834.71

BELLEVUE PUBLIC SCHOOLS BUDGET FOR 1972–73

	Estimated	Percent
Professional staff salaries	5,596,000	68.0
Classified staff salaries	1,075,400	13.1
Salary related items	384,400	4.7
Utilities	157,850	1.9
All other expenditures	1,013,600	12.3
Total	8,227,000	100.0

Mr. HRUSKA. Mr. President, that is why I rise in support of Senator YOUNG's amendment to this supplemental appropriations bill. It is a fair amendment that brings justice to the situation. It appropriates the funds, adding to the administration figure, and adds the qualifying language which is so necessary to save those severely impacted school districts such as Bellevue.

Surely, my colleagues can see the wisdom in such an amendment. It does nothing to affect the administration figure for "B" students. It simply insures that "A" students are given the highest priority. It will avoid the financial chaos that will inevitably occur if we let the terms of the continuing resolution stand.

I ask unanimous consent that the text of the Young amendment and a brief statement of explanation be inserted at the conclusion of my remarks.

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

H.J. RES. 496

On page 2, line 17, insert the following:

"School Assistance in Federally Affected Areas

"None of the funds made available by the Continuing Resolution as amended (Public Law 92–334), Public Law 93–9) for carrying out Title I of the Act of September 30, 1950, as amended (20 U.S.C., ch. 13), shall be available to pay any local educational agency in excess of 54 per centum of the amounts to which such agency would otherwise be entitled pursuant to section 3(b) of said Title I and none of the funds shall be available to pay any local educational agency in excess of 90 per centum of the amounts to which such agency would otherwise be entitled pursuant to section 3(a) of said Title I if the number of children in average daily attendance in schools of that agency eligible under said section 3(a) is less than 25 per centum of the total number of children in such schools."

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

EFFECT OF AMENDMENT STATEMENT

The Continuing Resolution authorizes a level of funding of $635,495,000 for school assistance in Federally affected areas and includes language to pay both "A" and "B" students at 84 percent of entitlement.

The Administration's recently announced spending plan is based on release of $415,000,000 of the amounts provided in the continuing resolution and would pay both "A" and "B" students at 54% of entitlement.

The amendment is based on a spending plan of approximately $500 million and would pay 100% of entitlement for high impact "A" students (25% or more of student enrollment with parents who both live and work on Federal property); 90% entitlement for all other "A" students. This has been the level of payment for "A" students in recent years.

Payments of "B" students (those whose parents either live *or* work in Federal property) would be at the 54% entitlement level—the level proposed in the Administration's spending plan.

Release of approximately $85 million above the Administration's spending plan would be used to pay the higher entitlements for "A" students without reducing payments for "B" students below the 54% level proposed by the Administration. The $500 million level proposed in the amendment, although $85 million above the Administration's current spending plan, is still $135 million *below* the level provided in the Continuing Resolution.

Payments to Section 6 students (Indians on Reservations, etc.) would remain unchanged at 100% of entitlement.

The PRESIDING OFFICER. Who yields time?

Mr. YOUNG. Mr. President, I yield 2 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, I have two matters which I consider very urgent which should go in any urgent supplemental appropriation measure. One is to provide Neighborhood Youth Corps funds for summer jobs, and the other is to fund the legal services program.

In respect to summer jobs, the administration has given us a Hobson's choice of either having a greatly diminished public service program or having no Neighborhood Youth Corps summer program. This is entirely wrong. I testified to that effect before the Appropriations Committee on March 28, 1973.

I have every confidence that, within the proper frame—and that will be in the next supplemental appropriation bill coming next month—the Appropriations Committee will, as it has before, endeavor to do justice by the Neighborhood Youth Corps.

I have a similar feeling relating to the legal services effort, which also falls between two chairs. The administration takes the position that if there is no legal services corporation there will be no money, and yet no proposal has been offered by the administration for a corporation.

Accordingly, while I consider these two matters as being urgent, I am not going to press for them on this measure, as I believe they would be harmed by not coming in the proper frame of reference.

I shall now outline these two requests in more detail.

First, for the Neighborhood Youth Corps summer program—which provides work experience during the summer months for poor youth aged 14 to 21 and related recreation and transportation—a supplemental of $232,317,799.

This amount, if made available along with $256.5 million already appropriated for the summer job program and $16.7 million which the administration plans to make available for recreation and transportation from other sources, will provide an aggregate of $505,517,799 for the program for this summer.

It was that agregate which I urged the administration to make available in a letter to the President dated February 20, 1973, joined by 26 of my colleagues, as follows: ABOUREZK, BIBLE, BROOKE, BURDICK, CANNON, CASE, CLARK, CRANSTON, GRAVEL, HART, HASKELL, HATHAWAY, HATFIELD, HUDDLESTON, HUGHES, HUMPHREY, KENNEDY, MCGEE, MONDALE, MOSS, MUSKIE, NELSON, RANDOLPH, TUNNEY, WEICKER, and WILLIAMS.

Our request was based on a city-by-city survey conducted by the National League of Cities-U.S. Conference of Mayors at our request.

The administration responded on March 21, 1973 with an announcement that it plans to provide 710,000 summer jobs through the Department of Labor, as well as recreation and transportation and additional job opportunities from other sources.

The major fly in the ointment with respect to the administration's plans is that none of the proposed Department of Labor slots are to be funded from the Neighborhood Youth Corps summer program, for which the Congress had already appropriated $256.5 million. In lieu of that, States and cities are urged by the administration to divert for summer youth programs at least $300 million in funds out of a total of $1.25 billion already appropriated for use this year under the Emergency Employment Act of 1971—a completely different authority designed principally to provide transitional employment for veterans and persons generally in the adult categories.

As I indicated at the time of the President's announcement, the administration's proposal represents a combination of impoundment and breach of promise, presenting a "Hobson's choice" to the States and cities in effect of firing the father to hire the son.

Accordingly, now we must not only seek the additional supplemental but insist that the President spend the funds already made available, and not rescind that appropriation as the administration has requested and without diminution of the effort under the Emergency Employment Act.

Mr. President, I ask unanimous consent that there be printed at this point in the RECORD a chart prepared by my office from information available generally, showing a breakdown of our requests and the overall summer job and recreation picture.

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

ESTIMATED OPPORTUNITIES AND FEDERAL FUNDS FOR SUMMER YOUTH PROGRAMS

[Dollars in millions; opportunities in thousands]

	Summer 1971		Summer 1972		Administration's plans, summer 1973 estimated		Proposed amendment (showing changes only) summer 1973 estimated		
	Amount	Opportunities	Amount	Opportunities	Amount	Opportunities	Amount (aggregate)		Opportunities (aggregate)
Employment programs:									
Department of Labor summer jobs	$257.9	609.3	$318.8	[1]753.0	[2]$300.0	710.0	[3]$476.8	($220.38)	[4]1,018,991
Federal summer employment program for youth	48.7	72.7	50.4	65.4	50.4	63.0			
Youth Conservation Corps	2.5	2.7	2.8	3.2	3.5	3.5			
Employment service youth summer placements	([5])([6])	104.0	([5])	119.6	([5])	120.0			
National Alliance of Businessmen Summer Hires	([5])([7])	151.0	([5])	177.0	([5])	175.0			
Subtotal	309.1	939.7	372.0	1,118.2	353.9	1,071.5	530.7		1,380.491
Recreation programs:									
Summer recreation support	12.8	1,900.0	15.0	2,230.0	15.0	2,230.0	24.9	(9.94)	3,716.7
National summer youth sports	2.9	43.0	3.0	43.0	3.0	43.0			
Subtotal	15.7	1,943.0	18.0	2,273.0	18.0	2,273.0	27.9		3,759.7
Supportive service programs:									
Summer transportation	1.5	851.1	1.7	855.0	1.7	855.0	3.6	(1.98)	1,810.5
Summer feeding	19.1	923.0	29.6	1,259.0	50.6	1,973.0			
Subtotal	20.6	1,774.1	31.3	2,114.0	52.3	2,828.0	54.2		3,783.5
Total	345.4	4,656.8	421.3	5,505.2	424.2	6,142.2	505.5	(232.30)	7,319.3

[1] 9-week opportunities.
[2] From funds appropriated for the Emergency Employment Act under Public Law 93-9.
[3] Of which $256.5 million was already appropriated under Public Law 92-607 and Public Law 93-9, but for which the administration has requested "rescission."
[4] 10-week opportunities.
[5] Not available.
[6] This program is annually generated by issuances from the National Office of the Employment Service. Local implementation is carried out using available resources, for which separate accounting records are not maintained.
[7] NAB administrative overhead costs for the national office staff is funded by the Federal Government. No estimate of the costs applicable to the summer hires program is available though this sum is undoubtedly small.

Mr. JAVITS. Mr. President, second, $71.5 million in advance funding for the legal services program now conducted by the Office of Economic Opportunity. This request was made on behalf of myself and Senators NELSON, CRANSTON, TAFT, STAFFORD, and MONDALE.

Unable to reach agreement with the administration last year on the specific terms of legislation to establish a new national legal services corporation—a concept which is generally favored by the administration, the Congress, the organized bar, and those who conduct the program—the Congress provided for the continuation of the existing legal services program for a period of 2 years, through fiscal year 1974, with a reservation of $71.5 million for each fiscal year.

The administration has requested $71.5 million for fiscal year 1974, but only if the effort is to be conducted by a new legal services corporation, which it plans to propose, but has yet to submit.

These facts leave the present program up in the air as to funding when this fiscal year runs out in less than 3 months with all of the diminution in services, personnel problems, and loss of momentum that can be expected in such a situation.

It is for these reasons that I have testified before the subcommittee urging an advance appropriation for the existing effort in such a manner as to permit administration by a new national legal services corporation or, should OEO go out of existence—over our objections—by HEW in the interim.

Mr. President, for these reasons, these efforts—although not unique—are real cliffhangers and I believe would deserve attention on this urgent supplemental.

However, I shall not propose either by amendment at this time for—despite their great urgency—the fact is that the effective operation of the Congress as a body depends greatly on the committee system and I am advised by the committee that it intends to act on these two matters—by Neighborhood Youth Corps and Legal Services in the context of the second supplemental appropriation bill, which should be passed by the House and sent here soon after the House returns from recess at the end of this month.

To seek these funds now would preclude the opportunity which should be given in all respect and justice to the committee to consider and take appropriate action with respect to our requests.

There has not been an occasion in recent years where I felt that the Committee on Appropriations has not given my requests for these programs—as well as for other programs—the utmost consideration, leading often to a committee amendment to meet at least part of the needs outlined.

I have served on the Committee on Appropriations and I know that it is very important that these matters be fully considered first by the committee in the most appropriate context.

For these reasons, I shall not offer amendment on these matters at this time but serve notice of their own urgency and hope that the committee will react sympathetically when the second supplemental bill is considered.

I should note in that connection an editorial appearing in the Washington Post for April 6, 1973 entitled "Summertime Games or Jobs" in support of our initiative.

The editorial notes the "startling fact"—which underlies much of our concern that—while teenage employment is "edging down"—unemployment among nonwhite youths in poor neighborhoods ranges from 25 to 40 percent. It concludes:

> This is a case in which the Congress has recognized a need, and should now take all necessary steps to insure that legislative intent will not be brushed aside.

As in so many other matters in recent days in the battle between the Congress and the Executive, I trust that we will not allow it—or the legal services funding—to be brushed aside. Accordingly, I hope that other Members will join with us as these matters are raised in the form of an amendment to the second supplemental appropriation bill in the coming weeks.

So in closing, I will rely upon the great sympathy that has been displayed by the Senator from Washington (Mr. MAGNUSON), the Senator from New Hampshire (Mr. COTTON) and other members of that Appropriations Subcommittee and deal with these question in the second supplemental which will be coming up.

I thank my colleague very much.

I ask unanimous consent that there be printed in the RECORD a copy of the editorial, our letter of February 20, 1973, to the President, together with a response thereto dated April 2, 1973 from Roy L. Asch, Director of the Executive Office of the President, and a telegram from the National League of Cities-U.S. Conference of Mayors subsequent to announcement of the administration reaffirming the continued need for the supplemental.

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

SUMMERTIME: GAMES OR JOBS?

There is a large amount of sham in President Nixon's announcement that $424 million in federal funds "will be available" for youth programs this summer. The package includes $50.3 million for federal jobs for young people, $3.5 million for the Youth Conservation Corps, and about $70 million in grants for local recreation, nutrition and transportation programs for disadvantaged children. That much is straightforward. But then there is the matter of summer jobs for needy teen-agers—and there, of all places, is where the administration's shell game is being played. Congress has already appropriated $256.5 million for the summer Neighborhood Youth Corps, which was what Mr. Nixon requested last year. But the President has decided not to spend that money; in fact, he has formally asked Congress to take it back. Instead, he now suggests, the states and cities should be able to spare about $300 million from their allotments under the Emergency Employment Act to finance this summer's jobs for the thousands of teen-

agers who will be out of school without constructive ways to earn some income and learn some skills.

The first point is that the full $300 million would not be enough. The annual survey by the National League of Cities-Conference of Mayors shows a need for almost $477 million for 1,018,991 summer jobs. To compound the problem, even that $300 million is "available" for this purpose only in the most hypothetical sense. The Emergency Employment Act was designed and is being used to meet an entirely different economic need, the need for transitional public-service jobs for unemployed adults such as returning veterans and welfare recipients. In some cities, the public employment programs (PEP) are so fully subscribed that shifting any funds to summer jobs would mean, in the current catch-phrase, "firing the father to hire the son." Other cities might be able to scrape together minimal summer programs for some jobless youth by suspending the hiring of jobless adults, but the administration's approach seems sure to leave large numbers of both parents and their children mired in unemployment.

The administration suggests that mayors should welcome the chance to make such choices. When a quarter-billion budget cut is involved, however, flexibility becomes a farce. Ever since Mr. Nixon's austerity budget was unveiled, many have charged that special revenue-sharing is just a euphemism for deep slashes in federal urban aid. The summer-job shell game confirms these apprehensions in the most painful way.

It serves little to say, as Mr. Nixon did recently, that the over-all unemployment rate among the nation's youth is edging down. The staggering fact is that among non-white youths in poor neighborhoods, the rate of joblessness still hangs somewhere between 25 and 40 per cent. Sen. Jacob K. Javits and others are pressing for a new appropriation of about $220 million for the summer Neighborhood Youth Corps, plus congressional insistence that the $256.5 million already appropriated for this purpose will be spent to put teen-agers to work. It is a sound and important appeal. This is a case in which Congress has recognized a need, and should now take all necessary steps to insure that legislative intent will not be brushed aside.

JAVITS AND 26 OTHER SENATORS URGE PRESIDENT, TO REQUEST FUNDS FOR SUMMER JOB PROGRAM FOR YOUTHS

DEAR MR. PRESIDENT: We are writing to urge you to submit revised and amended budgetary requests for fiscal year 1973 for an aggregate of $505,517,789 for the Neighborhood Youth Corps summer job program and related transportation and recreation components for the coming summer. The Administration's revised budget request for fiscal year 1973 does not request any funds for the program.

As you know, the Neighborhood Youth Corps summer jobs program, which is authorized under the Manpower Development and Training Act of 1962 and the Economic Opportunity Act of 1964, provides work experience opportunities with public and private non-profit agencies, and related transportation for economically disadvantaged youth, fourteen to twenty-one years of age; the recreational component of the program funds meaningful activities for poor youth six to twelve years of age.

Our request consists of the following elements:

$476,887,788 for the Neighborhood Youth Corps summer job program to make available an aggregate of 1,018,991 job opportunities, as outlined in detail below; last year the Administration provides 740,200 opportunities with an aggregate of $316,250,000.

$24,946,580 for the recreation component; last year a total of $14.8 million was provided.

$3,683,431 for the transportation element; last year, $1.2 million was made available.

These requests are documented on a city-by-city basis in the enclosed letter dated January 12, 1973 and attachments to Senator Javits from the National League of Cities-United States Conference of Mayors, which represent the Nation's cities.

As stated in the National League of Cities letter, the amounts requested are those which the cities may "effectively utilize". In fact, the overall needs are much greater; for example, the Department of Labor estimates that in the job program more than 1.8 million poor youth could benefit—almost twice the number which may be covered under our request.

The Administration's position is set forth in the enclosed letter dated February 2, 1973 from the Secretary of Labor, Peter J. Brennan, which states:

"Under the President's revised 1973 budget, the Manpower Training Services appropriations does not contain funds for the funding of a 1973 NYC Summer Program. Instead, local sponsors of EEA projects will be permitted to use, to the extent they desire, 1973 EEA funds for a summer employment program. In addition, States and local communities may elect to use existing Manpower Training Services funds available in the communities to supplement the EEA summer program."

While we recognize and share the Administration's general concern with respect to limiting federal expenditures during the current fiscal year, we believe that funding for the Neighborhood Youth Corps should be given the highest priority and attention. Although the Administration has been successful in reducing unemployment nationally from six percent to five percent, disadvantaged youth in poverty areas continue to face unemployment rates ranging from thirty to forty percent. The Neighborhood Youth Corps program is designed for that group and provides a meaningful alternative to wasted summers of restlessness.

The Emergency Employment Act of 1971 (EEA) cannot be viewed as an adequate alternative source of funding to meet the employment needs of poor youth. As you know, the Act is designed to reach all ages and socio-economic groups and coverage is largely at the discretion of State and local sponsors. Unfortunately, experience indicates that coverage of poor youth will not be adequate to their needs. Of the 138,170 job opportunities presently funded under the $1.0 billion available nationally, only 14,150—or approximately 10.2 percent—are held by poor youth under the age of twenty-two; even if the Administration's request for an additional $250 million for fiscal year 1973 is appropriated, it is quite clear that the aggregate number of slots that could be made available to poor youth from these new sources will not begin to meet the needs which we have documented.

Similarly, manpower training services funds available in communities will not be satisfactory alternative sources of jobs for poor youth; in fact, if the Administration's new requests for fiscal year 1973 are appropriated, appropriations (not taking into account the Neighborhood Youth Corps summer program) will fall approximately $200.0 million below the actual level for fiscal year 1972.

We were very gratified by your support for a supplemental appropriation last summer and we urge you to respond to these needs at the earliest possible time so that youth can make plans for a profitable and meaningful summer and the communities and agencies responsible for administering the program may ensure the most effective use of funds.

Very truly yours,

James Abourezk, Quentin N. Burdick, Dick Clark, Floyd K. Haskell, Mark O. Hatfield, Hubert H. Humphrey, John E. Moss, Jennings Randolph, Lowell P. Weicker.

Alan Bible, Howard W. Cannon, Alan Cranston, William D. Hathaway, James E. Huddleston, Edward M. Kennedy, Edmund S. Muskie, John V. Tunney, Harrison A. Williams, Jr.

Edward W. Brooke, Clifford P. Case, Mike Gravel, Philip A. Hart, Harold Hughes, Gale McGee, Gaylord Nelson, Walter F. Mondale.

NATIONAL LEAGUE OF CITIES-U.S. CONFERENCE OF MAYORS,
January 12, 1973.

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

DEAR SENATOR JAVITS: In response to your request for information, we have made inquiries as to the cities' 1973 needs for the summer Neighborhood Youth Corps slots. The information we have received from the 50 largest cities shows that the total number of slots these 50 large cities could effectively use this summer is 421,930.

On the basis of our contacts with a sample of smaller cities, we estimate that their needs and the number of slots these smaller cities could effectively utilize total 597,061.

Combining these figures—the total for the 50 largest cities with estimated needs for the balance of the Nation—the present real need for 1973 is 1,018,991 slots nationwide.

We trust that these statistics will be helpful to you in pointing up the critical need for an adequate appropriation for the summer Neighborhood Youth Corps.

Sincerely,

ALLEN E. PRITCHARD, Jr.,
Executive Vice President,
National League of Cities.
JOHN J. GUNTHER,
Executive Director,
U.S. Conference of Mayors.

SUMMER NEIGHBORHOOD YOUTH CORPS

	Rank in size	Population	Slots				
			1972 need	1972 actual [1]		1973 need	1973 amounts needed [2]
Region I: Boston	16	641,000	5,000	5,213	(4,692)	6,400	$2,995,200
Region II:							
Buffalo	28	463,000	4,268	2,238	(2,014)	6,834	3,198,312
Newark	35	382,000	14,563	7,000	(6,300)	14,563	6,815,484
New York	1	7,868,000	77,500	54,800	(49,320)	77,500	36,270,000
Rochester	49	296,000	4,650	1,030	(927)	4,650	2,176,100

	Rank in size	Population	Slots: 1972 need	Slots: 1972 actual [1]	Slots: 1973 need	1973 amount needed
Region III:						
Baltimore	7	906,000	9,420	7,712	(6,941)	9,420	$4,408,560
Norfolk	47	308,000	2,625	2,200	(1,980)	3,500	1,638,000
Philadelphia	4	1,949,000	12,500	8,571	(7,714)	15,000	7,020,000
Pittsburgh	24	520,000	9,265	5,670	(5,103)	9,265	4,336,000
District of Columbia	9	757,000	36,000	3,999	(3,599)	20,000	9,360,000
Region IV:						
Atlanta	27	497,000	3,408	4,680	(4,212)	5,388	2,521,584
Birmingham	48	301,000	2,135	2,757	(2,481)	2,774	1,298,232
Jacksonville	23	529,000	1,735	637	(573)	2,500	1,170,000
Louisville	38	361,000	3,500	2,250	(2,025)	3,500	1,638,000
Memphis	17	624,000	2,394	1,935	(1,741)	2,394	1,120,392
Miami (Dade County)	42	335,000	8,226	5,429	(4,886)	8,226	3,849,768
Nashville	30	448,000	2,000	1,700	(1,530)	2,000	936,000
Tampa	50	278,000	6,515	2,649	(2,384)	6,515	3,049,020
Region V:						
Chicago	2	3,367,000	40,000	31,617	(28,455)	40,000	18,720,000
Cincinnati	29	452,000	3,000	3,592	(3,233)	5,000	2,340,000
Cleveland	10	751,000	11,100	12,457	(11,211)	12,500	5,850,000
Columbus	21	540,000	2,000	1,650	(1,485)	1,800	842,400
Detroit	5	1,511,000	25,000	18,488	(16,639)	25,000	11,700,000
Indianapolis	11	745,000	2,500	2,100	(1,890)	3,000	1,404,000
Milwaukee	12	717,000	3,000	3,379	(3,041)	3,379	1,581,372
Minneapolis	32	434,000	2,735	1,800	(1,620)	3,080	1,441,440
St. Paul	46	310,000	1,025	1,120	(1,008)	1,300	608,400
Toledo	34	384,000	990	1,400	(1,260)	1,400	655,200
Region VI:						
Dallas	8	944,000	2,280	1,505	(1,355)	2,280	1,067,040
El Paso	45	322,000	3,000	1,168	(1,051)	4,672	2,186,496
Fort Worth	33	393,000	1,507	155	(140)	1,507	705,276
Houston	6	1,233,000	3,560	5,284	(4,756)	5,664	2,650,752
New Orleans	19	593,000	5,000	3,085	(2,776)	5,000	2,340,000
Oklahoma City	37	366,000	1,530	1,010	(909)	1,530	716,040
San Antonio	15	654,000	5,514	5,080	(4,572)	6,000	2,808,000
Tulsa	43	332,000	1,011	771	(693)	1,011	473,148
Region VII:						
Kansas City	26	507,000	4,000	3,580	(3,222)	4,000	1,872,000
Omaha	41	347,000	1,670	867	(780)	1,670	781,560
St. Louis	18	622,000	5,910	8,060	(7,254)	9,000	4,212,000
Region VIII: Denver	25	515,000	2,100	2,038	(1,834)	2,100	982,800
Region IX:						
Honolulu	44	325,000	2,800	791	(711)	2,800	1,310,400
Long Beach	40	358,000	432	384	(345)	432	202,176
Los Angeles	3	2,813,000	24,568	25,319	(22,787)	27,491	11,700,000
Oakland	39	362,000	5,850	2,050	(1,845)	5,850	2,737,800
Phoenix	20	582,000	17,000	3,964	(3,567)	17,000	7,956,000
San Diego	14	697,000	4,510	4,733	(4,259)	5,500	2,574,000
San Francisco	13	716,000	8,000	4,000	(3,600)	8,000	3,744,000
San Jose	31	446,000	3,535	1,910	(1,719)	3,535	1,654,380
Region X:						
Portland	36	382,000	5,000	2,500	(2,250)	5,000	2,340,000
Seattle	22	581,000	5,000	2,163	(1,947)	5,000	2,340,000

Footnotes at end of next table.

SAMPLING OF CITIES OTHER THAN 50 LARGEST

	Population	Slots: 1972 need	Slots: 1972 actual [1]	Slots: 1973 need	1973 amounts needed [2]
Akron, Ohio	275,425	1,216	1,190	(1,071)	1,351	$632,268
Albany, N.Y.	114,873	540	449	(404)	600	280,000
Albuquerque, N. Mex.	243,751	1,000	815	(733)	1,000	468,000
Amarillo, Tex.	127,010	1,092	820	(738)	1,200	561,600
Baton Rouge, La.	165,963	225	150	(135)	250	117,000
Columbia, S.C.	113,542	1,825	2,030	(1,827)	2,030	950,040
Columbus, Ga.	154,168	1,820	1,720	(1,548)	2,000	936,000
Dayton, Ohio	243,601	1,500	1,320	(1,188)	2,500	1,170,000
Des Moines, Iowa	200,587	750	750	(675)	750	351,000
Erie, Pa.	129,231	950	950	(855)	950	444,600
Flint, Mich.	193,317	1,800	920	(828)	2,000	936,000
Fort Lauderdale, Fla.	139,590	540	600	(540)	600	280,800
Gary, Ind.	175,415	4,447	3,500	(3,150)	4,447	2,081,196
Greensboro, N.C.	144,076	871	880	(792)	968	453,028
Hartford, Conn.	158,017	2,730	2,495	(2,245)	3,000	1,404,000
Jackson, Miss.	153,968	757	403	(363)	757	354,276
Knoxville, Tenn.	174,587	1,520	1,520	(1,368)	1,520	711,360
Lansing, Mich.	131,546	900	460	(414)	1,000	468,000
Lincoln, Nebr.	149,518	350	386	(347)	400	187,200
Little Rock, Ark.	132,483	1,320	72	(65)	1,320	617,760
Mobile, Ala.	190,026	900	756	(680)	950	444,600
Montgomery, Ala.	133,386	500	557	(501)	570	266,760
Riverside, Calif.	140,089	150	75	(67)	150	70,200
Santa Ana, Calif.	156,601	2,550	1,900	(1,710)	2,800	1,310,400
Savannah, Ga.	181,349	600	550	(450)	650	304,200
Shreveport, La.	182,064	637	628	(565)	700	327,600
Syracuse, N.Y.	197,208	1,365	1,200	(1,080)	1,500	702,000
Tacoma, Wash.	154,581	600	588	(529)	600	280,800
Wichita, Kans.	276,554	980	1,075	(967)	1,075	503,100
Winston-Salem, N.C.	132,913	850	750	(675)	850	397,800
Worcester, Mass.	176,572	825	705	(634)	900	421,200
50 largest total		410,831	278,490	(250,641)	421,930	197,463,240
Balance of cities		537,893	461,732	(415,559)	597,061	279,424,548
Total		948,724	740,222	(666,200)	1,018,991	476,887,788

[1] All figures in the above chart represent 10-week slots except the first column under "1972 actual," which are 9-week slots.
[2] Dollar figures represent 10-week, 26-hour slots at $5.65 per hour.

SUMMER RECREATION SUPPORT PROGRAM (RSP)

	1972 need	1972 actual	1973 need
Region I: Boston	$180,000	$168,000	$350,000
Region II:			
Buffalo	120,000	123,000	125,000
Newark	140,000	100,000	200,000
New York	2,934,000	2,336,000	2,934,000
Rochester	95,000	68,000	136,000
Region III:			
Baltimore	335,000	302,910	335,000
Norfolk	180,000	132,000	201,500
Philadelphia	700,000	543,000	1,000,000
Pittsburgh	165,000	168,000	200,000
District of Columbia	364,000	245,000	364,000
Region IV:			
Atlanta	180,000	143,000	180,000
Birmingham	170,000	120,000	170,000
Jacksonville	175,000	150,000	250,000
Louisville	130,000	96,000	130,000
Memphis	305,000	264,000	305,000
Miami (Dade County)	192,000	126,000	192,000
Nashville	150,000	150,000	200,000
Tampa	175,000	132,000	175,000
Region V:			
Chicago	2,100,000	913,000	2,100,000
Cincinnati	175,000	135,000	175,000
Cleveland	205,000	230,000	380,000
Columbus	211,000	132,000	211,000
Detroit	897,000	399,000	897,000
Indianapolis	195,000	130,000	260,000
Milwaukee	155,000	144,000	160,000
Minneapolis	96,000	63,000	130,000
St. Paul	58,000	36,000	58,000
Toledo	120,000	84,000	120,000
Region VI:			
Dallas	$285,000	$228,000	$285,000
El Paso	200,000	194,000	250,000
Fort Worth	173,000	108,000	175,000
Houston	440,000	350,000	440,000
New Orleans	300,000	306,000	500,000
San Antonio	400,000	324,000	500,000
Tulsa	115,000	92,000	200,000
Oklahoma City	170,000	108,000	170,000
Region VII:			
Kansas City	130,000	118,000	200,000
Omaha	96,000	61,000	96,000
St. Louis	384,000	254,000	405,000
Region VIII: Denver	170,000	126,400	170,000
Region IX:			
Honolulu	99,000	70,000	140,000
Long Beach	125,000	72,000	125,000
Los Angeles	650,000	552,000	650,000
Oakland	125,000	104,000	125,000
Phoenix	200,000	144,000	288,000
San Diego	200,000	164,000	825,000
San Francisco	250,000	180,000	250,000
San Jose	100,000	85,000	100,000
Region X:			
Portland	135,000	89,000	135,000
Seattle	129,000	89,000	129,000
50 largest total	15,928,000	11,451,310	18,096,500
Balance of cities	6,030,000	3,548,690	6,850,080
Total	21,958,000	15,000,000	24,946,580

SUMMER YOUTH TRANSPORTATION PROGRAM (SYTP)

	1972 need	1972 actual	1973 need
Region I: Boston	$20,000	$10,700	$20,000
Region II:			
Buffalo	13,000	7,500	13,000
Newark	39,500	23,437	69,300
New York	251,400	149,130	500,000
Rochester	12,000	7,500	15,000
Region III:			
Baltimore	35,000	21,100	35,000
Norfolk	12,000	7,500	25,600
Philadelphia	24,360	24,360	100,000
Pittsburgh	22,000	12,650	22,000
Washington, D.C.	38,700	22,960	100,000
Region IV:			
Atlanta	30,000	12,080	30,000
Birmingham	24,000	13,790	24,000
Jacksonville	14,000	6,300	14,000
Louisville	12,500	7,500	12,500
Memphis	18,000	11,860	18,000
Miami (Dade County)	23,000	12,000	23,000
Nashville	12,000	7,000	12,000
Tampa	17,000	7,500	0
Rgieon V:			
Chicago	70,000	42,240	70,000
Cincinnati	15,000	7,920	15,000
Cleveland	35,000	19,310	35,000
Columbus	17,000	8,640	17,000
Detroit	75,000	36,560	75,500
Indianapolis	15,000	8,480	15,000
Milwaukee	65,000	47,280	66,190
Minneapolis	20,000	12,380	75,000
St. Paul	12,500	7,500	12,500
Toledo	15,750	7,990	20,000
Region VI:			
Dallas	$23,990	$19,340	$23,990
El Paso	58,900	38,900	77,800
Fort Worth	15,000	8,130	15,000
Houston	45,000	25,060	0
New Orleans	25,000	14,790	25,000
Oklahoma City	25,000	14,000	25,000
San Antonio	26,750	14,570	26,570
Tulsa	12,500	7,500	20,000
Region VII:			
Kansas City	50,000	13,970	50,000
Omaha	15,000	13,500	16,000
St. Louis	43,500	25,790	43,500
Region VIII: Denver	29,000	18,320	29,000
Region IX:			
Honolulu	15,000	7,500	15,000
Long Beach	16,000	7,500	16,000
Los Angeles	82,870	82,870	164,000
Oakland	28,000	15,000	28,000
Phoenix	23,000	11,740	25,000
San Diego	30,000	14,360	30,000
San Francisco	25,000	11,970	25,000
San Jose	8,160	7,500	9,000
Region X:			
Portland	13,000	25,000	25,000
Seattle	32,100	19,060	32,100
50 largest total	1,608,940	979,487	2,155,552
Balance of cities	1,141,060	520,513	1,527,897
Total	2,750,000	1,500,000	3,683,431

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., April 2, 1973.

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

DEAR SENATOR JAVITS: This is in response to the letter you and several of your colleagues sent to the President in February 20, 1973, concerning funding for summer youth employment programs this year.

Following receipt of your letter, the President on March 21, announced the full range of government and private sector activity to provide jobs and income to youth this summer. The announcement notes that the Summer Recreation Support and Summer Transportation programs will be continued this year at their 1972 levels. This announcement also indicates that with the passage of the continuing resolution for the Labor-HEW appropriaion for 1973, the Congress has made available the full $1.25 billion the President requested for the Emergency Employment Assistance programs. Given the improvement in the economy generally, the reduction in the unemployment rate and the general improvement in the fiscal condition of most State and local governments since the EEA was enacted, it is appropriate that State and local officials be informed that the funds available this year under EEA may be used to support summer youth employment programs. While the precise amounts to be used for this purpose is a matter of local decisionmaking, our best estimate is that at least $300 million might be used. In addition, funds are available for programming at the local level.

As the local planning process develops and the options chosen by local officials become known, the Department of Labor will be able to provide more precise information as to the scope and nature of this year's local manpower program activity.

Your comments and suggestions were helpful to us on this important issue. We welcome your continuing concern for an effective manpower delivery system.

Sincerely,

ROY L. ASH,
Director.

MARCH 26, 1973.

Hon. JACOB JAVITS,
U.S. Senate, Old Senate Office Building,
Washington, D.C.

DEAR SENATOR JAVITS: On behalf of the Nation's cities, we fully endorse and support your efforts to secure adequate funding for the summer neighborhood youth corps and related summer youth programs. It is heartening to know that you recognize the inadequacy of funding these programs from Emergency Employment Act moneys.

Your yearly efforts on behalf of these vital city programs are most appreciated, and your assistance this year is more crucial than ever.

ALLEN E. PRITCHARD, Jr.,
Executive Vice President, National League of Cities.
JOHN J. GUNTHER,
Executive Director, U.S. Conference of Mayors.

Mr. MAGNUSON. Mr. President, I call the attention of the Senator from North Dakota and the Senator from Nebraska

to the fact that, as I understand it, the continuing resolution authorizes a level of funding of $635,495,000 for school assistance in federally affected areas including A and B students, at 84 percent entitlement.

The PRESIDING OFFICER. Who yields time to the Senator from Washington?

Mr. MAGNUSON. Mr. President, I yield myself time on the amendment.

The amount of money we passed is available for expenditure.

The administration recently announced a spending plan to release $415 million of the $635,495,000 provided in the resolution. The administration's spending plan would pay both A and B students at a 54 percent entitlement.

The amendment is based upon a spending plan which would use about $500 million of the $635 million which we voted in the continuing resolution. Both the amendment and the vetoed bill would provide 100 percent entitlement for aid to students in highly impacted areas; that is where 25 percent or more of the student body are the children of parents who live and work on Federal property—and a 90 percent entitlement for all other A students.

This has been the level of payment for A students in recent years. The payment of B students, those whose parents either work or live on Federal property, would be at a 77 percent entitlement level in the vetoed bill. Under this amendment, it would be at 54 percent which is the same level proposed in the administration's latest spending plan of $415 million.

Those funds were released just this last week, when the $415 million spending plan was announced.

The Senators are suggesting a further release of approximately $85 million which would take care of the A students.

Mr. YOUNG. The Senator is correct.

Mr. MAGNUSON. That would take care of the situation that the Senators are talking about.

Mr. HRUSKA. That would still be $135 million below the level provided by the continuing resolution.

Mr. MAGNUSON. The Senator is correct. I see no objection to it. I am sure that the Senator from New Hampshire does not see any objection to it. I would like to take this amendment to conference. I think the mix-up is because they continued to keep the money frozen. However, finally they said in the last week that they would release $415 million. However, that does not take care of the matter the Senator talks about. He suggests that $500 million of what we appropriated should be funded for that purpose.

Mr. YOUNG. Mr. President, the Senator from Washington makes a better case than I can myself.

Mr. MAGNUSON. No. The Senator from North Dakota made a good case. I have no objection to the amendment. I wish that the Senator would call for a vote on the amendment.

Mr. YOUNG. The Senator from Montana wants to ask a question.

Mr. METCALF. I am in full accord with the amendment of the Senator from North Dakota. I wanted to ask a question about the school aid for children. However, I would like to have the Senator's amendment passed first.

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

Mr. YOUNG. I yield 5 minutes to the Senator from South Dakota.

Mr. McGOVERN. Mr. President, I rise in support of the amendment offered by the distinguished Senator from North Dakota, which I am pleased to cosponsor.

As the Senator knows, I originally intended to offer an amendment today which was in line with the purpose of the Senator's amendment but would have provided additional funds for only the Douglas School System at Ellsworth Air Force Base—a school in my State which has been forced to close its doors for want of funds.

I am pleased to join instead in this broadened effort to rescue a total of 228 school districts across the country which are threatened by the same crisis.

This proposal would provide some $50.3 million for school districts in which 25 percent or more of the students' parents live and work on a Federal installation. It would thus concentrate added funds on the most highly impacted districts—those with the least opportuntiy to make up Federal deficiencies from local taxes.

The Douglas School System is an outstanding example of that problem, and I hope we will think carefully about its current plight.

This may not be important to budget cutters here in Washington but it is vital to parents, teachers, students, and the community served by schools such as the Douglas System near Rapid City.

It is certainly important to the families of the 3,325 children who attend the Douglas School System at Ellsworth Air Force Base when their schools closed last Friday because the Office of Management and Budget would not release the $540,000 necessary to keep the school open. For those children this means that they will not attend school for the rest of the year. And for the 200 seniors, it means that they will not be able to complete high school and go on to additional education.

For those children and their parents, how this came about is less important than that it came about. But for those of us in Washington, I think it is important to learn this lesson of bureaucratic insensitivity.

The Douglas School System exists almost entirely to educate the children of Air Force personnel. The parents of 2,548 of its students live and work on the base. The schools also have 169 students whose service parents live off the base and 148 children of civilian Air Force personnel. Only 455 of the students are children of parents who do not work for the Federal Government.

So Federal support of this school system is in no sense the pork barrel that budget bureaucrats talk about. The parents of 87.3 percent of the children in these schools serve their country directly and the parents of all but 490 of them work at the Air Force base.

What is at stake here is the Federal Government's obligation to assist in educating the sons and daughters of those who serve in the Armed Forces.

The school system made up its budget based on Federal assistance in prior years.

However, the President twice vetoed appropriations for federally impacted school districts and then impounded funds under the continuing resolution Congress adopted in the wake of the second veto. Last week the White House released some $415 million dollars for federally impacted areas, much of it for affluent suburban areas. But no funds were released for the Douglas School System. And still impounded are $220,400,000.

I think those funds should be released and I think they are being unconstitutionally withheld. But we cannot deal with that issue today. There is too little time.

There are 34 school days left in the school year for the children of Ellsworth Air Force Base. There are less than 2 months left for the seniors to get their diplomas. And they need our assistance now if the Douglas schools are to open their doors again this year.

The school system has done everything it can to keep the schools open. Local citizens have already been taxed to the limit permitted by the South Dakota Constitution. The schools pared needed educational services to the bone. And the school system even tried to borrow the money from a bank to stay open. But the bank turned down the funds because the Office of Education said the President's budget for the upcoming fiscal year did not make allowance for the Douglas School System to remain open this year.

So the choice of keeping this school system open falls on those of us in Congress. Unless we appropriate the funds, the teachers will not be paid and the children of Ellsworth Air Force Base will not go to school again this year.

The amendment we offer today would, if adopted, appropriate the minimum amount of funds this and 227 other school systems in 10 different States need to remain open for the rest of this year. The amount in this year's $250 billion budget is not large—only $50 million. It is certainly not too high a price to pay for the education of children whose parents serve our country.

In conclusion, Mr. President, let me state the hope that the administration will make this amendment moot by exercising its emergency authority and releasing the funds necessary to reopen the Douglas School. A noninflationary economic policy need not be blind to the education of service children.

I know that decisions of this kind are sometimes made by lower-level bureaucrats following a broad directive to cut expenditures. But certainly those decisions can be reversed. I truly hope that our voices will be heard downtown and that the Budget Bureau will release the necessary funds.

Mr. McCLELLAN. Mr. President, as myself 1 minute.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 1 minute.

Mr. McCLELLAN. Mr. President, as chairman of the committee. I have no objection to the amendment. I am willing to take it to conference.

As I said a few moments ago in my opening statement, this amendment and

any other amendments that may be agreed to in the pending bill may well jeopardize the enactment of this joint resolution before adjournment.

I have just talked with the chairman of the House Appropriations Committee. He is deeply concerned about this matter. Under the rules of the House, he has some doubt that we can get action on the joint resolution if amendments are attached to the resolution.

I believe that this is basically a good amendment. I do not know of any objection to it. I am perfectly willing to accept the amendment and do whatever we can in conference, if we can have a conference, and try to keep it in this urgent supplemental request.

Mr. BURDICK. Mr. President, I rise in strong support of the amendment to provide that school districts whose enrollment is composed of at least 25 percent category "A" students shall be authorized to receive funding at 100 percent of their entitlement under Public Law 874. Without such a provision, there are school systems, such as the Grand Forks, N. Dak., system, that quite simply could not continue to operate or to continue to accept dependents of military personnel. The financial burden would be too great.

Even those who urge wide reform in our basic impact aid legislation agree on the principle that impact funds should reach those school districts which bear an actual economic loss because of the Federal presence within, or near, the school district. The amendment under consideration will authorize the granting of this much needed aid to such school districts. It is simple justice to provide these school districts with this assistance. I urge the adoption of the amendment.

Mr. DOMINICK. Mr. President, I rise to indicate my strong support for the amendment offered by the senior Senator from North Dakota, Mr. YOUNG. Colorado has two large military bases in the vicinity of Colorado Springs which impact heavily on those school districts.

To hold "A" and "B" students at 54 percent of entitlement would have a devastating effect on these districts. Because of the significance of impact aid, I intend to introduce additional legislation aimed at eliminating the abuses by preserving the program at the Federal level.

The school districts with significant numbers of "A" students have a great and immediate need for relief from the freeze at the 54 percent of entitlement level.

This amendment will accomplish that and I intend to vote for it.

Mr. THURMOND. Mr. President, I rise in support of the amendment offered by the Senator from North Dakota. This amendment would authorize the Secretary of Health, Education, and Welfare to provide increased funding for fiscal year 1973 for the education of 3–A students under Public Law 874. It has two provisions. It would continue the 100 percent funding for 3–A students where they represent 25 percent or more of the enrollment in a school district, and it would provide 90 percent entitlement for all other 3–A students. The 3–A students are those whose parents live on military bases or other Federal land.

Mr. President, I do not believe that anyone questions the obligation of the Federal Government to provide full entitlement for the education of children of military families living on bases. The States and local subdivisions, including school districts, realize little if any tax revenue from these bases. There is no property tax, real or personal. There are no sales taxes on purchases made on the bases through facilities such as commissaries, post exchanges, base exchanges, gasoline stations or the like. In short, Mr. President, although these Federal institutions may generate large payrolls, there is no way for the local school district to tap these funds.

The impact aid program is merely a tax replacement payment for the cost to the school district of providing education for children of federally employed families. These local school districts cannot afford to provide high-quality education for these children at a continued financial loss.

In South Carolina, 28 school districts depend heavily on the receipt of impact aid to provide the best educational opportunity for their students. In Charleston, S.C., alone, over 13,000 students who are eligible for impact aid are enrolled in the public schools.

Mr. President, while I strongly support and applaud President Nixon in the fight against inflation, I do not believe that massive cuts are in order in the impact aid program. It is a sound program and an effective program. I urge my colleagues to continue to support it, and to vote in favor of the amendment in question.

The PRESIDING OFFICER. Who yields time?

Mr. YOUNG. Mr. President, I yield back the remainder of my time.

Mr. McCLELLAN. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from North Dakota. [Putting the question.]

The amendment was agreed to.

Mr. HRUSKA. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. YOUNG. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. METCALF. Mr. President, will the Senator from Washington yield to me at this time?

The PRESIDING OFFICER. The Senator from Arkansas has control of the time.

Mr. METCALF. Will the Senator from Arkansas yield so that I may ask some questions of the Senator from Washington?

Mr. McCLELLAN. I have a little time left. The Senator from North Dakota has not used any time on the bill, has he?

Mr. YOUNG. I yield the Senator whatever time he wants on the bill.

Mr. McCLELLAN. I am sure I shall use less than 5 minutes.

Mr. YOUNG. I yield the Senator 5 minutes.

Mr. METCALF. Mr. President, we have just enacted an amendment to take care of the category 3–A children, so-called. Those are the boys and girls whose parents both live and work on Federal property. This category 3–A children that Senator YOUNG's amendment would take care of were the children of people working on air bases throughout the country, and of course we have a special responsibility to be sure that we pay for an adequate and substantial education for the children of those men whom we send to air bases, especially in these far-flung places such as North Dakota and Montana and other places.

But we have another group of 3–A children, the boys and girls who live on Indian reservations. They live on *trust* property. Many of their parents work on reservations, and they are under category 3–A just as surely and importantly as those whose parents are in the military services. I want to know, what is the status of those Indian boys and girls on Indian reservations?

Mr. MAGNUSON. Mr. President, the status of the group, which includes the Indians the Senator talks about, are entitled, upon the release of the money, to a 100 percent of their entitlement, and also they are entitled to a 100 percent entitlement under the Young amendment we just adopted.

Mr. YOUNG. This would provide about $10 million additional for Indians living on Federal land.

Mr. METCALF. Living on Federal land, and either not working—a good many of them are unemployed—or working?

Mr. MAGNUSON. On Federal lands, that is correct.

Mr. METCALF. They all come into that designation of category A children.

Mr. MAGNUSON. That is correct.

Mr. METCALF. So they, too, would have 100 percent reimbursement for their education?

Mr. MAGNUSON. That is my understanding of what is intended, and let this colloquy be understood to say that we hope they will get it.

Mr. METCALF. I understand the hopefulness all the way down the line, but the purpose of this amendment is to provide that parents of children who work on Indian reservations will still get the 3–A funds?

Mr. MAGNUSON. They are still entitled to the full amount.

Mr. METCALF. I thank the Senator.

AMENDMENT NO. 88

Mr. PELL. Mr. President, I call up my Amendment No. 88.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. PELL. Mr. President, I ask unanimous consent that the further reading of the amendment be dispensed with.

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

Mr. PELL's amendment (No. 88) is as follows:

On page 2, beginning with line 8, strike

out all down through line 17, and insert in lieu thereof the following:

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, subparts 1 ($504,500,000) and 2 ($130,100,000) of part A and part C ($237,400,000) of title IV of the Higher Education Act of 1965, as amended, $872,000,000 to remain available until June 30, 1974.

Mr. PELL. It is with some reluctance that I propose an amendment to an appropriations bill. Especially an appropriations bill which has the urgency of this bill. However, present conditions in our colleges and universities and with our students compel me to raise a question about the actions of the House of Representatives on this joint resolution as they affect student assistance. Last year, the Congress enacted the Education Amendments of 1972 which, by many, is considered a landmark measure placing the Federal Government on record in support of equality of opportunity for postsecondary education for all students.

It was with that act that the Congress established the basic educational opportunity grant program under which every student is entitled to an award grant of $1,400 minus the amount that a student's family may reasonably be expected to contribute toward his or her education. The basic grant program was never established to replace the existing student aid program. It was the intention of the Congress that existing programs would be supplemental to the basic grant program. In order to insure this, we placed minimum levels of appropriations which are necessary for existing programs before basic grant payments may be made.

During the last 3 months there has been considerable confusion and, if this confusion continues, there will be chaos. This confusion arises from the fact that the administration, in spite of our legislated congressional intent, made budget recommendations which had the effect of terminating the supplemental educational opportunity grant program and the national direct student loan program—which is usually referred to as the national defense student loan program. I oppose the administration's position on terminating these two programs and will continue to do so.

The actions of the House of Representatives rejected the administration's recommendations by appropriating funds for these two programs. I laud the House of Representatives for acting quickly and for making it clear that we will not terminate the supplemental grant program or the direct student loan program. However, I believe the House went too far in its decision and, in doing so, has taken action which would effectively destroy much of the effectiveness of the basic grant program. The House amendment made allowance for $122 million for basic grants, of which $11 million is to be used for administration of the program. I believe that the House language on its face gives a very good argument against adoption of the House approach. Under that amendment it takes $11 million to administer $111.1 million in basic grants.

I am concerned that this kind of inefficiency in the expenditure of Federal funds would make us look ridiculous. I can foresee a situation where the average award of the average basic grant would be about $80 and the average cost of making that grant would be about $10. This seems to me to be an obvious inefficiency in expending Federal money.

It is for this reason that I am proposing an amendment to alter the method by which the budget request for student assistance is distributed among the various programs.

The House allowance for supplemental educational opportunity grants is $210.3 million. This amount exceeds the $200 million authorization in the law. Moreover, it exceeds by $80.2 million the amount required by law to be appropriated for supplemental grants.

The House allows $270.2 million for the college work-study program. This amount exceeds the budget request by $20.2 million and it exceeds the minimum amount required by law by $32.8 million.

The House allowance provides for $269.4 million for direct student loans. The appropriation for this fiscal year for direct student loans was enacted with the first supplemental appropriation bill last year and therefore an appropriation for this year is not required by law. The effect of the House amendment is to "forward-fund" the direct loan program. Historically, the direct student loan program has been "current-year" funded so that appropriations for the 1973–74 school year would normally be expected to take place in the regular appropriation bill for fiscal year 1974. I am in favor of forward-funding this program. However, I do not believe forward-funding ought to take place at the expense of the basic grant program.

As I said earlier, I agree with the position of the House that the existing student assistance program ought to be continued. This is required by law through fiscal year 1975. However, I do not believe they ought to be continued at the level provided by the House, if those levels are at the expense of the basic grant program.

The effect of my amendment is to provide $504.5 million for the basic grant program. This provides for an average basic grant of $320. My amendment also makes provision for funding the supplemental educational opportunity grant program at the level required by law, $130.1 million. It provides for funding the college work-study program at the minimum level required by law, $237.4 million.

My amendment also defers funding the direct student loan program until either the second supplemental appropriations bill for 1973 is considered or until the regular appropriations bill for 1974 is before us. I want to assure the Senate that this amendment in no way prejudices the direct student loan program. It simply defers consideration of the matter until a later date, in accordance with our historical practice in respect to this program.

As I said earlier, it is with some reluctance I offer this amendment. I would not have done so unless some very specific circumstances had arisen. When I first realized the effect of the House action on student assistance, I began to work on a method for preserving the basic grant program. This amendment was drawn up in consultation with the administration and represents a compromise by the administration. I want to compliment Secretary Caspar W. Weinberger, Assistant Secretary Sidney P. Marland, and Commissioner of Education John Ottina, and their staffs, for their willingness to compromise their position. As with all compromises, not all parties are happy, and I am certainly not entirely pleased with my amendment. I would have hoped that the administration could have seen fit to raise the dollar figure from $872 million to a higher figure which would have done justice to all of the existing programs, and funded the basic grant program adequately. However, the administration was unwilling to increase the total amount for the student aid package and, therefore, I feel we are fortunate in that the administration is willing to continue to fund the supplemental educational opportunity grant program and at least delay a decision on the direct student loan program until the next appropriations bill, which should be before us in late May.

I believe that the amendment I have proposed would meet the requirements and the objectives of the legislation that Congress has previously enacted, and would avoid what the House of Representatives has done by its action; it completely turned around, through the appropriations process, the whole thrust and the whole philosophy of the education amendments of last year.

Accordingly, I hope very much indeed that this amendment will be agreed to, and hope that my colleagues will join me in supporting it.

Mr. COTTON. Mr. President, will the Senator yield me some time?

Mr. PELL. I yield to the Senator from New Hampshire.

Mr. COTTON. Mr. President, I rise to support the amendment offered by the distinguished Senator from Rhode Island. I do so in spite of the fact that I was unable to be present when the Appropriations Committee met, and at that time it was my understanding that it was the desire of the committee and of all concerned to expedite this urgent measure. In order to expedite it—how long did the Senator yield me? Five minutes?

Mr. PELL. As much time as the Senator desires.

Mr. COTTON. In order to expedite it, to avoid amending it, so as to avoid the need for a conference.

As I have said before, I owe an apology to my chairman of the HEW subcommittee, because with that understanding I authorized him to state, when he stated it for himself, to include me in his statement that we should report the bill without amendment. However, on the eve of the meeting of the committee—and I was not in town—a letter came up addressed to the Senator from Washington (Mr. MAGNUSON), the chairman of the Subcommittee on Labor, Health, Education, and Welfare, from the Secretary of Health, Education, and Welfare, and signed by Caspar Weinberger, which ad-

vocated the adoption of the amendment which is being offered now by the distinguished Senator from Rhode Island.

I will not take the time of the Senate to read the letter but ask unanimous consent to have it printed in the RECORD.

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

SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., April 3, 1973.

Hon. WARREN G. MAGNUSON,
Chairman, Subcommittee on Labor, Health, Education, and Welfare, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR SENATOR MAGNUSON: On April 12, the House of Representatives passed H.J. Res. 496, the Urgent Supplemental Appropriation Bill for fiscal year 1973. I want to give my views concerning the $872 million included in that bill for student assistance programs administered by the Office of Education.

First of all, let me say that I am pleased by two aspects of the House action:

1. The decision to include the student aid funds in the urgent supplemental, and

2. The fact that the total amount provided for student assistance does not exceed the President's original budget.

The Administration requested early action on these financial aid programs so that students and their families as well as institutions of higher education could make plans for next fall. We can all agree that it is extremely important that action be taken by the Congress before the Easter recess.

However, with respect to the Senate's consideration of next steps, I urge you to revise the distribution of student assistance funds contained in the House bill. It is our strong view that an equitable student assistance program is only possible if the primary emphasis is given to the new Basic Opportunity Grants program authorized in P.L. 92-318, the Education Amendments of 1972. Instead of establishing this priority, the House has placed only a token amount into this program—an amount which will distort the objectives of the legislation and the President's commitment to remove financial barriers to education for all qualified men and women.

As you will recall, the President's budget requested $622 million for the Basic Opportunity Grants program and $250 million for the College Work-Study program for fiscal year 1973. This request is based on our view that all eligible students in institutions of postsecondary education should receive assistance, in an amount based on their need, through the Basic Grant program and that this assistance is to be supplemented by College Work-Study funds, the two Federally authorized loan programs, State and private sources of aid, and student employment.

Under existing programs, it was possible for some students to have their total need met through Federal aid while other students may have received only a portion or possibly none of the funds they needed to attend the institution of their choice. Our budget proposal, which we think is far more equitable, would make certain that all students who are in need of financial assistance to go to college will receive some aid—based solely on the cost of education and the ability of their families to contribute toward it.

The House action, however, placed its emphasis on continuing existing programs, as follows:

Program and amount in millions

Basic Educational Opportunity Grants	$122.1
Supplemental Educational Opportunity Grants	210.3
College Work-Study	270.2
Direct Student Loans	269.4
Total	872.0

This action would reduce financial aid through our 1973 Basic Grant program to $122 million. At this funding level, the average award per student would be $80. At the same time, the maximum award that a student would receive would be $210. At these levels, a poor student simply could not put together a package which would permit him to go to school.

We, therefore, propose to the Senate an alternative to the House action. We are not asking that you adopt the President's budget proposal in total. We think that a reasonable adjustment can be made which would permit a significant Basic Opportunity Grant program while at the same time meeting the statutory minimums for existing programs contained in the Education Amendments of 1972. We, therefore, propose that the Senate adopt the following funding levels for student assistance:

Program and amount in millions

Basic Educational Opportunity Grants	$504.503
Supplemental Educational Opportunity Grants	130.097
College Work-Study	237.400
Total	872.000

This approach would permit the Office of Education to initiate a Basic Grants program under which the average award per student would be approximately $320, while the maximum would be $840. As I have previously noted, the proposal emphasizes the Basic Grants program, which is the only program designed to reach all students who are in need. In addition, this program provides support directly to students and allows them the opportunity to make their own choices about their educational goals without regard to funds available in any particular State or institution.

As further noted, the proposal would meet the funding requirements contained in P.L. 92-318, the Education Amendments of 1972, by providing the necessary amounts for College Work-Study and Supplemental Educational Opportunity Grants. Additional funds are not proposed for the Direct Student Loan program since funds have already been appropriated for the current academic year, and this program has not heretofore been a forward-funded program. Continuation of this program should be considered in connection with the fiscal year 1974 budget request.

In summary, I believe that our alternate proposal establishes the correct priorities for student assistance and meets the requirements of the law for the funding of existing programs. I urge the Senate to revise the House bill as I have requested.

Sincerely,

CASPAR W. WEINBERGER,
Secretary.

Mr. COTTON. I thank the Chair.

Mr. President, the Senator from Rhode Island has already clearly and succinctly indicated the reasons for his amendment. This is called an urgent supplemental appropriation bill because it is urgent, as the name amplies. It is in here to take care of the coming college school year which begins next fall.

In my many years in this body, I learned a long, long time ago never to vote against or fail to vote for something that I believed in on someone's suggestion or promise that if I did not vote for it today I would get a chance to do it next week, the week after, or in the next couple of months. While I never questioned the complete sincerity of such promises, I learned through the years that that does not always happen in the legislative process.

It is said that some of the things not taken care of in this bill will be taken care of shortly in a supplemental bill. We have been discussing, holding hearings, and batting the ball back and forth on this supplemental bill—not this urgent one, but the main one—for some weeks now, if not months, and I do not know how it will go through.

The bare facts are, one, we have to go to conference any way, because an amendment has already been adopted to the bill as it came from the House. The idea we should not adopt the amendment of the Senator from Rhode Island because it would send us to conference is out the window, because we must go to conference on the amendment offered by the distinguished Senator from North Dakota (Mr. YOUNG).

Two, as we know, the House version and the amendment of the Senator from Rhode Island, in total dollars and cents, are identically, the same. The Senator from Rhode Island is not adding one single dollar to this particular bill. The total in each case, the House version and the version of the amendment of the Senator from Rhode Island, are each $872 million. The only question is in the distribution. That is the meat in the coconut.

In the House version, $269,400,000 go to the national direct student loans. That is under the National Defense Education Act.

Well, now, most of that money would not be spent until the next year and maybe the year after next—and I am referring to school years here. It would not be spent this year. It is appropriating ahead.

Therefore, this urgent supplemental bill is no place for that funding. It is advanced funding.

The important and necessary funding to go into this bill—the most important—is the basic opportunity grant, which is a new and, in the opinion of the Senator from New Hampshire, promises to be a wise and effective step in aiding higher education in this country that should go into effect at once.

Under the House bill, only $122 million, roughly, will go to that.

Under the amendment of the Senator from Rhode Island, it will be $504,503,000.

Now, if we take the House version under this necessary program, according to the Secretary's letter, the average basic grant award to students would be $80. The top grant that a student could get under this would be only $210.

Now, the students who really need grants—and, pardon me, they need more—but the students who really need this help are not going to be able to go to college on an average of only $80 or a maximum of only $210.

Under the amendment of the Senator from Rhode Island, the average would be $230 and the maximum, in cases where it is clearly necessary, would be $840, and that would be in accordance with the criteria sent up to Congress by the Department, which will take effect at once unless within the necessary time Congress should reject the criteria.

So this makes this urgent appropriation bill effective. It makes very cent count for next year. It does not include advance funding. In view of the fact that we are going to conference anyway, I appeal not only for the Department of Health, Education, and Welfare and for the administration, I appeal because I feel very deeply, personally, and I am sure the Senate understands what the question is and it will feel very strongly also, that this effective amendment should be adopted.

I repeat as I started—that the Young amendment is going to necessitate going to conference anyway. This does not delay the bill.

Mr. MAGNUSON. I yield myself 2 or 3 minutes.

I do not disagree too often with the Senator from New Hampshire, but I think this will delay enactment of the bill considerably. The Senate is going to begin a recess tomorrow. Nearly half the Members of the House have left already, as I understand it. I just did some checking.

The matter we are talking about can be taken care of in the second supplemental. This bill is for an emergency. There is no question that the Pell amendment does not provide for continuing national defense loans to students and for expanding the BOG program. The BOG program has yet to be implemented.

We can increase the level of funding for the BOG program, if we want to, in the second supplemental. They are not ready yet for full implementation. We have almost $900 million that we are going to consider for the BOG program in the next 3 or 4 weeks. I do not see the urgency about this at all. I think we are going to end up with no student aid bill at all.

Unless the House will turn over a vote of 367 to zero and change their minds. I have had too much experience with them to think they will do that.

I do not think we need to spend 20 minutes on the impacted aid amendment in conference. If the House is going to be adamant, Senator YOUNG and the Senator from Nebraska know what they may or may not have to do.

I do not see that this serves any great purpose. All the major educational associations—every one I have had a chance to talk to—support the House and Senate Committee version. It is not that they do not support the version Senator PELL is talking about. What they do not want in this particular supplemental bill is any more delay—because they think it is going to foul up all of these proven programs until BOG gets going. We have no assurance that BOG's is yet ready to go. The BOG's program is going to take a great deal of work on the computers. They do not even have a computer system set up to handle this at HEW.

Why not wait until the second supplemental or the regular bill? What is the difference? I do not understand the difference, unless the Senator—and perhaps he does not say so—wants to cut out all these other programs. That could be the effect of it. There are only 60 days to go until we consider almost $1 billion for BOG. What is the urgency? That is what I do not see. I think the House did not see it, either.

I am for the Senator's program, but some of these things have to be phased in and phased out, and not just say that they are all done. Under the Senator's amendment, less funds are provided for work study.

Mr. PELL. There is $237.4 million, which is exactly $32.2 million less than the House allowance.

Mr. MAGNUSON. For work-study, then, there is less money than was available last year. I will put the figure in the RECORD—$270 million versus $237 million now. For student loans, no money is provided in this amendment.

Mr. PELL. Going for a minute to the national direct student loans, there has already been distributed to the colleges, through this fiscal year, a total of $293 million, which is adequate to handle all national defense student loan programs and demands until the end of this fiscal year. For ongoing years, this is where the second supplemental appropriation bill would handle it, not the urgent supplemental.

The reason why I am opposed to the House approach is that it, by an amendment on the floor which was never voted on separately at all, completely alters the authorizing legislation. There was no rollcall vote on it whatsoever. The floor amendment turned around the whole emphasis of the higher education bill that we passed last year.

If there has been one friend of higher education and education in general, it has been the Senator from Washington. I know well his sympathy for these programs, with good counsel. I recall his advice of last year, when he said with a twinkle in his eye, "Do not count on these funds. Authorizations are not appropriations." He was absolutely right, and I accept that. But what I do not accept is when the change in emphasis is made. I would have accepted a reduced amount if everything had been reduced; but with the new base of the basic opportunity grants, it has been gutted into a ridiculous situation, so that, in order to handle them, they would be spending about $12 for each $85 grant that was made.

This in my view, would make the program look ridiculous; and I think this may be the intent, in part, of the House amendment. I do not think my colleagues realize how this was arrived at. It was not arrived at as a considered decision recommended by the Appropriations Committee and passed by rollcall votes separately.

Mr. MAGNUSON. There is nothing wrong with what the Senator is talking about, with some additional money for BOG's which we can put in the second supplemental; and we are going to consider close to $1 billion in the regular bill. What is the urgency to do it right now?

Mr. PELL. I am sure the Senator knows this far better than I. When we see the intent of legislation changed and thwarted and distorted as these ratios do, there can be a slip between the good intention of the Senator from Washington and what actually emerges, particularly when the House wants to distort it.

Mr. MAGNUSON. If the Senator is talking about the intention of legislation, he knows where the slips have been.

Mr. PELL. I do.

Mr. MAGNUSON. I will entertain all of these things in the next 2 or 3 weeks, when we come back from the Easter recess. What is the urgency about this?

Mr. PELL. Because if this once gets the stamp of law on it, I think it will do real harm to the whole concept of the program.

Mr. MAGNUSON. This is only for this fiscal 1973.

Mr. PELL. I realize that; but unless this is handled by May 15, it will be too late. If money is not appropriated by then, it will be too late for this year. Perhaps we should not have it out this coming year. This is so important that I would be willing to delay the program, rather than distort it in order that this new concept can really come into being.

Mr. MAGNUSON. Is the Senator speaking on his time?

Mr. PELL. On my time.

Mr. MAGNUSON. Is the Senator suggesting that the work study program has not been a good program?

Mr. PELL. It is an excellent program, and it should continue, and it does.

Mr. MAGNUSON. Is the Senator suggesting that the direct loan program is not a good program?

Mr. PELL. It is excellent, and it should continue.

Mr. MAGNUSON. We are going to meet the needs for the BOG's program as we go along. There is no urgency to meet it for the next 2 weeks.

Mr. PELL. Two weeks can stretch to four and to six. In 2 weeks the supplemental education opportunity grants and the college work study programs could be raised just as easily.

Mr. MAGNUSON. If the Senator's amendment is agreed to, he is apt to lose it in conference then there will be a mark against it and we may have no urgent supplemental on student aid at all. The Senator does not mean that he would rather not have the students go to school at all if they have to be funded under the present programs.

Mr. PELL. We should get the new concept established without distortion.

Mr. MAGNUSON. We are going to get BOG's funded properly. We have the money for BOG's start-up in now. We listened to all the testimony. They are phasing it in as fast as they can. We can give the BOG's program more in the second supplemental, if it is needed, and close to $1 billion in the regular fiscal 1974 bill. We are working on all of this now.

Mr. PELL. They certainly want it, or they would not be pressing this amendment.

Mr. MAGNUSON. Who is "they"?

Mr. PELL. The administration. We have been working together, the administration and some of us on this side of the aisle.

Mr. MAGNUSON. The Senator is going to lose this student aid bill altogether.

Mr. PELL. Then, we will get another good bill.

Mr. MAGNUSON. When?

Mr. PELL. I would hope in the next supplemental.

Mr. MAGNUSON. Why does the Senator not leave this BOG's problem for the next supplemental?

Mr. PELL. This bill places into law a concept we got away from in the last Congress.

Mr. MAGNUSON. The Senator knows we were caught unprepared by this when the House acted on the floor.

Mr. PELL. So was I.

Mr. MAGNUSON. The Senator never intended it to be in this bill.

Mr. PELL. We wanted to attend to this business in the regular supplemental.

Mr. MAGNUSON. I know, but now we are moving on this matter ahead of time. We have money in there for BOG's. We are going to give them more money in the next 3 or 4 weeks. In the meantime, the Senator is in effect going to cut all the other programs, and all the people who run the schools are worried to death about it.

Mr. PELL. If the Senator will forgive me, there are those who agree with me.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the National Student Lobby.

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

NATIONAL STUDENT LOBBY,
Washington, D.C., April 17, 1973.

DEAR SENATOR: The National Student Lobby, representing over 1.5 million college and university students, urges your support for the Pell Amendment to House Joint Resolution 496 to be voted on today. The Pell version of the student financial assistance appropriation is in a form more useful to students, while not exceeding either the House version of the resolution or the President's budget request. The programs concerned are the Basic Educational Opportunity Grants (BOG), College Work-Study (CW-S), Supplemental Educational Opportunity Grants (EOG), and National Direct Student Loans (NDSL). The dollar amounts (in millions of dollars) are shown below for each proposal:

	Pell amendment	House-passed version	Budget request
BOG	504.5	122.1	622
CW-S	237.4	270.2	250
EOG	130.1	210.3	----------
NDSL	----------	269.4	----------
Total	872.0	872.0	872

The distribution of funds as proposed by the Pell Amendment is in a form more useful to students because:

(1) The Pell Amendment includes significant funds for the Basic Grants program. The BOG's provide between $200–$1400, up to ½ the cost of education to the student per year. This "entitlement" program will be of great value in achieving the goal of equal opportunity to education that Congress established in the Education Amendments of 1972. This program will also extend aid to students in proprietary, technical, and vocational schools that have previously had little or no access to federal assistance.

(2) The Pell Amendment maintains adequate funds for College Work-Study. This program subsidizes non-profit institutions which hire needy students. The program provides good work experience, helps the often financially pressed institution, and provides a means of earning the ½ cost not provided by BOG.

(3) The Pell Amendment maintains the Supplemental Educational Opportunity Grants. The EOG program provides grants to students in great need but ineligible for BOG. This is especially important to private and church-related schools with tuitions so high that BOG covers only a small portion of the costs.

(4) The Pell Amendment does not provide money for National Direct Student Loans at this time. NDSL, which provides 3% loans to students while constantly generating more loan capital, is a vital program. This program has aways been "current year funded" and normally would be funded out of the FY '74 budget for the academic year beginning this fall. The National Student Lobby recognizes that for the student assistance package to be complete for next fall *it is absolutely essential that Congress fund National Direct Student Loans to at least the $293 million level in Fiscal Year '74.*

For these reasons we urge your support of the Pell Amendment. Students across the country will be watching the level of appropriations in each program.

Thank you for your consideration.

Sincerely,

SETH BRUNNER,
Education Director.

Mr. MAGNUSON. And many who would disagree with you.

Mr. PELL. On both sides. If there were no bill I would not raise the issue, but having fought as hard as we did to get the change of emphasis enacted, it is wrong to give approval to the old system.

Mr. MAGNUSON. Another thing. I do not know how the Senator gets himself in this position timewise. I do not question how he feels about it. I know how he feels, but timewise. Does the Senator know who got us in this mess? The administration, by sending up an unreasonable budget. Then, at noon Friday before we met they want to change their minds, and the Senator goes right along with them.

Mr. PELL. I had my own amendment which was considered in committee and defeated by a vote of 6 to 5, which is pretty close.

Mr. MAGNUSON. It is absolutely correct.

Mr. PELL. I agree.

Mr. MAGNUSON. There is no question about it. I am for it. But it does not belong on an urgent supplemental bill when we are going to take care of it in the next three weeks.

Mr. PELL. Three weeks can be too late when it is dragged on and on.

Mr. MAGNUSON. Does the Senator think that BOG's will take the place of these programs?

Mr. PELL. Never.

Mr. MAGNUSON. Of course not.

Maybe they have not briefed the Senator enough yet. Does the Senator know what would take the place of National Defense loans?

Mr. PELL. Sally Mae. With that I do not agree.

Mr. MAGNUSON. Does the Senator know when that is going to start?

Mr. PELL. The association is supposed to come into being this coming year.

Mr. MAGNUSON. The Senator is practically phasing that out, sooner or later.

Mr. PELL. No, we reduce it by about $15 million.

Mr. MAGNUSON. Is the Senator in favor of reducing this work-study program?

Mr. PELL. I certainly am not.

Mr. MAGNUSON. But the Senator is advocating it.

Mr. PELL. Because the new grant advocates an increase of almost $400 million in basic grants.

Mr. MAGNUSON. But it will be months before that gets moving as it should.

Mr. PELL. That is a question of judgment. They tell me they want this.

Mr. MAGNUSON. That is the trouble. There are two authorizations.

Mr. PELL. All I know is what they tell me.

Mr. MAGNUSON. I do not understand the emergency. This is an urgent bill, reserved for taking care of emergencies. The Senator is trying to change the whole education system in this bill.

Mr. PELL. The House had no business attaching this amendment.

Mr. MAGNUSON. Come with me to the conference and tell the conferees they had no business doing that. That will be a good way to start: "You had no business doing this." Then we would have nothing for a bill.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. I am prepared to yield back the remainder of my time.

Mr. MAGNUSON. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from Washington has 22 minutes remaining. The Senator from Rhode Island has 7 minutes.

Mr. PELL. I would suggest the absence of a quorum at this point.

Mr. MAGNUSON. Mr. President, will the Senator yield for a moment?

Mr. PELL. I yield.

Mr. MAGNUSON. I have just learned that the Senator from Colorado (Mr. DOMINICK) has an amendment to the Senator's amendment. We should take time for a quorum call.

The Senator from Colorado will have his own time if he submits an amendment to the amendment of the Senator from Rhode Island.

Mr. DOMINICK. Mr. President, I send up a substitute for the Pell amendment and ask the Clerk to state it.

The PRESIDING OFFICER. The Clerk will state the amendment.

The legislative clerk read the amendment to the amendment as follows:

Strike out all after "viz:" and insert in lieu thereof the following:

On page 2, beginning with line 8, strike out all down through line 17, and insert in lieu thereof the following:

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, subparts 1 ($385,500,000) and 2 ($130,100,000) of part A, part C ($237,400,000) and part E ($120,000,000) of title IV of the Higher Education Act of 1965, as amended, $872,000,000 to remain available until June 30, 1974.

The PRESIDING OFFICER. The amendment is not in order until the time on the other amendment is yielded back.

Mr. PELL. Mr. President, I did not understand the Chair.

The PRESIDING OFFICER. The amendment is not in order until the

time on the other amendment is yielded back.

Mr. PELL. The substitute amendment cannot be offered until all time on the other amendment is used?

Mr. President, I want to accommodate the Senator from Colorado, but I do not want to lose all of the time remaining to me 6 minutes. May I ask unanimous consent that both sides keep 5 minutes, and then let the amendment be considered?

Mr. DOMINICK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOMINICK. How much time would I have on my substitute when my substitute would be in order?

The PRESIDING OFFICER. The Senator from Colorado would have 15 minutes; the Senator from Rhode Island would have 15 minutes.

Mr. DOMINICK. Mr. President, I think I can explain my amendment in a relatively short period of time and give the Senator from Rhode Island a little additional time other than the 15 minutes he has already, so that he would not have to retain his time at this time.

Mr. PELL. That does not help, because my time would run over. So I ask unanimous consent that 5 minutes on each side that is remaining be permitted after consideration of the amendment of the Senator from Colorado.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. Mr. President, the distinguished Senator from Washington is not here. I do not know what his wishes would be in the matter.

Very well; I will not interpose an objection, on the advice of the clerk.

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. DOMINICK. Mr. President, is my substitute amendment now pending?

The PRESIDING OFFICER. The amendment of the Senator from Colorado to the amendment is now pending.

Mr. DOMINICK. Mr. President, I yield myself 5 minutes to explain the situation we find ourselves in, and I have to go back a little. It may be repetitious, but I think, for the purpose of the record, it is worth doing it.

When we had the Higher Education Amendments of 1972 conference, we had a long and very bitter conference with the House. I think it extended over a period of between 6 and 7 weeks. At that time we were meeting approximately twice a week for 2 or 3 hours. The last meeting we had with the House started at about 2 o'clock in the afternoon and ended at 5 o'clock the following morning before we got an agreement. It was a very tough, hard-fought conference.

In our effort on the Senate side to retain the basic opportunity grant formula, we found ourselves pushed into a corner, whereby we had to agree, and did agree, that prior to the time of financing any of the basic opportunity grant appropriation we would put in a minimum funding on the other three programs which the House was very interested in; namely, the supplemental opportunity grants, the student work-study program, and the national direct student loan program.

Minimum amounts were set up in the authorization bill as to what would be required for funding before any basic opportunity grant money was put into the bill.

When the House considered this program, it funded the supplemental educational opportunity grants at approximately $80 million over what the minimums were as required in the authorization bill, and they funded the college work-study program at approximately $40 million over what it was in the authorization bill, and then they funded the national direct student loan program as well.

This leaves little for the basic opportunity grant program, which is a more simplified form of program.

The net result is that we really did not get anywhere with the basic opportunity grant program with $122 million.

I, unfortunately, could not be on the floor when the Senator from Rhode Island was explaining his amendment. He was talking originally at one point to the effect that "If that is all we are going to get, we will make it only as a kind of pilot program"; but I assume, under the amendment, he has increased the money for that program very substantially, and increased it from $122 million to $504 million. Am I correct in that?

Mr. PELL. The Senator is correct.

Mr. DOMINICK. That is fine, so far as the basic opportunity grant program is concerned, but I have been talking with a great number of my school people, and I have been doing it not only in my State but also with other people, and they are very concerned about the NDSL.

The NDSL is funded under existing appropriations through June 30 of this year. However, it is not funded for the fiscal year which starts in September and goes through June of next year, whereas the amount of money put into this particular measure, as it comes out of committee and also in the proposal made by the Senator from Rhode Island, would fund the other programs through June 30, 1974. In other words, it would gives them various fundings so that both the students and also the educators would know what programs are going to be available to them which they can steer their students into. They would not be able to do that under the proposal of the Senator from Rhode Island insofar as the National Direct Student Loan program is concerned. And that is what my amendment would change.

I would cut back on the supplemental opportunity grants from the House allowance and leave it the same as the Senator from Rhode Island. I would be cutting back on the college work-study from the House allowance and leave it the same as the Senator from Rhode Island.

I would take, however, those savings from the House bill and instead of putting them into the basic opportunity grants, I would put them into the national direct student loan program so that it would be funded at the level of $120 million at least until June 30, 1974, thereby giving the students an opportunity to know that that money is coming forward and that they will be able to apply there for their student loans for the coming fiscal year.

Why is this important? I am sure that Members of the Senate and a lot of other people will say, "Well, if you have that funded through June 30, why worry about it?" The answer is that we do not know when the fiscal 1974 appropriations bill will come before us. In the meanwhile, these students are entitled to be able to figure out what their financing will be for the coming fiscal year. Unless we have some money in the program, there is no way they can determine that.

The other answer that I get all the time is that they can go to the insured loan program. I like that program. I think it is a good one. We have some $6 or $8 billion worth of student loans out under that program. However, I have found out to my sorrow that there are many areas in this country, including some in my own State, where the banks refuse to participate in the program because the loans are long in terms of repayment and the total amount in each individual loan is small. The net result is that they find it very difficult to handle.

In order to take care of that matter, we set up the Student Loan Marketing Association—Sally Mae—organization which is a secondary market for student loans. However, that will not be in operation until the end of this year of the beginning of next year.

The net result is that the banks have the insured loan programs in their hands at this time and find themselves unable to loan because there is no secondary market for the loans. They are therefore somewhat reluctant in many areas to go into it in the coming school year until they have actually seen Sally Mae in operation.

I am not increasing the overall amount of the proposed authorizations of $872 million. I am changing the amount and, in fact, deducting $120 million from the amount the Senator from Rhode Island is proposing and taking it out of the basic opportunities grant and putting it into the national direct student loan program.

This program is an extremely important one for a great many people, the low-income people in particular, those with incomes of $2,000, $3,000, $4,000, who have little or no contact in any event with banks anywhere and find it extremely difficult to get any banks to give them an insured loan. In addition to that, as I have said, there are some areas where no banks would participate in the program at all.

Mr. President, the net result of this is that they are being put in a position where they have to depend on the insured loan program or on the work-study program or get some of the basic opportunity grants or a supplemental opportunity grant. Why can they not go that way instead of having the national direct student loan program. That is fairly simple, too.

In the BOG program, which the Senator from Rhode Island is pushing very hard—and it is a good program—we have some rules and regulations which require all sorts of financial accountings with relation to family assets in order to deter-

mine what their family contribution will be. If those assets are not liquid and they say, "OK. You have to make a family contribution because your assets are x dollars and are too big," when as a matter of fact all they can produce in the way of cash is y, it was found as far as the students are concerned that a student direct loan program would cover that position. I think it is a good program, and it ought to be funded.

What I am doing therefore is subtracting $120 million from the basic opportunity grants program which the Senator from Rhode Island is pushing, and putting it into the national direct student loans, without raising the total appropriation and making sure that all three programs are funded through the coming fiscal year, June 30, 1974.

This, I think, is worthwhile. I think we ought to do it, and I understand from the Senator from Rhode Island that the administration is opposed to it. I do not understand why they are opposed to it. I have not heard their reasoning. However, maybe he has other input that I do not have.

Whether they are opposed to it or not, frankly, does not make a particle of difference as far as I am concerned, because unless we can get the national direct student loan program funded for the coming fiscal year and early enough to do the students some good, we are in fact going through an exercise in futility.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, I yield myself such time as I require.

Mr. President, I have listened with sympathy and interest to the explanation of the amendment by the ranking minority member of the Education Subcommittee, who worked long, hard, and valuably in developing the new concept on basic educational opportunity grants.

I recognize the political wisdom of the thought behind his amendment, because his amendment and the administration's and my amendment would leave untouched the supplemental opportunity grant and, as I understand it, would leave untouched the college work study program. However, they do take money from the basic education opportunity grants and put it into the national direct student loan program.

Where the Senator from Colorado and I disagree is that I do not think these funds need to be put in the urgent supplemental which is to apply only to this year. The Senator from Washington indicated a few minutes ago that there would be another supplemental in the matter of a very few weeks.

I think that is more properly where the funds for the coming fiscal year 1974, should go.

I recognize on the other hand the political appeal of having more funds in the National Direct Student Loan program. It is a good cause and a wonderful program, but it is hard to explain, although we know intellectually and rationally that the money is there. I can see what the Senator from Colorado seeks to do.

I would be very interested in the reactions of my distinguished friend, the Senator from New Hampshire, on this matter. I yield to the Senator from New Hampshire.

Mr. COTTON. Mr. President, I will take about 3 minutes.

I have conferred with the Secretary of Health, Education and Welfare. They are very much opposed to the amendment of my distinguished friend, the Senator from Colorado.

We are now up against this problem of whether we agree to the amendment of the Senator from Rhode Island or whether we modify it by the amendment of the Senator from Colorado. We still get the argument either way of how the other body is trying to put us in the position of being on a take-it-or-leave-it basis. I understand that there has been word that they will accept the Young amendment with no trouble at all, but if we try to further amend this measure we will not get final action until we come back after a recess. In other words it will be delayed, and the bill will be killed, and so on. I have gotten rather tired of that.

Every time I pick up a newspaper, every time I turn on my television, every time that I go anywhere or have any group of people come into my office from the various-do-gooder organizations, I constantly have it thrown in my face that this administration, from the President down to the last doorkeeper in the White House are a cold blooded, heartless bunch of people who have no interest in the human problems of this country. The charge is constantly made that the administration wants to build up our defenses and does not want to take care of the poor, and in this instance, does not want to give help to those who are trying to earn an education.

Here is the first time so far, I think, in this session, that we have come in with a program, and the people downtown are squarely behind it, that I think promises to be one of the most effective programs and I hope will prove to be one of the most effective programs we have ever had to promote higher education and put it within the reach of the unfortunate. That is the basic opportunity grants. They do not have to get it from a bank, they do not have to go anywhere else, it is a basic opportunity grant.

This is the first time that this heartless, coldblooded administration that has ice water in their veins, that serves only the rich and does not give a damn for the poor and unfortunate, and is all for national defense with nothing for human needs, are asking us to stand up for something that we really believe and hope will be effective in giving an opportunity to get a college education to every boy and girl in America.

Right off quick the House says, "If you take this, you will kill the bill." Then Senators want to amend it, and tie up the limited money in loans, and cripple the real benefit that is in this bill.

As far as I am concerned, I am going to support the amendment. Though I rarely find myself in disagreement with my friend from Colorado, for whom I have great respect and whose leadership I have followed on many occasions, I find myself opposing him now, because I am so happy—and I wish there were more people in the newspaper gallery to hear this—I am so happy, for once, as a miserable Republican who, according to some people, has not a cent in his pocket but associates with millionnaires who have no interest in the downtrodden people—I am so happy, for once, to stand on this floor and say I am fighting for an administration measure that is good, and that would help the needy.

So, for myself, not because I have orders from downtown, but just because I happen to like the feeling of this occasion, I shall have to vote against the amendment of my friend from Colorado and for the amendment of the Senator from Rhode Island. I shall vote for it, of course, if it is amended; and if the House wants to say to the Senate, "If you tamper with this bill, we will kill it," let the House kill it and let the chips fall where they may.

Mr. PELL. Mr. President, I thank the Senator from New Hampshire very much. I think his thinking is sound, and I must perforce, with the logic of his position, follow the same course, and will be compelled to oppose the amendment of the Senator from Colorado.

I also was struck by the eloquence of the Senator from New Hampshire. It is true that the end product, the students, are very much for this amendment. The student aid officers seem somewhat worried, as they perhaps see their job rationale minimized a tiny bit as these amendments come down the road, and are attempting to mobilize my colleagues on the floor to bring to bear their views that this is a bad program. I sometimes think they have a vested interest in making these programs as complicated and Parkinson's law as applicable as possible. But the students are for the proposal. The people are for it, and the junior college people are for it.

Recognizing the additional political moxie of the amendment of the Senator from Colorado, I still must oppose his amendment and press for my own.

Mr. MAGNUSON. Mr. President, will the Senator yield me 1 minute on the bill?

Mr. PELL. I yield.

Mr. MAGNUSON. I hope we will not get off the track here with some of our rhetoric. No one is against the program the Senator from Rhode Island is talking about, at all. I am as hopeful as the Senator from New Hampshire. I hope the program will turn out fine.

The amount of money in this bill is exactly the same in both cases. No one is giving any more or taking anything away. We are simply talking about two different programs, or the emphasis on one side as against the other side. We are suggesting only that we will go ahead with the Senator's program, but that this is not quite the place, today when we are leaving here tomorrow, to do this. Here we simply want to assure that the proven and tried programs are continued for one more year until the new program is in place and students and financial aid administrators are assured it will work. We need to provide for ongoing programs so there will not be any gap in student aid. This needs to be done on an urgent basis. We can address additional funding for BOG's in the second supplement-

al. What is so difficult to understand about that? The House understands this very well.

I have sat in many conferences with the House of Representatives.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Mr. PELL. I yield the Senator an additional minute.

Mr. MAGNUSON. I have sat there hour after hour. So has the Senator from New Hampshire. We are not against this new program. I am for the program that the Senator is for 100 percent, but I do not think that this urgent supplemental is the place to do it, right now, because we have very limited time to complete action on this resolution.

I am just as practical as anyone else around here. I do not know whether we could have a successful ocnference on this or not before the recess. I do know the Senator can take it up in 2 or 3 weeks with the second supplemental, and do not know why he wants to insist on it now.

That is the only thing I can suggest. I am for his program. The Senator is going to have to come to me in the next 2 or 3 months for a lot of support, and I am going to give it to him. Now, why clutter this emergency supplemental measure with this amendment?

I am against the amendment of the Senator from Colorado, too, because I am trying to keep the amounts the same, so that we can have a conference within the next 12 or 13 hours. If this bill gets too cluttered up, we may not be able to have a successful conference. I doubt if we have a quorum in the Senate right now, if I wanted to call a live quorum.

Mr. PELL. We will find out when we vote.

In all justice to the Senator from Colorado, the total sums are the same, but the reason why I take exception to the action of the House by voice vote is that they changed the whole structure of the basic subject of the legislative enactment. What we have here is, paraphrasing President Wilson, a small group of willful men taking what was already the law, the authorizing legislation, and turning it around until the present concept is different.

I do not think there is any huge urgency; it is not the end of the world if we do not get this through right now. But when we do it, let us do it right, and not in contravention to the law that is presently on the books.

I am perfectly willing to have it slide over and not have it enacted, but I do not want to see it enacted against the law we passed a very few months ago.

Mr. DOMINICK. Mr. President, I yield myself whatever time is left, and I shall be very brief.

I say, first of all, to the Senator from Washington, that my amendment does not increase the amount of the bill anywhere; it stays exactly the same.

Mr. MAGNUSON. I am sorry; I meant distribution when I said amounts.

Mr. DOMINICK. No. It stays the same. The only other thing I am doing is putting some money into the national direct student loan program, which is a tremendous program. It takes it out of the BOG until we can get some of the rules and regulations so as to give us some advance money for the students. The national direct student loan program is interest-free while the students are in attendance, and then it accrues at 3 percent direct repayment.

Two institutions in Colorado, the University of Colorado and the University of Northern Colorado, have indicated that this program aids 4,922 students at those two institutions alone. If we do not have any advance funding, the students do not know what they can do and they cannot move forward. I would say that there are over 30 institutions of higher education in my State. This program is enormously important not only for Colorado but in every other State.

I would say another thing, that we made an agreement we would put some money into each one of the three programs when we authorized the BOG in the conference. If we adopt the amendment of the Senator from Rhode Island, we are not putting any money into the national direct student loan program and we will be violating, in my opinion, the good faith that we had with the House Members.

Mr. COTTON. Will the Senator from Colorado yield for one quick question, I second?

Mr. DOMINICK. I yield.

Mr. COTTON. If his amendment is adopted, however, we are financing the national direct student loan program for 2 years ahead; is that right?

Mr. DOMINICK. No, that is not correct. There is no money in his amendment for that at all.

The PRESIDING OFFICER (Mr. HANSEN). The time of the Senator from Colorado has expired. The Senator from Rhode Island has 4 minutes remaining.

Mr. DOMINICK. If the Senator will yield me 1 more minute, I want to emphasize that under this proposal of the Senator from Rhode Island, we would be forward funding the BOG and the college work studies. I am in favor of it. We would be giving no money for the national direct student loan program and we could not forward fund that. Under my amendment, we would be forward funding, so that the kids will know what they are doing when they try to get financial aid this year, before they go home for summer recess.

Mr. President, I ask unanimous consent that the following Senators be added as cosponsors of my amendment: Senators JAVITS, COOK, and BUCKLEY.

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

Mr. DOMINICK. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the distinguished Senator from New Mexico (Mr. MONTOYA), together with an insertion.

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

STATEMENT BY SENATOR MONTOYA

Last year when the Congress considered the Education Amendments of 1972, much deliberation was spent on the problem of providing financial assistance to students seeking to obtain a college education.

While the Congress was satisfied that existing student loan programs were achieving a great success in making funds available to needy students, it nonetheless authorized an experimental grant program.

In authorizing the Basic Opportunity Grant (BOG) program, Congress expressed its satsifaction in existing programs by requiring that the National Direct Student Loan, College Work-Study, and the Economic Opportunity Grant programs be funded at the 1972 level before any funds could be provided for the BOG program. Congressional intent to the effect that the BOG program was to be a supplement to and not a replacement for existing programs could not have been more explicit.

Yet, in spite of this expressed Congressional intent, the President's budget request for these programs, submitted in the Second Supplemental Appropriation's Bill, intentionally disregards this mandate. No funds were requested for Direct Student Loans or the Economic Opportunity Grant Programs. College Work-Study was budgeted at $20 million below the 1972 level.

Mr. President, while I believe that the BOG program should be funded as an experiment, I cannot support the Administration proposal, which places a major emphasis on this untried program while eliminating completely any funds for tested and successful student assistance programs.

I therefore applaud and heartily endorse the action taken by the Appropriations Committee, of which I am a Member, in reallocating the $872 million requested by the President for student assistance programs.

This action is responsible in that it does not exceed the budget request submitted by the President, and responsible in that it reflects the intent of Congress expressed in the Education Amendments Act of 1972.

I would emphasize, Mr. President, that my opposition to having the BOG program as the major effort of the Government in the field of student assistance goes beyond my concern with the President's failure to abide by expressed Congressional intent. I believe that my fears are better understood if I were to place the student loan programs in historical perspective.

Since it was authorized by the National Defense Education Act of 1958, the National Defense Student Loan program has put over $2 billion into educational institutions which have added another $255 million to the funds for making loans to undergraduate and graduate students.

This program has helped millions of students through college and thousands on through graduate or professional schools. Presently there are 3,000 colleges taking part in the program. This year, at least 250 more have applied to take part in the program.

This is a matching fund program in which the institution contributes ten percent of the funds loaned out. In addition, the college or university administers its own loan fund, absorbing the overhead attached to making and collecting loans as part of its overall administrative expenses.

At some universities which have participated in the program for many years, there is enough turnover in funds to provide adequate if not generous loans for students. The U.S. Office of Education predicts a $250 million turnover in all NDSL loan funds this year. Such institutions as Georgetown University will have a one-third return on its funds. However, newer institutions such as Federal City College will have no return at all this year—or for several years to come.

This program is especially important for low-income students. They are able to go directly to the financial aid officer of the institution to seek aid. He is in a position to help them put together an aid package suited to their needs, and most important, he knows their financial background and is sympathetic.

The proof of this program's importance to low-income students lies in the fact that over the years, more than 50 percent of NDSL

funds have been loaned to students whose family incomes are $6,000 per year or less. This financial status usually tends to discourage borrowing, yet without a loan there is often no way low-income students can complete college. The fact that aid is given through the school seems to reduce the fears of the low-income student about borrowing.

The elimination of the NDSL program in the administration budget is apparently based on the assumption that guaranteed bank loans plus NDSL turnover money will satisfy the nation's student loan needs. I think that is a false and self-serving assumption.

In the Education Amendment Act of 1972, the Congress did seek to improve the climate for guaranteed loans through the establishment of the Student Loan Marketing Association. However, the Congress also made it perfectly clear that NDSL was to be funded, along with other traditional programs, as a prerequisite to funding of the loan guarantee program at its full level.

To replace the NDSL program, the Administration has offered us a program of guaranteed loans from private institutions. Now, I have nothing against banks, but I do not feel that banks are the proper place to seek all educational loans.

Banks are in business, and too often the requirements of properly running a business conflict with the educational and financial needs of those seeking loans.

A recent informal survey by the National Association of Student Financial Aid Administrators clearly showed that bankers have little interest in making student loans. Few, if any, are making plans to significantly increase their student loan business to absorb the increased need after the proposed end to the NDSL program.

The Administration is offering us a substitute program for NDSL. But its planners apparently failed to inform those who are necessary for the plan that they will be part of it.

But an even more disturbing problem is that, due to business requirements, many of those most in need of loans will be unable to get them. Banks already participating in the limited guaranteed loan program have often required an account relationship, upperclass standing in school, a high grade point average or local residency as a prerequisite for a loan.

All these factors work against low-income students—who do not have the financial resources to establish an account relationship—and who rarely have high grades. The independent student, away from home and on his own, is unable to establish local residence. In the final analysis, those most able to receive loans through this program will be those least likely to need them.

Here we should also take up the problem of bureaucracy. The Administration has long told us that it seeks to decrease bureaucracy and bring programs closer to those who need them. Yet here, once again, we see an instance where the program is most easily accessible to its recipients in its present form. But the Administration wants students to leave their campuses, which all too often are bureaucratic enough, and deal with an altogether different and largely unsympathetic bureaucracy—the bank. This situation poses a contradiction that should give us food for thought.

We must not allow a program that has been as successful as the NDSL program to be dissolved even before its replacement has been organized, much less proven that it will work. It is my feeling that guaranteed loans may supplement the NDSL program, but cannot replace it.

The Economic Opportunity Grant (EOG) program is also scheduled for extinction if the President's budget request is accepted by the Congress.

Providing as much as $1,500 per year or $4,000 for four years for extremely needy students, these grants allowed a financial aid officer to keep in close contact with the student—a very effective method of tailoring the financial aid package to the student's needs.

Since its inception in 1965, more than 250,000 students have received Educational Opportunity Grants and Supplemental Educational Opportunity Grants. Seventy percent of those receiving these grants were from families with annual incomes of less than $6,000 per year. Clearly, these students would have had difficulty if such a program were not available to assist them financially.

The success of College Work-Study is even admitted by the Administration. The fact that the budget request for this program is $250 million or only $20 million below the 1972 funding level indicates some interest in continuing the program. While at first glance the budget request for College Work-Study seems reasonable, given today's budget constraints, this reasonableness disappears when one considers that an additional 500 post-secondary institutions will be seeking federal student aid funds for the first time in 1973–74. Most of these schools are requesting work-study funds.

We must also remember that more students will be eligible for work-study funds because we provided eligibility for part-time students in the Education Amendments Act of 1972.

The National Association of Student Financial Aid Administrators predict a 25 percent increase in applications for work study funds and they also point out that, should the Congress enact a minimum wage bill, less funds would be available for distribution. All of this points out the need to fund this program at least at the $270 million 1972 level or higher if at all possible.

Mr. President, this brief historical review of existing student aid programs should serve to demonstrate the need for continued funding of these programs which have for years made it possible for many needy and deserving students to obtain a college education.

Mr. President, I am inserting a letter which I have received from the President of New Mexico Highlands University, Dr. Frank Angel, in which he describes the effect of the Administration's efforts to do away with direct loans and replace them with the BOG program.

Mr. President, the Administration now purposes to scrap these programs and replace, not supplement, them with the Basic Opportunity Grant program, which we authorized in the Education Amendment Acts of 1972. While many of us agreed that a new approach to provide student aid should be attempted, none of us ever thought that the Office of Education would impose such strict and inflexible income and asset contribution guidelines on recipients.

Under the BOG formula, families of students receiving the grant would have to provide a certain portion of the grant, depending on income and assets. The average grant in fiscal year 1973 would be about $500 and would go up to $700 per year in fiscal year 1974.

But the outcry over this formula has been virtually deafening, even here in Washington.

Many constituents have noted accurately that although a family might have a total income of $1,400 per year from Social Security or Veterans benefits, a student from that family would be ineligible for a BOG. Why? Because the guidelines automatically include payments under these other programs as part of the BOG. The poorest of this nation's citizens, those who most need the advantages of higher education and those who are least likely to receive higher education are virtually stricken, as a class, from receiving a BOG.

Until such time as these weaknesses and shortcomings of the BOG program are ironed out, I cannot urge my colleagues to support funds for this program in amounts beyond what we generally provide other experimental programs.

Mr. President, I urge my colleague to carefully consider the action of the Appropriations Committee and that it approve funding for existing student loan programs at the 1972 level while funding the untested BOG program as an experimental program only.

Mr. President, unless the Congress follows this approach, many needy and deserving students will not be registering for a college education this fall.

The letter referred to is as follows:

NEW MEXICO HIGHLANDS UNIVERSITY,
Las Vegas, N. Mex., February 23, 1973.

The Honorable JOSEPH M. MONTOYA,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: This letter has to do with the matter of the Administration's budget proposal to the Congress regarding financial aids for students in colleges and universities. The Administration requests no funds for the operation of the Supplemental Educational Opportunity Grants Program, as well as no additional federal capital contributions to the National Direct Student Loan Program for the fiscal year 1974. Instead, the proposal asks for $622 million this year and $959 million next year to launch the new program of Basic Educational Opportunity Grants.

This action would prove extremely detrimental to the students who attend Highlands University, most of whom are in very low income brackets. The projected number of undergraduate students who will enroll in the next fiscal year here is 2420. Of this number, about 75%, or 1830, will need financial aid. The adjusted gross family income for 1370 students now receiving aid at Highlands will give you an idea of their financial situation.

Family Income Level	*Number of Students*
$0–$5999	880
$6000–$8999	200
$9000–$11,999	110
$12,000–above	120
Veterans	520

The table does not tell the full story, since the first category includes students whose family income levels are as low as $1,200 and are welfare cases.

In 1972, 492 students received their degrees from New Mexico Highlands University. Of this total, 292, or 58.6%, were in the field of education. Since the National Direct Student Loan Program has provisions for partial cancellation, the notion of entering higher education and specializing in education made the loan provisions very attractive to our students. This incentive would be lost if the program is not funded.

While we would certainly like to see the launching of the new Basic Education Opportunity Grants, our students will continue to need help from the Supplemental Educational Opportunity Grants Program and especially full funding of the National Direct Student Loan Program.

The Basic Education Opportunity Grants will require students to have to borrow from banks to supplement what the grants will give them. Since most of the low income families have no collateral or unacceptable collateral, the net effect will be to deny them the opportunity of a college education.

Without the help from the programs now in effect, the students in northern New Mexico who attend this and other institutions in the state will be seriously affected. We hope that you can influence the decision regarding these matters and thus help to continue providing for equalization of educational opportunity for our students.

Sincerely yours,

FRANK ANGEL,
President.

DENNIS MARQUEZ,
Student Financial Aids Officer.

SENATOR RANDOLPH SUPPORTS STRONG STUDENT AID PROGRAMS

Mr. RANDOLPH. Mr. President, the Pell amendment as modified by the Dominick amendment is of vital importance to thousands of young people who will be attending institutions of higher education. The amendment places before the Senate a viable solution to many of the financial problems faced by students in need of aid to attend our colleges, universities and other post-secondary institutions.

The basic grant program which will be increased by this amendment was an integral part of the Education Amendments of 1972 which passed the Senate initially last year by a vote of 88 to 6. After many, many, many hours of conference with the House the conference report was agreed to by 66 to 15.

The new concept of basic grants to students is the most forward looking education program in decades. This entitlement program will be of great assistance in achieving our goals for equal educational opportunity. An important aspect of this program often overlooked is that aid will be available to students in proprietary, technical and vocational schools who have often had little or no access to assistance in the past.

If this program is to be successful it must be adequately funded. The increase of funds available under this amendment is a far more realistic figure for the initial year of the program.

The basic grant program was designed to provide a base for all financial aid to students who attend post-secondary institutions. Imbedded in the 1972 amendments was the idea that existing programs would supplement the amount of support available thus offering a greater range of support to all qualified students. The continuation of the college work-study program, the supplemental educational opportunity grants and the national direct student loan is imperative in our efforts to provide a higher education to our young people.

President Nixon in his message on higher education in March 1970, stated that no qualified student should be barred from college because of a lack of money. The basic grant program supplemented by existing programs goes a long way in meeting this goal. With the assurances that existing programs will be funded as provided by this amendment, I believe that it is more acceptable and better equipped than the House bill to meet the needs of our young people pursuing a higher education.

The amendment, in my opinion, provides for the continuation of funds for work-study and supplemental educational opportunity grants and national direct student loans in an equitable manner. Now is the time, not later, to commit the Congress to this effort.

Mr. McCLELLAN. Mr. President, I would suggest that we yield back all the time on this amendment and call the roll.

The PRESIDING OFFICER. Does the Senator from Rhode Island yield back his time?

Mr. PELL. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on this amendment has now expired.

The question is on agreeing to the amendment of the Senator from Colorado (Mr. DOMINICK) to the amendment of the Senator from Rhode Island (Mr. PELL).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Virginia (Mr. HARRY F. BYRD, JR.), the Senator from Florida (Mr. CHILES), the Senator from Mississippi (Mr. EASTLAND), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Louisiana (Mr. LONG), the Senator from Wyoming (Mr. McGEE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Georgia (Mr. NUNN), the Senator from Alabama (Mr. SPARKMAN), the Senator from California (Mr. TUNNEY), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from New Mexico (Mr. MONTOYA) and the Senator from California (Mr. TUNNEY) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BELLMON), and the Senator from Hawaii (Mr. FONG) are necessarily absent.

The Senator from Nebraska (Mr. CURTIS) and the Senator from Idaho (Mr. McCLURE) are absent on official business.

The Senator from Tennessee (Mr. BROCK), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Ohio (Mr. TAFT) are detained on official business.

If present and voting, the Senator from Nebraska (Mr. CURTIS) would vote "nay."

The result was announced—yeas 44, nays 31, as follows:

[No. 102 Leg.]

YEAS—45

Aiken	Fannin	Nunn
Bartlett	Griffin	Packwood
Beall	Hansen	Percy
Bible	Haskell	Randolph
Brooke	Helms	Ribicoff
Buckley	Huddleston	Roth
Byrd, Robert C.	Hughes	Saxbe
Cannon	Humphrey	Schweiker
Case	Jackson	Scott, Pa.
Church	Javits	Scott, Va.
Cook	Kennedy	Stafford
Cranston	Mathias	Stevenson
Dole	McGovern	Thurmond
Domenici	Mondale	Tower
Dominick	Moss	Weicker

NAYS—31

Abourezk	Gurney	Nelson
Allen	Hatfield	Pastore
Bennett	Hathaway	Pearson
Bentsen	Hollings	Pell
Biden	Hruska	Proxmire
Burdick	Magnuson	Stevens
Clark	Mansfield	Symington
Cotton	McClellan	Talmadge
Eagleton	McIntyre	Young
Ervin	Metcalf	
Fulbright	Muskie	

NOT VOTING—24

Baker	Bellmon	Byrd, Harry F., Jr.
Bayh	Brock	Chiles
Curtis	Eastland	Fong
Goldwater	Gravel	Hart
Hartke	Inouye	Johnston
Long	McClure	McGee
Montoya	Sparkman	Stennis
Taft	Tunney	Williams

So Mr. DOMINICK's amendment to the amendment of the Senator from Rhode Island (Mr. PELL) was agreed to.

Mr. DOMINICK. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SCHWEIKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question now recurs on the amendment offered by the Senator from Rhode Island (Mr. PELL), as amended.

Mr. COTTON. On that, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. MAGNUSON. I yield myself 2 minutes on the bill.

As to the Pell amendment, let it be understood that I and some of the rest of us are not against the Pell amendment, which means the basic opportunity grant direction in aid to students.

It is a new program. There is money in the House bill and in the Senate committee recommendation which accepted the House figures for its continuation. We are going to have a second supplemental in about 2 or 3 weeks and there is over $900 million in the regular appropriation bill for the BOG program. They are not quite ready for it yet. They are moving along. In the meantime, many of the people thought we should not phase out some of these other tried and proven programs such as direct loans, work study programs, and educational opportunity grants. It is obvious in the future that the BOG program may work, and gradually those ongoing programs may be phased out. I am going to help all I can and I know that the Senator from Rhode Island and other supporters, including the Senator from New Hampshire, feel the same way, to see that this new program goes along as it should. But we should not change the whole focus of Federal assistance for student-aid when 1 college year is just about finished and a new one ready to start. We should not move until we get the bugs worked out of BOG's, and it surely does not belong in an emergency appropriation bill. In 2 or 3 weeks from now we will have another supplemental.

There are other reasons I suggest we do not put it in this measure. The bill came from the House. They changed some figures and some programs, putting more emphasis on one than on another. But the amount is the same—$872 million.

We have a recess coming up. I talked to House Members just a few moments ago. They think that if we change this bill substantially, completely turn it around on this issue of student aid programs, that we will not have a successful conference. I am sure there will be no one here tomorrow just to bring back a conference report. I am trying to get an acceptable bill over there so we will have

some bill—something to show for our efforts. If we change this too much, we may lose the whole thing. That is the sole purpose. There should not be an argument about the merits or the demerits of the BOG program. We are going to come to that in due time. In the meantime, the kids have to know that they can get direct loans and educational opportunity grants. All the direct loans are cut out in the administration's budget request. The Senator from Rhode Island suggested they go down there, that there is money in the pipeline for it. Well, they have discouraged that, waiting for a sort of Fannie Mae for students.

All of this will work out. I do not want this bill jeopardized. I just checked again a few moments ago and they will not give a conference as of now, and I do not know what I can do about it. I do not see the emergency to get BOG's funded in this bill and letting the cuts stand in the ongoing tried and proven programs. It does not make sense. The Senator from Rhode Island said that there is an emergency to get BOG's started and no emergency regarding the programs scheduled for cuts or elimination. I disagree this would change the whole focus. They do not know what to do with the new program yet.

While they are phasing into the BOG program, let us keep these ongoing programs going so people running the schools will know where we are going and where they stand.

There has been argument that someone is against the BOG program. That is not true. I have been here hour after hour. I am going to do something about it if I possibly can. But we are talking about only 2 or 3 weeks, and over $900 million is in the regular budget for it. Is that not enough to get it going? Of course, it is. That is the only purpose of this. I do not stand here and say it is right or wrong, but I do not think, as a practical matter, if we change this in the manner the Senator from Rhode Island suggests that we are going to have a bill at all.

Mr. COTTON. Mr. President, will someone yield to me for 2 minutes?

Mr. MAGNUSON. I do not want to argue what is right or wrong in the House bill.

Mr. COTTON. When do my 2 minutes start?

The PRESIDING OFFICER. Right now.

Mr. COTTON. Mr. President, very rarely do I differ with my chairman, to whom I am very loyal, but this is one instance. In the first place, this is an urgent amendment and it is urgent, because we want to get this money so that students going to college this fall will have some money and know they are going to get it.

In the first place, the Members of the House have not left. They are over there fighting over the west front of the Capitol. They are there. But what if we have a 10-day recess? Younger Senators will live during those 10 days and they will be back.

There will be an opportunity to have a conference. I do not like the idea of Members of the House saying to Senators, "Here it is. Take it or leave it. If you change it we will kill the whole bill."

If we cannot wait 10 days I do not know when we will get another supplemental bill, and it may be too late. This bill has been adulterated a little by the Dominick amendment, but it still is an urgent appropriation bill that gets money to the students that want to go to college next fall. The administration is asking for it.

I say to those who refer to this cold blooded administration, to a President with ice water in his veins, that he is for this measure, but look who is opposing it. I hope this amendment will be agreed to. It does not add 1 cent to the bill, but it means we do not wait 2 months to get something we can get in 10 days, and I can live for 10 days.

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

Mr. PELL. I yield 1 minute to the Senator from Colorado.

Mr. DOMINICK. Mr. President, I simply hope the Senate will support the amendment as amended. It gives us money in all four of these programs, as was agreed upon by Senate-House conferees in the Education Amendments of 1972. It puts it down at the level where the authorization is, instead of above it, and it makes it far easier to compromise with the House than it otherwise would have been; because they have, all four programs will be funded. I strongly urge the adoption of the amendment.

SEVERAL SENATORS. ["Vote! Vote!"]

Mr. PELL. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. PELL. Mr. President, what happened here is that the House by voice vote changed the whole thrust of the higher education bill for which we labored long and hard in the last Congress for this concept of basic grants on which we built direct student loans, college-work orders, and educational opportunity grants. They turned it around by a voice vote and put the emphasis on the former programs. This is to ridicule the new program—appropriate an amount that would have made grants of $80 or $90 each, and would result in $10 in paperwork. I would not be pressing this issue if it were not an example of an appropriation changing the authorizing legislation, the thrust of its intent, without the will and thoughtful consideration of the committees of Congress.

I yield back the remainder of my time.

Mr. MAGNUSON. Mr. President, I hope the Senator does not give the implication that anyone here is ridiculing the BOG program.

Mr. PELL. There is no greater friend of education than the Senator from Washington. It grieves me to be debating this on a different side than the distinguished Senator from Washington. I would not do it if I did not feel the House had misacted on that occasion. The Senator is a wonderful and noble friend of education.

Mr. YOUNG. Mr. President, I yield myself 2 minutes. I doubt very much if anything I have to say will change any votes now. We have a situation where the administration was opposed to the Dominick amendment, but was for the Pell amendment. It was against my amendment adopted a while ago. Where the administration stands now, I do not know, since the pending amendment contains the Dominick amendment that the administration opposed. However, as a matter of fact, if we want this resolution enacted, we had better not take this amendment. If the Senate votes for the amendment, I doubt if anything will be done until after the recess. We will soon not have a quorum in either House.

The PRESIDING OFFICER. All time on the amendment has expired. The question is on agreeing to the amendment of the Senator from Rhode Island, as amended.

Mr. McCLELLAN. Mr. President, I yield myself 1 minute on the bill.

I do not think any Senator is opposed to what is sought to be accomplished by this amendment. But we are up against a practical solution.

I have previously expressed my concern this morning in my opening remarks on this measure. I could very well support the amendment. I could very well go along with those who want it and want it now. However, unfortunately what we do here does not mean we are going to get it, and in my judgment we may as well be practical about it.

I do not believe that we will get this supplemental measure passed before adjournment if we adopt this amendment. I leave it up to Senators—those being the facts as I see them. If they decide to vote for the amendment, it will jeopardize the passage of the measure before recess. I must point out that the measure carries with it other appropriations that are emergencies. If Senators want to jeopardize these appropriations, that may be the consequence of voting for the amendment. Except for these consequences, I would gladly and wholeheartedly support the amendment.

The PRESIDING OFFICER. The question is on the adoption of the amendment by the Senator from Rhode Island, as amended. The yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Virginia (Mr. HARRY F. BYRD, JR.)., the Senator from Florida (Mr. CHILES), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. LONG), the Senator from New Mexico (Mr. MONTOYA), the Senator from Alabama (Mr. SPARKMAN), and the Senator from California (Mr. TUNNEY), are necessarily absent.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

On this vote, the Senator from California (Mr. TUNNEY) is paired with the Senator from New Mexico (Mr. MONTOYA).

If present and voting, the Senator from California would vote "yea," and the Senator from New Mexico would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER),

the Senator from Oklahoma (Mr. BELLMON), and the Senator from Hawaii (Mr. FONG) are necessarily absent.

The Senator from Nebraska (Mr. CURTIS), and the Senator from Idaho (Mr. MCCLURE), are absent on official business.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business.

If present and voting, the Senator from Nebraska (Mr. CURTIS) would vote "nay."

The result was announced—yeas 62, nays 19, as follows:

[No. 103 Leg.]

YEAS—62

Aiken	Fannin	Nunn
Allen	Griffin	Packwood
Bartlett	Hansen	Pastore
Beall	Hartke	Pearson
Bennett	Haskell	Pell
Bible	Hatfield	Percy
Biden	Helms	Randolph
Brock	Huddleston	Ribicoff
Brooke	Hughes	Roth
Buckley	Humphrey	Saxbe
Byrd, Robert C.	Jackson	Schweiker
Cannon	Javits	Scott, Pa.
Case	Johnston	Stafford
Church	Kennedy	Stevens
Cook	Mansfield	Stevenson
Cotton	Mathias	Symington
Cranston	McGee	Taft
Dole	McIntyre	Tower
Domenici	Metcalf	Weicker
Dominick	Mondale	Williams
Eagleton	Moss	

NAYS—19

Abourezk	Hollings	Proxmire
Bentsen	Hruska	Scott, Va.
Burdick	Magnuson	Talmadge
Clark	McClellan	Thurmond
Ervin	McGovern	Young
Gurney	Muskie	
Hathaway	Nelson	

NOT VOTING—19

Baker	Eastland	Long
Bayh	Fong	McClure
Bellmon	Fulbright	Montoya
Byrd, Harry F., Jr.	Goldwater	Sparkman
	Gravel	Stennis
Chiles	Hart	Tunney
Curtis	Inouye	

So Mr. PELL's amendment, as amended, was agreed to.

Mr. DOLE. Mr. President, I would like to voice my support for House Joint Resolution 496, the "Urgent" Supplemental Appropriation bill as passed by the House.

The increased demand by veterans for readjustment benefits under the Vietnam era Veterans Readjustment Assistance Act of 1972 has necessitated increased appropriations by Congress. These additional funds must be available to the VA by April 25, in order to be distributed by the May 1 payment date. These funds are urgently needed by the enrolled veterans.

Also of particular importance, is the urgent funding of the Federal student aid programs. The amendment by Representative FLOOD would appropriate increased funds for the National Direct Student Loan Program, the education opportunity grants, and the College work-study program, than the Administration requested. However, the total amount is equal to the $872 million amount requested by the Administration, but proportioned differently. The principal difference is the amounts appropriated for the new Basic Educational Opportunity Grant program. Mr. FLOOD requested appropriations of $122 million for the BEOG rather than the administration's request of $622 million. It must be taken into account that earlier programs must be appropriated at previous levels before the new BEOG program can be appropriated as stated under the Higher Education Act Amendment of 1972. There is much doubt, as voiced by many students and school administrators in Kansas, whether this program could be adequately and fairly implemented by the 1973–74 school year. I have also had reservations with the proposed BEOG family contribution schedule, which would penalize students from families owning farms or small businesses. The schedule would use the relatively large assets of these families in calculating the family's adjusted gross incomes, even though many of these families have relatively low incomes. Thus, students from these families would not receive adequate assistance.

Mr. President, the college work-study program has proved to be an excellent and effective program, where needing students can contribute to their own educational funds through part-time work. The House amendment requests $270 million, the same amount as appropriated for this program in fiscal year 1972.

The Flood amendment would also appropriate $210 million to the EOG program which has shown excellent results and is of particular benefit to students attending private and small colleges.

Finally, the NDSL program would receive $293 million, the same amount as appropriated in fiscal year 1972. This program has been very effective, and unlike the guaranteed student loan program, which the Administration would expand while replacing the NDSL program, loans are processed much more smoothly on campus, at university or college student financial centers. The guaranteed student loan program is often enmeshed in redtape, and the bankers are generally not overjoyed with the paperwork that they must go through in processing these loans. Many banks will not handle the guaranteed loans. With higher interest rates, and an often unfamiliarity of banking institutions and collateral problems, many students can not readily obtain a guaranteed loan. The schools where the student attend are much more equipped to handle students loans, such as the NDSL loans.

Mr. President, the passage of this bill is very important to America's veterans and students. Both groups need the appropriation of these funds now, and not at any later date. The students must be able to make realistic and accurate plans for financing their educations for the coming school-year, and I believe that another year is needed to study the BEOG program before the other programs are decreased or eliminated.

The PRESIDING OFFICER. The joint resolution is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the joint resolution.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution (H.J. Res. 496) was read the third time.

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. MCCLELLAN. Mr. President, I yield back the remainder of my time.

Mr. YOUNG. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is, Shall the joint resolution pass? On this question the yeas and nays have been ordered.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. Senators will please take their seats and clear the aisles. May we have order in the Senate?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. BIBLE), the Senator from Virginia (Mr. HARRY F. BYRD, JR.), the Senator from Florida (Mr. CHILES), the Senator from Mississippi (Mr. EASTLAND), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. LONG), the Senator from New Mexico (Mr. MONTOYA), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL), the Senator from New Mexico (Mr. MONTOYA), the Senator from California (Mr. TUNNEY), and the Senator from Nevada (Mr. BIBLE) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BELLMON), and the Senator from Hawaii (Mr. FONG) are necessarily absent.

The Senator from Nebraska (Mr. CURTIS) and the Senator from Idaho (Mr. MCCLURE) are absent on official business.

The Senator from Arizona (Mr. GOLDWATER), and the Senator from Vermont (Mr. STAFFORD) are detained on official business.

If present and voting, the Senator from Nebraska (Mr. CURTIS) would vote "yea."

The result was announced—yeas 81, nays 0, as follows:

[No. 104 Leg.]

YEAS—81

Abourezk	Griffin	Muskie
Aiken	Gurney	Nelson
Allen	Hansen	Nunn
Bartlett	Hartke	Packwood
Beall	Haskell	Pastore
Bennett	Hatfield	Pearson
Bentsen	Hathaway	Pell
Biden	Helms	Percy
Brock	Hollings	Proxmire
Brooke	Hruska	Randolph
Buckley	Huddleston	Ribicoff
Burdick	Hughes	Roth
Byrd, Robert C.	Humphrey	Saxbe
Cannon	Jackson	Schweiker
Case	Javits	Scott, Pa.
Church	Johnston	Scott, Va.
Clark	Kennedy	Sparkman
Cook	Magnuson	Stevens
Cotton	Mansfield	Stevenson
Cranston	Mathias	Symington
Dole	McClellan	Taft
Domenici	McGee	Talmadge
Dominick	McGovern	Thurmond
Eagleton	McIntyre	Tower
Ervin	Metcalf	Weicker
Fannin	Mondale	Williams
Fulbright	Moss	Young

NAYS—0

NOT VOTING—19

Baker	Curtis	Long
Bayh	Eastland	McClure
Bellmon	Fong	Montoya
Bible	Goldwater	Stafford
Byrd,	Gravel	Stennis
Harry F., Jr.	Hart	Tunney
Chiles	Inouye	

So the joint resolution (H.J. Res. 496) was passed.

Mr. McCLELLAN. Mr. President, I move that the Senate insist upon its amendments, request a conference with the House of Representatives, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. McCLELLAN, Mr. MAGNUSON, Mr. PASTORE, Mr. PROXMIRE, Mr. MONTOYA, Mr. YOUNG, Mr. HRUSKA, and Mr. COTTON conferees on the part of the Senate.

EXTENSION OF ECONOMIC STABILIZATION ACT OF 1970

Mr. SPARKMAN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 398.

The PRESIDING OFFICER (Mr. DOMENICI) laid before the Senate the amendment of the House of Representatives to the bill (S. 398) to extend and amend the Economic Stabilization Act of 1970, which was to strike out all after the enacting clause, and insert:

That section 218 of the Economic Stabilization Act of 1970 (title II of Public Law 92-210; 85 Stat. 743) is amended by striking out "April 30, 1973" and "May 1, 1973" and inserting in lieu thereof "April 30, 1974" and "May 1, 1974," respectively.

SEC. 2. Section 207(b) of the Economic Stabilization Act of 1970 is amended by striking out the period at the end thereof and inserting the following in lieu thereof: ": *Provided*, That such agency shall issue no order which has the effect of reducing wages, or salaries in effect, or proposed to be put into effect, in an appropriate employee unit unless such order is made on the record after opportunity for a hearing. Not less than thirty days after issuance of such an order a statement of exploration shall be directed to the affected parties and made available to the public. Such statement shall include a full explanation of the reasons why the existing wage or salary, or proposed wage or salary adjustment, does not meet the requirements of or the standards established by the regulations prescribed by the agency."

DEFINITION OF WAGES AND SALARIES

SEC. 3. Section 203(g) of the Economic Stabilization Act of 1970 is amended to read as follows:

"(g) For the purposes of this title, the term 'wages' and 'salaries' do not include reasonable contributions by any employer pursuant to a compensation adjustment for—

"(1) any pension, profit sharing, or annuity and savings plan which meets the requirements of section 401(a), 404(a)(2), or 403(b) of the Internal Revenue Code of 1954;

"(2) any group insurance plan; or

"(3) any disability and health plan;

unless the President determines that the contributions for such purposes made by any such employer are unreasonably inconsistent with the standards for wage, salary, and price increases issued under subsection (b) or under any other provision of this title. Contributions necessary to maintain reasonable benefit provisions provided in any plan described in this subsection shall not be considered 'unreasonably inconsistent'."

Mr. SPARKMAN. Mr. President, I move that the Senate disagree to the amendment of the House to the bill, and agree to the request of the House for a conference on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. SPARKMAN, Mr. PROXMIRE, Mr. WILLIAMS, Mr. MCINTYRE, Mr. TOWER, Mr. BENNETT, and Mr. PACKWOOD conferees on the part of the Senate.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 1315) to extend diplomatic privileges and immunities to the Liaison Office of the People's Republic of China and to members thereof, and for other purposes.

VOTER REGISTRATION ACT

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which will be stated by title.

The legislative clerk read as follows:

A bill (S. 352) to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service.

Mr. McGEE. Mr. President, may I ask what the parliamentary situation is at this moment?

The PRESIDING OFFICER. The bill is open to amendment.

Mr. McGEE. Mr. President, I have no further amendment. Would it be agreeable to go to third reading?

Mr. ALLEN. If the Senator will yield the floor, I have a motion I would like to make.

Mr. McGEE. May we have a consultation, Mr. President?

I am glad to yield the floor to the Senator from Alabama, for a very unique purpose.

Mr. ALLEN. Mr. President, this bill has been pending before the Senate since April 6. It appears that it will continue to be the unfinished business of the Senate at the time the Senate returns to its session on April 30, after the recess. So that over a period of some 24 days, this bill will have been either the pending business or the unfinished business in the Senate—a bill that provides for another echelon, another layer, of Federal bureaucracy to do something that the people themselves can do for themselves—that is, go down to the registration board and register.

There is no need for sending post cards throughout the length and breadth of this country to every postal address, every residence, every factory, every school, every post office box, every rural mail box, every office, every store building in the country, all for the purpose of supposedly making it easier for people to register to vote. There are no barriers of which the Senator from Alabama knows to prevent people from registering. So far as the Senator from Alabama is advised, all that is necessary is that one be 18 years of age and a resident citizen of the State. That is all it takes.

So why should the Senate set up a system that would cost, initially, from $50 million to $100 million a year to send post cards to people asking them to return half of the card to the registration office? It is still another Federal bureau that invites fraud and corruption, that places an undue burden on the already overburdened Postal Service, and there is absolutely no need for it.

Mr. President, with all the problems facing this country, all the problems of war and peace, all the problems having to do with inflation, our economy, our energy crisis, our foreign problems, our urban problems, our mass transit problems, the problems having to do with our foreign relations, one would think that the U.S. Senate would find something more to do than to haggle over a bill of this nature, a bill which was defeated in the last Congress and which has been resurrected at this time and has been pending before the Senate since April 6.

Yesterday, the Senator from Alabama suggested that possibly today a motion would be filed seeking to give the Members of the Senate an opportunity to say whether or not they wanted debate on this measure to end and a vote to be had thereon; but the distinguished Senator from Wyoming disavowed any plans as to the filing of any such motion by himself.

Mr. President, under the rules of the Senate, 16 Senators may file a motion asking that on the next legislative day but one—which, under the unanimous-consent agreement as to the recess, would be April 30—the Senate take a vote on whether or not Senators wanted to proceed with further consideration of the bill. It is the hope of the Senator from Alabama, and he is certainly joined by the distinguished Senator from Florida (Mr. GURNEY), who is in the Chamber, and many other Senators, that if on a cloture vote a substantially large number of Senators who do not want to stop the debate—in other words, who are against the bill—the distinguished Senator from Wyoming or the majority leader would withdraw the bill from further consideration by the Senate so that the Senate can proceed on to more important issues.

Mr. President, in order to bring the matter to a head, not that we favor cloture, not that we favor the bill, a motion has been prepared containing the names of 21 Senators who, under rule XXII, are petitioning for a vote on whether or not debate on the bill shall end. Mr. President, I might say frankly, and I do so positively, that in the opinion and under the understanding that the Senator from Alabama has, not a single one of these 21 Senators will vote to invoke cloture. This motion, which at the conclusion of my remarks I shall send to the desk, is filed merely to afford a vehicle by which the Senate can express its will with respect to whether the Senate wishes to proceed with the bill or not, since the Senator from Wyoming has indicated he was going to wait until after the recess to bring up the matter and cause more and more delay. It is the hope of those

of us who signed this motion that with a vote of 36, 40, or 42 votes against cloture and thereby against the bill, the Senator from Wyoming and those others who support the bill will see the futility of carrying on the discussion any further and will withdraw the bill. By filing this cloture motion at this time it may save the Senate a week in valuable time during which the Senate might have the opportunity to debate some of the great issues, some of the great questions pending before the Senate and the Nation at this time.

Mr. President, it is with this thought that I send to the desk a motion for myself and 20 other Senators. I ask that the motion be read.

The PRESIDING OFFICER. The clerk will read the motion.

The legislative clerk read the motion as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the bill (S. 352), a bill to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service.

1. James B. Allen.
2. Paul Fannin.
3. Jesse Helms.
4. Edward Gurney.
5. Bill Roth.
6. James Buckley.
7. William L. Scott.
8. Robert Dole.
9. Robert Griffin.
10. Clifford Hansen.
11. Norris Cotton.
12. Hugh Scott.
13. Marlow Cook.
14. Wallace F. Bennett.
15. Ted Stevens.
16. Bob Packwood.
17. Dewey Bartlett.
18. Strom Thurmond.
19. George D. Aiken.
20. H. E. Talmadge.
21. Pete V. Domenici.

Mr. ALLEN. Mr. President, there will be a vote on this cloture motion on April 30. The Senator from Alabama, joined by his 20 colleagues who have signed the cloture motion, will vote against the motion because we are against the bill and we hope we will be joined by some 20 other Senators. Thereby we will serve notice on the Senate that cloture cannot be imposed by the Senate, that the bill cannot pass, and we hope that the bill will be withdrawn by the distinguished Senator from Wyoming, the chief sponsor of the bill.

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

Mr. ALLEN. Yes, I am glad to yield.

Mr. McGEE. I am much impressed with the Senator's interest not to delay the Senate because we have many important things that the Senate should be concerning itself with. I would like to propose to the Senator, in his interest and in the interest of the important business pending and lurking in the fringes of this body, that we proceed to a vote right now. The Senator from Wyoming is not holding up this bill; the Senator from Wyoming was ready to vote the first day; the Senator from Wyoming was ready to vote the second day, the third day, the fourth day, and I will vote today. So I would hope that the Senator from Alabama would be willing, rather than to play this precarious game of introducing a cloture motion of his own, and that in the interest of the good intent and concern of the Senate he would agree to a vote on the bill today. We can stay here as long as the Senator would like, and into tomorrow. Let us get to all the amendments and have a vote on the bill.

Mr. ALLEN. I appreciate that generous spirit of the distinguished Senator from Wyoming. The Senator from Alabama stated that the bill is such a terrible bill that a number of Senators, including the distinguished Senator from Florida (Mr. GURNEY) have amendments to offer to the bill, so it would not be possible to come to a vote on the bill today or tomorrow. In the opinion of the Senator from Alabama no amendment would be helpful to the bill except an amendment striking out everything in the bill after the enacting clause. That would make a nullity of the bill and that would be the only thing to improve the bill by way of amendments, in the opinion of the Senator from Alabama.

But others have the opinion that there can be some refinements of the bill, some improvements, not that would make it acceptable, but less wasteful, less burdensome, and less open to fraud and corruption. I would be delighted to see these amendments considered, but it is the thought of the Senator from Alabama that if a large number of Senators vote against cloture, that the distinguished Senator from Wyoming would realize that the bill cannot be passed by the Senate and that it will be withdrawn.

Mr. McGEE. It seems to me, I might say to my friend from Alabama, that this, indeed, is a direct obstruction thrown in the path of the Senate expressing its will. The Senator suggested we should have a chance for the Senate to express its will. I am trying to create that chance. The Senate, through the proper procedures, voted the bill out of committee and we have had it before the Senate for several days and we are ready to vote. Of course, there are amendments pending. We know the procedure there. We can limit time on amendments. We know generally the substance of most of the amendments. Let us take 30 minutes or 1 hour on amendments and have the amendments acted upon, as long as Senators will remain in the Chamber. I want the record to show who is holding up action by the Senate on the bill.

If the Senator wants to vote, and if the Senator wants to move the bill, and to give the Senate an opportunity to express its will, let us vote. I will take that chance. Let us have a vote.

Surely the Senator is not imposing his judgment alone for the judgment of the Senate as far as the worth of the bill, the merit of the bill, and the substance of the bill. Let us have a vote. We have 100 Senators and we allow them to express their will by voting yea or nay. I hope that in that same spirit of allowing the Senate to express its will, as the Senator from Alabama suggested, that we get with it and let the Senate express its will. Let them vote the bill down, if they choose.

Mr. ALLEN. That is why the Senator from Alabama filed the motion, so that the Senate can express its will on whether the bill should be considered further or not. If the Senate, under the rules, says "Yes, we want to go further with an up or down vote on the bill," naturally the Senate will have a vote. It is left in the hands of the Senate for them to decide. I am sure the Senator from Wyoming is not suggesting that the Senator from Alabama is trying to substitute his will for the will of the Senate when he has filed the very vehicle to allow the Senate to express its will.

Mr. McGEE. I must disagree. That the Senator from Wyoming, as chairman of the bill, has brought this bill before the Senate. The bill was properly placed on the calendar and the bill is properly before this body. Do I interpret the Senator's reluctance to allow a vote now to be that a majority might vote for the bill and pass it now? Is that it?

Mr. ALLEN. Well, the only record or statistic the Senator from Alabama could use would be the vote by which the same bill was killed in the last Congress. So that is the statistic he might refer to, to answer that question.

Mr. McGEE. I would just as soon not refer to that particular question, for the reason that that is not the same bill this year. We have tightened up some of the operations. We have learned. We have heard from people. We have the feeling, according to the votes on the amendments and according to the results of the rollcall votes, that the committee bill has been receiving a rather substantial endorsement by Members of this body. I would say that is more of a relevant reference than going back to a year ago.

I again repeat to the Senator from Alabama, let us have a vote up or down. The Senate of the United States can express its will. I am willing to take that chance if he is willing to take the chance. I think the Senator from Alabama is afraid we are going to lose; that the bill will pass the Senate, and, for whatever reasons, he is not willing to pass the bill and he is not willing to place his vote on the line and let the Senate work its will by voting up or down on the bill itself.

Mr. ALLEN. I am rather surprised and disappointed that the Senator from Wyoming would impute sinister motives to the Senator from Alabama in reference to the bill. Really the Senator from Wyoming must not have meant that.

Mr. McGEE. I assure the Senator from Alabama I did not mean sinister in his intents. He has talked about how sinister the contents of the bill would be, that it would pose grave aspects if the bill passed, and that he would oppose the bill. That is how the term "sinister" fits into that.

Mr. ALLEN. I thank the Senator for clarifying that.

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

Mr. ALLEN. I yield.

Mr. GURNEY. I have listened to the colloquy between the Senator from Alabama and the Senator from Wyoming. There seems to be a difference of opinion as to the enthusiasm that this body has for this bill, but is it not a fact that this is the fourth time the bill has been before us in 2 or 3 or 4 years? It has been

trotted out here on three previous occasions that I can remember. Obviously there was little enthusiasm for it, and it did not get anywhere. As I understand it, this is the fourth time we have had this bill before us. Is that correct?

Mr. ALLEN. It has been before us previously, I would say to the Senator from Florida, but I am not sure how many times. I am of the opinion that it has been before us three times, including this time.

Mr. GURNEY. At least there is a marked lack of enthusiasm for this bill on the part of a respectable number of Senators. Is that correct?

Mr. ALLEN. That is right, and I will say to the advocates of the bill that I might inquire where they are. I will note that the opponents of the bill seem to outnumber the proponents by 2 to 1 here on the floor at this time, and counting the distinguished Presiding Officer.

Mr. McGEE. It would be 3 to 1.

Mr. ALLEN. The distinguished Senator from New Mexico (Mr. DOMENICI), it would be 3 to 1. So where is the great support for the bill in the Senate?

Mr. McGEE. Let me say to the Senator, with that overwhelming support against it, let us go ahead and have a rollcall vote on the bill. I am willing to take my chances on the roll call vote.

Mr. ALLEN. We will have a vote on April 30th.

Mr. McGEE. But the Senator has 3 to 1 against it here today. Let us go ahead and have a rollcall.

Mr. ALLEN. The Senator knows a number of Senators have departed on the understanding that we would not come to a vote on final passage.

Mr. McGEE. Who had that understanding? If the Senator is interested in expediting passage of the bill, that ought to take precedence over the convenience of our colleagues.

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

Mr. McGEE. I yield.

Mr. GURNEY. Could we have a voice vote up or down on the bill right now?

Mr. McGEE. I think there has been a request for the yeas and nays because of the importance of the bill.

Mr. GURNEY. Why not expedite the business of the Senate and have a voice vote rather than a rollcall vote?

Mr. ALLEN. Mr. President, the Senator from Alabama would not feel he was playing fair with some 20 of his colleagues who signed the cloture motion demanding that the Senate come to grips with this question on April 30. At that time the Senator will know a little more about whether he thinks it is worthwhile to continue occupying the time of the Senate with this nefarious bill.

Mr. McGEE. Mr. President, I have just asked the counsel for the committee to check the record from the last election. We have examined the 21 signatures on the motion. The clerk tells us that all 21 signers oppose the bill, and I have to assume that they are not willing to have a rollcall vote on the up and down merits of the bill and allow the majority to say whether or not this might be considered a good bill, but all those 21 Senators, if I might mention it, come from States where more than 15 million American citizens were not registered to vote in 1972; 15 million.

Now, that in itself ought to say to the signatories of that cloture motion that this is a pretty gamey rule to pull on the voters and on the citizens of this country, when we are trying to suggest that we ought to be broadening the citizens' opportunity to vote, that the track record of our country is still there: Barely half of the people voted in the Presidential election last year. Nearly half of the people who would otherwise qualify by age did not vote, for a multitude of reasons, but they did not vote. That does not happen in other countries in the Western World. Something here has to explain this bad American participation, or this low American participation, in the elections.

It could be explained, as I said yesterday in my colloquy with the Senator from Alabama, by perhaps saying that the American people are not as good as other people around the world, but I reject that. They are very responsible people. Therefore, one ingredient is present in ours that is buried in other countries or exists to a much lesser degree.

There are obstacles we have thrown up in the path of registration, in which some cities require that a person go all the way to city hall and register, no matter where he lives. Many places do not stay open after 5 o'clock, after working hours. Many of them do not stay open in the evenings and on the weekends. There are other variables that are still obstacles to voter participation.

So I would say, with all due respect to my colleagues who signed the cloture motion, who have all along been asserting in advance that they do not intend to vote for the bill, that the cloture motion is obviously a capricious ploy with the mechanism of the Senate, to play lightly with a question as serious as that which involves 62 million American citizens who did not vote last November; 62 million.

I suggest that the seriousness of that ought to sober us up in this body, and that we ought to cut out the fun and games and put our heads together and arrive at as substantive and serious an effort as we can try to produce, in order to increase the citizen's responsibility and his chance to vote in our system of government.

Mr. President, they are all the questions I wanted to raise with the Senator in the form of speeches.

Mr. ALLEN. Well, now, what was the Senator's question?

Mr. McGEE. I amended that to say those were all the questions I had to ask in the form of speeches.

Mr. ALLEN. I see.

Mr. McGEE. And now that I have got the speeches out of my system, I would like to yield.

Mr. ALLEN. I would like to point out a thing or two in connection with the Senator's remarks. He talks about some of the results in some cities of closing offices at night or offices being too far distant, or something of that sort.

Mr. President, I would like to remind the Senator that these are all local problems. The citizenry of these various States have an opportunity to amend their laws. It is not a barrier that has been drawn in their way by the Federal Government. The Federal Government has knocked out the literacy tests and other requirements. One does not have to be able to write his name. He does not have to be able to read a line or recognize a single word in print in order to register. All he has to do is to be 18 years of age. What kind of requirement is that? Why should we talk about a barrier in voting?

Another thing which the Senator pointed out is that so many of these Senators who signed the cloture motion were against the measure before. The only thing that would indicate is that they are still against it.

That does not indicate any foul desire or anything. The fact that they are still against it would seem to indicate that the Senator was not able to persuade them as to the validity of his bill.

The Senator talked about so many people in the various States represented by Senators who signed the cloture motion not being able to vote. I would point out that that situation is not peculiar to States represented by these Senators. I would say that is a situation that prevails in practically every State with possibly the sole exception of the State of Utah. The distinguished Senator from Utah (Mr. BENNETT) was one of the signers of the cloture motion.

The State of Utah, as the Senator from Wyoming knows because I stated on the floor at least once before, had 98.4 percent of the people in Utah who are of voting age registered to vote. They do not have post card registration in Utah. Yet 98.4 percent of those people in Utah are registered to vote.

The bill of the distinguished Senator from Wyoming would have this Federal bureau in Washington send out hundreds of thousands of these double postcards throughout Utah in order to register that 1.6 percent of the people out there who are not registered to vote. It seems to be something of an overkill to the Senator from Alabama to send out some 500,000 to 1 million cards to Utah to try to get 1.6 percent of the people who are not registered there come in and register.

I believe that if we were to put a bale of these postcards on everyone's front porch in Utah, we could not improve on 98.4 percent registration.

Mr. President, let us look at some of the other States. The State of Texas for 30 years, according to the committee report, has had registration by postcard, by filling out a newspaper coupon, or by any type of mailing. They have had that system of registration in Texas for 30 years. But in 1970, only 63 percent of the people of Texas of voting age registered to vote. How do we account for that?

Utah has no postcard registration and 98.4 percent of the people registered. Texas has a postcard registration, and 63 percent of the people registered. What good is postcard registration doing out there? What is the need for postcard registration in Utah?

Let us consider the State of North Dakota. They do not have postcard registration there. Yet only 67 percent of the people in North Dakota voted.

So 33 percent of the people of North Dakota, even though they do not have to register in that State, failed to go to the polls. Obviously, it is not a lack of registration or the requirement of registration that is cutting down on voting. Many people do not care enough to vote to want to go to the polls. Many of the electorate were disenchanted with both parties. I think that is pretty well illustrated by the remarkable record of the distinguished Senator from Alabama and by Governor Wallace, who made the famous statement that there is "not a dime's worth of difference between the two major parties." That is certainly borne out by the small number of people who have been voting. But it is not registration that prevents them from voting; it is the apathy on their part.

Mr. President, as I have stated, there is no need to put this great extra burden on the Postal Service. I do not think we feel that the Postal Service can efficiently and effectively take on this additional business. The distinguished Senator from Hawaii (Mr. FONG), last week, when this matter was under debate, stated that it is not inconceivable that as many as 240 million double postcards could be sent out every year. He has vastly underestimated the potential number that could be sent out under the proposed law. There is no limitation on the number of times that the administrator could broadcast tens of millions of cards all over the country.

One limitation is the limitation that constitutes fraud, because the bill provides that the cards must be sent out at least once every 2 years. Here is where politics can enter into the operation of a vast Federal bureaucracy. I say it is vast because it is not merely a matter of sending out cards and making a report to Congress on voter patterns and voter trends. It is necessary to place on the return cards the exact place to which they are to be mailed back by the recipient of the double cards. I assume that in Alabama cards would have to be sent to each of our 62 counties. There are more than 3,000 counties in the United States. It would be necessary to address them in such a way that the return cards would go back to the right place. That would constitute a monumental task.

Let us assume that a candidate for Congress—the Senate or the House—is of the same political persuasion as the administrator of this vast Federal bureau. The candidate could go to the administrator and say that he is engaged in a tough election, that he needs to get more people registered in a particular area, according to the area in his congressional district, or in a city where the candidate might run strong. There would be nothing to prevent the administrator from spot-sending or spot-mailing the cards into areas where they would best serve the particular candidate of the same political persuasion as the administrator.

Then, too, Mr. President, from time to time we would see lists of congressional districts that are called "safe" for this party, "safe" for that party, or "unsure" or "uncertain." There would be nothing to prevent the administrator from sending cards to the uncertain districts, or cards to some 50 congressional districts in areas selected by the candidate of the particular party. The administrator could spot-send cards to the particular areas to get more voters in the areas where the particular candidate might have strength.

Mr. President, I am not charging that to the possibilities for one party over another party, but that is a way that politics could enter into this.

Another thing that leaves me in something of a state of indecision about this matter is how they are going to keep separate a voter who is qualified under the postcard registration bill to vote in Federal elections and one who is qualified by the tried and true method of dropping by the registration office and simply signing his name, by signature or by mark, and becoming a registered voter.

The man or woman who qualifies by postcard does not thereby become a qualified voter in a State election, a county election, or a city election. All he or she can do is vote in Federal elections—that is, for President and Vice President, Member of Congress, or Senator, and then they list the delegates to political conventions, even though I do not regard them as being Federal officers. But whether so or not, if a voter qualified under the postcard registration act goes into the polls to vote, they do not have a separate Federal election in most States, they have it mixed in with the State ticket as well, and on the same voting machine or the same paper ballot, you would have the Federal officers and the State and county officers.

What are they going to do when they turn to this postcard registered fellow? Do you not think that will give that fellow a bit of an inferiority complex, to go into the polling place and say, "Now, gentlemen," to those holding the election, "here I am; I am qualified under the postcard registration ballot, but I know I am not a real, sure enough voter here, I am just one of these postcard fellows. I want you to let me vote in the Federal election."

They say, "All right, Mr. Jones, you go on in the booth, you close the curtain behind you, and you be sure, now, and vote for the Federal officers alone. Do not drop down and vote for governor, do not vote for lieutenant governor, treasurer, State judge, auditor, member of the legislature, or county commissioners; all you do is vote for the Federal officers."

How in the world are they going to keep that straight? What is wrong with the present law, permitting voters to go ahead and qualify as bona fide electors to vote for any office within the gift of the people at that particular polling place, and not make second-class citizens out of them, I say to the distinguished Senator from Wyoming, because that is what they would be if they went into the election booth and were told they could not vote for anyone but Federal officers, and that they were denied the privilege of voting for State officers. Why confer this type of second-class citizenship upon these post card registrants? Let us have one system, and have a man go to the local election board and present himself, his body, there—not a piece of paper.

In this investigation that is under way, some of the witnesses were reluctant to come up and testify before one of the senatorial committees, and they offered to submit in writing answers to questions. The distinguished Senator from North Carolina (Mr. ERVIN) said, "Why, you cannot cross examine a piece of paper." Let them present their bodies to answer what questions are permitted by law. Let us not just get a bushel basket and turn over a bunch of these post cards on the desk of the election official.

Another thing occurs to me. I assume—I have not heard it said, and it is not in the law, but I assume that these return cards, since they are trying to take all the burdens off of the respective registrants, would have the Government frank on them, because they do not want him to pay for anything, of course, and want to make it absolutely easy as pie to sign up. I do not see any place where he takes an oath that the facts that he states in the application, or just the little memorandum card, are true. There is no indication that he does. But there would be literally millions of cards out over the country with a Government frank on them, saying, "This piece of mail can be mailed free of charge." Are we not going to have that misused a great deal? Are we not going to have a lot of pranksters picking those things up and mailing them all over the country, or mailing them in to the election officers, for that matter? Are we not going to have an awful lot of chaff in with the grain? Are we not going to have literally tens of thousands, if not millions of those cards returned as pranks, or as mischievous stunts, or just to confront the election officers? I believe we will.

What would there be to prevent, with the use of a Government frank, using another address, and using them as personal cards? I would not be surprised to see many used in that fashion. But I think it would certainly be ill-advised to broadcast tens of millions of cards all over the country, having the postage-free Government frank on them.

Mr. President, with these cards dumped on the desks of the registrars—by the way, I know that the distinguished Senator from Florida (Mr. GURNEY) has received a letter from the head of the association of voter registrars in the State of Florida, in which he takes violent exception to this bill, and points out many objections and criticisms of the bill. I have not heard a single statement made on the floor of the Senate to the effect that any of the local registrars back home are calling for the passage of this bill. They do not want this bill. They do not want to have to keep two sets of books. They do not want their election officers to be confronted by some people coming in, being able to vote for the whole list of officers, and another group just being able to vote for the Federal officers.

So, Mr. President, at the proper time I shall insert in the RECORD this letter from the Florida Organization of Voter Registrars—the local boards of the voter registrars. I think it will pretty well indicate the attitude and feeling of the local officials in this matter.

Mr. McGEE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. Do-

MENICI). The Senator from Wyoming will state it.

Mr. McGEE. I have been checking with the majority whip in order to determine the status of business here. We have an amendment pending from the Senator from Florida (Mr. GURNEY) who is agreeable, as I understand it, to a time limitation on the amendment, so that we can have an approximate guess at a rollcall vote.

The PRESIDING OFFICER. The amendment is not yet presented.

Mr. McGEE. I understand that. I am trying to determine the larger status of the pending business in that circumstance. I am asking if it would be in order to request, then, unanimous consent that the measure we are discussing be the pending business immediately upon completion of the Senator's amendment.

The PRESIDING OFFICER. The bill is open to amendment.

Mr. GURNEY. Mr. President, I have an amendment which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

On page 8, line 10, after the word "Registration" insert the following: "and Absentee Voting";

On page 8, renumber subsection 407(a), lines 11 through 19, as subsection 407(a)(1), and on page 8, line 19, after the period, add a new subsection 407(a)(2) as follows:

"(2) No person registered to vote by mail pursuant to this chapter shall vote or attempt to vote by absentee ballot or other than through personal appearance at an appropriate polling place."

Mr. GURNEY. Mr. President, I ask unanimous consent that these amendments be considered en bloc because they amend two separate sections of the bill.

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

Mr. ROBERT C. BYRD. Mr. President, will the Senator from Florida yield briefly?

Mr. GURNEY. I yield.

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

Mr. President, having consulted with the distinguished author of the amendment (Mr. GURNEY), the distinguished manager of the bill (Mr. McGEE), and the distinguished Senator from Alabama (Mr. ALLEN), I ask unanimous consent that time on this amendment be limited to 30 minutes, to be equally divided and controlled between the mover of such and the manager of the bill.

Mr. GURNEY. May I inquire, before the Chair renders its decision, whether I understand correctly that this will be the last vote today?

Mr. ROBERT C. BYRD. Yes, it will be.

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

The ROBERT C. BYRD. Mr. President, in response to the distinguished Senator, I anticipate no further votes on this bill today.

I ask unanimous consent, upon disposition of the pending amendment, that the distinguished Senator from Wyoming (Mr. McGEE) be recognized by the Chair.

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

Mr. ROBERT C. BYRD. Mr. President, I thank all Senators. This will be notice for the convenience of both cloakrooms, that they may notify Senators that this will be a yea-and-nay vote, as I understand it.

Mr. GURNEY. Yes, and I should like to get the yeas and nays on my amendment if there are enough Senators in the Chamber.

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

The PRESIDING OFFICER. On whose time? Time is now under control. Who yields time?

Mr. GURNEY. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum, and that no time be taken out of either time of Senators in control of the time on the amendment for the quorum call.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. GURNEY. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. GURNEY. Mr. President, in the colloquy that preceded introduction of my amendment, the Senator from Alabama (Mr. ALLEN) mentioned a letter written by the president of the Florida State Association of Supervisors of Elections, Inc.

I think that her observations on the pending bill, a person who has been in the business of registering voters for many years, is worth bringing to the attention of the Senate. So, I shall read her letter, a copy of which I hold in my hand. The letter was addressed to the distinguished manager of the bill the Senator from Wyoming (Mr. McGEE) and it reads as follows:

I appreciate your letter of February 20th in which you enclosed a copy of Senate Bill 352 which would establish within the Bureau of Census a voter registration administration for the purpose of administering a voter registration through the postal service.

As President, I represent the Florida State Association of Supervisors of Elections at the meeting of the Secretaries of State in New Orleans. It was a real privilege to have an opportunity to listen to the discussions by the various State Administrators of Elections.

With reference to Senate Bill 352, I wish to offer the following comments on behalf of the 67 Supervisors of Elections of the state of Florida:

We take pride in the fact that Florida Election Laws have a reputation of being among the best, if not the best, in the nation. We operate under a permanent registration system whereby an elector's name remains on the registration books, provided he votes at least once during a two-year period. If not, a renewal card is sent to him by mail and if this card is completed and returned to the Supervisor of Elections, either by mail or personally, his registration is renewed for another two-year period.

Although in Florida the Secretary of State is the chief elections officer, the registration of electors and the elections are conducted by the Supervisors of Elections who are Constitutional officers and are elected by the voters for a term of four years.

Registration facilities are made available to the residents of Florida by the Supervisors of Elections by keeping courthouse offices open eight hours a day, five days a week, and for several weeks prior to each election the office is open six days a week and from eight to twelve hours a day. Temporary offices are established in various municipalities of the counties, at colleges and other areas. Mobile units are also used at shopping centers, places of industry, migrant housing projects and many other areas.

Florida also allows registration by mail to:

(a) Members of the armed forces while in active service and their spouses and dependents;

(b) Members of the merchant marine of the United States and their spouses and dependents;

(c) Citizens of the United States who are permanent residents of Florida and are temporarily residing outside the territorial limits of the United States and the District of Columbia, and their spouses and dependents;

(d) Citizens of United States who are permanent residents of the state and are temporarily outside the state; and

(e) Residents of the state who are physically and unable to register in person.

We are of the opinion that any voter who is a resident of Florida and having a desire to register certainly has the opportunity to do so. We do not believe there exists mechanical, physical or legislative barriers to voting in Florida.

We are also of the opinion that Senate Bill 352 would be a duplication of effort; would result in dual registration and voting systems; would require additional personnel and office space on the local level and would certainly be an added cost to the taxpayers who are already over-burdened with taxes from the national through the local level.

This bill would result in duplicate registrations; registrations that would not be legible; incomplete information; registration cards filled out by people other than the intended voter and lead to wide-spread fraud. In our opinion, this bill would cause mass confusion in the office of Supervisor of Elections and at the polling places.

Registration does not appear to be the cause of the low percentage of voter turnout. For the 1972 primary elections in Florida, 2,982,076 voters were registered and qualified to vote. Only 22 percent of this number voted in the First Primary and 18 percent in the Second Primary. In the November General Election with a registration of 3,487,458 voters, only 73 percent went to the polls . . . the lowest percentage since 1948.

We, as Supervisors of Elections, believe a more appropriate step would be an in-depth study to find out why those who are registered do not vote—why the apathy? This is the question that should be answered!

A poll by the University of Michigan, whose Institute of Social Research long since has gained stature and real recognition for the quality of its work, reported that whereas 62 percent of a nationally representative group of Americans expressed a "high degree" of trust in their federal officials in the early 1960's, only 37 percent held that view a decade later.

A free nation is the sum of its people—and when a team of diligent and concerned scientists reports that a decade-long survey shows a decline of 25 percent in the confidence of the American people in their federal government, it should cause all of us to shudder.

This cause of apathy applies not only to Federal Government but to state and local governments as well, but to a smaller degree. All polls point up to this fact.

Another point which greatly concerns us is the rapid deterioration of the postal service. This causes many absent voters ballots to be received too late to be counted. For example, I should like to point out that it

quite often requires 10 days for a ballot to be received from a distance of 13 miles, 6 days from a distance of 8 miles and at times as many as 5 days from one place in town to another in the same town, not to mention the time required to have them returned from other parts of the state, other states, and other countries. Voters are complaining that the old "Pony Express" or even walking could get mail delivered more promptly.

In conclusion, may we say that it is our opinion that the average person does not appreciate Federal intervention in elections, so let us concern ourselves with making government and those in government more palatable to the average citizen and thus build a desire of the citizens to participate in the election of the officials who run our government.

Again, may I say that we are very much opposed to Senate Bill 352.

Sincerely,

BLANCHE M. WORK,
President, Florida State Association of Supervisors of Elections, Inc.

She sent a carbon copy of her letter to all Senators.

I might say that I know Mrs. Work, in my home State of Florida, and I have spoken to the supervisors of elections at their annual meeting. We have a dedicated group; most of them are women. They are elected—a constitutional office, as she points out—and they do dedicated, remarkably responsible work in their jobs of registering people to vote.

I have heard mentioned again and again in the debate on this bill that we need this bill, because people are not registering to vote; therefore, we should make it easy for them and send out these post cards; and all of a sudden we have the magic formula that will make sure that everybody participates in the election process in America.

Obviously, that argument falls flat on its face. If we look at the facts before us, as presented so ably by this supervisor of registration, who is the president of the supervisors in Florida, she points out—and I know that what she says is true—the tremendous efforts made by the registrars in Florida to get people registered to vote.

In recent years, there have been all kinds of efforts, not only by the registrars themselves, but also by many other interested parties, to get people to register to vote in Florida. The Junior Chamber of Commerce frequently makes this a special project. In my home county of Orange, in central Florida, during the registration period, they make speeches, they run publicity on radio and television, for people to go down and register at the courthouse.

Also, as Mrs. Work points out in her letter, mobile units are sent throughout the country, and they are made available not only during the 8-hour periods. I have heard the argument used on this floor many times that one of the reasons why people do not register to vote is that the registration offices are not open long enough, that they are open only 8 hours a day. I cannot speak for all the States, but I can speak for my home State of Florida, and that is not a fact, as the supervisor of registration has pointed out in her letter. We go to all kinds of efforts and make these mobile units available at all manner of places where there are large gatherings of people—for example, at shopping centers, where many thousands of people come during the day; at the gates of a large factory or large employer, large in numbers, so that the people coming to work or leaving to go home will have an opportunity to register. Instead of 5 days a week, it is made available 6 days a week.

Despite all this, we still have, of course, far less than a perfect percentage of the people who register to vote. One of the things that Florida has in her election laws, her registration laws, is registration by mail in cases of hardship. Again, as Mrs. Work pointed out in her letter, people are covered in almost every category that I can think of where they might be away from their communities or the State, people in the Armed Forces, permanent residents of Florida who are working in other areas, either in the United States or outside the United States, people who are perhaps elderly or physically disabled.

I have heard the argument here that we need this registration so that they can be taken care of. But we have all these things now in special categories in Florida, so that those people can register by mail. But still there are many who choose not to do so. As Mrs. Work points out, the reason they do not do so is because they are not interested.

I fail to see why we should get up so tight and get this legislation up here for the fourth time, I think, to take care of people who really are not interested that much in voting.

The PRESIDING OFFICER. The Senator's time is expired.

Mr. McGEE. Mr. President, I would be glad to yield to the Senator an additional minute so that he might wrap up.

Mr. GURNEY. I thank the Senator. I will wrap up my argument by saying that the amendment which I have proposed would make it possible to at least see the face of this person who registers by mail one time. As it is, that person could mail in his registration card, send back the ballot, vote that way all of his life, and we would never see him at the polls. My amendment would provide that we are willing to permit him to vote by mail but at least he should show up at election time and cast his vote.

Mr. President, I urge the Senate to agree to the amendment. It would be one small improvement in a very bad bill.

Mr. McGEE. Mr. President, as in the case of the Senator's earlier amendment, it was a worthy objective, a useful purpose, but it has complications that would actually tend to disenfranchise voters rather than to franchise more voters. For example, voters from many States can register absentee by mail and vote absentee. That is true in my State and it is true in a number of other States. It already exists as an operative pattern, but we are very conscious of the situation the Senator refers to with respect to how to keep some joker from taking advantage of this. The answer is that no post card registration involves validity until it is validated by the local registrar. Those who are responsible in the many States, now validate an absentee ballot by mail, and in view of that we think that the system would be measured by the vigilance of State registrars, those whose responsibility it is to validate the individual citizen of that State who is registered to vote.

The post card is only an application for registration. It is an application for registration. There is nothing under the post card system that would say to the registrar, "Therefore, if you receive this post card and it is validated, then there is nothing else you can do." Any registrar can have anyone come in face to face, if he has reason to suspect him or if he thinks the information he has does not check out. He can say, "Come down to city hall," or wherever the check point is, "and we will validate this face to face." That is still the prerogative of the registrar. Nothing is introduced here that would be wiped away concerning the vigilance to be exercised over validation. Before being validated the post card would be checked for signatures, qualifications, and all of that would become the responsibility of the State, not the Federal Government or anyone else in Washington, and not the Bureau of the Census. When that is validated, just as when an application is received now for registration by mail, it would be wrong to disenfranchise that person by law under language in the bill. That should be the responsibility of the properly elected authorities in the State rather than to be intruded upon. It is with that thought in mind that I must recommend in behalf of the committee and the legislation that has been carefully drawn here, that the vote be "no" on the Senator's amendment.

The Senator from Florida also referred in his remarks to the other concerns about why people do vote or do not vote. I must say that the deepest or most disturbing of all the factors present behind the scenes is the question of voter participation. We do not really know so we have to find the track record that seems to make the most sense to give us some guidance. One of those is that voters who are registered do vote in much higher percentages—75 to 90 percent in most States, thus, the drive to simplify the registration process, subject to the validation procedures of the States.

But there is another factor. With all the effort they make to get people registered so that they are responsible citizens and vote, 2.5 million otherwise eligible residents in Florida did not vote last November for one reason or another. That should concern the Senator from Florida. That should concern all Senators in this body as we look at the figures from the Senator's own State. No State comes off so well, except one or two States with small populations. The totals are in the tens of millions. Why did they not vote? While there are some who did not vote, because they did not care to vote, the studies that have been made in the wake of last November by civic groups, professional groups, by polster groups, municipalities, all say that the largest single factor present was the difficulty in the way of registration.

There is nothing to insure that if people are registered they will vote. That is another matter—voter registration. But it does say they have one less excuse. It does say that this body, among whose Members there are as many as 40 million Americans who could be persuaded to

vote if they were registered that we tried to involve more citizens in the election process. We tried. It is the most we can do. It is the best effort we can make. But for us to stand here on the floor of the Senate and make excuses for what exists and try to alibi why more citizens do not vote seems to me to border on dereliction of our responsibilities, or at least dragging our feet when we ought to be marching very briskly.

When all this is said and done and this measure is adopted as the law of the land, I am confident we are going to find a much larger percentage of voters actually voting. But we are not going to get them all. We are not going to get millions of them, because of myriads of other explanations as to why they do not choose to vote, but at least we will have moved a significant mile along the ultimate goal of full voter participation, and it is being identified with that effort that ought to be the engaging factor to the Members of the Senate of the United States.

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

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. McGEE. Mr. President, if it is agreeable, I am prepared to yield back the remainder of my time so that we may proceed to a vote on the Senator's amendment.

The PRESIDING OFFICER. All time on the amendment is yielded back.

The question is on agreeing to the amendment of the Senator from Florida (Mr. GURNEY). The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Virginia (Mr. HARRY F. BYRD, JR.), the Senator from Florida (Mr. CHILES), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from New Mexico (Mr. MONTOYA), the Senator from California (Mr. TUNNEY), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

On this vote, the Senator from North Carolina (Mr. ERVIN) is paired with the Senator from California (Mr. TUNNEY).

If present and voting, the Senator from North Carolina would vote "yea" and the Senator from California would vote "nay."

I further announce that if present and voting, the Senator from Iowa (Mr. HUGHES) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BELLMON), and the Senator from Hawaii (Mr. FONG) are necessarily absent.

The Senator from Nebraska (Mr. CURTIS) and the Senator from Idaho (Mr. McCLURE) are absent on official business.

Also, the Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. GOLDWATER), the Senator from Kansas (Mr. PEARSON), the Senator from Ohio (Mr. SAXBE), and the Senator from Vermont (Mr. STAFFORD) are necessarily absent.

If present and voting, the Senator from Nebraska (Mr. CURTIS), the Senator from Hawaii (Mr. FONG), and the Senator from Idaho (Mr. McCLURE) would each vote "yea."

The result was announced—yeas 27, nays 49, as follows:

[No. 105 Leg.]

YEAS—27

Aiken	Fannin	Roth
Allen	Griffin	Scott, Pa.
Bartlett	Gurney	Scott, Va.
Beall	Hansen	Stevens
Buckley	Helms	Taft
Cotton	Hruska	Talmadge
Dole	Johnston	Thurmond
Domenici	McClellan	Tower
Dominick	Nunn	Weicker

NAYS—49

Abourezk	Hartke	Moss
Bentsen	Haskell	Muskie
Bible	Hatfield	Nelson
Biden	Hathaway	Packwood
Brock	Hollings	Pastore
Brooke	Huddleston	Pell
Burdick	Humphrey	Percy
Byrd, Robert C.	Jackson	Proxmire
Cannon	Javits	Randolph
Case	Magnuson	Ribicoff
Church	Mansfield	Schweiker
Clark	Mathias	Sparkman
Cook	McGee	Stevenson
Cranston	McGovern	Symington
Eagleton	McIntyre	Young
Fulbright	Metcalf	
Hart	Mondale	

NOT VOTING—24

Baker	Ervin	Montoya
Bayh	Fong	Pearson
Bellmon	Goldwater	Saxbe
Bennett	Gravel	Stafford
Byrd, Harry F., Jr.	Hughes	Stennis
	Inouye	Tunney
Chiles	Kennedy	Williams
Curtis	Long	
Eastland	McClure	

So Mr. GURNEY's amendment was rejected.

The PRESIDING OFFICER. Pursuant to the previous unanimous-consent agreement, the Senator from Wyoming is recognized.

Mr. McGEE. Mr. President, may I now ask what the parliamentary situation is?

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. McGEE. Mr. President, do I have the floor?

The PRESIDING OFFICER. The Senator from Wyoming has the floor.

Mr. McGEE. Mr. President, I would like to inquire at this time from the Senator from Florida if he would be prepared to offer an amendment of his tomorrow morning.

Mr. GURNEY. I am prepared to do so.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate.

The PRESIDING OFFICER. May we have order in the Senate. If the Senator from Florida would suspend, the Senate will be in order.

The distinguished Senator from Florida may proceed.

Mr. GURNEY. Mr. President, I would respond to the distinguished Senator from Wyoming, the manager of the bill, that I will be prepared to offer an amendment tomorrow.

Mr. McGEE. It is not for me to inquire, I do not think. However, I would like to inquire of the acting majority leader as to what the status would be vote-wise and that sort of thing, without losing my right to the floor.

Mr. ROBERT C. BYRD. Mr. President, I have discussed the amendment which will be offered by the distinguished Senator from Florida. I wonder if we might have the understanding that his amendment will be laid before the Senate today and made the pending business with no action taken thereon and that we may get a unanimous-consent agreement to vote on his amendment at, say, 12 o'clock noon tomorrow.

Mr. GURNEY. That will be acceptable to the Senator from Florida.

Mr. ROBERT C. BYRD. The Senate would come in at, say, 10 o'clock and have an hour or an hour and a half on his amendment.

Mr. GURNEY. That would be perfectly acceptable to the Senator from Florida.

Mr. ROBERT C. BYRD. Would it be agreeable to the distinguished Senator from Wyoming (Mr. McGEE) that the amendment to be proposed by the Senator from Florida (Mr. GURNEY) be laid before the Senate and made the pending question tonight, with no action thereon, that the Senate come in at 10 o'clock tomorrow, and that at around 11 o'clock tomorrow we proceed to the consideration of the amendment, have 1 hour of debate on the amendment, and vote on it at 12 noon?

Mr. McGEE. What would happen between 10 and 11 o'clock?

Mr. ROBERT C. BYRD. Between 10 and 11 o'clock there would be a period for the transaction of routine morning business.

Mr. McGEE. What would be the morning business?

Mr. ROBERT C. BYRD. The Senator will understand that during morning business, conference reports could be called up.

Mr. McGEE. Then I would have to object.

Mr. ROBERT C. BYRD. Then there would be no morning business.

Mr. McGEE. If that is what is required, in a parliamentary sense, so that we could have the amendment of the Senator from Florida as the item of business to be discussed, with no preferential business. Is that the Senator's understanding?

Mr. ROBERT C. BYRD. I understand what the Senator has in mind. I will try my best to word the unanimous-consent request accordingly.

Mr. McGEE. I appreciate that. As long as we have that understanding, the time limitation is agreeable to me.

Mr. ROBERT C. BYRD. Very well. Then, Mr. President, would the Chair recognize the Senator from Florida, if he wishes to offer his amendment now, or does he wish to offer it later today?

Mr. GURNEY. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 6, line 14, after the period insert the following:

"Return delivery of registration forms shall be at the applicant's expense."

Mr. ROBERT C. BYRD. Now, Mr. President, will the Senator yield to me?

Mr. GURNEY. I yield.

Mr. ROBERT C. BYRD. I ask unanimous consent, if it is agreeable with the distinguished Senator from Florida and the distinguished Senator from Wyoming, that there be no further action on this bill today, but that there now be a period for the transaction of routine morning business—in the form of speeches only—for the remainder of the day, that period not to exceed 30 minutes, with statements therein limited to 5 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock a.m. tomorrow.

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

ORDER FOR RECOGNITION OF SENATORS ABOUREZK, GRIFFIN, AND ROBERT C. BYRD, TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, immediately after the two leaders or their designees have been recognized under the standing order, the distinguished Senator from South Dakota (Mr. ABOUREZK) be recognized for not to exceed 15 minutes, that he be followed by the distinguished Senator from Michigan (Mr. GRIFFIN) for not to exceed 15 minutes, and that he be followed by the junior Senator from West Virginia for not to exceed 15 minutes, after which the Senate return to the consideration of the unfinished business.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER FOR THE YEAS AND NAYS ON THE GURNEY AMENDMENT

Mr. GURNEY. Mr. President, will the distinguished acting majority leader yield?

Mr. ROBERT C. BYRD. I yield.

Mr. GURNEY. I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time for debate on the amendment by the Senator from Florida (Mr. GURNEY) be equally divided between and controlled by the distinguished author of the amendment (Mr. GURNEY) and the distinguished manager of the bill (Mr. McGEE); that a vote occur on the amendment by Mr. GURNEY at 12 o'clock noon tomorrow; and that upon the disposition of the amendment by Mr. GURNEY tomorrow, the distinguished Senator from Wyoming (Mr. McGEE) be recognized.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MATHIAS. Mr. President, will the Senator from Florida yield?

Mr. GURNEY. I yield to the Senator from Maryland.

The text of the unanimous-consent agreement is as follows:

Ordered, That, effective on Wednesday, April 18, 1973, at the conclusion of orders for recognition of Senators, the amendment by the Senator from Florida (Mr. GURNEY) be the pending question, with the debate thereon from then until 12:00 noon to be equally divided and controlled by the Senator from Wyoming (Mr. McGEE) and the Senator from Florida (Mr. GURNEY), with the vote on the amendment to occur at 12:00 noon.

Mr. GURNEY. Mr. President, I yield the floor.

INFLATION POLICY

Mr. BENTSEN. Mr. President, today I wish to discuss the most pressing problem facing the American public and Congress. I also wish to propose at least a partial solution. The problem is the current unacceptable rate of inflation. The solution is to return to phase II-type mandatory controls.

We must return to a program of prenotification and prior approval of most large price, rent, and wage increases.

I reach this conclusion with some reluctance, because after observing both the operation of our economy and our Government, as the former president of my own business, and now as a Member of the Senate, I firmly believe that the preservation of a free market economy is essential to the economic well-being of wage earners as well as businessmen. However, while I have a strong distaste for price-wage controls, they are preferable to the present situation.

The members of the Joint Economic Committee, in our annual report released 3 weeks ago yesterday, described the administration's move to a so-called voluntary self-administering phase III program a "major policy error." The wholesale price index released a week later, showing the largest increase in 22 years, bears out the finding of that report, that while a largely voluntary price-income policy is desirable for the long run, the move to phase III on January 10 was premature. We must return to a more formal system of controls.

The administration has often explained its policies in terms of the inflation spiral begun between 1967 and 1969 by the Vietnam war.

Well, according to calculations from Labor Department data the average cost of a pair of men's shoes was $20.12 in 1967, $21.97 in 1969, and $25.98 today.

Average cost of bus fare was 26 cents in 1967, 29 cents in 1969, and is 37 cents today.

Average cost of having a tooth filled was $6.91 in 1967, $7.83 in 1969, and is $9.45 today.

Average cost of a pair of little boy's sneakers was $5.57 in 1967, $6.08 in 1969, and is $6.95 today.

Average cost of a half gallon of milk was 52 cents in 1967, 55 cents in 1969, and is 63 cents today.

Average cost of 200 kilowatts of electricity was $5.98 in 1967, $6.14 in 1969, and is $7.33 today.

Average cost of a semiprivate hospital room was $36.03 in 1967, $46.21 in 1969, and is $64.46 today.

In every instance, the average annual increase in the price of these products has been greater since 1969 than the annual increases during the height of the Vietnam buildup.

These increases are not just indexes printed by the Government and kept on file by economists. These are prices which real people are paying with hard-earned dollars—dollars that are worth less every day.

But, Mr. President, there is an index to be released by the Commerce Department later this week which does bear watching. It was reported in the press yesterday that the annual growth rate for the U.S. economy during the first quarter was 14 percent—half of which was inflation. When we take out the inflation and get down to the real economic growth, that would be very close to the 6¾ percent the President's Council of Economic Advisers forecast for the year. But his advisers forecast a 3-percent rate of inflation—not 7 percent.

Mr. President, what happened? For a few months in mid-1972, under phase II, it appeared that the rate of inflation was being brought under control. From February to August, consumer prices were rising at the administration's goal of an annual rate of 2.5 percent. We were enjoying a good rate of real economic growth with an inflation factor of 1.7 percent in the second quarter of the year and 2.2 percent in the third. Things looked pretty good. However, there were some dark clouds, too.

During that same first half of 1972, wholesale prices were rising in excess of 5 percent, indicating that a new wave of inflation was on the way. Wholesale prices have a way of being reflected in consumer prices, and during the second half of 1972 the prices wage earners paid were no longer rising at 2.5 percent; they were rising at an annual rate of over 4 percent.

But even more disturbing than the increases we have seen in consumer prices are the increases to come. What has been happening to wholesale prices since the middle of 1972?

Wholesale prices in the third quarter of last year increased at an annual rate of 6.7 percent; in the fourth quarter the increase was 9.6 percent; and in the first quarter of this year wholesale prices jumped at a staggering annual rate of 21.5 percent.

The momentum is building, and when we compare these figures with the relatively modest 5 percent annual rate of increase in wholesale prices during the

first half of last year, we can get some idea of what we are in for during the rest of 1973.

Since January, even the normally stable wholesale index of industrial commodities has been increasing at an annual rate of over 13 percent. Those industrial commodities increased 5 percent in the 12 months since March of last year. The farther we go back down the chain of production, the bleaker the picture gets. Wholesale prices for intermediate finished goods increased 6.1 percent during the last 12 months, while raw materials increased 10.4 percent.

Mr. President, these are increases which have already been paid at some point in the chain of bringing goods and services to the American consumer. At some point, they will be borne by other businesses closer to the consumer, and they will ultimately be reflected in the price he pays.

Steps are already being taken by both businesses and wage earners to protect themselves. There have been reports of some businesses raising their prices in anticipation of another freeze—to insure they are not caught short. In the short run this might appear to be a wise business decision for the individual company. But collectively it will cause prices to spiral completely out of control and insure that drastic action will be necessary. It is a self-fulfilling prophesy.

Union members are becoming increasingly committed to demands for large wage settlements in the coming bargaining. In 1973, contracts will expire for almost 40 percent of all workers covered by contracts. In the month of June, alone, 1.3 million workers' contracts will expire in industries including construction, food processing, electrical equipment, railroads, and trucking.

With the Government indicating that inflation during the first quarter of this year was in the neighborhood of 7 percent and output per man-hour and profits up, we can hardly expect these workers to bargain for 5.5 percent wage increases.

The fundamental principle underlying the phase II wage and price guidelines is a sound one. The 5½-percent wage guideline and the 2½-percent target for price increases were intended to provide annual growth of real wages of about 3 percent. The normal productivity growth of the U.S. economy is about 3 percent per year and historically real wage gains have roughly kept pace with the productivity changes.

During the first half of 1972, when prices were increasing at an annual rate of 2½ percent, a 5.5 percent wage guideline was fair. In the second half of the year when prices were increasing at 4 percent it was a good deal less fair. But at an inflation rate of 7 percent, a wage guideline at 5.5 percent is an injustice which wage earners cannot and should not be expected to tolerate.

Mr. President, I am convinced that both business and labor want an end to inflation. I am convinced that both will support mandatory controls if they are fair. Mr. George Meany, president of the AFL–CIO, restated yesterday the long-standing offer of his union to support controls if prices are controlled as well as wages. I have had men and women in my State who work for wages—some in unions, some not—tell me, "Senator, just see that we get fair treatment." That, Mr. President, is not an unreasonable request. That is what they deserve.

Therefore, I propose that the President use the authority given him by Congress in the extension of the Economic Stabilization Act to reestablish manadory controls requiring a substantial degree of prenotification and prior approval of increases in prices, profits, rents, and wages.

I think the phase II guidelines, with modifications to make them more effective on the price side and providing a cost-of-living escalator on the wage side, would be a very good beginning. If the orderly reinstitution of controls requires a freeze, it should be a short one. A freeze simply postpones increases. We need inflation controlled, not just postponed.

Mr. President, it is also important that we recognize both what controls can and cannot accomplish, and that we use the periods of controls to take other action to make our economy more efficient and less inflation prone.

Mr. President, I ask unanimous consent that a more detailed description of my proposal be printed, in full, in the RECORD.

I further ask that a very useful discussion of the economies of controls, written by Courtenay Slater, a Joint Economic Committee economist, also be printed in the RECORD.

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

AN INFLATION POLICY FOR THE NEXT 12 MONTHS

CONTROL PROGRAM

Price controls

Reimposition of the basic coverage, reporting, and approval requirements of Phase II with the following modifications:

1. Require public hearings prior to approval of any price increase which would produce over $50 million in annual sales revenue.

2. Place stricter limits on the percentage price increase allowed on any one product under Term Limit Pricing (TLP) agreements.

3. Allowable cost increases should be more closely limited to increases in direct costs already incurred rather than projected indirect costs such as overhead per unit of output.

4. Costs of any part of a wage settlement in excess of the wage guideline should not be included in allowable costs.

5. Price reductions below the base period price should be required in industries which have experienced unusually large gains in productivity resulting in actual cost reductions.

Wage controls

Reimposition of the basic coverage, reporting and approval standards of Phase II with the following modifications:

1. Exemption of all workers earning less than $3.50 per hour.

2. Allow a cost-of-living escalator covering 75% of any increase in the Consumer Price Index in excess of 2½% price target in order to provide protection against inflation without excessive initial settlements.

Rent and interest controls

Reimposition of Phase II coverage and standards.

OTHER POLICIES TO REDUCE INFLATION

Policies to expand supply

1. Agricultural policies to encourage production in areas of demonstrated demand with provision for maintaining adequate farm incomes in the event of over production.

2. Relaxation of some import restrictions as part of trade negotiations to expand US exports.

3. Sale of nonessential federal stockpiles.

4. Improved forest management and increase construction of forestry roads to make more cutting areas available.

5. Restructure existing transportation rates and federal regulatory policies to encourage the maximum use of available transportation and port capacity.

6. Export restrictions on certain raw materials in critically short supply such as logs from timber operations.

Policies to improve the market structure of the US economy

1. Vigorous enforcement of anti-trust laws to insure free competition of capital resources.

2. The improvement of job training and placement programs and the elimination of discrimination to insure the broadest possible access to labor markets.

Policies to ameliorate the cost of inflation

Adequate provision must be made to maintain the incomes of the retired, disabled and otherwise unemployed during periods of inflation.

Inflation control

I. Are Controls Useful?

Controls can help in three types of situations:

Monopoly and oligopoly power. Where business or labor has sufficient market power to set prices consistently higher or raise them faster than would occur in a competitive market, controls can partially substitute for competition. Some sectors of the U.S. economy are characterized by a high degree of market power, and there has long been and will continue to be a need for controls on these sectors. For the longer run these controls could perhaps be limited to voluntary guidelines. For the present, something stronger is clearly required.

Supply shortages of particular commodities which are not readily correctible. Expanding supply or reducing demand is normally preferable to controls, but if there is no acceptable way of doing this, controls may be needed. If the shortage is severe or of long duration, such controls must be accompanied by some type of rationing. Great care must be taken that controls do not make the situation worst by (1) holding the price below the level necessary to encourage additional supply; (2) holding the domestic price below the world price thus diverting supplies to the world market; or (3) holding the price so low relative to other prices that demand for the scarce commodity is artificially stimulated. There are thus rather severe limits to what controls can accomplish in a situation of scarcity.

Expectations of further inflation. The imposition of controls can have a valuable psychological effect in halting price increases which have no basis other than expectations that inflation will continue and that self-interest dictates the maximum possible wage or price increase. To halt these expectations, the controls must be for real and give promise of being effective. The public must surely at this point be highly skeptical regarding the prospects for halting inflation.

II. What is (and is not) causing the current inflation?

The severity of inflation has been surprising virtually all economists ever since 1969. This suggests there is much we do not understand about the causes of inflation. Nonetheless, the following partial causes and non-causes can be identified.

Generalized excess demand is not a current cause. We are not at full employment, manufacturing capacity is not fully utilized, neither fiscal nor monetary policy is overly expansionary. Nor is it plausible to blame recent price developments on the 1968 budget deficit. Excess demand is a possible future

problem. Efforts to control the budget are important. However, controlling the budget will not by itself make even a small dent in the current inflation.

Supply constraints are an important cause not only in food but also lumber, non-ferrous metals, hides, fuels and possibly other areas.

A general psychology of strong expectations of continued inflation also appears to be a significant factor.

Market power has been a less important factor in the past year, but will become much more so in the months ahead.

III. What policies do we need (and not need)?

In the present situation, any controls should be accompanied by policies to expand supply, moderate growth of demand for certain commodities, and improve the market structure. Unless the time bought by controls is used to do these things, the controls are largely useless. Also, any controls imposed at present should be sufficiently flexible to avoid aggravating supply shortages.

Since we have had and will have some considerable inflation no matter what we do, those with low incomes badly need supplementary purchasing power either through expanded cash assistance or through rent supplements and food programs (food stamps, commodity distribution, school breakfasts and lunches). The budget cuts in these areas should be re-examined in light of the 13 percent increase which has already taken place in the past year in the "meat, poultry, fish" category of the CPI and the further increases which definitely are in prospect as a result of the most recent wholesale price increases.

QUORUM CALL

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

The PRESIDING OFFICER (Mr. WEICKER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order from the quorum call be rescinded.

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

TEMPORARY EXTENSION OF THE AUTHORIZATION FOR THE PRESIDENT'S NATIONAL COMMISSION ON PRODUCTIVITY

Mr. ROBERT C. BYRD. Mr. President on behalf of the very distinguished Senator who now presides over the Senate, the Senator from Louisiana (Mr. JOHNSTON) I ask unanimous consent that the Senate proceed to the consideration of Senate Joint Resolution 93, which was reported earlier today. It has been cleared on the other side of the aisle.

The PRESIDING OFFICER (Mr. JOHNSTON). The joint resolution will be stated.

The legislative clerk read the joint resolution as follows:

S.J. RES. 93

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 (f) of Public Law 92-210, approved December 22, 1971, is amended by striking out "April 30, 1973" and inserting in lieu thereof "June 30, 1973".

The PRESIDING OFFICER (Mr. GRIFFIN). Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. JOHNSTON. Mr. President, this resolution simply continues the life of the President's Commission on Productivity for a period of 60 days.

Under the present legislation, that authority expires on April 30. The Subcommittee on Production and Stabilization held hearings on the continued authorization for funds for the President's Commission on Productivity and, having completed the hearings yesterday, reported the bill favorably.

This resolution, however, is essential to avoid the demise of the Commission on April 30. It simply continues it for a long enough period of time so that we can pass this legislation.

The PRESIDING OFFICER. If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution (S.J. Res. 93) was ordered to be engrossed for a third reading, was read the third time, and passed.

QUORUM CALL

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

The PRESIDING OFFICER (Mr. JOHNSTON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ARE VIETNAM VETERANS BEING FORGOTTEN?

Mr. ROBERT C. BYRD. Mr. President, for the past few weeks, a grateful nation has poured out its heart in welcome for the prisoners of war who returned from years of frustration and hardship spent in Communist prisons.

There can be no doubt in the minds of any of these courageous men that America is proud of their fortitude and their forebearance. It is right that we should feel as we do about men who have sacrificed so much in the service of their country, and they and their families deserve all the intangible and tangible tributes they have been accorded.

But while we enjoy the euphoria of their homecoming, there is a danger that we might forget other men who fought bravely, and also sacrificed much in the jungles and rice paddies of Vietnam, Laos, and Cambodia. I refer to the veterans who also had a homecoming, but one which was attended by the mundane routines of an everyday mustering out, rather than by musical fanfare, garlands, champagne, and television cameras.

I am disturbed that these largely unheralded heroes are finding it difficult, in far too many cases, to obtain employment as they return to civilian life. According to figures supplied by the Senate Committee on Veterans' Affairs, almost 300,000 Vietnam veterans between the ages of 20 and 29, are currently unemployed. In the 20 to 29 age bracket, six out of every 100 Vietnam veterans are jobless. Those between the ages of 20 and 24 are even worse off—nine out of every 100 in this younger group cannot find work.

I am aware that employment opportunities are limited. A young man who has been drafted into the services, and spends the next few years of his life learning and practicing the arts of war, has no time to make himself proficient in, or even familiar with, the work skills of the civilian world. If he has served in certain support units, he might have had the chance to learn some technical skills which he could use to his advantage in our technological society. A signal corps soldier can learn a great deal about communications. A transportation corps man can learn a lot about motor mechanics. A headquarters man can learn computers. But for the combat infantryman, who has always formed the backbone of any fighting force, the opportunities for learning are more or less confined to becoming proficient in killing the enemy, and staying alive himself. These two skills, so very essential in war, find no market in peace.

It is a reasonable assumption that among the almost 300,000 unemployed Vietnam veterans, there are some who do not want to work, just as there are nonveterans in our society to whom work is anathema. It is also a reasonable assumption, though no figures are available, that the number of veterans who are unwilling to work is a small percentage of the whole, and it is not this small percentage that concerns me. I am concerned about the large percentage of Vietnam returnees who would gladly accept gainful employment to support themselves and their families.

We are all familiar with the expression, describing a chronically lazy individual, that "he thinks the world owes him a living." There is no question in my mind, if I may paraphrase that saying, that this Nation owes these Vietnam veterans, at the very least, a decent chance to make a living. Of all the social responsibilities that this Government, and the citizens of this Nation have, at this time, the responsibility to give the returned veteran an opportunity for a job is No. 1.

I cannot believe that in the private and public sectors of this, the greatest industrial and agricultural nation in the world, we cannot provide employment for men who gave years of their lives in fighting the most unpopular war in their country's history.

It would seem to me that it is the responsibility of the Government, or the private sector with the Government's encouragement, to do everything possible that these young Americans at least be given a decent opportunity to earn an honorable living. We must avoid the stigma that has so often darkened the records of many countries throughout history—that the soldier we honor in war, we ignore in peace.

ORDER FOR RECOGNITION OF SENATOR RANDOLPH TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that tomorrow, immediately following the remarks of the distinguished Senator from South Da-

kota (Mr. ABOUREZK) under the order previously entered, the distinguished senior Senator from West Virginia (Mr. RANDOLPH) be recognized for not to exceed 15 minutes.

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 10 o'clock a.m. After the two leaders or their designees have been recognized under the standing order, the Senator from South Dakota (Mr. ABOUREZK) will be recognized for not to exceed 15 minutes, to be followed by the distinguished Senator from West Virginia (Mr. RANDOLPH) for not to exceed 15 minutes, to be followed by the distinguished Senator from Michigan (Mr. GRIFFIN) for not to exceed 15 minutes, to be followed by the junior Senator from West Virginia (Mr. ROBERT C. BYRD) for not to exceed 15 minutes, after which the Senate will resume consideration of the unfinished business, S. 352. The question at that time will be on the adoption of Amendment No. 90, proposed by the distinguished Senator from Florida (Mr. GURNEY). On that amendment the yeas and nays have been ordered, and the time for debate on that amendment is divided and controlled, with a vote to occur on the Gurney amendment at 12 o'clock meridian. As far as the leadership can foresee at this time, that will be the only yea-and-nay vote tomorrow.

After that vote Senators may make speeches, after which the Senate will adjourn for the Easter recess.

ADJOURNMENT TO 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and at 5:25 p.m. the Senate adjourned until tomorrow, Wednesday, April 18, 1973, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 17, 1973:

DEPARTMENT OF THE INTERIOR

Dale Kent Frizzell, of Kansas, to be Solicitor of the Department of the Interior.

Laurence E. Lynn, Jr., of California, to be an Assistant Secretary of the Interior.

(The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

WITHDRAWAL

Executive nomination withdrawn from the Senate April 17, 1973:

Louis Patrick Gray III, of Connecticut, to be Director of the Federal Bureau of Investigation, which was sent to the Senate on February 21, 1973.

HOUSE OF REPRESENTATIVES—*Tuesday, April 17, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

The Lord is my God and I will praise Him, my father's God and I will exalt Him.—Exodus 15: 2.

O God and Father of us all, we pray that Thou wilt touch our hearts, illumine our minds, and transform our spirits as we wait upon Thee in prayer. Kindle in our inmost being the wonder and the warmth of Thy presence that we may be made equal to every experience, ready for every responsibility, and adequate for every activity.

We remember that Thou didst lead the children of Israel from the land of bondage to the life of freedom. In grateful remembrance of that day we join our Hebrew friends in celebrating the joyful festival of the Passover. Lay Thy hand in blessing upon the House of Israel and upon every one of us. May we sing the songs of freedom and chant the refrain of peace as we journey together to the promised land of liberty and justice for all. 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.

EXTENDING DIPLOMATIC PRIVILEGES TO LIAISON OFFICE OF PEOPLE'S REPUBLIC OF CHINA

Mr. HAYS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 1315) to extend diplomatic privileges and immunities to the liaison office of the People's Republic of China and to members thereof, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. GROSS. Mr. Speaker, reserving the right to object, and I shall not object, can I assume there is no Federal cost in connection with this legislation?

Mr. HAYS. If the gentleman will yield, as far as I know, there is no cost at all. The purpose of this is to extend this liaison mission, which is not an embassy arrangement, the same diplomatic privileges as though they were an embassy, which I understand the People's Republic of China has already extended to our liaison office in Peking.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate bill as follows:

S. 1315

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, under such terms and conditions as he shall determine and consonant with the purposes of this Act, the President is authorized to extend to the Liaison Office of the People's Republic of China in Washington and to the members thereof the same privileges and immunities subject to corresponding conditions and obligations as are enjoyed by diplomatic missions accredited to the United States and by members thereof.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING FUNDS FOR COMMITTEE ON HOUSE ADMINISTRATION

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 353 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 353

Resolved, That effective January 3, 1973, the Committee on House Administration is authorized to incur such expenses (not in excess of $2,400,000) as the committee considers advisable to provide for maintenance and improvement of ongoing computer services for the House of Representatives and for the investigation of additional computer services for the *House of Representatives,* including expenditures for the employment of technical, clerical, and other assistants, for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)), and for the procurement of equipment by contract or otherwise. Such expenses shall be paid out of the contingent fund of the House on vouchers authorized and approved by such committee, and signed by the chairman thereof. Not to exceed $200,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202 (i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditures in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PASSOVER 1973

(Mr. DORN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)