JOINT RESOLUTION TO DESIGNATE THE MANNED SPACE CRAFT CENTER IN HOUSTON, TEXAS, AS THE LYNDON B. JOHNSON SPACE CENTER IN HONOR OF THE LATE PRESIDENT

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Whereas, President Lyndon B. Johnson was one of the first of our National leaders to recognize the long-range benefits of an intensive space exploration effort;

Whereas, President Lyndon B. Johnson was one of the first of our National leaders Chairman of the Special Committee on Science and Astronautics which gave the initial direction to the U.S. space effort;

Whereas, President Johnson as Vice President of the United States, served as Chairman of the National Aeronautics and Space Council which recommended the goals for the manned space program;

Whereas, President Johnson for five years as President of the United States, bore ultimate responsibility for the development of the Gemini and Apollo programs which resulted in man's first landing on the moon;

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the Manned Space Craft Center, located in Houston, Texas, shall hereafter be known and designated as the Lyndon B. Johnson Space Center. Any reference to such facility in any law, or other paper of the United States shall be deemed a reference to it as the Lyndon B. Johnson Space Center.

LEGISLATION TO FACILITATE THE OPPORTUNITIES FOR THE VOLUNTARY RETIREMENT OF FEDERAL EMPLOYEES

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mr. WALDIE. Mr. Speaker, there is talk in the air of massive reductions in the number of Federal employees. This makes even more urgent the need to facilitate the opportunities for the voluntary retirement of Federal employees. Therefore, I hope for quick consideration and passage of my bill to allow a Federal employee to voluntarily retire upon reaching a combined 80 in years of age and years of service.

Present law basically provides for voluntary retirement at age 60 with 20 years of service or at age 55 with 30 years service. But there are an increasing number of particular occupations which have been granted liberalized retirement benefits. My bill would provide for uniform retirement benefits for all Federal employees.

This bill, of course, would not compel Federal employees to retire at the 80-point mark in his career, but would provide for an orderly system, and fair and equitable application to all Federal employees.

Additionally, the bill also provides for an employee who has completed 25 years of service or who is at least 50 with 20 years of service to retire voluntarily during a major reduction-in-force at his facility or agency—with a 1-percent reduction in annuity for each year below age 55.

Mr. Speaker, I include the entire text of the bill at this point in the RECORD:

H.R. 3024

To amend the age and service requirements for immediate retirement under subchapter III of chapter 83 of title 5, United States Code, and for other purposes;

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (3) of section 8331 of title 5, United States Code, is amended—

(1) by inserting the word "and" at the end of subparagraph (A);

(2) by striking out subparagraphs (B) and (C) and inserting in lieu thereof the following:

"(B) remuneration for service performed as an employee to whom this subchapter applies;";

(3) by striking out "overtime pay,"; and

(4) by striking out "pay given in addition to the base pay of the position as fixed by law or regulation except as provided by subparagraphs (B) and (C) of this paragraph,".

SEC. 2. Section 8336 of title 5, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

"(a) An employee who is separated from the service after attaining an age plus service aggregating at least 80 years is entitled to an annuity.";

(2) by striking out subsection (b) and redesignating subsections (c), (d), (e), (f), (g), and (h) as subsections (b), (c), (d), (e), (f), and (g), respectively;

(3) by amending redesignated subsection (c) to read as follows:

"(c) An employee who is separated from the service—

"(1) involuntarily, except by removal for cause on charges of misconduct or delinquency; or

"(2) while his agency, or subdivision thereof, is undergoing a major reduction in force, as determined by the Commission, and who is serving in such geographic areas as may be designated by the Commission;

after completing 25 years of service or after becoming 50 years of age and completing 20 years of service is entitled to an annuity."; and

(4) by amending the second sentence of redesignated subsection (f) to read as follows: "A Member who is separated from the service after attaining an age plus service aggregating at least 80 years is entitled to an annuity.".

SEC. 3. (a) Section 8339(d) of title 5, United States Code, is amended by striking out "8336(c)" and inserting "8336(b)" in lieu thereof.

(b) Section 8339(h) of title 5, United States Code, is amended to read as follows:

"(h) The annuity computed under subsections (a), (b), (c), and (f) of this section for an employee or Member retiring under section 8336 (a), (c), or (f), or section 8338(b) of this title is reduced by 1/12 of 1 percent for each full month the employee or Member is under 55 years of age at the date of separation.".

SEC. 4. (a) Except as provided in subsection (b) of this section, the amendments made by this Act shall become effective on the date of enactment.

(b) The amendments made by the first section of this Act shall become effective at the beginning of the first applicable pay period which begins on or after the ninetieth day following the date of enactment of this Act.

SENATE—*Monday, January 29, 1973*

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

PRAYER

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

Eternal Father, we thank Thee for all peacemakers of the world, for the patience, persistence, and skill of negotiators and chiefs of state through turbulent and testing hours. We thank Thee too for the quiet, unseen influences which have shaped human destiny and for the prayers which have ascended from humble and trustful hearts. We thank Thee for those who have given their utmost in sacrificial service to this Nation. We thank Thee for joyous homecomings and pray for Thy healing presence in homes where there will be no homecoming.

O Thou Supreme Lord and Guide, enable Thy servants here and elsewhere to set a course for this Nation which unites all men in one transcendent dedication to justice, righteouness, and peace.

We pray in His name, who is Prince of Peace. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington D.C., January 29, 1973.

To the Senate:

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

JAMES O. EASTLAND,
President pro tempore.

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

MESSAGES FROM THE PRESIDENT

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

THE BUDGET, 1974—MESSAGE FROM THE PRESIDENT

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

To the Congress of the United States:

The 1974 budget fulfills my pledge to hold down Federal spending so that there will be no need for a tax increase.

This is a budget that will continue to move the Nation's economy toward a goal it has not achieved in nearly two decades: a high employment prosperity for America's citizens without inflation and without war.

Rarely is a budget message perceived as a dramatic document. In a real sense, however, the 1974 budget is the clear evidence of the kind of change in direction demanded by the great majority of the American people. No longer will power flow inexorably to Washington. Instead, the power to make many major decisions and to help meet local needs will be returned to where it belongs—to State and local officials, men and women accountable to an alert citizenry and responsive to local conditions and opinions.

The 1974 budget proposes a leaner Federal bureaucracy, increased reliance on State and local governments to carry out what are primarily State and local responsibilities, and greater freedom for the American people to make for themselves fundamental choices about what is best for them.

This budget concerns itself not only with the needs of all the people, but with an idea that is central to the preservation of democracy: the "consent of the governed."

The American people as a whole—the "governed"—will give their consent to the spending of their dollars if they can be provided a greater say in how the money is spent and a greater assurance that their money is used wisely and efficiently by government. They will consent to the expenditure of their tax dollars as long as individual incentive is not sapped by an ever-increasing percentage of earnings taken for taxes.

Since the mid-1950's, the share of the Nation's output taken by all governments in the United States—Federal, State, and local—has increased from a quarter to a third. It need not and should not go higher.

The increase in government claims on taxpayers was not for defense programs. In fact, the defense share of the gross national product declined by one-quarter while the share for civilian activities of all governments grew by three-fourths, rising from 14% of the gross national product in 1955 to about 25% in 1972.

In no sense have Federal civilian programs been starved; their share of the gross national product will increase from 6½% in 1955 to 14% in 1972. Nor will they be starved by the budget that I am proposing. A generous increase in outlays is provided each year by the normal growth in revenues. Higher Federal tax rates are not needed now or in the years ahead to assure adequate resources for properly responsive government—*if* the business of government is managed well. And revenue sharing will help State and local governments avoid higher taxes.

During the past 2 years with the economy operating below capacity and the threat of inflation receding, the Federal budget provided fiscal stimulus that moved the economy toward full employment. The 1974 budget recognizes the Federal Government's continuing obligation to help create and maintain—through sound monetary and fiscal policies—the conditions in which the national economy will prosper and new job opportunities will be developed. However, instead of operating primarily as a stimulus, the budget must now guard against inflation.

The surest way to avoid inflation or higher taxes or both is for the Congress to join me in a concerted effort to control Federal spending. I therefore propose that before the Congress approves *any* spending bill, it establish a rigid ceiling on spending, limiting total 1974 outlays to the $268.7 billion recommended in this budget.

I do not believe the American people want higher taxes any more than they want inflation. I am proposing to avoid both higher taxes and inflation by holding spending in 1974 and 1975 to no more than revenues would be at full employment.

1975 PROJECTIONS IN THE 1974 BUDGET

This year's budget presents, for the first time, a detailed preview of next year's. I have taken this step to demonstrate that if we stay within the 1974 and 1975 estimated outlays presented in this budget, we will prevent a tax increase—and that the 1974 budget is a sound program for the longer range future, not simply for today. This innovation in budget presentation is a blueprint for avoiding inflation and tax increases, while framing more responsive instruments of government and maintaining prosperity.

Our ability to carry out sound fiscal policy and to provide the resources needed to meet emerging problems has been limited by past decisions. In 1974, $202 billion in outlays, or 75% of the budget, is *virtually uncontrollable* due to existing law and prior-year commitments. But just as every budget is heavily influenced by those that have preceded it, so it strongly influences those that follow.

Control over the budget can be improved by projecting future available resources and the known claims on them, and then making current decisions within the constraints they impose. That is why, in my first budget, I began the practice of showing projections of future total revenues and outlays under current and proposed legislation. In the 1973 budget, 5-year projections of the cost of legislative proposals for major new and expanded programs were added.

This budget presents an even closer look at the implications of the 1974 proposals for the 1975 budget. It projects, in agency and functional detail, the outlays in 1975 that will result from the major program proposals in the 1974 budget, including the outlay savings that can be realized from program reductions in 1973 and 1974. In so doing, it takes into consideration the longer range effect of each of our fiscal actions.

Most importantly, this budget shows the narrow margin between projected outlays and full-employment revenues in 1975, despite the economy measures that are recommended. Program reductions and terminations of the scale proposed are clearly necessary if we are to keep control of fiscal policy in the future.

The 1974 budget program implies 1975 full-employment outlays of about $288 billion, $19 billion (7%) more than in 1974. This is within our estimate of full-employment revenues of $290 billion for 1975. There is, however, very little room for the creation of new programs requiring additional outlays in 1975 and *no room for the postponement of the reductions and terminations proposed in this budget.*

The program reductions and terminations I have proposed will result in more significant savings in 1975 and later years than in 1973 and 1974. It is for this reason, too, that I have included the 1975 projections in my budget this year. The Federal spending pipeline is a very long one in most cases, and the sooner we start reducing costs the better for the Nation.

The estimated 1975 outlays for the various Federal agencies are, of course, tentative. The outlay total, however, is the approximate amount that will represent appropriate Federal spending in 1975 if we are to avoid new taxes and inflation. As program priorities change and require increases in some areas, offsetting decreases must be found in others. As the projections indicate, this is necessary for both 1974 and 1975.

FISCAL POLICY AND THE BUDGET PROCESS

Fiscal policy.—In July 1970, I adopted the full-employment budget principle in order to make the budget a tool to promote orderly economic expansion.

Consistent with this principle, the budget that I submitted to the Congress last January proposed fiscal stimulus as part of a balanced economic program that included sound monetary policy and the new economic policy that I launched on August 15, 1971. My confidence that the American economy would respond to sensible stimulus in this context has been fully justified. During 1972, employment increased by 2.3 million persons, real output rose by 7½%, business fixed investment was 14% higher, and the rate of increase in consumer prices declined.

From 1971 through 1973, the full-employment budget principle permitted and called for substantial actual budget deficits. For this reason, some people have forgotten the crucial point that the full-employment principle requires that deficits be reduced as the economy approaches full employment—and that it establishes the essential discipline of an upper limit on spending at all times.

The full-employment budget principle permits fiscal stimulation when stimulation is appropriate and calls for restraint when restraint is appropriate. But it is not self-enforcing. It signals us what course to steer, but requires us to take the actions necessary to keep on course. These steps are not taken for us, and they are rarely easy.

As we look ahead, with the economy on the upswing, the full-employment budget principle—and common sense—prescribe

a shift away from fiscal stimulus and toward smaller budget deficits. We *must* do what is necessary to make this shift.

Holding 1973 spending to $250 billion and achieving full-employment balance in 1974 and in 1975 will be difficult. Reduction of some activities and termination of others are necessary and are proposed in this budget. Nonetheless, the budget provides significant increases for many important programs.

If we did not budget with firm restraint, our expenditures in 1973 would be over $260 billion. The ballooning effect of one year's expenditures on the next would in turn have meant that 1974's expenditures would be about $288 billion, far beyond full-employment revenues, and 1975's expenditures would be approximately $312 billion, leading to a huge, inflationary deficit.

If spending is to be controlled, the Congress must establish a spending ceiling promptly. Otherwise, the seeds sown in individual authorization and appropriation actions will produce ever-growing Federal spending not only in the coming fiscal year but in the years beyond.

Should the Congress cause the total budgeted outlays to be exceeded, it would inescapably face the alternatives of higher taxes, higher interest rates, renewed inflation, or all three. I oppose these alternatives; with a firm rein on spending, none of them is necessary.

Reforming congressional budget procedures.—Delay in congressional consideration of the budget is a major problem. Each time I have submitted a budget the Congress has failed to enact major portions of it before the next budget was prepared. Instead, it has resorted to the device of continuing resolutions to carry on the activities for which it has not made appropriations. Such delay needlessly compounds the complexities of budget preparation, and frustrates the potential of the budget as an effective management and fiscal tool.

The complexity of the budgeting process is another problem. Because of modifications made to reflect the desires of the more than 300 congressional committees and subcommittees that influence it, the process has become more complicated and less comprehensible.

The fragmented nature of congressional action results in a still more serious problem. Rarely does the Congress concern itself with the budget totals or with the effect of its individual actions on those totals. Appropriations are enacted in at least 15 separate bills. In addition, "backdoor financing" in other bills provides permanent appropriations, authority to contract in advance of appropriations, authority to borrow and spend without an appropriation, and program authorizations that require mandatory spending whether or not it is desirable in the light of current priorities.

At the same time, a momentum of extravagance is speeded by requirements created initially by legislative committees sympathetic to particular and narrow causes. These committees are encouraged by special interest groups and by some executive branch officials who are more concerned with expansion of their own programs than with total Federal spending and the taxes required to support that spending. Since most programs have some attractive features, it is easy for the committees and the Congress itself to authorize large sums for them. These authorizations, however, create pressure on the appropriations committees to appropriate higher amounts than the Nation's fiscal situation permits.

Last October, the Congress enacted legislation establishing a joint committee to consider a spending ceiling and to recommend procedures for improving congressional control over budgetary outlay and receipt totals.

I welcome this effort and pledge the full cooperation of my Administration in working closely with the committee and in other efforts of the Congress toward this end.

Specific changes in congressional procedures, are, of course, the business of the Congress. However, the manner in which the Congress reviews and modifies the budget impinges so heavily on the management of the executive branch that I am impelled to suggest a few subjects that deserve high priority in the committee's deliberations, including:

—adoption of a *rigid* spending ceiling to create restraint on the total at the beginning of each annual review;

—avoidance of new "backdoor financing" and review of existing legislation of this type;

—elimination of annual authorizations, especially annual authorizations in specific amounts; and

—prompt enactment of all necessary appropriation bills before the beginning of the fiscal year.

The Congress must accept responsibility for the budget *totals* and must develop a systematic procedure for maintaining fiscal discipline. To do otherwise in the light of the budget outlook is to accept the responsibility for increased taxes, higher interest rates, higher inflation, or all three. In practice, this means that should the Congress pass any legislation increasing outlays beyond the recommended total, it must find financing for the additional amount. Otherwise, such legislation will inevitably contribute to undue inflationary pressures and thus will not be in the public interest. And it will be subject to veto.

I will do everything in my power to avert the need for a tax increase, but I cannot do it alone. The cooperation of the Congress in controlling total spending is absolutely essential.

SUMMARY OF THE 1974 BUDGET

The 1974 budget proposes an approximate balance in full-employment terms and an actual deficit that is about one-half the 1973 deficit. The 1975 budget totals I propose here would also yield a balance in full-employment terms.

THE BUDGET TOTALS

[Fiscal years. In billions]

Description	1971 actual	1972 actual	1973 estimate	1974 estimate	1975 estimate
Budget receipts		$208.6	$225.0	$256.0	(1)
Budget outlays		231.9	249.8	268.7	(1)
Deficit (−)		−23.2	−24.8	−12.7	(1)
Full-employment receipts		225.0	245.0	268.0	$290.0
Full-employment outlays [2]		228.9	247.3	267.7	288.0
Full-employment surplus or deficit (−)		−3.9	−2.3	.3	2.0
Budget authority		248.1	280.4	288.0	313.5

Description	1971 actual	1972 actual	1973 estimate	1974 estimate	1975 estimate
Outstanding debt, end of year:					
Gross Federal debt	$409.5	$437.3	$473.3	$505.5	
Debt held by the public	304.3	323.8	348.8	365.3	
Outstanding Federal and federally assisted credit, end of year:					
Direct loans	53.1	50.1	50.1	5.10	
Guaranteed and insured loans [3]	118.1	133.1	150.3	164.1	
Government-sponsored agency loans [4]	38.8	48.9	59.6	71.8	

[1] Estimates of actual receipts and outlays have not been made at this t me.
[2] In these estimates, outlays for unemployment insurance benefits and the Emergency Employment Act program are calculated as they would be under conditions of full employment.
[3] Excludes loans held by Government accounts and special credit agencies.
[4] Excludes Federal Reserve banks, but, starting in 1972, includes Export-Import Bank (previously reported as direct loans) and, starting in 1974, includes the newly authorized Environmental Financing Authority.

The full-employment budget balance in 1974 assures support for continuation of the economy's upward momentum without rekindling inflation. Greater stimulus in 1974 would be dangerous, and would put an unsupportable burden on future budgets.

Budget receipts in 1974 are estimated to be $256 billion. This is an increase of $31 billion over 1973, reflecting growing prosperity, higher personal income, and rising corporate profits. The receipts estimates also reflect the impact of tax cuts resulting from the Tax Reform Act of 1969, the new economic policy and the Revenue Act of 1971, as well as the payroll tax increases enacted to finance higher social security benefits.

Budget outlays in 1974 are expected to be $268.7 billion. The total would have been substantially greater—probably about $288 billion—had my Administration not made an extraordinary effort to hold to the fiscal guidelines of a $250

billion maximum in 1973, rather than the nearly $261 billion which otherwise would have occurred, and to full-employment balance in 1974.

Even so, this budget necessarily proposes an increase in outlays of $19 billion, or nearly 8% over the previous year. It provides amply for America's security and well-being in the year ahead.

The 1974 budget program projects full-employment outlays of $288 billion in 1975, which, together with the revenues that would be produced under existing law, will mean full-employment balance in that year.

About $288 billion of *budget authority*—the new authority to make commitments to spend—is requested for 1974. Of the total, about $173 billion will require new action by the Congress.

IMPROVING GOVERNMENT

The role of government.—The last article of the Bill of Rights says:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

The philosophy of the Founding Fathers embodied in this amendment is also my philosophy. I believe that a larger share of our national resources must be retained by private citizens and State and local governments to enable them to meet their individual and community needs.

Our goal must not be bigger government, but better government—at all levels. Our progress must not be measured by the amount of money we put into programs, but by the accomplishments which result from them.

One of my first acts as President was to direct that an intensive review be made of our federal system of government. We found that:

—the executive branch was poorly organized to accomplish domestic program objectives;

—State and local governments often could not meet the basic needs of their citizens; and

—Federal programs to assist State and local governments had become a confusing maze, understood only by members of a new, highly specialized occupation—the grantsmen.

My Administration has developed a comprehensive strategy for dealing with these problems through restructuring the executive departments and revitalizing the federal system.

A restructured Federal Government.—A thorough overhaul of the Federal bureaucracy is long overdue, and I am determined to accomplish it.

As the role of government has grown over the years, so has the number of departments and agencies which carry out its functions. Unfortunately, very little attention has been given to the ways in which each new unit would fit in with all the old units. The consequence has been a hodgepodge of independent, organizationally unrelated offices that pursue interrelated goals. As a result, able officials at all levels have been frustrated, public accountability has been obscured, and decentralization and coordination of Federal operations have been impeded. This overlapping of responsibilities has increased the costs of government. It has generated interagency conflict and rivalry and, most importantly, it has imposed inexcusable inconvenience on the public that is supposed to be served.

To help remedy this situation, I proposed to the Congress in 1971 that the executive branch be restructured by consolidating many functions now scattered among several departments and agencies into four new departments. These new departments would be organized around four major domestic purposes of government: community development, human resources, natural resources, and economic affairs—thus consolidating in a single chain of command programs that contribute to the achievement of a clearly stated mission. Under this arrangement, we will be able to formulate policy more responsibly and more responsively and carry out that policy more efficiently and more effectively. I welcome congressional cooperation in this important endeavor and will seek it in the weeks ahead. I plan now to streamline the executive branch along these lines as much as possible within existing law, and to propose similar legislation on departmental reorganization to the 93d Congress.

Meanwhile, I have already taken the first in a series of steps that will increase the management effectiveness of the Cabinet and the White House staff. I hope the smaller and more efficient Executive Office of the President will become a model for the entire executive branch.

Reorganization of the executive branch is a necessary beginning but reorganization alone is not enough.

Increased emphasis will also be placed on program performance. Programs will be evaluated to identify those that must be redirected, reduced, or eliminated because they do not justify the taxes required to pay for them. Federal programs must meet their objectives and costs must be related to achievements.

The Federal Assistance Review program, which I began in 1969, has made important progress in decentralizing and streamlining Federal grant programs. To speed the process of decentralization, improve program coordination, and eliminate unnecessary administrative complications, I have strengthened the Federal Regional Council system. These councils, working with State and local governments, have played an impressive and growing role in coordinating the delivery of Federal services.

A revitalized federal system.—Restructuring of the Federal Government is only one step in revitalizing our overall federal system. We must also make certain that State and local governments can fulfill their role as partners with the Federal Government. Our General Revenue Sharing and special revenue sharing programs can help considerably in achieving this goal. They provide our States and communities with the financial assistance they need—in a way that allows them the freedom and the responsibility necessary to use those funds most effectively.

On October 20, 1972, I signed a program of General Revenue Sharing into law. This program provides State and local governments with more than $30 billion over a 5-year period beginning January 1, 1972. This historic shift of power away from Washington will help strengthen State and local governments and permit more local decisionmaking about local needs.

Although final congressional action was not taken on my special revenue sharing proposals, I remain convinced that the principle of special revenue sharing is essential to continued revitalization of the federal system. I am, therefore, proposing the creation of special revenue sharing programs in the 1974 budget.

These four programs consist of broad-purpose grants, which will provide State and local governments with $6.9 billion to use with considerable discretion in the areas of education, law enforcement and criminal justice, manpower training, and urban community development. They will replace 70 outmoded, narrower categorical grant programs and will, in most cases, eliminate matching requirements.

The funds for special revenue sharing will be disbursed according to formulas appropriate to each area. In the case of manpower revenue sharing, an extension of existing law will be proposed. Current administrative requirements will be removed so that State and local governments can group manpower services in ways that best meet their own local needs.

The inefficiency of the present grant systems makes favorable action on special revenue sharing by the Congress an urgent priority.

Special revenue sharing, budget authority, first full year

Description:	*Billions*
Urban community development	2.3
Education	2.5
Manpower training	1.3
Law enforcement	.8
Total	6.9

As an important companion to returning responsibility to State and local governments, I proposed to the Congress in 1971 a program to provide funds to help State and local governments strengthen their management capabilities to carry out their expanded role. I am submitting this important proposal again this year.

The federal system is dynamic, not static. To maintain its vitality, we must constantly reform and refine it. The executive branch reorganization and special revenue sharing programs that I am proposing, along with continued decentralization of Federal agencies, are essential to that vitality.

BUILDING A LASTING STRUCTURE OF PEACE

Building a lasting peace requires much more than wishful thinking. It can be achieved and preserved only through patient diplomacy and negotiation supported by military strength. To be durable, peace must also rest upon a foundation of mutual interest and respect

among nations. It must be so constructed that those who might otherwise be tempted to destroy it have an incentive to preserve it.

The 1974 budget supports America's efforts to establish such a peace in two important ways. First, it maintains the military strength we will need to support our negotiations and diplomacy. Second, it proposes a sound fiscal policy that, supported by a complementary monetary policy, will contribute to prosperity and economic stability here and abroad.

Our strength, together with our willingness to negotiate, already has enabled us to begin building a structure for lasting world peace and to contribute to a general relaxation of world tensions.

—We have made substantial progress toward ending our involvement in the difficult war in Southeast Asia.

—In the past 4 years, we have concluded more significant agreements with the Soviet Union than in all previous years since World War II, including the historic agreement for limiting strategic nuclear arms.

—We have ended nearly a quarter century of mutual isolation between the United States and the People's Republic of China and can look forward to the development of peaceful cooperation in areas of mutual interest.

In this atmosphere, other nations have begun to move toward peaceful settlement of their differences.

One of the results of our negotiations, taken together with the success of the Nixon Doctrine, our substantial disengagement from Vietnam, and the increased effectiveness of newer weapons systems, has been a significant but prudent reduction in our military forces. Total manpower has been reduced by about one-third since 1968, and will be further reduced as we end the draft and achieve an All-Volunteer Force. At the same time, our allies are assuming an increasing share of the burden of providing for their defense.

As a result, defense outlays have been kept in line. In 1974, they will be substantially the same as in 1968. During the same period, the total budget has grown by 50%, and nondefense outlays have grown by 91%, or $90 billion. When adjusted for pay and price increases, defense spending in 1974 will be about the same as in 1973 and about one-third *below* 1968.

But, while this Administration has succeeded in eliminating unnecessary defense spending, it is equally determined to spend whatever is necessary for national security. Our 1974 budget achieves this goal. It assures us of sufficient strength to preserve our security and to continue as a major force for peace. Moreover, this strength will be supported, beginning this year, without reliance on a peacetime draft.

A framework for international economic progress is an important part of our efforts for peace. A solid beginning has been made on international monetary reform through our participation in the ongoing discussions of the Committee of Twenty. We will continue to press these efforts during the year ahead.

Our foreign assistance programs also reflect our intention to build a lasting structure of peace through a mutual sharing of burdens and benefits. America will remain firm in its support of friendly nations that seek economic advancement and a secure defense. But we also expect other nations to do their part, and the 1974 budget for foreign assistance is based upon this expectation.

Our goal is a durable peace that is sustained by the self-interest of all nations in preserving it. Our continuing military strength and our programs for international economic progress, as provided for in this budget, will bring us closer to that goal for ourselves and for posterity.

MEETING HUMAN NEEDS

The 1974 budget for human resources programs, like the three that have preceded it under this Administration, reflects my conviction that social compassion is demonstrated not just by the commitment of public funds in hope of meeting a need, but by the tangible betterments those funds produce in the lives of our people. My drive for basic reforms that will improve the Federal Government's performance will continue in the coming fiscal year.

Between 1969 and 1974, outlays for Federal human resources programs have increased 97%, while total budget outlays have grown by only 46%. As a result, human resources spending now accounts for close to half the total budget dollar, compared with just over one-third of the total at the time I took office.

Many solid accomplishments have resulted. Higher social security benefits are bringing greater dignity for the aged and the disabled. Better health care and better education and training opportunities, especially for the disabled, the disadvantaged, and veterans, are helping to raise the social and economic status of millions of individuals and have improved the productive capacity of the Nation as a whole. Expanded food programs are helping to assure adequate nutrition for the needy.

However, disappointments and failures have accompanied these accomplishments. The seeds of those failures were sown in the 1960's when the "do something, do anything" pressure for Federal panaceas led to the establishment of scores of well-intentioned social programs too often poorly conceived and hastily put together. In many respects, these were classic cases of believing that by "throwing money at problems" we could automatically solve them. But with vaguely defined objectives, incomplete plans of operation, and no effective means of evaluation, most of these programs simply did not do the job.

We gave these programs the benefit of every doubt and continued them while we conducted a long-needed, thorough review of all Federal human resources programs. Based on this review, the 1974 budget proposes to reform those programs that can be made productive and to terminate those that were poorly conceived, as well as those that have served their purpose.

We can and will find better ways to make the most of our human resources—through the partnership of a restructured Federal Government and strong State and local governments, and with the help of a socially committed private sector that is bolstered by a revival of individual initiative and self-reliance among our people. But only by halting the unproductive programs here and now can we assure ourselves of the money needed to pursue those programs that will get results.

Income security.—Federal income maintenance programs have expanded dramatically in the last 4 years. Cash benefits under the social security system alone will have grown from $30 billion in 1970 to $55 billion in 1974, an increase of 83%. These benefits will account for about one-fifth of *all* Federal budget outlays. Legislation enacted in calendar year 1972 alone increased these benefits by $10.5 billion, or almost 30% over 1971 benefits.

Beginning on January 1, 1974, under the terms of legislation passed last year, the Federal Government is scheduled to assume responsibility for providing a basic assistance payment for the aged, blind, and disabled. While this would require that we add a very large number of Federal employees to the Social Security Administration, I have ordered this increase held to an absolute minimum, and I will urge the Governors to seek ways of eliminating an equivalent number of positions in their States so that the overall size of government will not grow.

The 1974 budget for income maintenance programs will emphasize:

—intensified efforts to eliminate wasteful and inefficient management of welfare programs; and

—further improvement in the welfare of the aging.

The legislation that established General Revenue Sharing also set a long-needed ceiling on Federal outlays for social services. In 1969, Federal outlays for these services were less than $400 million. By 1972, States had discovered that this ill-defined program could be used to finance most public services and they were planning to make claim on about $5 billion in Federal funds.

This runaway, open-ended program was out of control. The $2.5 billion statutory limit imposed on the program, about seven times the 1969 level, will restore a measure of control. We are now emphasizing efforts to assure that this massive increase in funding is used effectively to meet the real needs of public assistance recipients for useful social services.

Education and manpower training.—Outlays in the 1974 budget for education and manpower, including those for veterans, will be $12 billion. The 1974 program is based upon a reevaluation of the Federal Government's role in these areas. The primary responsibility for most of these activities, other than those for veterans, rests with State and local governments. The proper Federal role is primarily that of helping State and local governments finance their own activities, while conducting directly those few programs that can be done efficiently and

effectively only by the Federal Government.

The 1974 budget supports such a role for the Federal Government. It provides for:

—creation of education and manpower revenue sharing programs to give State and local governments greater power in allocating resources within these vital areas;
—proposed legislation that would provide an income tax credit for tuition paid to nonpublic elementary and secondary schools;
—full funding for Basic Education Opportunity grants to provide assistance for college students;
—continued emphasis on training disadvantaged veterans;
—an increase in the work incentive program to help welfare recipients get jobs; and
—phasedown of the temporary Emergency Employment Assistance program consistent with the increase in new jobs in the private sector.

Health.—My strategy for health in the 1970's stresses a new Federal role and basic program reforms to assure that economical, medically appropriate health services are available when needed. As major elements in this strategy, the 1974 budget provides for:

—a proposal for national health insurance legislation;
—increased funding for cancer and heart disease research;
—initiation of a nationwide system of physician-sponsored Professional Standards Review Organizations to assure quality and appropriateness of care;
—reform of Medicaid and Medicare to reduce financial burdens for aged and disabled patients who experience long hospital stays and to improve program management and increase incentives for appropriate use of services; and
—increased special care units and continued improvement of outpatient and extended care benefits for veterans.

The impact of the 1974 budget will be significant. In 1974, nearly 5 million more poor, aged, and disabled persons will benefit through expanded financial support for health services. There will be continued emphasis on consumer safety. Finally, strengthened cost controls will give Americans greater protection against unreasonable medical cost increases.

Drug abuse control—During my first term, in order to meet what had become both a crime problem and a health crisis of epidemic proportions, we launched an all-out war on drug abuse. With the 1974 budget, we will continue to press that attack aggressively. Budgeted expenditures of $719 million, an increase of $64 million over 1973, will permit continued strong support for interdiction of drug traffic and for the treatment and rehabilitation of drug users.

Civil rights.—The protection of each citizen's civil rights is one of the highest priorities of my Administration. No American should be denied equal justice and equal opportunity in our society because of race, color, sex, religion, or national origin. Toward this end, the Department of Justice and other Federal agencies will be able under the 1974 budget to increase their civil rights enforcement efforts aimed at upholding this fundamental principle as follows:

—The Department of Justice will expand its efforts to coordinate the enforcement of equal access to and equal benefit from Federal financial assistance programs.
—The Community Relations Service will expand its crisis resolution and State liaison activities.
—The civil rights performance of Federal agencies will be monitored and reviewed throughout the year.
—The Equal Employment Opportunity Commission will receive additional resources to carry out its expanded responsibilities.
—The Civil Service Commission will expand its monitoring of Federal service equal opportunity.
—The Commission on Civil Rights will receive additional resources to carry out its newly granted jurisdiction over sex discrimination.

In addition, the Small Business Administration will expand its loan program for minority business by nearly one-third.

NATURAL RESOURCES AND ENVIRONMENT

The balanced development of our natural resources is essential to a healthy economy and an improved standard of living. Development inevitably brings change to our natural environment which, if not properly controlled, could impair the health and welfare of our citizens and the beauty of our surroundings. Balancing the need for development and growth with the need to preserve and enhance our environment has become a major challenge of our time.

Meeting this challenge is not solely the responsibility of the Federal Government. Heavy responsibilities fall on State and local governments, private industry, and the general public as well. This budget reflects my determination to seek a proper balance between development and preservation. It contemplates neither blind or insensitive exploitation of our natural resources nor acceptance of a no-growth philosophy. It avoids such a spurious choice and plots an orderly and reasoned course toward sensible development and environmental enhancement.

The forward thrust of our environmental programs has not been altered. We will continue vigorous enforcement of laws and Federal regulations. The Environmental Protection Agency has allotted to the States $5 billion of new authorizations to make grants for waste treatment construction. With $5.1 billion in additional funds already available for payment on new projects and projects for which the Federal Government had made prior commitments, a total of $10.1 billion has been set aside in a short period of time for waste treatment facilities. I believe that more funds would not speed our progress toward clean water, but merely inflate the cost while creating substantial fiscal problems.

Adequate supplies of clean energy are a vital concern. The resources devoted in this budget to energy research and development are one important element of the response to this problem. My initiative to demonstrate a large-scale fast breeder reactor by 1980 will be continued; and funds have been significantly increased to develop means of using other energy resources—particularly our abundant coal resources. At the same time, this budget provides funds to carry out a program for regulation of strip mining activities to minimize their adverse environmental impact.

I have long been committed to sound, multiple-use management of public lands consistent with long-term environmental preservation. My 1974 program provides both for development of new outdoor recreation opportunities accessible to our large population centers and for new wilderness areas. In addition, the budget includes funds for a program providing incentives to States to undertake regulation of private land use. This program would encourage establishment at the State level of open decisionmaking processes to insure proper consideration of the long-term environmental implications of major land use decisions.

The role of agriculture.—The American farmer wants to raise high quality products in the most efficient manner, and to receive prices that provide him a fair return on his investment. He wants a minimum of Government regulation, and recognizes the need for some protection from events beyond his control. We are working to create conditions favorable to the American farmer by expanding our world markets, stabilizing the domestic economy, and tailoring farm programs to provide both freedom of choice and reasonable earnings for farmers.

We have made some impressive progress toward these objectives. Farm income has improved; more freedom to plant has been achieved; and the costs of price support are down. Americans and the entire world have benefited from the extraordinary productivity of American agriculture. In the period ahead, we seek to use this productivity in domestic and world marketplaces in order to maintain both high farm income and reasonable consumer prices.

REFORMING COMMUNITY AND AREA DEVELOPMENT PROGRAMS

My deep commitment to providing change that works is, and must be, matched by a total determination to identify and reform or eliminate programs that have not worked. It would be irresponsible to continue spending taxpayers' money for programs that have long since served their purpose, are not working at all, or are not working sufficiently to justify their costs.

I began my efforts in community and area development with proposals for general and special revenue sharing. In 1971, I proposed a reorganization of the executive branch agencies responsible for community and area development programs—to consolidate related functions and thereby assure better management. Substantial progress in furthering com-

munity development was made last year when General Revenue Sharing became law.

The 1974 budget reflects my determination to accelerate major reforms of programs for urban development and housing, rural development, transportation, and crime prevention and criminal justice.

Urban development and housing.—During the past 4 years, the private housing industry reached, and has maintained, an unprecedented level of housing production. Early in this period the downward trend in housing production that existed in 1969 was reversed. New housing starts rose 60%, from 1.5 million in calendar year 1969 to nearly 2.4 million in calendar year 1972, a new record. While federally subsidized starts were 11% of the 1972 total, it is clear that our broad fiscal and monetary policies are the dominant factors that determined the overall level of housing production.

Throughout this period, federally assisted housing programs have been plagued with problems and their intended beneficiaries have thus been shortchanged. As a result, new commitments under those programs which have not worked well enough have been temporarily halted, pending a complete reevaluation of the Federal role in housing and of alternative ways to provide housing.

In addition, no new projects will be approved under several outmoded and narrowly focused community development programs which have not produced benefits that justify their costs to the taxpayer. Continuing to channel resources into these programs can only delay the initiation of more effective programs and policies.

The 1974 budget will:

—honor those commitments already made under housing and community development programs;

—continue the evaluation of alternative ways to help the private market satisfy the Nation's need for housing;

—continue to seek congressional approval of the Administration's Urban Community Development Revenue Sharing proposal so that new funds can begin to flow to State and local governments on July 1, 1974; and

—emphasize those programs that help State and local officials strengthen their decisionmaking and management processes, allowing responsibility to be shifted increasingly to these officials, while the Federal Government concentrates on those activities which cannot be accomplished more effectively by the private sector or other levels of government.

Despite the halt in new commitments, federally assisted activity will continue at a high level. Subsidized housing starts in calendar year 1973 will increase over the previous year, totaling 270,000. Approximately 1,800 urban renewal projects will still be active. Federal outlays on these uncompleted housing and community development projects will rise from $4.0 billion in 1973 to $4.9 billion in 1974.

Rural development.—The 1974 budget consolidates and reorients our rural development programs.

While I would have preferred that the Congress enact special revenue sharing for rural development, the Rural Development Act of 1972 provides a basis for beginning efforts consistent with the revenue sharing concept. In particular, State and local officials will have greater control in project decisions. Rural development programs as a whole will increase over last year, with loan programs growing particularly rapidly.

I intend to watch closely our experience with this new approach and then consider whether additional legislation may be needed to make it more effective.

The counterpart to proceeding with the new authorities is the consolidation, termination, or reorientation of older programs. Public works and related economic development programs of the Department of Commerce will be phased out in favor of programs established under the Rural Development Act and Small Business Administration authorities. Loans to improve rural electric and telephone service will be available on an even larger scale—but at reduced cost to taxpayers—through the loan authority of the Rural Development Act and through the new Rural Telephone Bank.

Transportation.—The Federal role in transportation is significant but limited. It must insure that national needs, such as the Interstate Highway System and airway control, are met. Otherwise, the primary responsibilities rest with the States, local governments, and the private sector, while the Federal Government provides financial support.

Last year, the Administration supported legislation that recognized this proper Federal role. It proposed providing flexibility at the State and local level in meeting mass transit and highway needs and avoiding narrow categorical grants. The legislation narrowly failed to be enacted.

I will propose legislation incorporating the same principles again this year. The legislation and this budget propose a broad $1 billion program to aid urban mass transit capital investment and sufficient funds for the Interstate Highway System to insure completion of the system in a reasonable time.

The safety of our transportation systems is a matter of paramount importance. I have directed that Federal safety efforts for all modes of transportation be intensified.

Crime prevention and criminal justice.—Helping State and local criminal justice agencies fight crime in our cities and towns continues to be a major commitment of my Administration.

Outlays for law enforcement activities will be $2.6 billion in 1974, a 7½% increase over 1973. This increase reflects my determination to enforce the laws of this country and protect the safety of all our citizens. We must make certain, however, that the programs which assist State and local criminal justice systems are not only expanded, but reformed, and that we do a better job of reducing crime and rehabilitating criminal offenders. To accomplish these goals, I propose in this budget that:

—the grants to State and local governments for law enforcement assistance be converted to a law enforcement revenue sharing program with additional funding;

—the Law Enforcement Assistance Administration continue and strengthen its national research, demonstration, and dissemination efforts to develop more effective ways of preventing crime; and

—Federal agencies intensify their efforts to fight organized crime.

Further, new and improved measures to prevent airplane hijacking will be put into effect in cooperation with the airlines and airport operators.

CONCLUSION

The respect given to the common sense of the common man is what has made America the most uncommon of nations.

Common sense tells us that government cannot make a habit of living beyond its means. If we are not willing to make some sacrifices in holding down spending, we will be forced to make a much greater sacrifice in higher taxes or renewed inflation.

Common sense tells us that a family budget cannot succeed if every member of the family plans his own spending individually—which is how the Congress operates today. We must set an overall ceiling and affix the responsibility for staying within that ceiling.

Common sense tells us that we must not abuse an economic system that already provides more income for more people than any other system by suffocating the productive members of the society with excessive tax rates.

Common sense tells us that it is more important to save tax dollars than to save bureaucratic reputations. By abandoning programs that have failed, we do not close our eyes to problems that exist; we shift resources to more productive use.

It is hard to argue with these common sense judgments; surprisingly, it is just as hard to put them into action. Lethargy, habit, pride, and politics combine to resist the necessary process of change, but I am confident that the expressed will of the people will not be denied.

Two years ago, I spoke of the need for a new American Revolution to return power to people and put the individual *self* back in the idea of *self*-government. The 1974 budget moves us firmly toward that goal.

RICHARD NIXON.

JANUARY 29, 1973.

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of January 26, 1973, the Secre-

tary of the Senate, on January 26, 1973, received the following message from the House of Representatives:

That, pursuant to the provisions of 42 United States Code 2251, the Speaker had appointed Mr. HOLIFIELD, Mr. PRICE of Illinois, Mr. YOUNG of Texas, Mr. RONCALIO of Wyoming, Mr. MCCORMACK, Mr. HOSMER, Mr. ANDERSON of Illinois, Mr. HANSEN of Idaho, and Mr. LUJAN as members of the Joint Committee on Atomic Energy, on the part of the House.

That the Speaker had affixed his signature to the enrolled joint resolution (H.J. Res. 246) providing for a moment of prayer and thanksgiving and a National Day of Prayer and Thanksgiving.

Pursuant to the foregoing order, the Acting President pro tempore (Mr. BIDEN) subsequently signed the enrolled joint resolution, on January 26, 1973, during the adjournment of the Senate.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, January 26, 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.

SENATE RESOLUTION 42—NAMING SENATOR CLARK TO MAJORITY PARTY'S MEMBERSHIP ON SELECT COMMITTEE ON SMALL BUSINESS

its immediate consideration.

Mr. MANSFIELD. Mr. President, I send a resolution to the desk and ask for

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

The assistant legislative clerk read as follows:

S. RES. 42

Resolution naming Mr. Clark to the majority party's membership on the Select Committee on Small Business

Resolved, That Mr. Clark of Iowa be, and he is hereby, assigned to service on the Select Committee on Small Business, to fill a vacancy on that Committee.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

PEACE IN VIETNAM

Mr. MANSFIELD. Mr. President, the Vietnamese agreements—but not the Laotian and the Cambodian—have now been signed, and the sigh of relief accompanying them has been heard around the world.

I commend Dr. Henry Kissinger for completing the arduous negotiations, and President Richard Nixon for ending the tragic war in Vietnam.

Dr. Kissinger, in his press conference last week, in a truly superb exposition, said:

Together with healing the wounds in Indochina, we can begin to heal the wounds of America.

How right he was, and how necessary it is that we take those words to heart.

I think it apropos also to state at this time that, in my opinion, President Nixon's journeys to Peking and Moscow helped to lay the foundations for this settlement because, in my judgment—and that is all it is—the People's Republic of China and the U.S.S.R. played a significant role. I would assume, in retrospect, that probably the People's Republic of China played the most important role.

Furthermore, in this postwar period, I believe that the Nixon doctrine, not only as it affects Southeast Asia but also the entire world, will become more applicable in the years ahead and will provide a basis for a noninvolvement policy in tune with the times, on the basis of our manpower, our resources, and our security.

It now appears that, at long last, this longest, most tragic, and second most costly war of all our wars is coming to an end.

The length of the war in Vietnam, based on official statistics, is 11 years and 26 days, although some would consider it longer.

The cost has been estimated at between $130 billion and $140 billion. It will rise to somewhere between $350 billion to $400 billion, inclusive, and run well into the first half of the next century. I ask unanimous consent to have printed in the RECORD at this point certain estimates bearing on this point.

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

ESTIMATES OF TOTAL COST OF AMERICAN WARS, BY RANK

[In millions of dollars, except percent]

War	Estimated ultimate costs	Estimated war costs [1]	Veterans' benefits: Original under present loans [2]	Veterans' benefits: Total costs original war costs	Veterans' benefits: Percent of costs to 1971 [3]	Estimated interest payments on war loans: Total	Estimated interest payments on war loans: Percent original war costs
World War II	664,000	288,000	290,000	100	91,767	86,000	30
Vietnam conflict [4]	352,000	110,000	[5] 220,000	[6] 200	4,700	[6] 22,000	[6] 20
Korean conflict	164,000	54,000	99,000	184	16,055	11,000	20
World War I	112,000	26,000	75,000	290	50,888	11,000	42
Civil War (Union only)	12,952	3,200	8,580	260	8,571	1,172	37
Spanish-American War	6,460	400	6,000	1,505	5,481	60	15
American Revolution	190	100	70	70	70	20	20
War of 1812	158	93	49	53	49	16	17
Mexican War	147	73	64	88	64	10	14

[1] Based on expenditures of Departments of the Army and Navy to World War I and major national security expenditures thereafter. Usually the figures begin with the year the war began but in all cases they extend 1 year beyond the end of the actual conflict. See Historical Statistics of the United States, Colonial Times to 1957, series Y 351-352 and Y 358.

[2] To World War I, estimates are based on Veterans Administration data. For World War I, World War II, and Korean conflict, estimates are those of the 1956 report of the President's Commission on Veterans' Pensions plus 25 percent (the increase in the average value of benefits since the Commission made its report).

[3] Source: U.S. Veterans Administration, Annual Report of Administrator of Veterans Affairs.

[4] Estimates based on assumption that war would end by June 30, 1970 (except for veterans benefit costs to 1971).

[5] Medium-level estimate of 200 percent (high, 300; low, 100) based on figures expressing relationship of veterans' benefits payments to original costs of other major U.S. wars.

[6] Medium-level estimate of 20 percent (high, 30; low, 10) based on figures showing interest payments on war loans as percentage of original costs of other major U.S. wars.

Source: Except as noted, U.S. Congress, Joint Economic Committee, The Military Budget and National Economic Priorities, 91st Cong., 1st sess. (Statement of James L. Clayton, University of Utah.) 972 Statistical Abstract of the United States, a U.S. Department of Commerce Publication.

Mr. MANSFIELD. Mr. President, the casualties, from January 1, 1961, through the latest date which I have just received, January 20, 1973, are as follows:

Combat wounded—303,622 Americans.

Combat dead—45,937 Americans.

American dead, not the result of hostile action—10,300.

For a total of 359,859 American casualties.

Mr. President, I ask unanimous consent to have printed in the RECORD the news release which has been given to us on a weekly basis from the office of the Assistant Secretary of Defense for Public Affairs, under date of January 25, 1973.

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

SOUTHEAST ASIA CASUALTIES STATISTICAL SUMMARY

The Department of Defense released today the cumulative casualties reported in connection with the conflict in Southeast Asia as of 20 January 1973.

U.S. CASUALTIES RESULTING FROM ACTION BY HOSTILE FORCES

Total U.S. deaths from action by hostile forces is the sum of the following categories: Killed in Action, Died of Wounds, Died While Missing, and Died While Captured. Lines 1 through 4 subdivide casualties by cause or category. Line 5 provides an additional breakdown of the same totals by environment (air or ground). Totals are cumulative from 1 January 1961 through 20 January 1973.

	Army	Navy[1]	Marine Corps	Air Force	Total
1. Killed	25,371	1,092	11,477	494	38,434
2. Wounded or injured:					
(a) Died of wounds	3,516	146	1,451	48	5,161
(b) Nonfatal wounds:					
Hospital care required	96,800	4,178	51,391	931	153,300
Hospital care not required	104,718	5,897	37,202	2,505	150,322
Total					303,622
3. Missing:					
(a) Died while missing	1,689	187	5	440	2,321
(b) Returned to control	54	5	2	35	96
(c) Current missing	258	140	96	722	1,216
4. Captured or interned:					
(a) Died while captured or interned	15	1	3	2	21
(b) Returned to control	57	7	12	8	84
(c) Current caputerd or interned	87	169	26	309	591
5. Deaths:					
(a) From aircraft accidents/incidents:					
Fixed wing	90	166	144	761	1,116
Helicopter	2,388	66	432	75	2,916
(b) From ground action	28,113	1,194	12,360	148	41,815
Total deaths[2]	30,591	1,426	12,936	984	45,937

COMBAT DEATHS FOR OTHER FORCES IN VIETNAM, SINCE JAN. 1, 1961

Force	RVNAF[3,4]	Other free world forces	Enemy[4]
6. Total deaths	184,089	5,225	925,692

U.S. CASUALTIES NOT THE RESULT OF HOSTILE ACTION, SINCE JAN. 1, 1961

	Army	Navy[1]	Marine Corps	Air Force	Total
7. Current missing	103	1	14		118
8. Deaths:					
(a) From aircraft accidents/incidents:					
Fixed wing	276	184	46	290	796
Helicopter	1,875	55	242	19	2,191
(b) From other causes	4,995	636	1,392	290	7,313
Total deaths	7,146	875	1,680	599	10,300

[1] Navy figures include Coast Guard.
[2] Sum of lines 1, 2(a), 3(a), and 4(a).
[3] Does not include paramilitary losses.
[4] Included in adjustments from previous periods and is subject to later adjustment in turn.

Mr. MANSFIELD. Mr. President, I will not go into additional details or statistics on the devastation covering such items as napalm, defoliation, craterization, refugees, disease, drugs, and so forth, although they are available—at least in the form of estimates.

Now that we have turned a corner—one of three, because Laos and Cambodia still have to be attended to—all four parties to the agreement have claimed that they have won, they say. But everyone lost, we know, even though all parties, individually, reached the best possible agreement in the circumstances.

Older men made this war, but younger men had to fight it. Let us hope that never again will another Vietnam or another Indochina occur.

The real heroes of this war, collectively, are those who served in Southeast Asia, those Americans who died, those who were wounded, those who were captured, those who are missing in action, because they all served and gave their best for their country.

What we hope is past, let us pray is past. Let us bind up the wounds caused by this tragedy; let us endeavor to heal the divisiveness within our country. Let us re-create the ideals which made this Republic what it was and what it must be again.

Let us admit our mistakes—and that applies to nations as well as to individuals—and learn from the past so that, in remembering, we will never again repeat the mistakes of this tragedy ever again.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the Senator from Pennsylvania desire to be heard?

Mr. SCOTT of Pennsylvania. Does the Senator from Montana wish any of my time?

Mr. MANSFIELD. No.

Mr. SCOTT of Pennsylvania. Mr. President, I yield back my time.

VISIT TO THE SENATE BY SENATOR LIONEL MURPHY OF AUSTRALIA

Mr. MANSFIELD. Mr. President, we have in the Chamber at this time Senator Lionel Murphy, of Australia. He is also the Minister for Customs and the Attorney General in the present administration, under the Prime Ministership of the Honorable Gough Whitlam.

Under such men as the Prime Minister and Senator Murphy—I do not know whether I should call him a Senator or a Minister, but we will let it go at Senator because I think that is the best title anyway—we expect much in the way of bettering the relations which exist between our two great countries, Australiia in the far southwest Pacific and the United States of America.

This is Senator Murphy's third visit that I know of to this country within recent years. We are delighted to have you in this body, and we want to express to you our appreciation for all that Australia has done to cement the relationships between our two countries down through the years, and we hope and pray that that relationship will continue far into the future. We need each other and the basis of that need rests on mutual respect, mutual equality, and mutual understanding.

It is a privilege and an honor to have you in this historic Senate Chamber.

Mr. SCOTT of Pennsylvania. Mr. President, I join in welcoming Senator Murphy. Australia is one land where one never has to ask whether he is among friends; he knows it automatically. We have been friends a long time, and our friendship will continue, I am sure, for all time.

Mr. MANSFIELD. Senator Murphy.

[Applause, Senators rising.]

ORDER OF BUSINESS

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

CONTINUING AUTHORITY FOR THE COMMITTEE ON APPROPRIATIONS TO MAKE REPORTS DURING SESSIONS OF THE SENATE

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the Committee on Appropriations be, and it is hereby authorized during the 93d Congress, to report bills, including joint resolutions, and to file reports during adjournments or recesses of the Senate, on appropriation bills, including joint resolutions, together with any accompanying notices of motions to suspend rule XVI pursuant to rule XL for the purpose of offering certain amendments to such bills or joint resolutions, which proposed amendments shall be printed.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

RESIGNATION OF SENATOR McCLELLAN AS CHAIRMAN OF THE SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. McCLELLAN. Mr. President, it is with much regret that I announce my resignation as chairman of the Senate Permanent Subcommittee on Investigations. I submitted my resignation by letter to Chairman ERVIN of the Government Operations Committee on January 24, and I ask unanimous consent that a copy of my letter be printed in the RECORD at this point.

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

SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS,
Washington, D.C., January 24, 1973.

Hon. SAM J. ERVIN, Jr.,
Chairman, Government Operations Committee, U.S. Senate, Washington, D.C.

MY DEAR SENATOR ERVIN: I find that the Chairmanship responsibilities of the Committee on Appropriations are quite exacting and that they will require my almost constant attention. I am, therefore, compelled to devote a major portion of my time and attention to the duties and work of this important Committee. For me to do this, it is necessary for me to be relieved from some of my other committee responsibilities. Accordingly, I have reluctantly concluded that I must give up the Chairmanship of the Senate Permanent Subcommittee on Investigations.

As you can appreciate, my long association with this Subcommittee—having been its Chairman for the past 18 years—made it quite difficult for me to make this decision. But, as you know, the task of conducting responsible and effective investigations is, indeed, most arduous and time-consuming, and I am convinced that I can no longer give to this Subcommittee the time and consecrated efforts its proper functioning requires.

Although my long years of work as Chairman of this Subcommittee were arduous and sometimes most difficult, I believe they have been fruitful, productive, and rewarding. For example, during the 18 years of my Chairmanship of the Senate Permanent Subcommittee on Investigations and the four years during that time that I also Chaired the Senate Select Committee on Improper Activities in the Labor or Management Field, we conducted 107 separate series of hearings during 808 days in which 3,211 witnesses testified. As a consequence of these hearings, many corrective administrative actions were taken, and many new statutes have been enacted. Also, millions of dollars of unpaid taxes and of improper expenditures of public funds were recovered for the government. I would, therefore, like to believe that the work of this Subcommittee has made a valuable contribution toward greater efficiency and economy in government.

I, of course, want to retain membership on the Subcommittee and give full cooperation to my successor. However, for reasons here stated, I hereby tender my resignation as Chairman of the Senate Permanent Subcommittee on Investigations effective immediately upon your acceptance.

Sincerely yours,
JOHN L. McCLELLAN.

Mr. McCLELLAN. Mr. President, since becoming chairman of the Committee on Appropriations last August 2, I have found the immense responsibilities of this position to be most exacting and that they will require my almost constant attention and effort. Therefore, it became necessary for me to be relieved of some of my other committee responsibilities. Thus, I reluctantly concluded to give up the chairmanship of the Subcommittee on Investigations.

As my colleagues in the Senate can appreciate, my long association with this subcommittee—I have been its chairman for the past 18 years—made this decision exceedingly difficult for me. But the task of conducting responsible and effective investigations is, indeed, arduous and time consuming, and I know that I can no longer give to this subcommittee the time and continuous effort that its proper functioning requires.

Although my work as chairman of this subcommittee was demanding and often difficult—and sometimes most disagreeable—I do believe that the work of the subcommittee and the results achieved have been fruitful and productive and have thus made a valuable contribution toward greater efficiency and economy in Government.

I have retained membership on the subcommittee and shall give full cooperation to my successor, the junior Senator from Washington (Mr. JACKSON). We have served together on this subcommittee for the past two decades, and I know that he will conduct its operations with zeal, perseverance, and impartiality. Under his leadership, the future work and continued accomplishments of the subcommittee in its area of responsibility are definitely assured.

In conclusion, Mr. President, I should like to publicly acknowledge and thank my colleagues for the wonderful cooperation and support that I have received from members of this subcommittee throughout the years that I have had the honor to be its chairman. They have been most understanding and helpful. Their fine nonpartisan spirit and approach to their duties and work on the subcommittee made it much easier and most pleasant for me as chairman and also made possible the record and results the sucommittee has achieved.

Mr. President, I relinquish the chairmanship of the subcommittee with great reluctance, but I feel that it is in the interest of the work of the subcommittee, and it is necessary because of my other duties, now that I have become chairman of the Appropriations Committee.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Washington is now recognized for 15 minutes.

Mr. JACKSON. Mr. President, it has been my great privilege to serve with the senior Senator from Arkansas, JOHN L. McCLELLAN, on the Senate Permanent Subcommittee on Investigations since I first came to this body in January 1953. For 18 of those 20 years, Senator McCLELLAN served with distinction as chairman of the subcommittee and its parent, the Senate Committee on Government Operations. During 1957–60, he also served concurrently as chairman of the Senate Select Committee on Improper Activities in the Labor or Management Field—popularly known as the Labor Rackets Committee.

On August 2, 1972, Senator McCLELLAN resigned as chairman of the Committee on Government Operations to assume the chairmanship of the Committee on Appropriations. Because of the burden of legislative responsibilities associated with this position, he has decided to relinquish the chairmanship of the Permanent Subcommittee on Investigations, although he will remain a member of this important subcommittee.

I am delighted that Senator McCLELLAN will continue to serve on the Investigations Subcommittee. As his successor in the chairmanship of that subcommittee, I look forward to having his guidance and the benefit of his experience in dealing with the multitude of problems which come before us. I have worked with Senator McCLELLAN on the various investigations conducted by the subcommittee and I know from personal experience his untiring diligence, his dogged perseverance, and his unquestioned integrity.

JOHN L. McCLELLAN has been acclaimed nationally for his investigations which have exposed malfeasance, mismanagement and corruption in both governmental and private institutions. Few men have made so great a contribution to the passage of legislation and the establishment of reforms designed to correct injustice and abuse of power.

As a vigorous, able and effective investigator, the senior Senator from Arkansas has won a justly deserved reputation for judicial impartiality and fairness which has brought him the respect and admiration of his colleagues.

Mr. President, no other chairman of a congressional investigating committee in the history of the U.S. Congress has approached Senator McCLELLAN's records for tenure as chairman of both the permanent subcommittee and the Labor Rackets Committee, for number of investigations conducted, total days and hours of hearings, and numbers of witnesses heard.

He was so closely identified in the public mind with the probe of labor-management racketeering that the Labor Rackets Committee was popularly known as the McClellan Committee.

Some of the most important and significant investigations in the Nation's history were led by Senator McCLELLAN. The Labor Rackets Committee conducted a sweeping 3-year investigation that exposed widespread criminal activities and corruption.

The permanent subcommittee conducted four major investigations into or-

ganized crime, and a fifth—into the stolen securities racket—is underway. For 8 years, Senator McCLELLAN persevered with an inquiry into the TFX aircraft contract which resulted in multi-bollion-dollar savings to the taxpayers. Corruption and criminal activities in the banking industry, the Military Sea Transportation Service, the missile industry, antipoverty programs, and military service clubs in Southeast Asia have been dealt with.

A total of 135 persons involved in investigations conducted by Senator McCLELLAN have been convicted of crimes relating to cases investigated by him. High-ranking Government labor union and business officials resigned or were dismissed after disclosure of improper activities.

Savings and recoveries of governmental funds directly resulting from Senator McCLELLAN's investigations run into the billions of dollars. Mere word that the subcommittee is looking into a questionable activity has often been enough to secure remedial action.

Senator McCLELLAN's work has not only resulted in the exposure of malfeasance, misfeasance, and corruption, but also in positive legislative reforms. Almost every segment of American society has benefited from these new laws and regulations. The worker, the investor, the businessman, the bank depositor, the farmer, all have gained from the revelations, exposures and investigative efforts of the senior Senator from Arkansas.

Welfare and pension funds belonging to American workers have been protected. Their right to choose their leaders without fear has been fortified. New weapons were forged to deal with the threat of organized crime. Public attention was first focused on the illicit traffic in narcotics. Action was taken to emphasize the rehabilitation of addicts as well as to plan a comprehensive strategy to combat the drug traffic.

Mr. President, whenever Congress and the Nation have required a vigorous, able and effective investigator, Senator McCLELLAN has been there to meet the challenge. We have seen his tenacity of purpose. We have seen his devotion to duty. We have seen his impartiality. JOHN L. McCLELLAN's accomplishments and his outstanding service to the Senate and to the American people are an example for all.

Mr. President, I asked the staff to prepare a summary of Senator McCLELLAN's service as chairman of the Permanent Investigations Subcommittee and the Labor Rackets Committee from 1955 to 1973. I ask unanimous consent that this summary may be printed in the RECORD.

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

SENATOR JOHN L. McCLELLAN'S SERVICE AS CHAIRMAN OF THE SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS AND THE SENATE SELECT COMMITTEE ON IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD (1955–1973)—STAFF SUMMARY

INTRODUCTION

Senator John L. McClellan became Chairman of the Senate Permanent Subcommittee on Investigations in January, 1955, and concurrently served during 1957–1960 as Chairman of the Senate Select Committee on Improper Activities in the Labor or Management Field—popularly known as the Labor Rackets Committee.

No other chairman of a Congressional investigating committee in the history of the United States Congress has approached Senator McClellan's records for tenure as chairman of both the Subcommittee and the Labor Rackets Committee, for number of investigations conducted, total days and hours of hearings, and number of witnesses heard. During his 18 years as Chairman, the Subcommittee conducted 107 separate series of hearings in which 3,211 witnesses testified during 808 hearing days comprising 2,741 hours of hearings. Widespread malfeasance, mismanagement and corruption in both governmental and private institutions were exposed. Subsequently, sweeping reforms were instituted.

Some of the most important and significant investigations in the nation's history were made by these committees. The Labor Rackets Committee's three-year probe exposed widespread corruption and criminal activities in some of the nation's largest unions. The Subcommittee conducted four major investigations of organized crime and a fifth investigation is underway. For eight years, Senator McClellan persevered with an inquiry into the TFX aircraft program. His unrelenting determination, in the face of strong opposition from the Administrations in power, to unravel the complex dealings surrounding this project resulted in a multi-billion dollar savings to the taxpayers, and the cancellation of a Defense Department contract for the procurement of an inefficient and ineffective weapons system for the United States Navy.

Under Senator McClellan's chairmanship, the Committee and the Subcommittee established and maintained reputations for painstaking, thorough and effective investigations, as well as for objectivity and fairness.

The work of these investigative bodies has not only resulted in the exposure of malfeasance, misfeasance, and corruption, but also in positive administrative and legislative reforms. These new laws affect the entire spectrum of American society and encompass almost every aspect of national life. The worker, the investor, the business man, the bank depositor, and the farmer all have benefited from the revelations and exposures made by the committees and from the wide-ranging legislation and other remedial actions taken as a result thereof.

SUMMARY OF SELECTED INVESTIGATIONS

The work of the Labor Rackets Committee

The Senate Select Committee on Improper Activities in the Labor or Management Field was established in 1957 and quickly became known as "the Labor Rackets Committee" or "the McClellan Committee." Dozens of unions and industrial organizations were investigated during the three years of the Committee's existence.

As a result, the country became aware for the first time that, in many unions, democracy did not exist. Some leaders were corrupt. Union treasuries and pension funds were being looted. Members who protested were beaten and threatened. Wide-ranging, significant actions and reforms were taken to correct and remedy the conditions disclosed by the Committee. Many unscrupulous union leaders were forced from office—and some went to prison.

When the story of widespread misuse, misappropriation, and outright theft of union pension and welfare funds was revealed by the Labor Rackets Committee, the Congress acted promptly. It established Federal oversight over the administration of employee benefit plans and provided criminal penalties for union officials who violated their trust by enacting the Welfare and Pension Plans Reporting and Disclosure Act of 1958.

This law requires administrators of all employee welfare or pension fund plans to open up their books for examination by participants and beneficiaries. Criminal penalties were established to prevent violations of this trust.

In 1962, this disclosure law was tightened to provide tougher enforcement power for the Federal Government. Extortion or theft from employee pension and welfare funds became a Federal crime, and the Labor Department was given broad investigative and supervisory authority over union reporting.

Again, acting upon disclosures made by the Rackets Subcommittee, the Congress enacted the Labor Management Reporting and Disclosure Act of 1959—popularly known as the Landrum-Griffin Act.

The first section of this law contains an amendment by Senator McClellan which became a "Bill of Rights" for labor.

It protects the rights of working men and women by providing that: (1) union members are guaranteed equal rights and privileges in nominating and electing their officials and in determining their policies; (2) union members are guaranteed the right to assemble freely and to express their views; (3) procedures are furnished for levying dues, assessments, and initiation fees; (4) union members are allowed to commence legal actions relating to their memberships; and, (5) unfair and unwarranted discipline is prohibited.

A lasting benefit stemming from Senator McClellan's work on the Labor Rackets Committee has been the widespread knowledge that union members—abused by their leaders—could always turn to him for help and guidance. Since the Labor Rackets Committee finished its work, the Senator has received more than 250,000 letters from working men and women throughout the nation seeking his counsel in fighting corruption and in protecting their rights and benefits.

Military Sea Transportation Service

In 1961, the Subcommittee investigated charges of bribery and corruption within the Military Sea Transportation Service. It was alleged that private ship repair contractors were furnishing gifts, entertainment, and other gratuities—including cash payments—to Government employees with supervisory responsibilities. The Subcommittee's hearings demonstrated the lack of proper standards in the Brooklyn, N.Y., section of MSTS and the truth of the misconduct charges leveled against those in management positions.

This probe caused the resignation of the Service's top-ranking civilian, George Cross, who was subsequently convicted of income tax evasion. Other Navy employees resigned. One was fired. The Navy also revised its contract procedures and barred certain contractors from doing future business with it. The hearings further resulted in the resignation of two employees of the Internal Revenue Service and the initiation by that agency of a number of income tax proceedings.

Missile industry

Subcommittee hearings in 1962 disclosed that huge Defense Department contracts for missile procurement were being artificially inflated with enormous extra costs. Companies acting as weapons systems managers were generating profits on the costs incurred by their subcontractors, who in turn were generating profits on the costs incurred by their subcontractors.

Among Defense Department corrective actions taken as a result of Subcommittee disclosures were: (1) direct procurement of sub-systems by the Government; (2) effective and timely use of incentive contracts; (3) establishing a realistic basis for fees and profits for work performed by prime con-

tractors; and (4) one contractor was ordered by the Federal Renegotiation Board to return $7.9 million in excessive profits.

Billie Sol Estes Case

Billie Sol Estes, a Texas entrepreneur, had built a flimsy financial empire upon illicit and fraudulent use of cotton allotments and other Federal agricultural subsidies. The Subcommittee found evidence that the Department of Agriculture was disorganized, inefficient, and negligent in the administration of these subsidy programs. The Subcommittee also established that corruption and bribery existed. Following the hearings, a number of reforms were instituted by the Department. Estes was indicted, tried, and convicted and has served a prison term for his criminal activities.

Organized Crime—Interstate Racketeering

Under the chairmanship of Senator McClellan, the Permanent Investigations Subcommittee has been in the forefront of the fight against organized crime, gambling, narcotics trafficking, and other forms of racketeering. In 1961, as a result of hearings on organized crime, new laws were enacted.

It is now a crime to use interstate transportation or communications of any kind for the transmittal of wagering information. Also, it is now a crime to use interstate transportation for gambling paraphernalia.

Other laws enacted made it difficult for criminals to flee from prosecution or imprisonment or to carry weapons of any kind after being convicted of a felony. These measures have led to the conviction and imprisonment of hundreds of persons involved in organized crime. They are valuable weapons for the Federal Government's Organized Crime Strike Forces which are operating in various sectors of the country.

Organized Crime: Witness Joseph Valachi

The testimony given to the Subcommittee in 1963 by the late Joseph Valachi related the history of organized crime in the New York area since the late 1920's. He detailed the structure and organization of various criminal groups. For the first time, the country had an insider's story of how organized crime had evolved and how it operated. This information, which revealed the existence of a crime syndicate which Valachi called "Costa Nostra," had proved to be of utmost value to law enforcement agencies. The hearings demonstrated that organized crime poses a clear and present danger to the nation. "If it is permitted to continue unchecked, it will have a permanent impact on the whole economy," Senator McClellan said. "Law enforcement apparently needs some new weapons."

The Senator quickly spearheaded the fight to furnish these weapons. Two statutes authored by Senator McClellan—the Omnibus Crime Control and Safe Streets Act of 1968 and the Organized Crime Control Act of 1970—are milestones in the nation's fight against crime. Former Attorney General John N. Mitchell described the Organized Crime Control Act of 1970 as "one of the most imaginative and comprehensive proposals to combat organized crime ever introduced in the Congress." These laws provide special grand juries for investigating organized crime and authorize immunity in exchange for testimony. They protect witnesses from intimidation and allow for court-ordered wiretaps to penetrate organized crime networks. They also regulate the production of explosive materials, which extremist organizations were using for terrorist activities. In addition, the Law Enforcement Assistance Administration was created to upgrade local law enforcement activities and fund critically needed projects to improve criminal justice systems.

Organized crime: Illicit traffic in narcotics

In 1964, Senator McClellan conducted hearings on organized crime's role in the international traffic in narcotics and the associated problems of treatment and rehabilitation of drug addicts. This testimony foreshadowed the national crises resulting from drug abuse, which has taken an alarming human and economic toll.

Subcommittee findings led to the Senator's landmark anti-drug statute—the Narcotic Addict Rehabilitation Act of 1966—which emphasized the rehabilitation of addicts instead of punishment. This early law marked a turning point in the Federal Government's enforcement procedures and treatment of those whose drug dependence has turned them from a productive life to a life of crime. The Senator also authored the Drug Abuse Office and Treatment Act of 1971, which established a special action office for drug abuse prevention in the White House to coordinate a comprehensive strategy to fight illicit drug traffic.

TFX investigation

In the fall of 1962, Secretary of Defense Robert S. McNamara awarded the multi-billion dollar contract for the TFX fighter-bomber to the General Dynamics Corporation, although it was established prior to the award that the Boeing Company had offered an operationally superior design at a lower cost. Despite innumerable obstacles erected by the Defense Department to its investigation, the Subcommittee proved that the Pentagon had made serious mistakes in starting production of the F–111 aircraft in September, 1965, before all the research and development problems had been adequately solved.

The Subcommittee's hearings revealed that the TFX project from its inception was arbitrarily mismanaged in the Office of the Secretary of Defense. According to the Subcommittee: "The Federal Government will spend more than $7.8 billion to produce about 500 aircraft, although the original production schedule called for more than 1700 aircraft to be purchased for less money. Of the 500 planes we will have, less than 100 (F–111F's) come reasonably close to meeting the original standards. Spending so great a sum for so few aircraft represents a fiscal blunder of the greatest magnitude."

In 1967, the Subcommittee conducted special hearings on the Navy version of the TFX, in which it was disclosed that the aircraft had serious operational deficiencies which made it unsuitable for combat operations from aircraft carriers. At the urging of Senator McClellan, the Senate Committee on Appropriations cut the Pentagon's budget request for the Navy plane for the next fiscal year from $208.8 million to $147.9 million—a direct savings of about $61 million in a single year. The following year, upon his insistence, the entire Navy F–111 program was cancelled. Further cancellations of this aircraft resulted in savings of an estimated $5.2 billion. Had it not been for the Subcommittee's extensive work under the leadership of Senator McClellan, the program would have rolled disastrously onward for years, costing the taxpayers many billions of dollars for an inferior and ineffective weapons system.

Federally insured banks

In the spring of 1965, Senator McClellan conducted hearings relating to a failure of a number of banks insured by the Federal Deposit Insurance Corporation. The Subcommittee found that the reckless chartering policy for national banks during 1961–1966 resulted in an unprecedented increase in the number of such financial institutions—many of them fiscally unsound. It was found that attempts to change the closed image of the banking business only burdened the industry with increased hazards to the public interest. It also was found that proper supervision and oversight of changes in bank control were not being provided by Federal authorities.

To protect the banking industry and the public, the Subcommittee proposed new laws to curb risky bank chartering policies. As a consequence, there was enacted the Financial Institutions Supervisory Act of 1966. That same year, an investigation of small business investment corporations also was launched. Numerous instances of criminal activities and corruption were found and existing law was shown to be totally inadequate for regulating and controlling the industry. Corrective legislation which became Public Law 90–104 on October 11, 1967, was enacted.

Blackstone Rangers

In 1968, Senator McClellan's Subcommittee conducted an investigation of a $1 million Office of Economic Opportunity grant to two street gangs in Chicago for operation of a job training program. There had been a large number of similar OEO grants to other gangs throughout the country, totaling many millions of dollars.

One of the Chicago gang was called the Blackstone Rangers, whose leaders—known as "The Main 21"—were allegedly teachers and supervisors in the training program. In fact, almost all of the Blackstone Rangers' supervisors and teachers had extensive criminal records and very few of them more than elementary educations. The director of one of the training centers was described as illiterate.

Unimpeachable evidence before the Subcommittee showed that the program provided very little, if any, training in the basic educational skills; that there were high rates of absenteeism among the trainees; and that fraud and forgery were widespread in the disbursement of the Federal funds. The Subcommittee's investigation also revealed that the Blackstone Rangers, which were using a Chicago church as their headquarters, had stockpiled weapons and ammunition, were addicted to narcotics, and had planned gang wars, murders, and other crimes. Five members of the gang were convicted in Federal Court in Chicago for conspiracy to defraud the Federal Government. Indictments are pending against others on murder and robbery charges.

Military service clubs

For four years, in the late 1960's and early 1970's, the Subcommittee investigated the operation of nonappropriated fund activities of the Armed Services as part of a broader examination of corruption and racketeering related to the war in Southeast Asia. The Subcommittee found illicit operations rampant among military personnel who supervised clubs, messes, and post exchanges and among the commercial vendors with whom they did business. Gifts, bribes, kickbacks, expensive entertainment, and sex were used to influence club system managers and PX administrators to handle and promote the merchandise offered by the vendors.

The Subcommittee found that investigative agencies of the military services—even though aware of the corruption—were unable to overcome barriers to exposure raised by some senior military officers. Little action was taken by the U.S. Army on most of the alleged abuses and corruption until the Subcommittee began its own probe.

The results of its investigation were far-reaching: the Department of Defense revised its regulations, practices and policies relating to nonappropriated funds; new legislation was proposed to deter and eliminate the corruption; many persons were indicted, and several already have been convicted; ranking military officers have been retired; civilian officials dismissed; and a number of companies have been barred from further business with the Federal Government. The Army's Criminal Intelligence Division has been centralized in the Pentagon, an action aimed at achieving more efficient and comprehensive crime control in the Army. Also,

the IRS has initiated more than 100 separate criminal and civil income tax actions as a result of the investigation.

Organized crime: stolen securities

Another major investigation was launched by Senator McClellan in 1971 into the structure, activities, and effects of organized crime. The first aspect of this inquiry was concerned with a relatively new criminal activity—the theft and conversion or disposition of securities from brokerage houses, banks, and registered mails.

To date, the investigation has revealed that security thefts, counterfeiting, and forgeries—running into billions of dollars—are undermining the U.S. economy and the integrity of business. These crimes affect every segment of national life and are a product of lax security and outmoded procedures.

Testimony received by the Subcommittee clearly demonstrated that the securities industry, its allied and affiliated institutions, the airlines, the U.S. Postal Service, and the air freight industry are in need of a thorough overhauling of their security systems. Their methods of safeguarding, processing, and forwarding valuable mail, cargo, and documents must be improved.

CORRECTIVE AND REMEDIAL ACTION

The Subcommittee on Investigations normally undertakes a large number of preliminary inquiries into various matters related to its jurisdiction. Frequently, these studies never become the subjects of public or executive hearings. Often, initial efforts to check out the facts supplied to the Subcommittee result in swift corrective action. Large amounts of taxpayers' money, union members' fees and assessments, or other types of funds, have been saved through these activities without the necessity for formal hearings.

For example, in 1967, the Subcommittee received information that an Air Force contract for procurement of computers had been awarded to a certain firm at a price of $114 million, although three other firms had submitted bids of about $60 million. Following an inquiry by the Subcommittee, this contract award was withdrawn, and a new and lower bid was accepted—this one for around $60 million, a saving to the Government of $54 million.

Following the Subcommittee's exposure of widespread fraud, forgery, and outright theft of OEO funds, such grants were halted. And, in another case, more than 60 corrective actions by the Defense Department and other agencies were taken after widespread fraud was revealed in military service club and post exchange operations.

INDICTMENTS AND CONVICTIONS

A total of 135 persons involved in investigations conducted by the Subcommittee and by the Labor Rackets Committee have been convicted of crimes related to cases investigated by the Subcommittee during Senator McClellan's chairmanship. Among these were: James R. Hoffa, former president of the International Brotherhood of Teamsters; Dave Beck, Hoffa's predecessor as president of the International Brotherhood of Teamsters; Vito Genovese, a top leader of organized crime; John Dioguardi (Johnny Dio), labor racketeer and organized crime figure; George P. Cross, highest civilian official in the Military Sea Transportation Service; Jeff Fort, president of the Chicago street gang, the Blackstone Rangers; Carl M. Turner (Major General, U.S. Army, ret.), former Provost Marshal of the Army and former Chief Marshal of the United States.

Several high-ranking Government, labor union, and business officials resigned or were forced to leave after disclosure of their improper activities by the Subcommittee. Included were: two Cabinet officers, two members of Federal Commissions, an Army general, a Chief Marshal of the United States, numerous Federal office holders, the presidents and secretary-treasurers of several international unions, a judge of the Supreme Court in New York State, a municipal judge in Massachusetts, and a judge in Tennessee.

RECOVERIES AND SAVINGS OF FUNDS

Among the selected examples of savings and recoveries of funds directly resulting from investigations conducted by these Committees:

1. Several hundred thousand dollars following the Subcommittee's investigation of military textile procurement in 1955;
2. $1 million from the Subcommittee's inquiry into the export of grain to Pakistan;
3. $2 million from the Subcommitte's work on a naval spare parts operation in Philadelphia in 1959;
4. Many millions of dollars from corrective and remedial actions at missile bases followed Subcommittee exposure of waste and featherbedding in labor practices;
5. $4 million from Subcommittee disclosures of illegal union welfare fund disbursements in 1965;
6. $400,000 from the Subcommittee's probe of firms doing business with the Small Business Administration;
7. $708,157 in expenditures for FHA housing guarantees;
8. $2,250,000 from the Subcommittee's investigation of the Vietnam AID program in 1967–1968;
9. More than $5.2 billion in savings from cancellation of orders for the TFX aircraft.

CONCLUSION

When Congress and the nation have required a vigorous, able, and effective investigator, they have turned to Senator John L. McClellan. He has been equal to this great challenge. As he wrote in his book, "Crime Without Punishment,"

"We cannot, we must not, shirk our responsibility on this grave issue. This challenge can be, and it must be, faced with resolute purpose and effort. The elements of crime and corruption must not prevail. I have a profound and abiding faith that the American people can and will successfully combat this vicious evil and that the forces of law and order will ultimately triumph."

Mr. ERVIN. Mr. President, I wish to associate myself with the accurate and eloquent remarks of the distinguished Senator from Washington. As one who had the privilege of serving under Senator McCLELLAN on the Permanent Subcommittee on Investigations and the Select Committee on Improper Activities in the Labor or Management Field, I can testify that in the discharge of the duties devolving upon him as chairman of this select committee and this regular subcommittee, Senator McCLELLAN has at all times displayed infinite industry, complete intellectual integrity, and unsurpassed courage.

As a result of his activities as chairman of the Permanent Subcommittee on Investigations of the Committee on Government Operations and as chairman of the Select Committee on Improper Activities in the Labor or Management Field, Senator McCLELLAN has made all law-abiding American citizens his debtor.

I cannot praise him too highly. I welcome this opportunity to speak these few words.

Mr. ALLEN. Mr. President, long before I came to the Senate the distinguished senior Senator from Arkansas (Mr. McCLELLAN) was one of my heroes in public service. What an impregnable fortress of character, honor, and bravery he has been through the years. If any man deserves the characterization "man against crime," Senator McCLELLAN does. He has been the man against crime in the entire country, not just in the Senate.

He has rendered a great public service as chairman of the Permanent Subcommittee on Investigations and as chairman of the Committee on Government Operations. He has all the qualities that are necessary for the proper and effective discharge of duties of chairman of that important subcommittee.

He has ability, dedication, zeal, courage, effectiveness, impartiality, and above all, character. He has stood for law and order in this country long before it became an effective official slogan shibboleth. He has done something about it.

The record that he has set as chairman of the full Committee on Government Operations and the Permanent Subcommittee on Investigations will long be remembered in this country. It is a credit to this great Senate, it is a credit to the fine State of Arkansas, and it is a credit to the Nation. The Senate, Congress, and the Nation owe a great debt of gratitude to the distinguished Senator from Arkansas for the great job he has done in this field.

Mr. MANSFIELD. Mr. President, I wish to join with my colleagues in expressing my appreciation to the distinguished Senator from Arkansas for the many fine achievements he has obtained to bring about a bettering of the life of this country and for making all Americans more secure.

We have worked closely—very closely—on anticrime legislation. One of my disappointments in the last Congress was that the omnibus bill dealing with criminal victims which was the child of the distinguished Senator from Arkansas, while passing this body—nearly unanimously as I recall—did not get to first base in the House of Representatives. We have worked especially closely on that portion of the omnibus bill which had to do with the compensation of victims of crime because we felt that victims had constitutional rights just as those who were alleged to have committed the crimes. The Senator from Arkansas had the bill reported out of the Committee on the Judiciary and steered it to its overwhelming success in the Senate.

I hope, in spite of the fact that his duties will be arduous again this year, as they have been in past years, in spite of his new and added responsibilities as chairman of the Committee on Appropriations, that he will once again seek to revive the omnibus anticrime bill, which passed this body last September—I repeat, overwhelmingly—so that once again we will have it before us and that this time we will be more successful as far as the other body is concerned.

I can well understand why the distinguished Senator from Arkansas feels he must shed some of the responsibilities, and I appreciate the fact also that his place is being taken by the distinguished Senator from Washington (Mr. JACKSON), who has had plenty of experience, who knows how this committee operates, and who, in my opinion, will carry on in the same dignified fashion, who will conduct

the affairs of that committee with integrity and dedication, and who, in his turn, will in that area make tremendous contributions to the annals of the Senate, but, more important, to the security and welfare of the people of this country.

Mr. JACKSON. I thank the able majority leader for his most generous comments.

I now yield to the distinguished senior Senator from Rhode Island, who has long served with the Senator from Arkansas on the Appropriations Committee.

Mr. PASTORE. Mr. President, I deem it an honor to echo the fine tributes that have been showered upon our distinguished colleague from Arkansas (Mr. McCLELLAN). I do not serve on the Government Operations Committee, but I long have been associated with him on the Appropriations Committee, serving at times on the same subcommittees of which he was chairman. Now, of course, he is chairman of the full committee.

I must say I do not think any man in this body more clearly exemplifies a sense of fairness, compassion, and understanding, or is more imbued with the public interest and concern for a wholesome society, than our dear friend from Arkansas. I can understand why he has decided to relinquish some of his burdens, because he has accepted tremendous responsibility as chairman of the Appropriations Committee. I do not think there is any other responsibility that takes more time and demands more dedication and assiduous work than making sure that every dollar that is paid by a taxpayer is properly spent. In that regard I do not think that Senator McCLELLAN has either had a peer in this body ever before or has one now.

We naturally and deeply regret the fact that he leaves the high responsibility in relation to his duties as chairman of that subcommittee of the Government Operations Committee, where he made such a fine record. I want to say at this juncture that it was always a privilege for me to vote for every recommendation he has ever made out of that committee, whether it had to do with organized crime, crime in the streets, or aid to those who are victims of crime in the streets. It has always been a pleasure because one knew that when he supported JOHN McCLELLAN, he was on the right side for our society.

So we regret the fact that he is stepping down, and I think this ought to be a time for congratulations here, speaking the gratitude of the people of our country, for the excellent job he has done. Now the mantle of that responsibility falls on the shoulders of our dear friend, the distinguished Senator from Washington (Mr. JACKSON). I have a tremendous respect and affection for Senator JACKSON. He and I have been associated on the Joint Committee on Atomic Energy for a long, long time, and I do not know of any occasion when we have disagreed.

And so, to those two gentlemen, I merely want to say, may they continue long in service in this body. May they continue their splendid labors. May the good Lord give them the health and the strength to carry on.

Mr. JACKSON. Mr. President, I want to thank the distinguished senior Senator from Rhode Island for his kind comments. It has been a real pleasure to work with him actually now for 22 years on the Joint Committee on Atomic Energy.

I now yield to the distinguished senior Senator from Connecticut (Mr. RIBICOFF), who is a senior member of the parent committee, the full Committee on Government Operations, and has served so long on the Permanent Subcommittee on Investigations.

Mr. RIBICOFF. Mr. President, I join my colleagues in honoring Senator McCLELLAN for the distinguished record he has compiled as chairman of the Permanent Subcommittee on Investigations of the Government Operations Committee. He served as chairman of the subcommittee for 18 years, longer than any other Senator in the history of the subcommittee. During this time, the subcommittee conducted 107 separate series of hearings, covering 808 days.

Senator McCLELLAN has led landmark subcommittee investigations into organized crime, labor racketeering, and Government procurement. Senator McCLELLAN has been a thorough investigator, but he has always been fair to the subcommittee witnesses and others involved in the investigations.

The subcommittee investigations have produced several historic bills. Among them are the Welfare and Pension Plans Reporting and Disclosure Act of 1958, the Labor Management Reporting and Disclosure Act of 1959, and the Organized Crime Control Act of 1970.

Mr. President, due to his responsibilities as chairman of the Appropriations Committee, Senator McCLELLAN is relinquishing his chairmanship of the Permanent Subcommittee on Investigations. But he leaves a great deal of accomplishment which he and those who have served with him on the subcommittee can be proud. Fortunately, he will remain a member of the subcommittee so that we will have the benefit of his experience and wise counsel.

In conclusion, Mr. President, I would like to add a personal note. I have served on the Permanent Investigations Subcommittee with Senator McCLELLAN the past 7 years. During that time I have come to admire and respect his great ability and sense of fairness. It has been a privilege and an honor for me to participate with him in the important work of this subcommittee.

I am sure that the distinguished Senator from Washington (Mr. JACKSON) will carry on as new chairman in the same great tradition. I look forward to serving with Senator JACKSON on this important subcommittee.

Mr. ROBERT C. BYRD. Mr. President, I yield such time as he may require to the distinguished Senator from Kentucky (Mr. HUDDLESTON).

Mr. HUDDLESTON. I thank the Senator very much. I appreciate the distinguished Senator from West Virginia offering me this opportunity to add my congratulations and praise for the work that has been done and continues to be done by the senior Senator from Arkansas (Mr. McCLELLAN) and the junior Senator from Washington (Mr. JACKSON).

As one who has just been appointed to the Permanent Subcommittee on Investigations of the Government Operations Committee, I stand in awe of the truly great record the subcommittee has established over the years under the outstanding chairmanship of the Senator from Arkansas and while I was not a member of that committee, nor of this body, during that long period of service, I have followed with great interest the activities of that subcommittee under the leadership of the Senator from Arkansas (Mr. McCLELLAN).

I dare say almost everyone in this country is familiar with the subcommittee's courageous investigations of organized crime and racketeering. In fact, the Permanent Subcommittee on Investigations took an interest in combating crime and lawlessness long before law and order became a national concern. This Nation truly owes Senator McCLELLAN a debt of eternal gratitude.

I am also sure, Mr. President, that we can look forward to a continuation of this outstanding record under the chairmanship of Senator JACKSON, who is by any measure one of the most diligent and hard-working Members of the Senate.

It is noteworthy that the subcommittee will also assume responsibilities in the field of national security, an area in which the Senator from Washington is an acknowledged expert.

The Nation owes much to these two outstanding Senators and I join the whole country in their praise.

Mr. ROBERT C. BYRD. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator from West Virginia has 7 minutes remaining.

Mr. ROBERT C. BYRD. Mr. President, I yield to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, I thank the distinguished majority whip. I shall be very brief so there will be time remaining for the distinguished Senator from Arkansas.

Mr. President, I rise to emphasize that there are no party lines in this body when it comes to esteem and admiration for the distinguished Senator from Arkansas. I shall not repeat or re-echo what has already been said. However, I can register enthusiastic agreement with what has been said often observing the performance of the Senator from Arkansas from three vantage points of experience.

I do so in my capacity as one of the leaders on this side of the aisle. I do so as one who formerly served as a member of the Subcommittee on Permanent Investigations. And I do so as one whose name is closely associated with a labor-management reform bill, the Landrum-Griffin Act. That legislation would not be in existence today had it not been for the leadership and the diligent work of the Senator from Arkansas (Mr. McCLELLAN) when he chaired the select committee on improper activities in the labor-management field.

The Landrum-Griffin Act was the result—the end product, so to speak—of

those intensive and comprehensive investigations. I believe history has already demonstrated that the legislation was needed and that it has been helpful to workers and their unions.

So, I join today in the salute being extended to the able Senator from Arkansas—a tribute that is most appropriate and fitting.

Mr. ROBERT C. BYRD. Mr. President, how much time do I have remaining?

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

Mr. ROBERT C. BYRD. Mr. President, I yield now to the Senator from Arkansas.

Mr. McCLELLAN. Mr. President, I am of course highly gratified. I am also greatly humbled by the remarks of commendation by my distinguished colleagues. I am most grateful to our distinguished majority leader and to the able Senator who succeeds me as chairman of the permanent Subcommittee on Investigations and to all of my colleagues who have spoken here in response to my statement of resignation.

After all, it makes one feel that hard work and dedication and the effort that is given sometimes under not always pleasant circumstances nevertheless have their reward. And to me, just to know that my colleagues have appreciated our labors is a recognition that the work has been worthwhile. That is to me a tremendous reward and one that I cherish.

I thank each one of the Senators.

EXPRESSION OF GRATITUDE FOR THE END OF THE VIETNAM WAR AND THE HOPE FOR AN ENDURING PEACE BY HAWAIIAN STATE SENATE

Mr. MANSFIELD. Mr. President, I am in receipt of a resolution from the senate of the State of Hawaii. It is Senate Resolution No. 26.

The resolution is entitled "On Behalf of the People of Hawaii to President Richard M. Nixon and the Congress of the United States Expressing Gratitude for the End of the Vietnam War and Hope for an Enduring Peace." It was adopted on the 24th day of January, 1973.

I ask unanimous consent that the resolution be printed in the RECORD at this point.

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

SENATE RESOLUTION NO. 26

On behalf of the people of Hawaii to President Richard M. Nixon and the Congress of the United States expressing gratitude for the end of the Vietnam War and hope for an enduring peace

Whereas, on January 23, 1973, President Richard M. Nixon announced that agreement has been reached signaling the end of the war in Vietnam and the release of all Americans held prisoners of war; and

Whereas, the Vietnam war marks a tragic chapter in the history of the United States, resulting in great loss of human lives and resources and disrupting the unity of spirit and purpose of its people; and

Whereas, no other State of the Union has been closer and more deeply affected by the Vietnam war than the State of Hawaii, its sons killed or wounded in Vietnam, in proportion to its small population, far outnumbering that of any other state; and

Whereas, the efforts of the President and the urgings of Congress have at long last come to fruition with an agreement calling for the cessation of hostilities and providing the basis for a lasting peace in Indochina; and,

Whereas, it now remains for the American people to rededicate themselves, to insure peace, reconstruction and reconciliation of the war ravaged nations of Indochina; now, therefore,

Be it resolved by the Senate of the Seventh Legislature of the State of Hawaii, Regular Session of 1973, that it express to the President and Congress of the United States the heartfelt gratitude of the people of Hawaii for bringing an end to the war in Vietnam and urge upon the President and Congress to devote every effort towards an honorable and lasting peace; and

Be it further resolved that duly authenticated copies of this Resolution be sent to President Richard M. Nixon and to Hawaii's Congressional delegation for transmission to the United States Senate and House of Representatives.

THE NATIONAL STUDY COMMISSION UNDER THE FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1972—APPOINTMENTS BY THE VICE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. NUNN). The Chair, on behalf of the Vice President, pursuant to Public Law 92-500, appoints as members of the National Study Commission under the Federal Water Pollution Control Act Amendments of 1972 the following Senators from the Committee on Public Works: the Senator from West Virginia (Mr. RANDOLPH), the Senator from Maine (Mr. MUSKIE), the Senator from Texas (Mr. BENTSEN), the Senator from Tennessee (Mr. BAKER), and the Senator from New York (Mr. BUCKLEY).

ORDER FOR SENATE TO GO INTO EXECUTIVE SESSION AT 1:30 P.M. TODAY AND FOR A PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session today at 1:30 p.m., rather than at 1 p.m., as previously ordered, and that the intervening time following the remarks of the Senator from Missouri and the hour of 1:30 be for the transaction of routine morning business with statements limited therein to 3 minutes.

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

Mr. ROBERT C. BYRD. Mr. President, this is with the understanding that this order will have no effect on the previous order requiring a vote on the nomination at 2:30 p.m. today.

The ACTING PRESIDENT pro tempore. That is the understanding of the Chair.

ORDER OF BUSINESS

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

THE WAR POWERS BILL

Mr. EAGLETON. Mr. President, last week I joined with Senators JAVITS and STENNIS to reintroduce the war powers bill, which passed this body during the last session by a vote of 68 to 16. Since that bill passed the Senate on April 13, 1972, public awareness of the issue involved—the constitutional power of Congress to declare war—has been greatly enhanced. The war powers question is no longer only a matter of concern to scholars and Members of Congress, it is now actively discussed by citizens from all walks of life who, in their elation that peace has finally come, are also resolved that America must avoid future Vietnams.

Now—as we finally rid ourselves of the most unpopular, the most tragic war of our history—is the time to give new life to the institutions created by the Founding Fathers to help us guard against the inadequacies of human decisionmaking. If we fail to grab this moment—if we fail to mold the concern of our citizens into much needed institutional reform, we risk the possibility that time will erase the pain of Vietnam from the American conscience.

I therefore consider the matter of war powers legislation to be at a critical juncture, and I move today to begin an erstwhile and hopefully constructive dialog to resolve differences of approach and to create legislation that will help us to regain the proper constitutional prerogatives of Congress. We must begin now to discuss the issues that divide us and resolve them—soon. Each day Congress lets pass without legislation—each day we fail to challenge the President's claim to broad powers—each day we bog ourselves down with personalized legislative formulas is a day lost in the effort to halt the ever-increasing accumulation of power in the executive branch.

I would like today, therefore, to refer to remarks in the CONGRESSIONAL RECORD of January 20 by Representative CLEMENT ZABLOCKI when he inserted an article by Representative DANTE FASCELL. That article commented on a guest editorial entitled "Whose Power Is War Power?" which I contributed to the fall edition of the quarterly Foreign Policy. These two distinguished legislators are sponsors of a revised House war powers resolution, House Joint Resolution 2.

Mr. President, I ask unanimous consent that my editorial and the additional commentary by Senators STENNIS, GOLDWATER, and Representative FASCELL be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. EAGLETON. In addition, Mr. President, I ask unanimous consent that a letter to the editor of Foreign Policy from Dr. Jack M. Schick which appeared in the winter edition, be printed in the RECORD.

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

(See exhibit 2.)

Mr. EAGLETON. These commentaries on the war powers legislation proposed by Senator JAVITS, Senator STENNIS, and

myself will provide my colleagues with the full spectrum of views on this important legislation.

Representative FASCELL's article concerns the 30-day period established in the Senate bill as a limitation on the President's use of the emergency powers specified by that bill. Representative FASCELL voices his concern about this limitation in the following passage:

Because of the pressure of the 30-day limitation, after taking an authorized and defined emergency action, the President, undoubtedly, will promptly seek congressional approval.

The sheer impetus and power of the presidential commitment in a national emergency is well known; mix in the weight of the presidential request to the Congress for the expedited consideration; sprinkle liberally with the equally well known attitude of the President's party and the Congress to "rally 'round the flag." Result—a predictable legislative approval of the presidential action achieved at an almost automatic cycle.

The argument is made that it is better for the Congress to act than not to act even though the price predictably might be pro forma action.

Representative FASCELL is concerned that Presidents may abuse the spirit of cooperation they receive from Congress during periods of national emergency such as happened following the Gulf of Tonkin incident. At that time Congress approved broad powers enabling the President to engage the enemy by whatever means necessary within the entire SEATO area.

Before confronting the issue Representative FASCELL has raised, I would like first to establish the premise which both the sponsors of the Senate and House bills share—that the President has certain emergency powers as Commander in Chief to repel attacks. The extent of those powers is, of course, subject to legitimate debate, but the fact that the Commander in Chief has the power—and even the responsibility—to repel attacks has been well established by historical and judicial precedent. Moving from this premise, the drafters of both bills then seek to establish a procedure which would bring Congress into the decisionmaking process at the earliest possible moment in an emergency situation.

The choice of a 30-day period was, frankly, an arbitrary one. In an earlier draft of my war powers bill I had even considered extending the period established by the original Javits bill to 60 days. I finally decided, however, that the 30-day period would be adequate since the limitation period could be either reduced or extended by congressional action, depending on the circumstances. I determined that the ability to take such action is a sufficient safeguard against the pressures described so well by Representative FASCELL in his article.

It is important to look upon the 30-day limitation period not as a requirement for positive congressional action within that period, but rather as a limitation placed on presidential authority. If no action is taken by Congress, the President's authority then expires. This important distinction has the effect of placing the burden of proof on the President's shoulders. He must demonstrate why Congress should take any action at all within 30 days.

I believe that rather than encouraging "a predictable legislative approval—at an almost automatic cycle," the 30-day limitation would impose the sobering pressures of accountability on this body if we should decide to extend the President's emergency authority. Individual Members of Congress would not only feel the normal public pressure to support the President in an emergency, but would also feel the heavy responsibility of establishing parameters for that authority. This would work to assure that the resolution granting extended authority contains sufficient checks to return the matter to Congress for further consideration at a specified date.

If such a continuing resolution is warranted, it would necessarily recognize that the defensive emergency action being authorized could develop into the offensive character of war. To assure that Congress becomes involved in the decision to pursue and define or, alternatively, to reject that war, it will have to include adequate consultation and reporting procedures in its continuing resolution.

The revised House bill has included an excellent consultation and reporting mechanism to bring Congress into the decisionmaking process after the President implements his emergency authority. This procedure in no way conflicts with our effort to impose a 30-day limitation on such authority. I would foresee such consultation and reporting language as being included in any resolution adopted by Congress within 30 days, if continuing authority is warranted.

The war powers issue has been considered by the courts to be largely a political issue because of the absence of any clear legal definition of the respective roles of Congress and the President. The judicial branch will continue its reluctance to become involved in this area if the legislation we pass into law is sufficiently vague to permit broad Presidential discretion in his use of the Armed Forces in emergency situations.

I believe that the only sure check that can be placed on the President's emergency authority is the careful codification of that authority in the first instance, and the quantitative limitation of it in the second.

Mr. President, I ask unanimous consent that the text of the House bill, House Joint Resolution 2, be printed in the RECORD at this point.

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

H.J. RES. 2

Joint resolution concerning the war powers of Congress and the President

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This measure may be cited as the "War Powers Resolution of 1973".

PURPOSE OF POLICY

SEC. 2. The Congress herewith reaffirms its powers under the Constitution to declare war. At the same time, the Congress recognizes that the President in certain extraordinary and emergency circumstances has the authority to defend the United States and its citizens without specific prior authorization by the Congress.

EMERGENCY USE OF THE ARMED FORCES

SEC. 3. In the absence of a declaration of war by the Congress, the Armed Forces of the United States may be introduced in hostilities, or in situations where imminent involvement in hostilities is clearly indicated, only—

(1) to respond to any act or situation that endangers the United States, its territories or possessions, or its citizens or nationals when the necessity to respond to such act or situation in the judgment of the President constitutes an extraordinary and emergency circumstances as do not permit advance Congressional authorization to employ such forces; or

(2) pursuant to specific prior authorization, by statute or concurrent resolution of both Houses of Congress.

CONSULTATION

SEC. 4. The President, when acting pursuant to the provisions of section 3 of this resolution, should seek appropriate consultation with the Congress before introducing the Armed Forces of the United States into hostilities, or in situations where imminent involvement in hostilities is clearly indicated. Consultation should continue periodically during such armed conflict.

REPORTING

SEC. 5. In any case in which the President without a declaration of war by the Congress—

(1) commits United States military forces to armed conflict;

(2) commits military forces equipped for combat to the territory, airspace, or waters of a foreign nation, except for deployments which relate solely to supply, repair, or training of United States forces, or for humanitarian or other peaceful purposes; or

(3) substantially enlarges military forces already located in a foreign nation;

the President shall submit promptly to the Speaker of the House of Representatives and to the President pro tempore of the Senate a report, in writing, setting forth—

(A) the circumstances necessitating his action;

(B) the constitutional, legislative, and treaty provisions under the authority of which he took such action, together with his reasons for not seeking specific prior congressional authorization;

(C) the estimated scope of activities; and

(D) such other information as the President may deem useful to the Congress in the fulfillment of its constitutional responsibilities with respect to committing the Nation to war and to the use of the United States Armed Forces abroad.

CONGRESSIONAL ACTION

SEC. 6. Whenever a report is submitted by the President pursuant to this resolution, both Houses of Congress shall proceed immediately to the consideration of the question of whether Congress shall authorize the use of the Armed Forces of the United States and the expenditure of funds for purposes relating to those hostilities or imminent hostilities cited in the report.

Whenever the Speaker of the House and the President pro tempore of the Senate receive such a report and the Congress is not in session, the President shall convene Congress in order that it may consider the report and take appropriate action.

EFFECTIVE DATE AND APPLICABILITY

SEC. 7. This resolution shall take effect on the date of its enactment. Nothing in this resolution is intended to alter constitutional authority of the Congress or of the President, or the provisions of existing

treaties. At the same time nothing in this resolution should be construed to represent congressional acceptance of the proposition that Executive action alone can satisfy the constitutional process requirement contained in the provisions of mutual security treaties to which the United States is a party.

Mr. EAGLETON. During the last session Senator FULBRIGHT attempted to amend the War Powers Act to substitute the following clause for the codified emergency provisions:

To respond to any act or situation that endangers the United States, its territories or possessions, or its citizens or nationals when the necessity to respond to such act or situation in his judgment constitutes a national emergency of such a nature as does not permit advance congressional authorization to employ such forces . . .

Senator FULBRIGHT'S rationale for wanting to drop the detailed definition of authority contained in the Senate bill is much the same as that expressed by the sponsors of the new House bill. In introducing his amendment last year Senator FULBRIGHT said the following about the codified approach:

The difficulty I have with this approach is that by specification, the language may by implication have the unintended effect of giving more power to the President than is withheld . . . In short, the language of Section 3 in the war powers bill makes it possible for the President to cite fairly specific authority for the widest possible range of military initiatives.

Ironically, Senator FULBRIGHT, the sponsors of the House bill and the sponsors of the Senate bill have expressed the same concern—that the President not be given more authority than he is entitled to under the Commander-in-Chief clause. I believe, however, that the generalized language of the House bill will give the President a discretionary judgment that will allow him to continue to construe his powers in a very liberal manner.

By carefully defining those powers in the Senate bill we not only limit them, we also permit ourselves to assess his action against a very specific legal citation.

Mr. President, as I said at the outset of these remarks, it is time to resolve the differences in approach to war powers legislation so that Congress can stand as one in resolving this important constitutional issue. As one of the principal authors of the Senate bill, I have attempted today to open a dialog that will hopefully serve to bring us closer together in our common goal.

Our participation in the Vietnam conflict is over, thank God, but the challenge it has presented to our system of government will remain until we make the institutional reforms necessary to help us avoid such tragic involvements in the future.

EXHIBIT 1

WHOSE POWER IS WAR POWER?

(By Thomas F. Eagleton)

"It should be difficult in a republic to declare war; but not to make peace." These words of Justice Joseph Story in 1833 express a fundamental principal of our Constitution.

Yet in Vietnam, war came easy and peace comes hard. The decisions that committed our nation to war form a miasma of television speeches from the oval office, public chauvinism and congressional acquiescence.

Our route into the Vietnam quagmire is strewn with the debris of false hopes and false assessments, of over-optimism and miscalculation, of poor strategic planning and poor tactical execution—of a disregard for the real national interest of the United States.

And, as I look back on the events that led to Vietnam, I think that there is also another theme—one which forms part of a recurring conflict in American history: the vital question of relations between Congress and the President. In short, who has the power to declare war? Did the institutions established by our Constitution fail us, or were they gradually abandoned over time? Today, as we look forward hopefully to the post-Vietnam era, is the time to examine these vital questions.

The Great Depression and World War II thrust America into a decade of constant crisis. The crises of this period seemed to require an extraordinary concentration of power. Franklin D. Roosevelt was well qualified to assume this power, and to consolidate and expand the role of the Executive. Since then, the Executive's power has grown as Congress' role has declined.

The trend toward increased Presidential power might have proceeded uninterrupted but for a minor war in a far-off Asian country which was transformed by Presidential initiative into a major—and unsuccessful—engagement of American forces. The institutions created by our Founding Fathers to filter and check the fallibility of human decision-making had failed.

From 1955 until 1964, as U.S. military involvement in Indochina grew, most of the various U.S. quasi-military activities were not disguised. During this period, there was no effort by a President to seek authorization for his actions. Congress seemed unconcerned with the usurpation of its power, and continued unquestioningly to appropriate funds for the Vietnam war. After all, the conflict was not going too badly. It was not inordinately expensive. And, in line with the new Kennedy doctrine of "flexible response," it constituted an important experiment in limited warmaking and in the training and support of foreign forces to participate in the worldwide struggle against Communist-dominated "wars of national liberation."

Then came the Gulf of Tonkin incident. Again, Congress was not consulted before the response. On the day after the event, the President presented Congress with certain facts regarding the incident and asked Congress for its complete support. Both Houses approved a vaguely worded and ill-defined White House draft which became known as the Gulf of Tonkin Resolution. There were only two dissenting votes in the Senate—those of Wayne Morse and Ernest Gruening.

The resolution stated, in part:

The Congress approves and supports the determination of the President as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

The United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured.

Despite anguished protestations in retrospect, I think that Congress should have known what power it was delegating to the President at the time it passed the Tonkin Gulf Resolution. Senator Morse tried desperately to warn Congress that it should not grant the President a broad "predated declaration of war." The record of debate also contains the following colloquy between Senator Fulbright, Chairman of the Foreign Relations Committee and floor manager for the Resolution, and Senator Brewster:

Mr. BREWSTER. My question is whether there is anything in the resolution which would authorize or recommend or approve the landing of large American armies in Vietnam or in China.

Mr. FULBRIGHT. There is nothing in the resolution, as I read it, that contemplates it. I agree with the Senator that that is the last thing we would want to do. However, the language of the resolution would not prevent it. It would authorize whatever the Commander in Chief feels is necessary. It does not restrain the Executive from doing it. Whether or not that should ever be done is a matter of wisdom under the circumstances that exist at the particular time it is contemplated. This kind of question should more properly be addressed to the Chairman of the Armed Services Committee. Speaking for my own committee, everyone I have heard has said that the last thing we want to do is become involved in a land war in Asia; that our power is sea and air, and that this is what we hope will deter the Chinese Communists and the North Vietnamese from spreading the war. That is what is contemplated. The resolution does not prohibit that, or any other kind of activity.

Later that day, Senator Fulbright and Senator John Sherman Cooper discussed the meaning of the Resolution:

Mr. COOPER. Then, looking ahead, if the President decided that it was necessary to use such force as could lead to war we will give that authority by this resolution?

Mr. FULBRIGHT. That is the way I would interpret it. If a situation later developed in which we thought the approval should be withdrawn, it could be withdrawn by concurrent resolution. (Emphasis added.)

In 1964, no member of Congress thought that within a year American planes would be flying daily bomb runs over North Vietnam, or that thousands of American troops would be engaged in "search and destroy" missions in South Vietnam or constructing American base camps throughout that country. Even President Johnson probably had no idea that the limited military operation in South Vietnam would soon blossom into a $300 billion-a-year war.

But faulty vision and political pressures cannot be permitted to minimize the legal significance of the Tonkin Gulf Resolution.

In my judgment, the Resolution—pared of its verbiage and placed in the context of its legislative history—was a broad congressional charter to the President to combat North Vietnamese forces anywhere in the SEATO area. It was an extremely broad delegation of authority in the area of foreign affairs but as the Supreme Court noted in Zemel v. Rusk, 381 U.S. 1, 17 (1963), Congress has always been permitted to grant extensive powers in foreign affairs and to "paint with a brush broader than that it customarily wields in domestic areas." Although the existence of the Tonkin Gulf Resolution did not make the war we have waged in South Vietnam any wiser or any more explicable, it did make it a war authorized by the Congress.

But did the Congress fully comprehend the power it had delegated in the Tonkin Gulf Resolution? Did the individual members understand the burden of responsibility assigned to them by the Constitution when they cast their votes? In the period of introspection that has followed the passage of that Resolution these questions prompted a major effort to reassert the proper relationship between the two branches. Even though I was in my first term, and had not been a member at the time of the Tonkin Resolution, I became involved in that effort.

Some of us in Congress began to take a careful second look at the excessive power of the Presidency. As it became obvious that the power of the Presidency had been

abused—and of Congress neglected—the checks and balances of our adversary system took on a new meaning. Traditional conservatives, even though supporting the President on Vietnam, joined anti-war senators in a coalition, the force of which would advocate a "strict construction" of the Constitution.

The Constitution of the United States was written by men who had experienced the tyranny of a monarch and who clearly understood the danger of placing absolute power at the disposal of a single man. These men sought to create a process by which important decisions would be reached after thorough deliberation. They fully expected that the responsibility for committing the nation to war would be shared—and that Congress, the most representative branch of government, would authorize this important commitment.

Unlike most issues which are dealt with in the Constitution in just one reference, the question of waging war and raising military forces is treated in several places:

Article I, Section 3 gives the Congress power to "declare war," grant "Letters of Marque," order Reprisals, "raise and support Armies," but for no longer than two years at a time, "provide and maintain a Navy," make rules which will regulate and govern the military forces, and provide for organizing the militia and calling it up so that insurrections can be suppressed and invasions repelled.

Article I, Section 10 forbids the state—absent congressional consent—from keeping military forces in time of peace or from engaging "in war, unless actually invaded, or in such imminent danger as will not admit delay."

Article II, Section 2 makes the President "Commander in Chief of the Armed Forces as well as the State Militia, when it is called into service for use by the federal government."

Article IV, Section 4 provides that the central government shall guarantee "a Republican Form of Government" to every state and "shall protect each of them against invasion."

These provisions were specifically designed to show how the roles of Congress, the Executive, and the States would mesh, and to assure that the awesome consequences of war did not flow through chance or mistake. The Founding Fathers set relatively simple ground rule to control what they referred to as "the dogs of war."

First, they drew a distinction between offensive and defensive hostilities. If the United States were attacked, the President would act to repel the attack. Congress could provide the President with a small standing Army and Navy to fulfill his functions as defender of the nation's integrity. The states could maintain militia and Congress could establish procedures under which the President might nationalize them rapidly to meet foreign attacks.

Second, Congress was to decide whether defensive action would be supplemented by offensive action. The time lost in this process was considered less important than having the nation's elected representatives express their collective judgment. The Congress was to sanction in advance whatever actions were taken, whether simple reprisals, complex military operations or all-out war.

Third, the President's independent role in the warmaking process was limited to the direction of operations. The draftsmen of the Constitution carefully changed the term "make war," which might imply the idea of Congress conducting hostilities to read "declare war," which carried the connotation of congressional initiation but Presidential direction.

The convention records make clear the delegates' surprise at the possibility of giving the President power to make decisions which might result in offensive military action. One delegate commented that he "never expected to hear in a republic, a motion to empower the Executive alone to declare war."

Even Alexander Hamilton, the foremost defender of centralized Executive power among the Framers of the Constitution, noted in Federalist Paper 75:

The history of human conduct does not warrant that exalted opinion of human virtue which would make it wise in a nation to commit interests of so delicate and momentous a kind, as those which concern its intercourse with the rest of the world, to the sole disposal of a magistrate created and circumstanced as would be a President of the United States.

True, the Constitution left a gray area of responsibility between the President and Congress—what Justice Jackson called a "twilight zone"—which recent Presidents have fully occupied. Now however, a widely diverse group of senators and representatives has taken the initiative to reassert Congress' share of that twilight zone.

On April 13, 1972, the United States Senate passed the War Powers Act—jointly introduced by Senators Javits, Stennis, Spong and me—by an overwhelming margin of 68 to 16.

The Act specifies those emergency situations in which the President can act to commit forces without the specific prior authorization of Congress. The President is statutorily delegated the authority to repel attacks—or the imminent threat of attacks—upon the United States, its armed forces abroad, or upon U.S. nationals abroad in carefully defined circumstances. The President is prohibited from taking action beyond the limits of the emergency categories without "specific statutory authorization"—language which excludes appropriations measures and treaties as tacit authorization for the engagement of U.S. forces in war.

Those who believe that our postwar treaty commitments are self-executing take considerable issue with the exclusion of treaties as congressional authority to engage forces in hostilities. A careful examination shows clearly, however, that the war powers of Congress cannot be delegated by the treaty ratification process.

The Senate is the only body to act on treaties. It does not possess the power to commit the United States to hostilities without the consent of the House. In fact, Madison noted that the possibility of giving the Senate alone the power to "declare war" was considered—and rejected. Butler of South Carolina reported to his State's Legislature that such a proposal "was objected to as inimical to the genius of the Republic," because it would destroy the necessary balance that the Framers were anxious to preserve.

Appropriations measures are excluded as implied authorization because the "power of the purse" is not a sufficient enforcement mechanism. If the after-the-fact power of denial were the only check available, the President would be free to initiate and sustain hostilities unilaterally. Congress, on the other hand, instead of being able to grant initial authorization by a simple majority, would be placed in the position of either attempting to override a Presidential veto or killing legislation intended to fund the troops in the field. If the war powers of Congress are to have the effect intended by the Constitution, they must be asserted positively. Congress must be assured of involvement in the initial decisions that could lead to war.

Even when the President uses his emergency powers, he would be required under the bill to make a full report to Congress immediately. The President would be required to obtain congressional authority to continue his action beyond 30 days. If Congress does not extend the President's authority he must terminate hostilities unless he certifies in writing to the Congress that continued engagement is required for the protection of U.S. forces involved in "disengagement." Without congressional authority, however, these forces may not be used to continue pursuit of the policy objective for which they were initially deployed.

The most common criticism of the War Powers Act is that it would constrain the President from responding expeditiously to the sudden hazards of the modern world. But, as we emphasized throughout the debate on the War Powers Act, we do not anticipate that the bill would restrain the President in any way from acting vigorously to meet any threat to the security of the United States. The emergency provisions permit the President to take a wide variety of actions in defense of the nation or its citizens and forces stationed abroad.

Many have pointed out that the War Powers Act, in the real world, could not prevent Congress and the President from jointly engaging the country in war unwisely. These critics state that the Gulf of Tonkin Resolution would have passed with or without the Act. This, of course, is entirely possible, but I believe this criticism is based on an excessively ambitious interpretation of what the bill is intended to accomplish. It is not possible to legislate common sense, and no bill can establish a procedure that would assure that all decisions are proper. The Act provides no panacea, but I believe that it can insure that the collective wisdom of the President and the Congress will be brought to bear, as the Constitution provides, when the all-important questions of war and peace are considered.

The present Administration has strongly opposed the War Powers Act as a restraint on Presidential power. This unfortunate position is in direct contrast to the overwhelming nonpartisan support the bill received in the Senate which included affirmative votes by the minority leader and the minority whip. The Secretary of State's testimony before the Senate Foreign Relations Committee was equally unfortunate and reflected an unwillingness to accept the legitimate role of Congress.

Under the threat of a Presidential veto, The House may not act this year, but the War Powers Act already has accomplished a great deal. The President has been put on notice that Congress will be less willing in the future to delegate its war powers. The debate on the Senate floor has reminded members of Congress that they can no longer ignore their constitutional responsibility to decide whether or not America goes to war. If not this year, then in the future, I am confident that Congress will act to translate that awareness into law.

JOHN STENNIS

I have long believed that our nation should not be committed to war except after a clear-cut authorization by the Congress. This is important as a matter of constitutional principle. It is also a requirement of practical politics. The decision to make war is too big a decision for one mind to make and too awesome a responsibility for one man to bear. The judgment and responsibility on this grave decision have to be shared by both the legislative and executive branches and, more importantly, they must be shared by the people. We have learned the hard way that when the American people do not share in a decision to go to war, they do not bring to it their full support and sense of personal obligation. I believe the principle established by the War Powers Bill is that this country should never again be committed to war without the moral sanction of the American people.

The War Powers Bill passed by the Senate is a beginning step toward reestablishing the balance required by the Constitution. It

establishes a practical procedure within which Congress can pass on the question of war in a timely, but considered, way. The bill does not exclude the President from the warmaking process—it does not detract at all from his power or his responsibility. Rather, it allows and requires the members of Congress, as individuals responsible directly to the people in their states and communities, to reassert their constitutional responsibilities.

By putting the War Powers Bill on the statute books, we will be taking a long step toward assuring that the Congress will fulfill its responsibilities and that there will be sounder and more unified national judgments in the future on the question of whether or not to commit this nation to war.

BARRY M. GOLDWATER

In 1951, a current favorite of the New Left, Dr. Henry Steele Commager, rebuked congressional critics of President Truman's undeclared war in Korea by writing in the Time Magazine that the constitutional issue "is so hackneyed a theme that even politicians might reasonably be expected to be familiar with it." Professor Commager lectured that questions involving executive power have come up time and again in the past and time and again both history and the courts have returned clear answers in support of executive decisions to commit troops outside the nation.

In 1961, following the Korean war, the buildup of over 400,000 U.S. ground forces in Europe, and the Lebanon occupation, another contemporary paragon of peace, Senator William J. Fulbright delivered a lecture at Cornell University in which he argued "that for the existing requirements of American foreign policy we have hobbled the Presidency by too niggardly a grant of power." Referring to what he called the dynamic forces of the twentieth century—Communism, Fascism, and aggressive nationalism—Senator Fulbright warned that "[it] is highly unlikely that we can successfully execute a long-range program for the taming, or containing, of today's aggressive and revolutionary *forces* by continuing to leave vast and vital decision-making powers in the hands of a decentralized, independent-minded, and largely parochial-minded body of legislators."

What has happened in the interval to cause these foreign policy internationalists, together with so many of their liberal brethren, to spin 180 degrees the other way toward the very choices which they had formally labeled as being held only by "unregenerate isolationists"? The answer, in my opinion, is simply that they, as many Americans, have become so mesmerized by events in Vietnam that they believe it is possible to legislate against the past.

Forgetting the experience of a post-World War I Congress which thought it had enacted neutrality laws so wise and virtuous that we could never again be drawn into a major conflict, and unmindful that such restrictions left this nation unprepared to help avert the world catastrophe that later erupted, the new isolationists would bind the President in a chain of restrictions that would surely confound our allies and enemies alike, weaken the defense alliances that keep foreign disturbances away from our own shores, and hamper our national ability to defend future vital interests. What is more, the specific legislation used to these ends is so rigidly drafted it would leave the United States standing by helpless in the face of an all-out attack against valuable friendly nations, such as Israel, where we have no significant forces already stationed, and would even block humanitarian assistance such as the 1964 Congo rescue mission in which the U.S. military saved almost 2,000 non-Americans from rebel atrocities.

Contrary to disclaimers by its sponsors, the War Powers Bill severely restricts the freedom of the Executive to respond in all emergencies. Unless there is an actual attack, or threat of attack which is both "direct and imminent," against the United States, its citizens, or the Armed Forces, U.S. troops cannot be deployed into troubled areas absent specific statutory authority. In reality, however, U.S. security interests stretch far beyond these immediate emergencies to ones in which the harmful consequences will not develop until months or perhaps years later. One example is a Soviet move to close off the Strait of Malacca from free world commerce.

Even in the emergencies where the bill allows Presidential reaction, it provides a limit of 30 days on such conduct absent additional congressional approval. The bill also creates a legislative process by which Congress can shut off any such emergency conduct prior to 30 days. Thus, the bill grants Congress a veto over military activity even in those areas where it is conceded the President possesses a constitutional power to act.

The bill thereby defines the boundaries of the constitutional allotment of the war powers between Congress and the President, something the Founding Fathers never attempted to do. For the declaration of war clause does not confer upon Congress the sole power whereby the country can be engaged in war. In fact, the Constitutional Convention purposefully narrowed the authority of Congress by substituting "declare" for "make" in that clause. This was done in an age when the declaration was already in disuse, there having been 38 wars in the Western World from 1700 to 1787, and only one of which was preceded by a declaration of war. And so, even by the eighteenth century, the declaration had come to mean no more than a formal notice to a nation's own people and to the outside world that an existing state of war was officially acknowledged. At least this is how it is defined in the sole standard dictionary of the English language then published, and it is how the Constitution has been interpreted during the succeeding 183 years of practice.

It may come as a surprise, but there have been over 200 foreign military hostilities in the history of our Republic and only five of them were declared. These engagements have ranged from minor rescue operations to deployments of thousands of ground forces into battle, such as the 14,000 U.S. troops who fought in Russia after World War I. These incidents attest to a consistent practice under which American Presidents have always responded to foreign threats with whatever force they believed was necessary and technologically available at the particular moment. Whether these restrictive measures were prudent or not is a separate issue from the constitutional question; but who is to say that President Kennedy was unwise in seeking the removal of missiles from Cuba that were being aimed at 80 million Americans, as one notable example?

The truth is, there are circumstances in which any President must have flexibility of action in order to meet a present crisis which might develop into an unalterable threat against our national security in the future, as well as to cope with a crisis which obviously represents a direct and immediate danger. Advocates of war powers restrictions miss the point that inaction in a time of true emergency might bring forth far more bloodshed in the future than if forceful steps were taken promptly.

To those who contend this concept will lead to extended involvements, such as another Vietnam. I answer that this reveals a blitheful ignorance of recent history. Congress passed over 24 statutes supporting the Vietnam war with both money and authority, a fact that has been judicially confirmed.

Nor do I accept the excuse that politicians could not have voted otherwise. If the Executive can exert an open or subtle appeal for support of American troops in the field, the ranks of Congress are not shy of those who pander the equally compelling promise of a swift and easy peace and an end to pitiful crowds of starving refugees whom they blame upon U.S. policies.

The power of the purse, with its related control over the size of the military services and kinds and amounts of defense systems, combined with the treaty power and an oft-overlooked discretion with respect to the delegation of vast powers over the allocation, production, and trade of strategic materials and of other powers for directing the national economy to war-oriented purposes, constitute an impressive base from which Congress can alter or influence the course of American involvement in the foreign sphere. These are the means by which the Founders meant for Congress to share in important decisions on matters of foreign-military policy, and Congress cannot alter this arrangement by any legislative device short of a constitutional amendment.

DANTE FASCELL

One aspect of Senator Eagleton's proposal concerns me. The possibility that it institutionalizes the trend of strong Presidential action and the Congress' rubberstamping it.

Because of the pressure of the 30-day limitation, after taking an authorized and defined emergency action, the President, undoubtedly, will promptly seek congressional approval. Even special rules are provided for the Congress to expedite consideration and action.

The sheer impetus and power of the Presidential commitment in a national emergency is well known; mix in the weight of the Presidential request to the Congress for the expedited consideration; sprinkle liberally with the equally well known attitude of the President's party and the Congress to "rally 'round the flag." Result—a predictable legislative approval of the Presidential action achieved in an almost automatic cycle.

The argument is made that it is better for the Congress to act than not to act even though the price predictably might be pro forma action. I'm not at all certain that's a good bargain. In the nuclear age will there be a formal declaration of war by the U.S. Congress before the fact? Is there a greater chance that most hostility involving the United States will be entered into through one of the authorized and defined emergency portals with congressional action after the fact? It seems to me that the pro forma potential apparently has a much larger dimension. So while the procedural objective is laudable, its pragmatic result may be undesirable.

What we really need and must continue to strive for is simultaneous assurance for the mechanisms and procedures which make a fully informed Congress get into the act before the President takes any action which does or might involve the United States in hostilities regardless of their nature.

EXHIBIT 2

LETTERS

TO THE EDITORS:

I was delighted to see the brief symposium by Senators Eagleton, Stennis, and Goldwater, and Congressman Fascell on the "War Powers Act" (Foreign Policy 8, Fall 1972). The debate on the Senate floor last spring did not receive the attention it deserved because the bill did not become the subject of a great debate between the President and the Congress. Nothing focuses a great debate in the country better than a pitched battle like the Senate forced upon Eisenhower with the Bricker Amendment in 1954. But President Nixon avoided another clash with the Senate because he did not have the votes and chose instead to rely on the House to defeat the bill. The House, however, wanted

war powers legislation too. In the end, the White House did not have to exert itself because the House and Senate could not agree on a compromise bill. The bill died with the 92nd Congress in October. Undoubtedly the bill will be revived next year but differences will remain between the House and Senate versions.

There are two war power bills. Something of the debate between the House and Senate bills was caught in Congressman Fascell's rejoinder to Senator Eagleton. Unfortunately, Congressman Fascell's remarks were brief so your readers missed the full flavor of a great debate over the war powers of Congress and the President. Unlike the debate on the Bricker Amendment, the debate this time is between the House and the Senate. The President is an onlooker—he probably will not be able to defeat the House bill, and he has little choice but to encourage the House to water down the Senate bill.

Congressman Fascell points out that the Senate bill may prove counter-productive because it authorizes the President to repel attacks upon the United States, U.S. armed forces abroad, and American nationals in foreign countries. It actually gives him a broad grant of power. Senator Fulbright has made the same argument and would prefer to let the President scrape together his own rationales for emergency action without implicating Congress. Senator Eagleton is relying entirely on a calendar methodology to bring Congress into partnership with the President. In the Senate bill, the President will have 30 days to obtain congressional approval for the actions he has already taken. As Congressman Fascell mentions, however, the energy released by an international crisis could easily blow down the 30-day wall the Senate bill erects and overcome the Congress with pleas for patriotic support of the President. The Senate bill has Congress acting too late to be effective.

The Senate bill is structured around the 30-day provision in order to avoid stepping on the President's constitutional powers to act in an emergency. Congressman Fascell would agree, I suspect, with the Senate's desire to avoid a constitutional crisis between the executive and legislative branches, a danger lurking in the war powers debate that Senator Goldwater alludes to at the very end of his remarks. The House bill takes a different approach. It creates a structure for influencing the President before he acts which I would argue is the only way for Congress to be effective.

So the issue is drawn between the two bills on whether to rely on a formal 30-day authorization provision which is triggered late or on an informal reporting requirement which is triggered early for exercising Congress' war powers. The debate next year will begin from these starting positions. Perhaps, if the fire is taken out of the Senate bill and a little more heat put in the House bill, a compromise will emerge. At the moment, nobody is talking compromise. Will there be a bill or will we in the audience be left with just another rhetorical exercise which too frequently covers Congress' failure to act?

JACK M. SHICK,
School of Advanced International Studies, Johns Hopkins University.

Mr. EAGLETON. Mr. President, I yield the floor.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore (Mr. NUNN). Under the previous order, there will now be a period for the transaction of routine morning business not to extend beyond 1:30 p.m., with statements therein limited to 3 minutes.

ROLE OF UNITED NATIONS IN VIETNAM RECONSTRUCTION

Mr. ALLEN. Mr. President, on Saturday, January 27, 1973, Mr. Kurt Waldheim, United Nations Secretary General, expressed the hope that the United Nations would have a major role in the postwar reconstruction of Vietnam and other nations throughout Indochina at an estimated cost to the United States of $7.5 billion.

Mr. President, the sentiment may be fine. But where was the United Nations during the crucial and critical period when it might have played a major role in ending the war of aggression against the people of South Vietnam by their Communist invaders?

Where was the United Nations when the people of the free world were demanding that Hanoi live up to its obligations under the Geneva Convention with respect to humanitarian treatment of prisoners of war and providing an accounting for MIA's.

Where was the United Nations' humanitarian concern for the peoples of South Vietnam after the exposure of atrocities inflicted on civilian populations in towns and villages of South Vietnam by Communist invaders?

When did the United Nations lift its voice in support of the ideal of self-determination for the peoples of South Vietnam?

Mr. President, the United Nations has been a forum to spread Hanoi propaganda intended to make other nations believe that the United States had deliberately attacked dikes in North Vietnam without military justification. In short, the United Nations has in its own clumsy and inefficient way demonstrated unconscionable bias against the United States.

Mr. President, I hesitate to condemn good intentions, but I am highly suspect of good intentions which have been so long in coming, despite compelling circumstances which cried out for a positive and affirmative role of the United Nations in Vietnam and in all of Southeast Asia. Just as a doctor would be suspect who withheld his services from a patient in mortal danger of losing his life and then volunteered his services only after the patient had survived, so I am suspect of the United Nations role in Southeast Asia.

Insofar as I am concerned, the United Nations, as such, has proven totally inefficient and incapable of performing the role for which it was created and I am, therefore, highly doubtful that it can perform a useful service in reconstruction and rehabilitation of Southeast Asia.

I will never vote for a nickel which is designated to be spent by the United Nations in its pathetic johnny-comelately role as the great healer and physician who can bind up and heal the wounds of war in the nations of Southeast Asia.

As a keeper of the peace, the United Nations is a flop—and in my judgment, it is totally unfit to participate in any plan for reconstruction and rehabilitation of Southeast Asia.

Mr. President, I ask unanimous consent that an article on this subject be printed in the RECORD.

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

WALDHEIM WANTS U.N. ROLE IN VIETNAM RECONSTRUCTION

(By Anthony Astrachan)

UNITED NATIONS, Jan. 27.—Both sides say the nations of the world should contribute to the reconstruction of Vietnam now that peace is in sight, but nobody seems ready to say what form an international effort should take or who should administer it.

United Nations Secretary General Kurt Waldheim voiced the hope today that his organization would have a major role. In a statement following the signing in Paris of the cease-fire agreement, he said, "The tasks of rehabilitation and reconstruction have become an urgent priority . . . If the respective parties . . . so wish, I feel that the United Nations should be prepared to play an important role in this field."

Waldheim said that any U.N. relief program would be "strictly humanitarian" and intended to help peoples on both sides of the conflict.

The United States has the deciding voice on a U.N. role because only the United States can supply much of the $7.5 billion that President Nixon estimated as the cost of reconstruction in Indochina. U.S. officials have made it plain that reconstruction aid will be available only as "a strong incentive for observance of the cease-fire."

Waldheim conferred with Secretary of State William P. Rogers in Washington Thursday, but they talked mostly about the cease-fire agreements and the U.N. role in the peace conference expected next month. Reconstruction was mentioned, but a U.N. spokesman said later that the United Nations "has not been formally asked to take a role" in the process.

A State Department spokesman said the U.S. government was still not prepared to talk about the shape of the reconstruction plans on which it has been working for years—but, "one has to think in terms of a consortium or multilateral aid."

Some aid experts are sure Hanoi will not allow an American audit of aid to North Vietnam, while Congress will not appropriate money that is not audited. That would leave the control function up to a third party—other nations, or the United Nations.

The United Nations is already involved in a huge development project in Indochina that will have to be coordinated with reconstruction of the war-damaged societies there. That is the development of irrigation, flood control and hydroelectric facilities in the Mekong River basin, in Vietnam, Thailand, Laos and Cambodia. The money comes from a large group of donor nations. The war has stalled the Mekong project repeatedly.

UNICEF also has programs in Indochina, including one in which it spent Dutch money to buy Soviet cloth for childrens' clothes in North Vietnam. The International Red Cross supervised distribution in North Vietnam and was charged with the accounting function.

The U.S. Committee for UNICEF will launch a nationwide campaign next week for contributions to be used in Indochina.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized.

(The remarks of Senator BEALL on the introduction of S. 587, the National

Catastrophic Illness Protection Act of 1973, are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

LT. COL. WILLIAM NOLDE OF MICHIGAN

Mr. GRIFFIN. Mr. President, last Saturday at 7 p.m. the Nation observed a moment of prayer and thanksgiving, which also marked the beginning of a 24-hour period of prayer and thanksgiving. It was a time for rejoicing as the official cease-fire in Vietnam took effect.

However, for many Americans the occasion was a grim reminder of the loss of a son or husband who paid the supreme sacrifice in this war. Tragically, that suddenly was the case for a Michigan family when news arrived that Lt. Col. William Nolde of Mount Pleasant, Mich., had become the last American to be killed in South Vietnam before the official cease-fire agreement took effect.

Mr. President, Lieutenant Colonel Nolde was a man who loved this Nation and its people. He also loved the Vietnamese people. He was a noble, compassionate man who dedicated himself to helping others and to the cause of peace.

The story of his life provides an inspiring example for all whom he sought to help. I know I speak for the whole Senate when I extend to Mrs. Nolde and the Nolde family our deep sympathy.

Mr. President, I ask unanimous consent that several representative newspaper articles about Lieutenant Colonel Nolde and his life be printed at this point in the RECORD.

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

[From the Detroit Free Press, January 29, 1973]

STATE MAN IS LAST U.S. DEATH IN WAR

(By William Schmidt)

The last American to die before the Vietnam cease-fire took formal effect was a 43-year-old Mt. Pleasant father of five and a career military officer who liked to play pinochle, shoot baskets with his sons and read about Vietnamese history.

Lt. Col. William Nolde died Saturday 11 hours before the end of the war. When an artillery round slammed into his bunker in An Loc, the capital of Binh Long Province where Nolde was senior American advisor.

Nolde's wife, Joyce, was informed of her husband's death just before 8 p.m. Saturday—less than one hour after the cease-fire bringing the long war to its end formally took effect.

"I knew even before they told me that he wasn't coming home," said Mrs. Nolde, who left her Mt. Pleasant home late Saturday and took her children to her parent's ranch near Onaway.

"I woke in the middle of the night Friday and had a feeling; a sense that something was wrong.

"I even told the kids Saturday morning that I was afraid we would get some bad news about their father."

But Mrs. Nolde, who has lived apart from her husband for the last two years as he served duty tours in Europe and the Far East, is not bitter.

"My husband was simply doing what he wanted to do," she said Sunday, her voice strong and showing little trace of emotion. "He was a very, very sensitive man who cared a great deal about people.

"The family backed him all the way on what he wanted to do."

The Pentagon has confirmed that Nolde's death only hours before the cease-fire formally took effect was the last American fatality of the war.

The fate of four pilots shot down earlier the same day over communist territory in South Vietnam is still not known, however. They were officially listed as missing but it was believed at least one of the men was captured or killed.

Nolde, a native of Menominee, had been in the Army 22 years and had served tours in Korea, Italy, Germany and the Far East as well as at various posts in the States.

He lived in Mt. Pleasant from 1962 to 1966 when he worked as an instructor in the ROTC program at Central Michigan University. His wife and children decided to settle there three years ago.

To his friends and close associates in Mt. Pleasant Nolde's first interest was Vietnam—its people, its history and its fate. He was fluent in Vietnamese, and—after a year and a half tour there in the early '60s—he volunteered to go back in June.

"He really cared about those people," said Frank Demski, a Mt. Pleasant junior high school teacher and a close friend of the family who said that Nolde was "like a brother to me.

"He used to write me once a week," said Demski, whose reddened eyes showed the strain of Saturday's news from Vietnam. "In his letters, he really believed he could bring peace. He really believed he was helping them."

Another friend, Ted Cook, a chemistry professor at Central Michigan University who sponsored Nolde when he joined the local Lions Club several years ago, shared a letter he received from Nolde just two weeks ago.

"I don't really know any more than you as to the possibility of a truce soon," wrote Nolde. "We are hopeful. For the sake of the Vietnamese people particularly I would so much like to see peace finally arrive."

The letter goes on: "We tend to think only in terms of what this war has cost us, the United Sattes. But by comparison to what it has cost so many Vietnamese, our price pales.

"I worry much about this. I am intimately familiar with the plight of the Binh Long population. Most of them are sitting in war victims' camps waiting for the time they come back to what had been their homes.

"What the terms of any cease-fire will mean for them is a big question mark. They ask me that question but I have no answer."

He closed the letter to Professor Cook: "Time will provide some answer to much of this."

Reports of Nolde's last day in Vietnam illustrate the sorts of concerns he expressed in his letter home.

At the time the artillery round hit, Nolde had just finished conferring with his Vietnamese counterpart on how to get the economy in the area rolling again.

"He drove all over Binh Long Province in his jeep encouraging the people to go back and put the pieces of their city together again."

Friends also talked about Nolde's interest in the Vietnamese culture. "He would visit the historical sites and read Vietnamese history," said Demski. "At Christmas, after attending Catholic service in An Loc, he went directly to a Buddhist service being held the same day.

"He was very interested in their culture, and helping to rebuild it."

Nolde had a distinguished military career. Friends said he had recently made the Army list for promotion to colonel, although the formal paperwork had not come in yet.

He had been decorated several times, including a recent Bronze Star for acts of heroism during a rocket attack on Binh Long.

Nolde's wife said her husband expected to come within the next six months, and said he had been appointed to attend classes at the Army War College. In the more distant future, friends said he was thinking about retiring from the Army and studying Far Eastern history.

Nolde's last visit to Michigan was in June, when he had a 30-day leave between tours in Italy and Vietnam. His wife and five teenaged children—four sons and one daughter—live in a white ranch-style home with a small barn out back in the rural, flat farmlands near Mt. Pleasant.

There the family often rode horses together, or played touch football in the broad yard.

His oldest sons—Blair and Brent—were starting quarterbacks on Mt. Pleasant High School football teams, and friends recalled that Nolde was excited last June that he got home from Europe in time to see his sons play baseball for the high school team.

"I got a tape from him about three days ago," said Mrs. Nolde: "He told me not to worry, that he thought he would be home soon.

"But he said that if something did go wrong, if something did happen, he wanted me to go ahead with the plans that he and I had made.

"That means he will be buried in Arlington Cemetery, just like he wanted."

[From the Washington Star, Jan. 29, 1973]

LAST MAN WAS KILLED PREPARING FOR PEACE

(By Patrick Connolly)

MOUNT PLEASANT, MICH.—The small barn needed only one more strip painted brown and then it would have matched perfectly the brown-trimmed white home in this central Michigan community.

The paint job on the barn was to have been the first project for Lt. Col. William B. Nolde, 43, when he returned home from his second tour of duty in Vietnam.

Nolde, the father of five, was killed Saturday when a Communist shell hit his bunker near An Loc, South Vietnam. He was the last American to die in the war before the cease-fire went into effect some 11 hours later.

He had been senior American adviser in the capital of Binh Long Province since it was almost leveled during a 4½-month siege by the North Vietnamese last year.

WANTED TO HELP

Friends said Nolde steeped himself in the Vietnamese language and culture to help civilians heal the wounds of war.

"We tend to think only in terms of what this war has cost us, the United States. But by comparison to what it has cost so many Vietnamese, our price pales," Nolde wrote one of these friends a few weeks ago.

"I worry much about this. I am intimately familiar with the plight of the Binh Long population. Most of them are sitting in war victims' camps waiting for the time they can come back to what has been their homes."

Nolde's widow, Joyce, who has been staying with her mother in Onaway, a community in northern Lower Michigan, said she wasn't angered by the death of her husband.

"I'm not bitter at all," she said. "My husband did what he wanted to do and believed in the whole thing (the war)."

"He really believed in the people, felt it was time people stopped fighting among themselves."

Another neighbor and one of Nolde's closest friends, Frank Dempski, said Nolde "had a feeling the war was coming to an end."

"He said just before he left last June that he wanted to make sure that if peace was signed it would be carried out for those people," Dempski said. "He had a deep feeling for mankind and really felt sorry for the kids over there who were hurt."

Powell said Nolde didn't talk much about the war when he was home.

"When he left the last time he joked something about old soldiers never dying—they just fade away," Powell said. "But he expected to come home."

THEY DISCUSS POSSIBILITY

Mrs. Nolde said she and her children—ranging in age from 12 to 19—long had thought he was going to come back. However, she said, she had discussed with her husband the possibility that he might die.

"I knew even before they told me that he wasn't coming home, she said. "I woke in the middle of the night Friday and had a feeling, a sense that something was wrong. I even told the kids Saturday morning that I was afraid we would get some bad news about their father."

"I knew he was dead," she said yesterday. "I dreamed that a rocket came in and hit him and he said 'Don't worry honey, I'll be okay.' The blast woke me up."

Se said she had the dream Saturday night and told the children the next morning to get prepared in case of bad news.

The family had not been together much, perhaps 30 days or so in the last five years, she said.

The Noldes met when both were teaching in Newberry, Mich., another tiny Upper Peninsula town. Then came the Korean War and he was drafted.

After Officers' candidate School, he decided to stay in the Army. The family moved to Mount Pleasant in the early 1960s where Nolde became the ROTC Instructor at Central Michigan.

His last leave at home was cut from 30 days to 10 days by an emergency call to return to Vietnam.

CONFERRING ON FUTURE

Ironically, Nolde was killed just as he finished conferring with his Vietnamese counterpart on how to get the economy rolling again.

"Bill was a very compassionate person," said Robert Walkinshaw, the pacification chief for the 3rd Military Region and a close personal friend. "He drove all over Binh Long Province in his jeep encouraging the people to go back and put the pieces of their city together again."

"That night, the town wasn't taking that much fire," Walkinshaw said. "Bill was just leaving the ranger compound after saying good night to the province chief when the round came in."

[From the Washington Post, Jan. 29, 1973]

RESPECTED OFFICERS LAST TO DIE IN WAR

SAIGON, Jan. 28.—The last American killed before the Vietnam cease-fire was the father of five children, an Army officer who had lived through the siege of Anloc and was dedicated to rebuilding the devastated city.

Lt. Col. William Nolde, of Mount Pleasant, Mich., was killed in Anloc when a direct artillery round hit just as he finished conferring with this Vietnamese counterpart on how to get the local economy rolling again, The official end of the war was only hours away.

"Bill was a very compassionate person," said Robert Walkinshaw, pacification chief for Military Region 3 and a close personal friend. "He drove all over Binhlong Province in his jeep encouraging the people to go back and put the pieces of their city together again."

Nolde, 43, was assigned to Anloc, the capital of Binglong, in early May as senior adviser, just as the city was midway in its 4½-month siege by Communist troops and heavy guns.

"Bill loved that place," Walkinshaw said. "He was always getting together with the Catholic priest on how to rebuild the church, and hardly a week went by that he didn't run over to refugee camp at Phuvan in the neighboring province to see how the people were making out whom the war had driven from their homes." Nolde became fluent in Vietnamese.

Nolde's widow, Joyce staying with her mother in Onaway, Mich., said she wasn't angered by the death of her husband.

"I'm not bitter at all," she said. "My husband did what he wanted to do and believed in the whole thing" (the war). "He really believed in the people, felt it was time people stopped fighting among themselves."

George Jacobson, the chief of staff for pacification in Vietnam and Nolde's top boss, said, "While I realize someone has got to be the last one killed in the official part of the war, I regret exceedingly it had to be Bill. He was a first-class officer and a first-class person. The Vietnamese people loved him."

"He was a fine gentleman," said a South Vietnamese officer who knew him well.

Nolde was the fifth U.S. officer killed by artillery fire at Anloc in the past seven months. On July 9, four officers ranging from a lieutenant to a Brigadier General were killed when a shell exploded 15 feet from them during an inspection tour.

Nolde was the fourth American killed in the two days before the cease-fire. A Marine security guard was killed Friday during a predawn rocket attack on the Bienhea Airbase, and an Army observer died later that day when his helicopter crashed along South Vietnam's coast 100 miles east of Saigon. An Air Force sergeant died in a rocket attack on Danang Airbase before dawn on Saturday.

Four other U.S. airmen are listed as missing after their two aircraft were shot down in northeastern Quangtri Province Saturday afternoon while supporting South Vietnamese ground forces.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from Illinois is recognized.

(The remarks of Mr. PERCY on the introduction of S. 590, requiring confirmation of certain major posts in the Executive Office of the President, are printed in the RECORD under Statements, Introduced Bills and Joint Resolutions.)

ORDER FOR THE READING OF GEORGE WASHINGTON'S FAREWELL ADDRESS ON FEBRUARY 19, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, notwithstanding the standing order providing for the reading of George Washington's Farewell Address to the Senate on the 22d day of February, the reading of the address be on February 19 of this year, so as to make the reading of the address fall on the same day as the holiday.

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

HEALTH FUNDING IS INSUFFICIENT

Mr. ROBERT C. BYRD. Mr. President, I have long been deeply concerned over the quality of health care the average American has access to in a variety of forms; and, because of that concern, I am disturbed by certain portions of the budget that pertain to health care.

In my home State of West Virginia, there are numbers of hard-working, decent people who have never had the chance to receive adequate health care in all their lives. The same is true of their access to medical and other health care facilities in many areas of my State.

This is not so because West Virginia itself has been to blame, and it certainly is no fault of the people themselves. Rather, this is a result of a situation endemic to many parts of America, particularly rural areas of the country.

When population is not concentrated and the terrain is not the most accessible, large numbers of medical personnel simply do not congregate. The same is true of health delivery facilities. How can anyone justify a massive hospital facility in an area where there are simply not enough people to justify establishment of such a complex? It just cannot be done.

The same situation prevails in many States of our Union. In the West, instead of narrow mountain valleys, there are vast stretches of desert and plain. Or in some cases, huge mountain areas with sparse population mainly concentrated in small towns.

Cumulatively, the situation is revealed to affect approximately one-quarter of America's people. About 50 million Americans through no fault of their own or of State authorities are extremely limited in terms of what health care personnel and facilities are within their reach.

Our Federal Government has entered this area over the years, determined to alleviate the situation. I approve of this kind of Federal involvement, because no other substitute is feasible.

Under the Hill-Burton Act for example, a number of smaller, adequate hospital and clinical facilities have been brought into being in West Virginia. Without such facilities, hundreds of thousands of West Virginians would be without health care of almost every kind. This Federal program has proved a blessing to our people, and I would not like to see it cut off.

Yet, that is exactly what the budget proposes to do. The Hill-Burton construction funds have contributed immensely in aiding rural communities with small tax bases to build hospitals. In the last year that this program was fully operating, more than $85 million was channeled into hospital building projects. I do not believe we can eliminate the Hill-Burton program without lessening the health care provided millions of Americans.

The same situation prevails regarding regional medical programs. Here is still another highly effective Federal endeavor reaching our people. Here is a program using tax dollars effectively to aid those in need of specific assistance. Health personnel of all kinds have been able to go into geographically isolated

areas of my State, bringing with them first class medical and other health care. Tens of thousands of our citizens have been aided in ways too numerous to mention.

Because people cannot easily reach existing facilities, the facilities and those who man them are brought to the people. Congress last year felt this program was so valuable that it appropriated $164.5 million—$34.5 million over the budget request. Unfortunately, those funds were vetoed, and the budget this year calls for the elimination of the regional medical programs. Such elimination, I believe, would be a mistake, and I hope Congress will not allow it to happen.

The President's budget for fiscal year 1974 is a disturbing document as far as health programs and research are concerned. There is a determination, it seems, to turn back the clock insofar as the Federal commitment to better health for all Americans is concerned. One program after another is slated for termination.

Many other valuable programs are to be starved for funds until they will be dead in all but name. The Health Manpower Training Act is an example. Last year the budget proposed $533 million, and Congress provided $846 million. The current budget proposal calls for only $370 million—not nearly enough to close the manpower shortages that exist in practically every medical and allied health profession. Too few health programs will maintain funding anywhere near adequate levels.

This was not the intent of Congress when it established such programs and funded them over the years. A total health research, manpower and facilities commitment deserves the high priority given it by Congress. Who else could or would create the National Institutes of Health and keep them going? Who else could aid every State to educate more doctors, dentists, pharmacists and nurses? West Virginia and most other States could not set up medical schools, equip them, staff them and keep them going at full speed year in and year out. Capitation grants by the Federal Government, however, can aid such schools to increase their enrollments with qualified people. These grants must be continued if we are to have enough qualified health professionals.

The list is almost endless. Yet all these merits seem somehow to have escaped the attention and consideration of the Office of Management and Budget when they put together this budget. The American people will suffer the consequences far into the future, if the health portion is adopted as submitted.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

REQUEST THAT SENATE STAND IN ADJOURNMENT UNTIL WEDNESDAY, JANUARY 31, 1973

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

Mr. GRIFFIN. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The Senator from Michigan.

Mr. GRIFFIN. I shall not object, but I believe it should be observed—and I say this regretfully—that there has been no indication as to when the Senate will take up and consider the nomination of Mr. Lynn to be Secretary of Housing and Urban Development, or the nomination of Mr. Weinberger to be Secretary of Health, Education, and Welfare.

It had been expected, following the vote today on the nomination of Mr. Richardson, that we would proceed to debate—if debate is needed—the nomination of Mr. Lynn. I hope that will be the case.

I really do not understand why the Senate would adjourn over to Wednesday unless we do proceed to a vote on those nominations.

There is a great deal of talk in the country today about the congressional reform—about the importance of Congress being responsive and doing its job expeditiously. Surely the nomination by any President of a member of his Cabinet ought to be a matter of the highest priority in the Senate. Indeed, it is unfortunate that the Senate did not confirm these nominations before the President was inaugurated.

I can understand that there are Members of this body who may be opposed to one nomination or another. Of course, they are entitled to their position and to adequate opportunity for expression of it. But I wish to say most respectfully to the distinguished majority whip that I hope we can look forward to some action on Wednesday with respect to these nominations—so the administration will be able to go forward with the job it is expected and constitutionally required to do.

Needless to say, there is a great deal of unsettlement within a department while the Cabinet member named to head that department has not taken his oath of office. It is very difficult for such a department to function. In a sense it can only mark time. Furthermore, it will be very difficult for Congress to fulfill its legislative function if, and so long as, a department has no Secretary who can come up here to testify.

Accordingly, while I shall not object to the request propounded, I think I speak for other Senators as well when I say that we ought to get about the peoples' business.

Mr. TOWER. Mr. President, reserving the right to object——

Mr. ROBERT C. BYRD. I withdraw my request.

The PRESIDING OFFICER. The request is withdrawn.

Is there further morning business?

Mr. TOWER. Mr. President, I would not have objected but I do want to underscore the point that has been made by our distinguished colleague from Michigan.

It should be pointed out that Mr. Lynn's confirmation recommendation by committee was reported on the 23d of January. That is 6 days ago. It occurs to me that those who wanted to debate the issue of Mr. Lynn's confirmation would have by now been prepared and be adequately informed. We made quite a record in the hearings when he appeared before the Committee on Banking, Housing and Urban Affairs. It seems to me that a week's time would certainly be enough for those who wanted to oppose the nomination of Mr. Lynn to be prepared.

It, therefore, occurs to me that we could dispatch our business with somewhat more efficiency and timeliness if we could have a session tomorrow and have the debate on Mr. Lynn at that time. I think it is a matter of great importance, if not efficiency, that we proceed with these confirmations as soon as possible so that the President may proceed with a reorganized executive branch to get about the people's business.

Now there are some people in this body who disapprove of what the President has done in the way of the suspension of spending of certain funds, in the matter of some of his administrative reorganization; but it occurs to me that until we confirm people in positions of responsibility in the executive branch there is no one we can call here to Capitol Hill to get an accounting for what the administration is doing.

If we want some kind of satisfactory explanation as to why so many HUD programs were suspended, it seems to me eminently advisable to have a Secretary of Housing and Urban Development that we could call to the Hill to testify. I do not see how we could adequately exercise our rseponsibility of oversight if the executive branch is not completely organized.

I should point out further that Mr. Lynn is not only the Secretary designate of HUD, but also he has been named as a counselor to the President in an area which covers more than his departmental responsibility, and an area of vital concern to us all, community development. So I do not think we reflect great credit on the Senate. We certainly do not serve the cause of good government if we delay with no time certain to consider this nomination and others and not indicate when we are likely to vote. So I would hope, although I would not have objected because of my great respect for the Senator from West Virginia, and I am aware of the leadership role he has to play, but I would hope that the majority could be urged to bring us into session tomorrow and let us proceed with the consideration of these highly important nominations.

Mr. ROBERT C. BYRD. Mr. President,

I can appreciate the concern that has been expressed on the part of my two distinguished colleagues. May I say for the leadership on this side of the aisle, there is no intention to delay these nominations ad infinitum. As both Senators know, we have followed the practice here of respecting "holds" that have been placed on nominations and bills by Senators on both sides of the aisle, so long as those "holds" are reasonable. They are, as I say, of course, respected only for a reasonable length of time. The nomination of Mr. Lynn was reported on the 23d of January, which was only a week ago tomorrow.

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

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

Mr. ROBERT C. BYRD. So, on tomorrow that would mean that that nomination had been held up 1 week, which is not unreasonable. I do not know when Senators who have placed "holds" will be ready to debate the nomination. I would assume this could be done within the next few days; certainly within a period of a week or 2 weeks or less. I do not think there will be an inordinate delay on the part of the Senate.

I can recognize the "unsettlement" that prevails in the departments downtown which has been referred to by my distinguished counterpart. I can also imagine that such unsettlement will not be entirely relieved just by the confirmation of the nomination of Mr. Lynn. Due to the fact that he is going to act as a sort of super-Cabinet officer and will be counselor to the President on the matter of community development, I would imagine that there might be a continuing unsettlement not only in the Department of Housing and Urban Development but also other departments which come under his jurisdiction as supercounselor or super-Cabinet officer.

I do not know how that is going to work out. I wish the President well, but I imagine there will be a considerable amount of unsettlement for a considerable length of time.

I have been informed that the Senator from North Carolina will be reporting today a bill which will require confirmation of the OMB Director. I hope my distinguished colleagues on the other side of the aisle will be just as anxious to expedite that matter also, so that we can get the OMB Director, Mr. Ash, to testify before committees in the future. I am sure they will offer their support in that regard, and I will welcome it.

ORDER FOR ADJOURNMENT UNTIL WEDNESDAY, JANUARY 31, 1973

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

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

CAMPAIGN SPENDING CEILING

Mr. ROBERT C. BYRD. Mr. President, although the final figures have not yet been tabulated, it is clear that this past November's elections were the most expensive in our Nation's history. In fact, some early estimates claim that as much as $400 million was spent by candidates for all offices during these elections.

Obviously, the cost of campaigning for public office in the United States is continuing to soar. During the 1968 elections, candidates for Federal offices spent $89 million on radio and television advertising, including production costs. The figure for the 1972 elections could be more than half again as much.

It is imperative, I believe, for this Congress to act to cut the spiraling costs of campaigning before our Nation finds itself in a situation where only extremely wealthy persons can be elected to high public office. And I congratulate the distinguished senior Senator from Rhode Island (Mr. PASTORE) for taking the first step toward that needed action by introducing S. 372, a campaign spending bill.

I support this legislation, and hope that it will be given the earliest possible consideration by the Commerce Committee and the full Senate.

As chairman of the Commerce Subcommittee on Communications, the distinguished senior Senator from Rhode Island has been in the forefront of this battle for a number of years. His campaign spending bill, which passed the last Congress, did have some positive effect on the last campaign.

That measure limited campaign expenditures for newspaper, radio, and television advertising, and telephone costs to 10 cents per eligible voter in the given election area.

I feel that this past campaign saw a much more profitable use of television and radio advertising than did previous elections. The candidates, limited to the amount they could spend on broadcast advertising, purchased longer time segments than did candidates in the past; and I believe the half-hour segments, which are considerably cheaper than buying 30 separate minute spots, added a great deal of information and exposition to the campaign.

However, as Senator PASTORE has pointed out, it is apparent that the bill passed by the 92d Congress did not go far enough. It did not limit the overall amount that was spent on the campaign. The money that could not be spent on broadcast advertising was spent on direct mail; the money that could not be spent on telephone costs was spent on an unprecedented number of political polls.

The only solution to the problem is an overall ceiling on the total amount of money that can be spent on campaigning. S. 372 would place that ceiling at 25 cents per eligible voter in a given election area; and it would remove the equal time provision, section 315 of the Federal Communications Act of 1934, thereby permitting the broadcast media to give free time to candidates of the major parties.

Mr. President, there is no way of knowing whether this bill will cure all the ills of campaign spending. But it is a step in the right direction—a giant step, and Congress should take it.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT ON ARMY RESERVE OFFICERS' TRAINING CORPS FLIGHT INSTRUCTION PROGRAM

A letter from the Secretary of the Army, transmitting, pursuant to law, a report of progress of the Army Reserve Officers' Training Corps flight instruction program, for the period January 1 through December 31, 1972 (with an accompanying report); to the Committee on Armed Services.

PROPOSED DONATION OF CERTAIN SURPLUS PROPERTY OF THE NAVY

A letter from the Chief of Legislative Affairs, Department of the Navy, reporting, pursuant to law, on the proposed donation of certain surplus property to the East Carolina Chapter, Inc., of the National Railway Historical Society of Asheboro, N.C.; to the Committee on Armed Services.

PROPOSED TRANSFER OF A MINE SWEEP BOAT

A letter from the Assistant Secretary of the Navy (Installations and Logistics), reporting, pursuant to law, on the proposed transfer of the mine sweep boat (MSB–5) to the Pate Museum, Fort Worth, Tex.; to the Committee on Armed Services.

REPORT ON EXEMPLARY REHABILITATION CERTIFICATES

A letter from the Secretary of Labor, reporting, pursuant to law, on exemplary rehabilitation certificates, calendar year 1972; to the Committee on Armed Services.

REPORT ON PROPERTY ACQUISITIONS OF EMERGENCY SUPPLIES AND EQUIPMENT

A letter from the Director, Defense Civil Preparedness Agency, reporting, pursuant to law, on property acquisitions of emergency supplies and equipment, for the quarter ended December 31, 1972; to the Committee on Armed Services.

REPORT ON OFFICERS ASSIGNED OR DETAILED TO PERMANENT DUTY AT THE SEAT OF GOVERNMENT

A letter from the Secretary of the Air Force, reporting, pursuant to law, that, as of December 31, 1972, there was an aggregate of 2,259 officers assigned or detailed to permanent duty at the seat of Government; to the Committee on Armed Services.

PROPOSED AMENDMENT OF TITLE 10, UNITED STATES CODE

A letter from the Assistant Secretary of the Air Force, Manpower and Reserve Affairs, transmitting a draft of proposed legislation to amend title 10, United States Code, to remove the 4-year limitation on additional active duty that a nonregular officer of the Army or Air Force may be required to perform on completion of training at an educational institution (with an accompanying paper); to the Committee on Armed Services.

REPORT ON EXPORT-IMPORT BANK LOANS, INSURANCE, AND GUARANTEES ISSUED TO YUGOSLAVIA

A letter from the President and Chairman, Export-Import Bank of the United States, reporting, pursuant to law, on loans, insurance, and guarantees issued to Yugoslavia; to the Committee on Banking, Housing and Urban Affairs.

DRAFTS OF PROPOSED LEGISLATION FROM THE DEPARTMENT OF TRANSPORTATION

A letter from the Secretary of Transportation, transmitting a draft of proposed legis-

lation to amend section 1306(a) of the Federal Aviation Act of 1958, as amended, to authorize the investment of the war risk insurance fund in securities of, or guaranteed by, the United States (with an accompanying paper); to the Committee on Commerce.

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend title 49, United States Code, to provide for criminal penalties for all who knowingly and willfully refuse or fail to file required reports, keep required data or falsify records; provide criminal penalties for unlawful carriage of persons for compensation or hire; to increase the civil penalty limits; and for other purposes (with accompanying papers); to the Committee on Commerce.

REPORT OF CHESAPEAKE & POTOMAC TELEPHONE CO.

A letter from the vice president and general manager, Chesapeake & Potomac Telephone Co., Washington, D.C., transmitting, pursuant to law, a report of receipts and expenditures of that company, for the year 1972 (with an accompanying report); to the Committee on the District of Columbia.

REPORT OF DEPARTMENT OF AGRICULTURE RELATING TO DISPOSAL OF FOREIGN EXCESS PROPERTY

A letter from the Assistant Secretary for Administration, Department of Agriculture, transmitting, pursuant to law, a report relating to the disposal of foreign excess property, for the fiscal year 1972 (with an accompanying report); to the Committee on Government Operations.

REPORT ON DEFERMENT OF CONSTRUCTION REPAYMENT INSTALLMENTS

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, on the deferment of construction repayment installments by reason of construction of irrigation facilities serving lands in the Webster Irrigation District No. 4, Pick-Sloan Missouri Basin program, Kansas; to the Committee on Interior and Insular Affairs.

PROPOSED AMENDMENTS OF CONCESSION CONTRACT IN HOT SPRINGS NATIONAL PARK, ARK.

A letter from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, proposed amendments of a concession contract in Hot Springs National Park, Ark. (with accompanying papers); to the Committee on Interior and Insular Affairs.

PROPOSED CONCESSION CONTRACT AT GRAND CANYON (NORTH RIM), ZION, AND BRYCE CANYON NATIONAL PARKS

A letter from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed concession contract at Grand Canyon (North Rim), Zion, and Bryce Canyon National Parks (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORT ON DONATIONS RECEIVED AND ALLOCATIONS MADE FROM THE FUND "FUNDS CONTRIBUTED FOR ADVANCEMENT OF INDIAN RACE, BUREAU OF INDIAN AFFAIRS"

A letter from the Deputy Assistant Secretary of the Interior, reporting, pursuant to law, on donations received and allocations made from the fund "14X8563 Funds Contributed for Advancement of Indian Race, Bureau of Indian Affairs," during the fiscal year 1972; to the Committee on Interior and Insular Affairs.

REPORT ON AUTHORITY EXERCISED THROUGH THE GEOLOGICAL SURVEY TO AREAS OUTSIDE THE NATIONAL DOMAIN

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, on authority exercised through the Geological Survey to areas outside the national domain (with accompanying papers); to the Committee on Interior and Insular Affairs.

PROPOSED LEGISLATION TO AMEND TITLE 18 UNITED STATES CODE

A letter from the Acting Assistant Secretary for Congressional Relations, transmitting a draft of proposed legislation to amend title 18, United States Code, to provide for the punishment of serious crimes against foreign officials committed outside the United States, and for other purposes (with an accompanying paper); to the Committee on the Judiciary.

REPORT ON CONDITIONAL ENTRY OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, reporting, pursuant to law, on the conditional entry of certain aliens into the United States (with accompanying papers); to the Committee on the Judiciary.

REPORT RELATING TO FAIR LABOR STANDARDS IN EMPLOYMENTS IN AND AFFECTING INTERSTATE COMMERCE

A letter from the Secretary of Labor, transmitting, pursuant to law, a report pertaining to fair labor standards in employment in and affecting interstate commerce, dated January 1973 (with an accompanying report); to the Committee on Labor and Public Welfare.

REPORT OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

A letter from the Chairman, National Commission on Libraries and Information Science, transmitting, pursuant to law, a report of that Commission, for the fiscal year 1972 (with an accompanying report); to the Committee on Labor and Public Welfare.

REPORT RELATING TO AGE DISCRIMINATION IN EMPLOYMENT

A letter from the Secretary of Labor, transmitting, pursuant to law, a report relating to activities in connection with the Age Discrimination in Employment Act of 1967, dated January 1973 (with an accompanying report); to the Committee on Labor and Public Welfare.

REPORT ON POSITIONS IN GRADES GE–16, 17, AND 18

A letter from the Secretary, Railroad Retirement Board, transmitting, pursuant to law, a report on positions in grades GS–16, 17, and 18, for the calendar year 1972 (with an accompanying report); to the Committee on Post Office and Civil Service.

REPORT ON POSITIONS IN GRADE OF GS–17

A letter from the Director, Administrative Office of the U.S. Courts, reporting, pursuant to law, on the positions in that office, in the grade of GS–17 (with accompanying papers); to the Committee on Post Office and Civil Service.

PROPOSED LEGISLATION TO AMEND THE BANKRUPTCY ACT AND THE CIVIL SERVICE LAW

A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to amend the Bankruptcy Act and the civil service retirement law with respect to the tenure and retirement of referees in bankruptcy (with an accompanying paper); to the Committee on Post Office and Civil Service.

INTERIM REPORT OF NATIONAL COMMISSION ON MATERIALS POLICY

A letter from the Chairman, National Commission on Materials Policy, transmitting, pursuant to law, an interim report of that Commission (with an accompanying report); to the Committee on Public Works.

REPORT ON REEVALUATION OF FEDERAL SPACE REQUIREMENTS IN SAN ANGELO, TEX.

A letter from the Acting Administrator, General Services Administration, reporting, pursuant to law, on the reevaluation of Federal space requirements in San Angelo, Tex.; to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

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

Resolutions of the Legislature of the Commonwealth of Massachusetts; to the Committee on Commerce.

"RESOLUTIONS MEMORIALIZING CONGRESS AND THE PRESIDENT OF THE UNITED STATES CONCERNING THE DECLINE OF SHIPBUILDING IN MASSACHUSETTS

"Whereas, The shipbuilding industry is a major element of the Massachusetts economy; and

"Whereas, There are thousands of our citizens now employed in this shipbuilding industry in Massachusetts; and

"Whereas, The plight and economic well-being of thousands of employees, their families and related industries depends on the continued prosperity of the shipbuilding industry in Massachusetts; and

"Whereas, The shipbuilding industry located in the cities of Quincy and Boston, is currently experiencing difficult times, loss of jobs and a decline in governmental contracts; and

"Whereas, Hundreds of employees in the shipbuilding industry have had and will have their jobs abruptly terminated; and

"Whereas, A decline in the shipbuilding industry in Massachusetts will adversely affect the entire economy of the Northeast section of the United States and the lives of thousands of men, women and their families; and

"Whereas, The Quincy shipyard is about to have its present work force reduced from 5,000 to 2,000 shipbuilding employees; and

"Whereas, Interim work is now desperately needed to help the shipbuilding industry remain viable in Massachusetts; now, therefore, be it

"Resolved, That the House of Representatives implore the Congress and the President of the United States to take due notice of these undesirable conditions now threatening our citizens; and be further

"Resolved, That the House of Representatives implore the Congress and the President of the United States to take all possible steps necessary and proper to curb the decline in shipbuilding in Massachusetts and especially to assist the Quincy Yard in obtaining submarine tender contracts and interim reconstruction and repair work on existing vessels: and be it further

"Resolved, That the House of Representatives implore the Congress and the President of the United States to take appropriate action to stabilize, promote and insure the continued existence and prosperity of the shipbuilding in Massachusetts which is vital to both our economy and national defense; and be it further

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

Two resolutions of the Legislature of the State of Massachusetts; to the Committee on Finance:

"RESOLUTIONS URGING THE DEPARTMENT OF HEALTH, EDUCATION AND WELFARE TO HOLD PUBLIC HEARINGS BEFORE IMPLEMENTING CERTAIN REGULATIONS

"Whereas, The department of Health, Education and Welfare proposes to implement regulations on April one, nineteen hundred and seventy-three which would reduce welfare aid to the states by the amount believed paid to ineligible recipients; and

"Whereas, Such regulations penalize the states for problems in administering the federally dominated program; and

"Whereas, It is the sense of the House of Representatives of Massachusetts that public hearings should be held before welfare aid to the states is reduced; therefore be it

"Resolved, That the House of Representatives of Massachusetts urges the department of Health, Education and Welfare to hold a public hearing before implementing any regulations which would reduce welfare aid to the states; and be it further

"Resolved, That copies of these resolutions be sent forthwith by the Secretary of the Commonwealth to the presiding officer of each branch of Congress and to the department of Health, Education and Welfare."

RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION INCREASING THE FEDERAL OIL IMPORT QUOTA SYSTEM TO MASSACHUSETTS

"Whereas, The Federal Oil Import Quota System is an unconscionable burden on the Massachusetts consumers who are the largest per capita users of home heating oil in the United States; and

"Whereas, This Federal Oil Import Program has been in fact operated as a price fixing device for the benefit of the large United States oil producers and in fact operates as a tax on the Massachusetts consumer; and

"Whereas, The Massachusetts wholesalers, distributors and retailers of fuel oil have been hampered in their ability to obtain certain grades of oil, particularly No. 2 oil which is used for home heating; and

"Whereas, Every year, advance planning for assurance of an adequate supply has been adversely affected by the manipulation and procrastination of the executive department in Washington to the detriment of the health and welfare of the consuming public; therefore, be it

"Resolved, That it is the will of this House of Representatives that immediate action be taken by the President of the United States to remove all oil import quota restrictions, at once, in order that an adequate supply of oil may be obtained for the rest of this winter to insure the safety and health of the consuming public and that the President take the proper steps to insure that there shall be no recurrence of the faulty planning and manipulation of the price and supply of this commodity by the Federal Government; and be it further

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

A resolution of the Senate of the State of Wisconsin; to the Committee on Finance:

"SENATE RESOLUTION 6

"Enrolled resolution requesting the President to not raise import quotas on nonfat dry milk

"Whereas, the U.S. secretary of agriculture is submitting a draft proclamation to the President that would raise import quotas of powdered milk from 1.8 million pounds to 25 million pounds; and

"Whereas, the present situation of dairy farmers is one of severe income crisis. Costs are up drastically and there is an immense income squeeze. Present and future productive capacity is greatly threatened. The situation is one of emergency crisis, aside from the threatened flood of imports; and

"Whereas, the threatened import flood would drastically worsen the present situation; and

"Whereas, we already are absorbing heavy cheese imports with inadequate import control. Increased powder imports would have the purpose and effect of breaking powder prices. This would decrease farm income to 1970 or 1971 levels of income without compensating for the immense cost increases that have since occurred. Farm support prices for milk, already at less than 76% of parity, would be pushed down below the legal minimum of 75%. This massive reduction in farm income would endanger the capacity to meet public needs for milk; and

"Whereas, in effect the federal government has facilitated feed exports to enhance foreign production while opening import quotas in this country to allow such increased foreign production to destroy our markets. The effect domestically is to raise feed prices to farmers while lowering milk prices to farmers; and

"Whereas, income of dairy farmers is now at a level that drastically threatens to shrink the productive capacity of the dairy industry. There have been increases in farm prices for milk during this past year, but costs have risen vastly more than prices. Feed costs have virtually doubled in parts of our country. Feed prices rose by 17% in the single week ending on December 13, 1972. Harvests are delayed or lost in other parts of the nation; and

"Whereas, that flood of imported powdered milk would gravely compound the dangers to the dairy economy of an income situation that already is in a state of crisis. We are absorbing accelerating cheese imports in consequence of utterly inadequate import regulation. Increased powder imports must be intended to break domestic prices and incomes, and certainly that would be their effect. Dairy farmers already in real and deep distress will be driven from their farms. This action would deny over the long run an adequate supply of milk and milk products to our own people;

"Now, therefore, be it resolved by the senate, That the President refuse to approve the proposal to raise import quotas on nonfat dry milk, not only for the interest of the dairy farmer but for the basic interest of the American consumer; and

"Be it further resolved, That duly attested copies of this resolution be immediately transmitted to the U.S. Secretary of Agriculture, the President, the secretary of the United States, the clerk of the house of representatives of the United States and to each member of the congressional delegation from Wisconsin.

A resolution adopted by the Hawaii Conference of the United Church of Christ, Honolulu, Hawaii, relating to the war in Southeast Asia; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. RANDOLPH, from the Committee on Public Works:

S. 606. An original bill authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes (together with a minority view) (Rept. No. 93–6).

Mr. RANDOLPH. Mr. President, I report from the Committee on Public Works an original bill authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes. This is the Flood Control Act of 1973, containing exactly the same provisions as the conference report on S. 4018 which was vetoed by the President subsequent to the adjournment of Congress last fall.

By Mr. ERVIN, from the Committee on Government Operations, without amendment:

S. 518. A bill to provide that appointments to the offices of Director and Deputy Director of the Office of Management and Budget shall be subject to confirmation by the Senate (Rept. No. 93–7).

By Mr. RANDOLPH, from the Committee on Public Works:

S.J. Res. 42. An original joint resolution to extend the life of the Commission on Highway Beautification established under section 123 of the Federal-Aid Highway Act of 1970 (Rept. 93–8).

Mr. RANDOLPH. Mr. President, I report from the Committee on Public Works an original joint resolution to extend the life of the Commission on Highway Beautification established under section 123 of the Federal-Aid Highway Act of 1970.

EXECUTIVE REPORTS OF COMMITTEES

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

By Mr. JAVITS, from the Committee on Labor and Public Welfare:

Peter J. Brennan, of New York, to be Secretary of Labor.

The nominee has agreed to make himself available for testimony at any time the committee requests it.

John Harold Fanning, of Rhode Island, to be a member of the National Labor Relations Board.

The nominee has agreed to make himself available for testimony at any time the committee requests it.

Mr. STENNIS. Mr. President, from the Committee on Armed Services I report favorably the nominations of four Air Force and one Army general officers to be placed on the retired list. Two promotions to grade of lieutenant general in the Air Force. One promotion to captain in the Navy and three promotions to lieutenant general in the Army. One promotion to brigadier general in the Army Reserve. Two vice admirals for appointment to grade of admiral and five rear admirals to grade of vice admiral and one vice admiral to be retired in that grade. I ask that the names be placed on the Executive Calendar.

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

The nominations, ordered to be placed on the Executive Calendar, are as follows:

Gen. David A. Burchinal (major general, Regular Air Force) U.S. Air Force, to be placed on the retired list in the grade of general;

Lt. Gen. John B. McPherson (major general, Regular Air Force) U.S. Air Force, to be placed on the retired list in the grade of lieutenant general;

Lt. Gen. Harry E. Goldsworthy (major general, Regular Air Force) U.S. Air Force, to be placed on the retired list in the grade of lieutenant general;

Lt. Gen. Francis C. Gideon (major general, Regular Air Force) U.S. Air Force, to be placed on the retired list in the grade of lieutenant general;

Maj. Gen. William W. Snavely (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 lieutenant general;

Maj. Gen. Richard M. Hoban (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 lieutenant general;

Gen. George Vernon Underwood, Jr., Army

of the United States (major general, U.S. Army), to be placed on the retired list in the grade of general;

Maj. Gen. Fred Kornet, Jr., Army of the United States (lieutenant colonel, U.S. Army), and Maj. Gen. Edward Michael Flanagan, Jr., Army of the United States (brigadier general, U.S. Army), to be assigned to positions of importance and responsibility designated by the President, to be lieutenants general;

Lt. Gen. Donald Harry Cowles, Army of the United States (major general, U.S. Army), to be senior U.S. Army member of the Military Staff Committee of the United Nations;

Col. Joseph Richard Jelinek, Army National Guard of the United States, for promotion to brigadier general as a Reserve commissioned officer of the Army;

Vice Adm. James L. Holloway III, U.S. Navy, for appointment as Vice Chief of Naval Operations, and Vice Adm. James L. Holloway III, for commands and other duties of great importance and responsibility determined by the President, for appointment to the grade of admiral while so serving;

Vice Adm. Worth H. Bagley, U.S. Navy, for commands and other duties of great importance and responsibility determined by the President, for appointment to the grade of admiral while so serving;

Rear Adm. Kenneth R. Wheeler, Supply Corps, U.S. Navy, for commands and other duties determined by the President, for appointment to the grade of vice admiral while so serving;

Rear Adm. Thomas B. Hayward, U.S. Navy, for commands and other duties of great importance and responsibility determined by the President, for appointment to the grade of vice admiral while so serving;

Rear Adm. John G. Finneran, U.S. Navy, for commands and other duties of great importance and responsibility determined by the President, for appointment to the grade of vice admiral while so serving;

Rear Adm. Daniel J. Murphy, U.S. Navy, for commands and other duties determined by the President, for appointment to the grade of vice admiral while so serving;

Rear Adm. George P. Steele II, U.S. Navy, for commands and other duties of great importance and responsibility determined by the President, for appointment to the grade of vice admiral while so serving;

Vice Adm. George M. Davis, Jr., Medical Corps, U.S. Navy, for appointment to the grade of vice admiral, when retired; and

Comdr. Ronald E. Evans, U.S. Navy, for permanent promotion to the grade of captain in the Navy.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. SCOTT of Pennsylvania:

S. 581. A bill for the relief of Ludwik Kikla. Referred to the Committee on the Judiciary.

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

S. 582. A bill providing social services for the aged. Referred to the Committee on Finance.

By Mr. ERVIN:

S. 583. A bill to promote the separation of constitutional powers by securing to the Congress additional time in which to consider the rules of evidence for U.S. courts and magistrates, the amendments to the Federal Rules of Civil Procedure, and the amendments to the Federal Rules of Criminal Procedure which the Supreme Court on November 20, 1972, ordered the Chief Justice to transmit to the Congress. Referred to the Committee on the Judiciary.

By Mr. BAYH:

S. 584. A bill to amend the act entitled "An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes," approved November 5, 1966. Referred to the Committee on Interior and Insular Affairs.

By Mr. MOSS:

S. 585. A bill to amend section 303 of the Communications Act of 1934 to require that radios be capable of receiving both AM and FM broadcasts. Referred to the Committee on Commerce.

By Mr. DOMINICK (for himself, Mr. FANNIN, Mr. TOWER, Mr. BENNETT, Mr. CURTIS, Mr. DOLE, Mr. HANSEN, Mr. SCOTT of Virginia, Mr. THURMOND, and Mr. YOUNG):

S. 586. A bill to amend the Occupational Safety and Health Act of 1970. Referred to the Committee on Labor and Public Welfare.

By Mr. BEALL (for himself, Mr. TOWER, and Mr. TAFT):

S. 587. A bill to amend the Social Security Act to establish a national catastrophic illness insurance program under which the Federal Government, acting in cooperation with State insurance authorities and the private insurance industry, will reinsure and otherwise encourage the issuance of private health insurance policies which make adequate health protection available to all Americans at a reasonable cost. Referred to the Committee on Finance.

By Mr. AIKEN:

S. 588. A bill to extend for an additional 3-year period the temporary suspension of the duty on istle. Referred to the Committee on Finance.

S. 589. A bill making an urgent supplemental appropriation for the national industrial reserve under the Independent Agencies Appropriation Act for the fiscal year ending June 30, 1973. Referred to the Committee on Appropriations.

By Mr. PERCY (for himself, Mr. ERVIN, Mr. BROCK, Mr. CHILES, Mr. JAVITS, Mr. METCALF, Mr. MUSKIE, Mr. ROTH, and Mr. SAXBE):

S. 590. A bill to require that future appointments of certain officers in the Executive Office of the President be subject to confirmation by the Senate. Referred by unanimous consent to the Committee on Government Operations, the Committee on Banking, Housing and Urban Affairs, the Committee on Foreign Relations, and the Committee on Armed Services.

By Mr. PERCY:

S. 591. A bill for the relief of Gioacchino Gino Buttita;

S. 592. A bill for the relief of Mrs. Cancey Louise Thurton; and

S. 593. A bill for the relief of Angelica L. Villarin. Referred to the Committee on the Judiciary.

By Mr. HRUSKA:

S. 594. A bill to amend the Immigration and Nationality Act to provide for waiver of excludability for certain aliens, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. DOMINICK:

S. 595. A bill for the relief of Raimondo Pasquarelli. Referred to the Committee on the Judiciary.

By Mr. BURDICK:

S. 596. A bill to improve judicial machinery by revising the certiorari jurisdiction of the Supreme Court and for other purposes. Referred to the Committee on the Judiciary.

By Mr. BURDICK (by request):

S. 597. A bill to provide for the appointment of additional district judges, and for other purposes. Referred to the Committee on the Judiciary.

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

S. 598. A bill to donate to the Devils Lake Sioux Tribe, Fort Totten Reservation, some submarginal lands of the United States, and to make such lands part of the reservation involved. Referred to the Committee on Interior and Insular Affairs.

By Mr. BURDICK (for himself, Mr. ABOUREZK, Mr. MCGOVERN, and Mr. YOUNG):

S. 599. A bill to provide that certain lands shall be held in trust for the Standing Rock Sioux Tribe in North Dakota and South Dakota. Referred to the Committee on Interior and Insular Affairs.

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

S. 600. A bill to designate certain lands as wilderness;

S. 601. A bill to designate certain areas in the United States as wilderness; and

S. 602. A bill to designate certain lands as wilderness. Referred to the Committee on Interior and Insular Affairs.

By Mr. BAKER:

S. 603. A bill authorizing the construction, repair, and preservation of certain works on rivers and harbors for navigation, flood control, and for other purposes. Referred to the Committee on Public Works.

By Mr. STEVENS:

S. 604. A bill relating to manpower requirements, resources, development, utilization, and evaluation, and for other purposes. Referred to the Committee on Labor and Public Welfare.

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

S. 605. A bill to amend the act of June 30, 1944, an act "To provide for the establishment of the Harpers Ferry National Monument," and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. RANDOLPH (from the Committee on Public Works):

S. 606. An original bill authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes. Ordered to be placed on the calendar.

By Mr. KENNEDY (for himself, Mr. BROOKE, Mr. EAGLETON, Mr. HART, Mr. HUMPHREY, Mr. INOUYE, Mr. JAVITS, Mr. MCGEE, Mr. MCGOVERN, Mr. MAGNUSON, Mr. PASTORE, Mr. RIBICOFF, Mr. SCHWEIKER, Mr. STAFFORD, Mr. STEVENSON, Mr. WILLIAMS, Mr. BIBLE, Mr. ABOUREZK, Mr. PERCY, Mr. GURNEY, Mr. MUSKIE, Mr. PELL, Mr. RANDOLPH, Mr. SCOTT of Pennsylvania, Mr. HUGHES, Mr. TAFT, Mr. BIDEN, Mr. HASKELL, Mr. STEVENS, and Mr. Moss):

S. 607. A bill to amend the Lead Based Paint Poisoning Prevention Act, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. KENNEDY (for himself, Mr. MUSKIE, and Mr. HATHAWAY):

S. 608. A bill to authorize members of the Armed Forces and Federal employees who were in a missing status for any period during the Vietnam conflict to receive double credit for such period for retirement purposes, to provide for the payment of certain pay and allowances for such period, and for other purposes. Referred to the Committee on Veterans' Affairs.

By Mr. McGEE (for himself and Mr. BROCK):

S. 609. A bill to amend the Internal Revenue Code of 1954 with respect to .22 caliber ammunition recordkeeping requirements. Referred to the Committee on Finance.

By Mr. McGEE:

S. 610. A bill to revise the pay structure of the police forces of the Washington National Airport and Dulles International Airport, and for other purposes. Referred to the Committee on Post Office and Civil Service.

By Mr. JAVITS:

S. 611. A bill to amend the Interstate Commerce Act, as amended, with respect to schoolbus safety. Referred to the Committee on Commerce.

By Mr. KENNEDY:

S. 612. A bill to authorize the establishment of an older worker community service program. Referred to the Committee on Labor and Public Welfare.

By Mr. McGEE:

S.J. Res. 41. A joint resolution to authorize the President to issue annually a proclamation designating March of each year as "Youth Art Month." Referred to the Committee on the Judiciary.

By Mr. RANDOLPH (from the Committee on Public Works):

S.J. Res. 42. An original joint resolution to extend the life of the Commission on Highway Beautification established under section 123 of the Federal-Aid Highway Act of 1970. Ordered to be placed on the calendar.

By Mr. JAVITS (for himself, Mr. BEALL, Mr. CRANSTON, Mr. KENNEDY, Mr. PELL, Mr. RANDOLPH, and Mr. STEVENSON):

S.J. Res. 43. A joint resolution to authorize and request the President to proclaim the period April 23, 1973, through April 28, 1973, as "School Bus Safety Week." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 582. A bill providing social services for the aged. Referred to the Committee on Finance.

Mr. SCOTT of Pennsylvania. Mr. President, the legislation I am introducing today with my colleague, the gentleman from Pennsylvania (Mr. SCHWEIKER), will allow needy senior citizens who are not on welfare to participate in the social services program on the same basis that those who are on welfare now do.

Last fall, during consideration of the Revenue Sharing Act, the Senate voted to place an overall ceiling of $2.5 billion on the spiraling annual cost of social services programs. In order to then direct these limited funds to those who needed assistance to become self-sustaining, the States were prohibited from spending more than 10 percent of their Federal allotment for services for individuals not actually receiving public assistance.

What was not fully considered in the rush toward adjournment, was that thousands of senior citizens who qualify financially for welfare do not apply, preferring instead to make do on whatever small pension or other income they may receive. The homemaker, nutrition, recreation, transportation, and other services provided under the social services program were often the one essential ingredient in enabling these poor elderly to remain otherwise independent and self-sustaining. To now require that they accept welfare in order to receive this aid would be a cruel and senseless irony.

My amendment will simply allow the States to fund social service programs for nonwelfare poor senior citizens from their total Federal allotment, rather than from just the 10 percent reserved for the nonrecipient poor.

Such a provision would not be without precedent. Day care, family planning, foster child care and services for the mentally retarded, alcoholics and drug addicts may already be funded from a State's total allotment when provided to former or potential welfare recipients. My legislation will add the category of senior citizens to these groups already so exempted.

Because several States, my own Commonwealth of Pennsylvania included, have spent or will soon have spent the 10 percent earmarked for nonwelfare cases, it is vital that the Congress act now to assure a continuance of these for the nonrecipient poor.

By Mr. ERVIN:

S. 583. A bill to promote the separation of constitutional powers by securing to the Congress additional time in which to consider the rules of evidence for U.S. courts and magistrates, the amendments to the Federal Rules of Civil Procedure, and the amendments to the Federal Rules of Criminal Procedure which the Supreme Court on November 20, 1972, ordered the Chief Justice to transmit to the Congress. Referred to the Committee on the Judiciary.

CONGRESS NEEDS MORE TIME TO CONSIDER PROPOSED RULES OF EVIDENCE

Mr. ERVIN. Mr. President, to promote the separation of constitutional powers, I introduce for appropriate reference, a bill to secure to the Congress additional time in which to consider the proposed rules of evidence for U.S. courts and magistrates, the amendments to the Federal Rules of Civil Procedure, and the amendments to the Federal Rules of Criminal Procedure which the Supreme Court on November 20, 1972, ordered the Chief Justice to transmit to the Congress.

Mr. President, since the U.S. Supreme Court, in November 20, 1972, prescribed the rules of evidence, members of the bar and Members of the Congress have voiced great concern regarding their effect upon our system of justice.

Certainly the concept of the rules of evidence is no recent innovation and the rules themselves are the product of several years of study by a committee of eminent scholars and lawyers. Although many of the major provisions of the early drafts became familiar to many lawyers, through such services as Law Week, many of the changes adopted in the final draft depart markedly from earlier versions, and Members of the Congress, and the organized bar have not had time to subject the rules and their recent changes to the careful scrutiny which one would consider appropriate in such a major undertaking.

Under present statutory provisions, Congress has only 90 days to consider rules submitted to it, and unless disapproved within that time, such rules are adopted by operation of law. Thus, unless disapproved, the proposed rules of evidence will become law 90 days after they are submitted to the Congress by the Chief Justice.

To my mind, the many controversies raised by the proposed Federal rules of evidence simply cannot be resolved properly within 90 days. It took a committee of eminent scholars and lawyers 8 years to promulgate these rules, and now the Congress is expected, within 90 days, to consider fairly the product of their 8 years of study, debate, and compromise. A careful perusal of the proposed rules shows that they will impose many modifications on our present system of justice. Under the present statutory provisions the Congress must consider, within 90 days, these proposed rules which are, in effect, a new body of evidence law. If I remember correctly, law students are required to study the law of evidence for at least 1 year.

Mr. President, I do not here seek to debate the merits of the rules, but to point out that there is much controversy surrounding them, and that many Members of the Congress and the bar have not had a chance to consider carefully some major changes to the earlier drafts which were made within the last year. Because of the controversy surrounding the proposed rules, and because of the importance of the rules of evidence and the effect that they will have on our system of justice, I feel that they must be given thorough and fair consideration by every Member of the Congress. This cannot be done in 90 days.

This bill would give the Congress more time to consider fairly and adequately the proposed rules, by extending the time for consideration of the rules until the adjournment *sine die of the first session* of the 93d Congress.

I ask unanimous consent that a copy of the bill be printed at this point in the body of the RECORD.

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

S. 583

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

SECTION 1. Notwithstanding any other provisions of law, the Rules of Evidence for United States Courts and Magistrates, the Amendments to the Federal Rules of Civil Procedure, and the Amendments to the Federal Rules of Criminal Procedure, which are embraced by the Order entered by the Supreme Court of the United States on Monday, November 20, 1972, shall have no force or effect prior to the adjournment sine die of the First Session of the Ninety-Third Congress except to the extent that they may be expressly approved by such Congress prior to such sine die adjournment.

SEC. 2. That all provisions of law inconsistent with the provisions of this Act are hereby repealed.

By Mr. BAYH:

S. 584. A bill to amend the act entitled "An act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes," approved November 5, 1966. Referred to the Committee on Interior and Insular Affairs.

INDIANA DUNES NATIONAL LAKESHORE COMPLETION

Mr. BAYH. Mr. President, I introduce for appropriate reference a bill to authorize the additional appropriations needed to complete the Indiana Dunes National Lakeshore as it was originally approved in 1966. I am hopeful that prompt action will be taken on this bill since the amount of the increase is relatively small—$4.7 million—while the benefits to the citizens of the area and historical, environmental, and natural values of the land involved are great. This bill was approved by the Senate on

August 16, 1972, but failed to be considered by the House. I am hopeful that prompt action will be taken by both bodies this year.

Congress recognized in 1966 by passing enabling legislation and the initial authorization that the Indiana Dunes National Lakeshore is a unique natural treasure. Congress also recognized that the lakeshore can and does provide much needed recreational land close to hundreds of thousands of citizens who live in the highly developed area around the southern tip of Lake Michigan. For the average working man or woman in Indiana or Illinois or elsewhere in the Midwest, completion of the lakeshore is vital, for it is easy to reach and inexpensive to enjoy. There is no better place in the country for bringing the parks to the people.

Unfortunately, the amount of the original authorization has proved to be inadequate to complete the lakeshore as originally envisioned. On the basis of information provided by the National Park Service, the Senate approved last year $4.7 million for the completion. This is the amount provided for in the bill I introduce today.

We must authorize this additional expenditure not only because of the natural values of the lakeshore and the tremendous recreational potential it contains, but also to carry out the commitment we in Congress made in 1966 to complete the lakeshore. Many persons in the areas affected have relied on that commitment, and the inadequacy of the funding—which could not have been foreseen at the time—has caused considerable inconvenience and uncertainty. Furthermore, the faster that we act to complete the lakeshore now, the less expensive it will be. For all these reasons, I urge congressional approval of this bill as soon as possible.

I ask unanimous consent that excerpts from the report of the Senate Committee on Interior and Insular Affairs be printed in the RECORD at this point.

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

AMENDING THE INDIANA DUNES NATIONAL LAKESHORE ACT

(Excerpts from the report of the Committee on Interior and Insular Affairs, August 11, 1972)

The Committee on Interior and Insular Affairs, to which was referred the bill (S. 3811) to amend the act entitled "an act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes", approved November 5, 1966, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

PURPOSE OF BILL

The purpose of S. 3811, sponsored by Senator Bayh, is to increase the amount authorized to be appropriated for the acquisition of land for Indiana Dunes National Lakeshore from $27,900,000 to $32,600,000 an increase of $4,700,000.

BACKGROUND

Indiana Dunes National Lakeshore was authorized by the act of November 5, 1966 (80 Stat. 1309). It consists of a total authorized area of 8,329.81 acres, created to preserve for the educational, inspirational, and recreational use of the public certain portions of the Indiana Dunes and other areas of scenic, scientific, and historic interest and recreational value in the State of Indiana.

The area designated by Congress for acquisition in 1966 contains a unique combination of lakefront, dunes, and hinterlands that is ideally suited to fulfillment of the recreational and open-space needs of the people of the region. There are more than 9½ million people living within a 100-mile radius of Indiana Dunes, and recreation facilities are inadequate to meet the demand. When completed, the Indiana Dunes National Lakeshore will provide ideal conditions for sunbathing, swimming, hiking, and camping. However, because an insufficient amount of land has been acquired the lakeshore has not yet been established.

Legislation to preserve the Indiana Dunes was enacted into Public Law 89–761 on November 5, 1966. In approving the basic legislation, the committee cited the findings of the Outdoor Recreation Resources Review Commission in the 1962 ORRRC report that—

Most people seeking outdoor recreation want water—to sit by, to swim and to fish in, to ski across, and to run their boats over. Swimming is now one of the most popular outdoor activities and likely to be the most popular of all by the turn of the century. Boating and fishing are among the top 10 activities. Camping, picnicking, and hiking, also high on the list, are most attractive near-water sites.

The committee believes that the ORRRC report is no less true today, and now, almost 6 years after congressional authorization of the project, the potential recreational opportunities offered by the Indiana Dunes National Lakeshore are needed more than ever. The full area authorized in 1966 ought to be acquired without further delay and the area established and opened up for full public use.

NEED AND COSTS

Enactment of S. 3811 will make possible the acquisition of the total area authorized. The 1966 act authorized not to exceed $27,900,000 for the acquisition of land and interests in land for the lakeshore. All of this amount has been appropriated. With the funds made available, a total of 3,333.66 acres have been acquired, leaving 2,028.07 acres of private land remaining to be acquired. The estimated cost of acquiring the remaining private lands is $4,636,500, which would be authorized by this legislation. This cost includes $406,900 attributable to the Uniform Relocation and Real Property Acquisition Policies Act of 1970, as to the private lands yet to be acquired.

Of the individual properties to be acquired 34 are classified as owner-occupied dwellings, seven are classified as tenant-occupied dwellings, and 1,756 are unimproved properties. Of course the owners of dwellings constructed before January 4, 1965, will be permitted to elect to retain rights of use and occupancy for residential purposes in accordance with the provisions of section 6 of the 1966 legislation authorizing the area.

The committee understands that the chief reason why the $27.9 million authorized in 1966 was insufficient to complete the project is the excess court awards in condemnation cases. Based on trials and stipulations completed thus far, there is projected an overall deficit of 38 percent in the total condemnation actions.

COMMITTEE AMENDMENT

The committee amended the bill as follows:

Page 1, line 8, strike "$33,900,000" and insert in lieu thereof "$32,600,000".

The bill provides that the authorization ceiling be raised $6 million from $27,900,000, as provided in the original act (80 Stat. 1312) to $33,900,000. The National Park Service estimates that approximately the sum of $4,636,500 will be needed to cover the cost of acquisition for the remaining 2,028.07 acres. The committee amendment would authorize the additional $4.7 million requested rather than an additional $6 million.

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs unanimously recommended in executive session on August 9, 1972, the enactment of S. 3811 as amended.

By Mr. MOSS:

S. 585. A bill to amend section 303 of the Communications Act of 1934 to require that radios be capable of receiving both AM and FM broadcasts. Referred to the Committee on Commerce.

ALL-CHANNEL RADIO BILL

Mr. MOSS. Mr. President, I am today introducing a bill to amend section 303 of the Communications Act of 1934 to require that all radio receiving sets shipped in interstate commerce be capable of receiving both AM and FM broadcasts, except for sets retailing for less than $15.

The practical effect of this bill would be to materially broaden the listening possibilities of radio, thus providing improved communications to the widest possible cross section of the American public. It would not only provide greater programing service to the public-at-large, but it would also have the effect of improving the programing content of all radio broadcasting due to increased competition between stations. At the present time many sets are equipped to receive only AM broadcasts, and the people owning these sets are shut off from the vast world of FM broadcasting—a world which includes educational as well as commercial programs. There are approximately 2,950 FM stations on the air today, 549 of them noncommercial or educational stations.

This FM world for broadcasting will become even more important as the Corporation for Public Broadcasting continues to develop its programs and to expand its functions. The Corporation for Public Broadcasting has a congressional mandate to build a system of general educational, cultural and informational radio broadcasting in the United States. Without the successful passage of the all-channel AM–FM legislation, the Corporation cannot efficiently and effectively fulfill its responsibility to public radio, since vitually all noncommercial educational radio licenses—549 of 574—are assigned to FM frequencies. FM set penetration, which is as low as 15 percent in radio-equipped automobiles and is less than half of the homes located in many of the top 100 population centers, is inadequate to meet this commitment. The passage of all-channel legislation will insure a significant expansion of the number of listeners able to receive and benefit from public radio programing.

This bill also would assist the many independent businessmen who have entered FM broadcasting in the hope of providing a service to their local communities while developing a fair return on their investment. While their associates operating on AM frequencies are, on the whole, quite successful, the businessman attempting to operate an independent FM radio station not allied with an AM outlet continues to face unfair odds because too few homes and auto-

mobiles can receive his programs. The Federal Communications Commission's annual report on broadcast revenues for calendar 1971 showed that while radio revenues as a whole increased 10.7 percent and radio profits also increased 10.7 percent, the proportion of independent FM stations sustaining losses in 1971 was 65.5 percent. While it is not the charge of the Congress to guarantee a businessman profitability, we are not without some responsibility to correct a situation like this in a federally regulated industry, where, because of inequities brought about by broadcast rules, one man is able to make a reasonable profit and provide a good service while another one with similar capability, investment, and initiative is prevented from doing so.

There are presently about 4,400 AM stations in the country, some half of which are daytime-only stations. Thus, many rural areas lack local service at night and must depend on radio stations located in distant cities for news, weather information and other matters of importance. This void can be filled only by FM stations reaching persons with FM receiving sets, for the Federal Communications Commission has recently pointed out that the AM band of frequencies is, for all practical purposes, exhausted and that the FM band must be relied on if the public is to receive additional aural broadcast service.

In these crucial times it is imperative that certain information be made instantaneously available to all Americans. The inclusion of FM bands on all but the cheapest radio receivers would make additional radio available to many people after the daytime stations go off the air, as well as during the day when both types of stations are broadcasting. The net effect would be to make more radio reception available to more people at all times.

UHF television has already benefited from similar legislation. One would expect the same advantages to accrue to the radio listener as to the television viewer. It is essential if equality is to be provided for FM radio, as has been done for UHF in the television field.

At the present time, receiving sets including AM and FM bands are more expensive than those which receive AM signals only, and undoubtedly the present minimum price of some aural receiving sets would be increased somewhat with the requirement that most all sets carry both AM and FM signals. On the other hand, the requirement would result in mass production of the all-channel sets, which would inevitably bring significantly lower costs per unit to members of the public.

It is the present price differential between AM only and AM–FM receiving sets that is denying many members of the public the superior entertainment and communications advantages that FM broadcasting has to offer. In most American homes, there is only one FM radio while there are multiple AM units. However, it is in automobiles where the public suffers most in terms of access to FM broadcast signals. When manufacturers produce this limited number of FM car radios, the sales cost is much too high. Today, the U.S. consumer is being asked to pay twice as much or more to add FM reception for his motoring pleasure and communications needs. It is expected that the mass production resulting from my bill, together with the force of competition, would substantially reduce, if not eliminate, this price differential.

The rationale for this bill is in line with the thinking of the Federal Communications Commission on radio programing generally. For instance, the Commission has recently held that jointly owned AM–FM stations in communities of 100,000 population or over must program separately in order to give the public a greater diversity and choice. My bill would make this new programing on the FM stations available to many more people both at home and when riding in their automobiles. It will strengthen and improve both commercial and educational FM operations, thereby benefiting the entire radio audience—both those who now have FM sets and those who would now get them for the first time.

As many of you know, I have endeavored before to interest this body in considering this legislation. Now I am heartened by the support which I have received in this matter from a broad coalition of interested citizens and organizations, particularly those desirous of bringing a more effective educational radio service to their communities. For the past year, under the voluntary chairmanship of a distinguished former member of the Federal Communications Commission, Mr. Kenneth A. Cox, and with the strong support of the National Association of Educational Broadcasters, National Public Radio and the Corporation for Public Broadcasting, as well as the National Association of FM Broadcasters, an ad hoc committee has been steadily working to compile significant data concerning costs of manufacture of all-channel radio receivers and the kinds of public benefits which will accrue upon passage of this legislation. This committee also includes the Joint Council on Educational Telecommunications which represents the interests of more than a dozen of the major educational forces in American life. I submit to you that with this rapidly increasing concern and with the availability of fresh information on the entire matter, the least this body can do is to propose such legislation and hear the presentations of those who are so vitally interested in it.

Mr. President, I send to the desk a bill to require AM and FM channels in all radios except very cheap pocket-type sets. I ask that it be appropriately referred and that the text of the bill appear in the RECORD.

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

S. 585

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 303 of the Communications Act of 1934 is amended by adding the following new paragraph at the end:

"(t) Have authority to require that apparatus designed to receive any amplitude modulated (AM) or frequency modulated (FM) broadcast be capable of adequately receiving all frequencies allocated by the Commission for AM and FM broadcasting when such apparatus is shipped in interstate commerce, or is imported from any foreign country into the United States, for sale or resale to the public, *provided,* however, that this authority shall not extend to apparatus designed to receive only amplitude modulated (AM) or frequency modulated (FM) broadcasts and retailing for less than $15.00."

SEC. 2. Section 330 is amended—

(1) by striking out "paragraph (s)" in subsection (a) and inserting in lieu thereof "paragraphs (s) and (t)";

(2) by striking out "that paragraph" in subsection (a) and inserting in lieu thereof "those paragraphs";

(3) by striking out "section 303(s)" in subsection (b) and inserting in lieu thereof "sections 303(s) and 303(t)"; and

(4) by striking out "TELEVISION" in the section heading and inserting in lieu thereof "BROADCAST".

By Mr. DOMINICK (for himself, Mr. FANNIN, Mr. TOWER, Mr. BENNETT, Mr. CURTIS, Mr. DOLE, Mr. HANSEN, Mr. SCOTT of Virginia, Mr. THURMOND, and Mr. YOUNG):

S. 586. A bill to amend the Occupational Safety and Health Act of 1970. Referred to the Committee on Labor and Public Welfare.

Mr. DOMINICK. Mr. President, I am today introducing on behalf of myself, Senator FANNIN, Senator TOWER, Senator BENNETT, Senator CURTIS, Senator DOLE, Senator HANSEN, Senator HATFIELD, Senator THURMOND, and Senator YOUNG, a bill to amend the Occupational Safety and Health Act of 1970 by extending for 1 year the period during which States may enforce existing standards covered in their proposed OSHA plans pending final approval of such plans.

The objective of the act is, of course, to assure "safe and healthful working conditions" for all American workers. This objective is to be achieved through adoption and enforcement of mandatory Federal occupational safety and health standards. But the act—section 2(b)(11)—specifically adopts a policy of "encouraging the States to assume the fullest responsibility for the administration and enforcement of occupational safety and health laws." Accordingly the act—section 18(b)—permits the States to adopt and enforce their own occupational safety and health standards pursuant to plans which have been approved by the Secretary of Labor as being "at least as effective" as the national standards promulgated by OSHA, and authorizes grants to the States for the development and implementation of such plans—section 23. The act—section 18(h)—provided that each State could continue, pursuant to agreement with the Labor Department, to enforce its existing occupational safety and health laws pending approval of a plan submitted under section 18(b), or until December 1972, whichever came earlier. Federal OSHA standards covering subjects not included in an agreement permitting State enforcement are, of course, enforced by OSHA officials in each State.

Last fall it became apparent that a number of State plans under review could not be finally acted on prior to the

December 29 cutoff date. Forty-nine plans were submitted prior to December 29. Of these, only seven have been finally approved—South Carolina, Montana, Utah, Oregon, North Dakota, New Jersey, and Washington. To avoid interrupting the authority of the other States to enforce State safety standards related to issues covered in their proposed plans, the Secretary of Labor, acting on the recommendation of the National Commission on Occupational Safety and Health, issued an order on December 3, 1972, in effect extending such authority for 6 months, or until final approval of their plans, whichever came first.

On January 2, 1973, the U.S. District Court for the District of Columbia ruled that the Secretary of Labor had no authority to extend the December 29, 1972, deadline, and issued an injunction against implementation of his December 3 order. At the present time, therefore, those States which have submitted plans that have not yet been approved, have no authority to continue enforcing existing State safety and health standards covered in their proposed plans pending final approval. Federal OSHA standards preempted such State standards as of December 29 last year. In addition to the District of Columbia, Puerto Rico, the Virgin Islands, Guam, and American Samoa, 37 States fall in this category. They are: Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nevada, New Hampshire, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.

This needless disruption of State enforcement conflicts with the act's policy of maximizing the responsibility of the States. Even worse, the result is lessened protection for employees during this interim period. Approximatelly 500 OSHA inspectors will be performing tasks previously shared with 1,600 State inspectors. The act does permit the Labor Department to enter agreements with the States under which State enforcement personnel could be utilized to enforce Federal OSHA standards. But that is not a satisfactory solution. It would take considerable time to familiarize such State enforcement personnel with OSHA standards and enforcement procedures. Moreover, several States, including California and New York, have laws specifically prohibiting the expenditure of State funds for salaries of State employees while they are performing services for the Federal Government. Funds are certainly not available at this time for the Federal Government to pay their salaries. It makes little sense to require employers to comply with Federal OSHA standards which will be replaced by different though equivalent, standards when pending State plans are finally approved. This may be a relatively short period of time. OSHA officials predict that their review of submitted State plans will be completed by the end of May, and certainly no later than the end of the year.

I think the only sensible solution is for Congress to extend the cutoff date for State enforcement of standards covered in plans submitted within the original 2-year period provided for in the act, but which have not yet been approved. OSHA officials have stated that they would have sought such an extension from Congress last year had they thought it feasible in the little time remaining before adjournment. By not acting to extend this deadline, I think we would be giving OSHA officials incentive to rush their approval of State plans in order to minimize the interruption of State enforcement. That would clearly not be in the best interests of the employees whom the act is intended to protect, nor of the employers who must comply with it.

Mr. President, this bill would allow the Secretary to enter into agreements with those States which have submitted plans permitting them to continue enforcing State occupational safety and health standards covered in such plans until December 28, 1973, or until final approval of such plans, whichever comes first. This would provide maximum protection to workers by assuring continuity of State enforcement as well as providing for State and Federal enforcement of occupational safety and health standards while proposed State plans are being evaluated. Additionally, the bill would extend for 1 year the authority for 90-percent matching grants to the States for development of occupational safety and health plans. The present grant authority—section 23(a)—expires June 30, 1973. An extension of this grant authority is necessary, because many of the State plans which are under review will be broadened at a later time to include standards not presently covered.

I hope the merit of this legislation will be recognized by all my colleagues and acted upon quickly. Time is of the essence.

Mr. President, I ask unanimous consent that the text of the bill I am introducing today be inserted 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. 586

A bill to amend the Occupational Safety and Health Act of 1970

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

(a) Section 18(h) of the Occupational Safety and Health Act of 1970 is amended by adding at the end thereof the following sentence:

"*Provided,* That where a State has, on or before December 28, 1972, submitted a proposed State plan under subsection (b), the Secretary may enter into an agreement with the State under which the State may enforce under the provisions of State Law standards covering issues contained in such proposed plan pending final approval of such plan, on until December 28, 1973, whichever is earlier."

(b) Section 23(a) is amended by striking out the word "two" and inserting in lieu thereof the word "three".

(c) Section 23(b) is amended by striking out the word "two" and inserting in lieu thereof the word "three".

Mr. TOWER. Mr. President, I am pleased to join with Senator DOMINICK and Senator FANNIN in introducing a very important amendment to the Occupational Safety and Health Act.

In the last Congress, a number of substantive changes in the Occupational Safety and Health Act were proposed in Congress. Most, if not all, of these amendments to the act concerned basic public policy considerations on how best to assure occupational safety and health for all Americans.

The amendment proposed today is technically a procedural amendment, although, as I have already stated, a very important one in terms of meeting the basic objectives of OSHA. The bill would simply extend for 1 year the power of designated State agencies to enforce their own State laws that do not conflict with the Federal law until their State plans under section 18(b) are approved by the Secreary of Labor. As of this time, 49 States have submitted such State plans. Seven of these—North Dakota, Washington, New Jersey, South Carolina, Montana, Utah, and Oregon—have received final approval.

Section 18(h) of the Occupational Safety and Health Act gave the States authority to enforce safety laws until their State plan was approved or until December 29, 1972, whichever came earlier. Since only four States have had earlier. Since only four States have had their plans approved by that date, the vast majority of States have no authority to enforce Federal or State safety standards.

Federal preemption of State authority will continue until that State's plan is approved by the Department of Labor. Department of Labor officials within the Occupational Safety and Health Administration have informed a number of Senators that the review process of the more than 45 State plans may take more than 6 months.

In other words, Mr. President, during this interim period most of the States will have no role to play in the field of occupational safety and health. Considering the fact that the preamble to the Occupational Safety and Health Act stated that the purposes of the act were to be implemented "by assisting and encouraging the States in their efforts to assure safe and healthful working conditions," I do not think that the situation we now face was ever intended by the Congress.

The Department of Labor recognized this problem late last year and through the Secretary of Labor temporary orders were put into effect which extended, State enforcement authority for an additional 6 months, or until their State plans were approved, whichever came first. However, a number of AFL–CIO affiliated unions brought legal action against the Secretary of Labor's powers to issue these temporary orders. In early January, the U.S. District Court for the District of Columbia issued an injunction against the Secretary's issuance of those orders.

Mr. President, I would not begin to second guess the court decision. The Sec-

retary of Labor may very well have been exceeding his authority when he issued the temporary orders. Yet, the action undertaken by the AFL-CIO constituent unions are clearly not in the best interests of health and safety and go a long way toward weakening the basic provisions of OSHA. Because of the injunction the vase majority of States are stopped from enforcing health and safety standards. The Occupational Safety and Health Act recognized the contribution States have made in this field and established a procedure which recognized the simple fact that the States, rather than an impersonal Federal bureaucracy, could best promote occupational safety and health.

Presently, therefore, State enforcement procedures have been disrupted and must await final approval of the State plans. This will probably take, in most instances, 6 months to a year. In the meantime, the cause of occupational safety and health must do without the expertise built up by State governments in this area. Protection of workers is further delimited by the loss of approximately 1,600 State safety inspectors who shared with approximately 500 Federal inspectors the enforcement of OSHA.

Mr. President, if the injunction was sought, because of the fear of some that States would not actively pursue their responsibilities, I believe a grave mistake has been made. Since the passage of OSHA, State governments and legislatures have engaged themselves in a positive manner to meet and go beyond the letter of the law in promoting occupational safety and health. In my own State, the Texas Occupational Safety Board has done a very credible job and in the upcoming year will be working closely with the State legislature in drafting occupational safety and health legislation to conform with the objectives of OSHA. Unless legislation extending the States' authority to enforce safety standards is approved between now and the time the State plans are approved, I am fearful that a great deal of the non-Federal effort will be put in jeopardy.

The bill being proposed today should be approved quickly, because its objective is the same as the original Occupational Safety and Health Act—the promotion of safe and healthy working conditions for all Americans.

Mr. President, the January issue of Monthly Labor Review, published by the Bureau of Labor Statistics, included an article entitled "Changes in State Labor Laws in 1972." Significantly, the article recognizes that the greatest amount of activity on the part of States is in the field of occupational safety and health. I, therefore, ask unanimous consent that the section of the article detailing State action in this area be printed in the RECORD at this time.

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

CHANGES IN STATE LABOR LAWS IN 1972

(By Sylvia Weissbrodt)

OCCUPATIONAL SAFETY AND HEALTH

Major legislative activity was directed toward job-safety laws, as many State legislatures acted quickly to bring their basic statutes into conformity with the Williams-Steiger Occupational Safety and Health Act of 1970 or to remedy a number of particular hazards. Under the Federal law, safety responsibility may be shifted to a State, on a 50–50 funding basis, after a determination by the Secretary of Labor that the State program meets federally prescribed criteria and is or will be "at least as effective as" the Federal program. The law provides that unless a State's plan for a safety program was submitted by December 28, 1972, the Federal program displaces the State program.

Soon after the Federal law took effect in April 1971, three legislatures—Illinois, Indiana, and South Carolina—made extensive changes in their safety statutes. In 1972, with additional time to evaluate their programs, seven more States (Arizona, Hawaii, Iowa, Kentucky, New Mexico, Tennessee, and Vermont) adopted the type of comprehensive statutory framework that might lead to acceptable State assumption of responsibility for the development and enforcement of safety and health standards. Also, several States made additional refinements to conform to certain features of the Federal law; these included Illinois, Indiana, Maryland, South Carolina, and Virginia. Others took action geared toward future implementation: In West Virginia, a legislative committee is to submit recommendations for compliance with the Federal law; in Maryland, the legislature called for a study group to consider the feasibility of a safety program for State employees; and in Kansas, the legislature authorized its labor commissioners to develop a State safety plan meeting Federal requirements to be submitted to the U.S. Department of Labor.

By early December, 33 jurisdictions had submitted for Federal review their own safety plans. The plans of Montana and South Carolina were the first to be approved by the Secretary of Labor and were in effect on November 30.

Of more limited scope were a California measure requiring construction contractors to maintain federally acceptable first-aid treatment, another California amendment requiring transmittal to licensed contractors and complainants of certain reports on unsafe conditions, and separate measures in South Carolina safeguarding an employee's right to file a complaint.

Legislation in several States addressed major individual issues. Massachusetts and Michigan established commissions with authority to issue safety and sanitation rules, among others, in the construction and use of buildings. Two Virginia amendments extended authority of its Safety Codes Commission to assure safety of boilers and pressure vessels, and in tunneling work. Indiana passed a substantially revised elevator safety law, under the aegis of its labor division. A new Iowa law provides for safety inspection and regulation of amusement devices and related electrical equipment, administered by its labor bureau. Four California measures were directed toward safety on aeriel passenger tramways both for operators and the public. An Arizona law established the Office of Fire Marshal in the Industrial Commission to protect against fire hazards. This office will take over duties formerly performed elsewhere in State government. A South Carolina law directed the State Fire Marshal to terminate use or order correction of unsafe buildings, including factories.

Virginia and Kentucky adopted amendments to improve mine safety. Kentucky also enacted specific requirements governing blasting operations. New or stronger controls over the purchase, use, or transportation of explosives were established in Delaware, Rhode Island, Virginia, and Washington. In Arizona, exploration and production of geothermal resources are subject to new controls, including mandatory use of approved safety devices in drilling operations.

Better control of radiation hazards was the subject of measures in Colorado, Idaho, Kansas, Kentucky, and Massachusetts. Kansas and Nebraska entered the Midwest Nuclear Compact, an agreement for interstate cooperation in the industrial utilization and safety control of nuclear technology.

Of importance to farmworkers, a California statute required the Director of Agriculture, with partcipation of the health department, to adopt regulations relating to pesticides and worker safety by January 1974.

Five States—Hawaii, Louisiana, Michigan, New York, and Ohio—passed laws concerning use and labeling of safety glazing material; Michigan and Ohio adopted measures for use of eye-protective devices in schools; the Louisiana legislature gave the State Board of Health authority to develop and enforce standards regulating noise and obnoxious odors; and the Connecticut legislature gave the labor department similar authority for employee protection against foot hazards. In Alaska, the labor department was directed to adopt designated electrical safety standards codes.

By Mr. BEALL (for himself, Mr. TOWER, and Mr. TAFT):

S. 587. A bill to amend the Social Security Act to establish a national catastrophic illness insurance program under which the Federal Government, acting in cooperatioon with State insurance authorities and the private insurance industry, will reinsure and otherwise encourage the issuance of private health insurance policies which make adequate health protection available to all Americans at a reasonable cost. Referred to the Committee on Finance.

NATIONAL CATASTROPHIC ILLNESS PROTECTION ACT OF 1973

Mr. BEALL. Mr. President, along with Senator TOWER and Senator TAFT, I introduce the National Catastrophic Illness Protection Act of 1973.

This bill is the same as a bill we introduced in the last Congress with Senator Boggs. I would also want to congratulate my distinguished colleague, Congressman HOGAN, for originating and leading this effort on the House side.

There are many serious problems in the health area including the manpower problem and its maldistribution, skyrocketing costs, the need to improve emergency care and facilities, and the need to improve the delivery of health care in general to our citizens. Some of these issues, such as the manpower problem, were addressed in the last Congress. But there is also a large unfinished agenda in health facing this Congress. For the vast majority of our citizens, in addition to rising costs generally, the most important gap is the lack of catastrophic illness coverage.

Fortunately, catastrophic illnesses do not strike often, but when they do, it usually spells disaster for families as they attempt to cope, not only with the personal tragedy and hardship, but also with the astronomical costs that are involved. Such catastrophic illness often push a family to a state of destitution and often onto welfare rolls.

The growth of private insurance in the country has been encouraging. For ex-

ample, in 1950 only 50 percent of our population had health insurance, today approximately 90 percent are covered. Of course, everyone covered does not have adequate coverage and we have a long way to go to reach that goal. But even when individuals enjoy a good coverage, they are haunted by the specter of being stricken with a catastrophic illness. In May 1972 a young junior high student in Prince Georges County was brutally beaten by a gang of 17 students with wooden clubs. Today, this young student, since that tragic and senseless event, has undergone a series of operations and still faces an uncertain future.

In addition to the grief and hardship, the family of this young student faces the worry of being able to pay the mountain of medical bills they have received as a result of the attack. The son is presently in the Psychiatric Institute in Washington, D.C., and the family faces an estimated cost of $40,000 per year to maintain their son in the institute.

Another example from my State involved a 6-year-old girl who was injured last December as she was crossing the road after getting off of her schoolbus. Most of her time since the accident has been spent in two hospitals. She has received a bill from one hospital for approximately $20,000 and has not received the other bill, according to the newspaper article.

I ask unanimous consent that articles from a newspaper describing these cases be printed in the RECORD.

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

[From the Washington Post, Jan. 14, 1973]

MEDICAL BILLS MOUNTING: BENEFIT HELD FOR VICTIM OF BEATING

(By Ivan G. Goldman)

G. J. Gant, who organized the Keith Lunsford benefit gospel program, lost her telephone service last week because she could not pay her bill. And master of ceremonies Bishop David Neal still does not have a piano in his own fledgling storefront church in Seat Pleasant.

Yet both dug deep Friday night at Walker Mill Junior High School to contribute to a hapless 14-year-old boy they did not know but wanted to help.

Lunsford, then 13, was attacked by a gang of youths May 23, outside the school. The beating caused brain damage. He underwent cranial surgery, and since Sept. 27 has been confined to a mental hospital. Psychiatrists say the trauma of the beating caused him to regress as much as 10 years in his emotional age.

"When I read about what happened to the boy, Miss Gant, a cab driver in suburban Maryland, said, "it just shook me so I couldn't work anymore that day. I felt we should do something."

The senseless violence of the act, she said, brought her back 25 years, to the night her father, John Gant, got off a bus in Northeast after working all day cleaning railroad boxcars; an unknown assailant struck him with a brick, killing him, and made off with about $10.

"It left us all orphans," Miss Gant said. "I was the seventh of 12 children, 15 years old. We'd lost our mother three years before. So I know what it is to be shuffled from place to place staying with different people.

"And then when I read that (Keith's) parents were moving from place to place too because they couldn't pay their bills, it just got to me."

Miss Gant, who is black, said it was not a question of race that spurred her efforts. The attackers were black and Keith is white. "No, race wasn't in this," she explained. "I'm not responsible because I'm black. I just wanted to help this human being."

So Miss Gant, a Catholic, called her friends, most of them Protestant, and organized a gospel benefit to help meet mounting expenses of Keith's mother and stepfather, Mr. and Mrs. Thomas Grimes.

About 60 persons showed up in the school auditorium the night of the benefit, most of them black, none of them wealthy, all knowing they would be asked to donate money to go outside their communities.

The program included choirs singing in the time-honored Southern black tradition which holds it is no sin to be joyous in church.

"We hope that every note will be a prayer for this boy's recovery," Miss Gant announced.

"Amen, Sister."

"We are all sisters and brothers," Bishop Neal said, "and God has no segregated heaven."

The choirs of Fellowship Baptist Church, Victory Temple Apostolic Church of Christ and Carron Baptist Church took turns with hymns such as "More Love to Thee," "Guide Me Great Jehovah," and "I Must Tell Jesus."

Charles Hudson, Walker Mill principal, thanked all for their concern about his student, and Mr. and Mrs. Grimes, watching quietly near the back, took the stage briefly.

"I know if Keith would be here tonight," Grimes said, "I know he would . . . I know he doesn't blame all black people. He is bitter only toward the boys that beat him up. I can't put it into words."

"Bless you all," Mrs. Grimes said simply.

Grimes is a painting contractor who works only intermittenly. His wife left her job as a bookkeeper after her son was attacked so that she could visit him daily. Hospital bills already have mounted to about $20,000, and psychiatrists say he might have to stay in a mental institution for years.

A Prince George's County juvenile court found ten youths involved in the assault in three consecutive days of trials last week. Three other youths have yet to be tried.

"I believe that God will touch that young man," Bishop Neal said. "There are trees on each side of the river. God himself will wipe the tears out of your eyes."

Exhorted by the Rev. Leroy Waldo, the blind, piano-playing minister of Carron Baptist Church, the gathering donated $201.01, in coins and bills.

Nicholas Pittas, a white businessman in Fairmount Heights, then wrote a check for the exact amount, $201.01, as his personal contribution to a youth club being organized by Miss Gant in Northeast.

Pittas instigated a special trust fund for Keith that already has received more than $14,000 in contributions.

"Peace be unto you," Bishop Neal said. "Peace be multiplied."

[From the Evening Sun, Jan. 17, 1973]

HOSPITAL BILL OF $20,000: FOOTBALL GAME TO BENEFIT ACCIDENT VICTIM AGED 6

(By David Williams)

ANNAPOLIS.—The Anne Arundel county fire and police departments will play a marathon, 24-hour football game against each other this weekend to raise funds to benefit a 6-year-old girl seriously injured in an automobile accident 14 months ago.

The girl, Rose Mary Stafford, was then in kindergarten at Bodkin Elementary School. A car struck her on the afternoon of December 3, 1971, as she was crossing Mountain road after getting off her schoolbus.

According to Mrs. Mary Ellen Stafford, her mother, Rose Mary has been in either the University of Maryland Hospital or Kernan Hospital for Crippled Children most of the time since then, though she was home from last October until last week, when she returned to the Kernan Hospital for further therapy.

ABOUT $20,000 BILL

The bill from University Hospital was about $20,000, Mrs. Stafford said. No bill has been received yet from Kernan Hospital.

The football game will be played on Apache Field on Andover road next to Andover High School, between 10 A.M. January 20 and 10 A.M. January 21 between squads made up of off-duty county police and firefighters.

There is no admission charge, but donations to help defray the medical expenses will be accepted, according to Ricky L. Smith, chairman of the firefighters committee, which organized the game.

Last month, the Anne Arundel local of the International Association of Fire Fighters told him to go ahead and organize the game. The county lodge of the Fraternal Order of Police accepted immediately.

Mr. Smith said he has signed up 87 firemen and has organized them into eight shifts of 10 or 11-man teams.

The Police Department will be outmanned, according to Officer J. Gary Lyle, secretary of the FOP lodge, who said he has signed up about 75 policemen. "We're not as well organized as the Fire Department due to our hours," he explained.

The game will be played "flag" style, a cross between touch and tackle football, in which one of two flags being worn by each player must be grabbed to stop him.

Three sporting goods stores in the county have donated equipment for the game. The Playboy Club of Baltimore has donated 50 passes, good for five months, which the organizers will distribute to those who contribute $10 or more.

Bands from Glen Burnie and Arundel senior high schools will provide music for the game. The Arundel Alarmers will serve refreshments as they do at major fires.

Mr. BEALL. Mr. President, although both of these were tragic accidents, they do illustrate the continued concern that the American people have for their fellow citizens. In both instances there have been good responses from the community in an effort to alleviate somewhat the impossible financial burden resulting from the incidents.

Mr. President, I have previously made reference in discussing catastrophic illnesses or other stories which appeared in national press such as the bee sting to the daughter of a young executive which resulted in costs of treatment in excess of $57,000 over a 4-year period. Also, in Time magazine 1971, described the story of a salesman in the insurance industry who had purchased the "company's best policy" which had a $40,000 limit. His son, a student at Cornell, injured his neck during a football game and became paralyzed. Seven months later his bills accumulating at $6,000 a month, the limits of the insurance policy were exceeded.

Mr. President, one could go on and on with tragic stories such as I have outlined but I believe the point has been made. Similar illustrations occurred in the kidney area but Congress fortunately amended the medicare legislation so in effect to bring kidney patients under the coverage of medicare.

Mr. President, I am convinced that we can develop the mechanism which would enable our citizens to have catastrophic illness coverage. That is the purpose of

the National Catastrophic Illness Protection Act. Under this measure an extended care insurance pool would be created to enable citizens to buy insurance against catastrophic illness. All expenses above a sliding scale "deductible" would be covered by the plan. This deductible would vary with the family income. For example, a family with an adjusted income of $10,000 would pay the first $8,500 of medical expenses. I would point out, however, that in general the individual's coverage under his basic health and major medical plans would be adequate to satisfy a deductible.

Mr. President, the enactment of this legislation would make it possible for families to protect themselves at reasonable costs from the unexpected financial blow when a catastrophic illness strikes. While the measure cannot prevent the personal disaster resulting from catastrophic illnesses, it can prevent the problem from compounding itself by removing from these families at least the burden of the staggering costs.

As I previously indicated, this is a serious gap in the present insurance coverage for most American families and I believe it is a gap that we can and should plug.

I urge enactment of this legislation. I ask unanimous consent that a summary of the bill be printed in the RECORD, as well as the text of the legislation.

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

S. 587

A bill to amend the Social Security Act to establish a national catastrophic illness insurance program under which the Federal Government, acting in cooperation with State insurance authorities and the private insurance industry, will reinsure and otherwise encourage the issuance of private health insurance policies which make adequate health protection available to all Americans at a reasonable cost.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assemled, That the Social Security Act is amended by adding at the end thereof the following new title:

"TITLE XX—NATIONAL CATASTROPHIC ILLNESS INSURANCE

"PART A—GENERAL PROVISIONS

"SHORT TITLE

"SEC. 2001. This title may be cited as the 'National Catastrophic Illness Protection Act of 1973'.

"FINDINGS AND PURPOSE

"SEC. 2002. (a) The Congress finds and declares that, despite the great advances in health insurance programs which have been made within both the public and private sectors of the economy, many individuals are still unable to secure adequate health insurance protection or to secure such protection at rates which they can afford. The Congress further finds that few of our citizens are protected from catastrophic illness and that provisions are generally lacking which would allow for such protection in the future.

(b) It is therefore the policy of the Congress and the purpose of this title to establish a national catastrophic illness insurance program under which the Federal Government, with the cooperation of the States and their insurance authorities and with the active participation of the private insurance industry, will encourage the insurance of private policies which offer adequate health insurance protection on such terms and conditions as will guarantee that such protection is available to all Americans, including those who cannot afford it under existing programs and policies, and will reinsure such policies on terms and conditions calculated to provide the maximum encouragement to insurance companies to participate in the program either individually or through insurance pools established for the purpose.

"DEFINITIONS

"SEC. 2003. When used in this title (unless the context otherwise requires)—

"(1) the term 'extended health insurance' means insurance against all costs paid or incurred for medical care (as defined in section 213(e) of the Internal Revenue Code of 1954 and the regulations issued thereunder);

"(2) the term 'costs of medical care' includes, with respect to any individual, all of the expenses of medical care (as so defined), incurred by or on behalf of persons covered by such individual's extended health insurance policy, which are deductible by such individual under section 213 of the Internal Revenue Code of 1954 (or would be deductible by such individual under section 213 of such Code but for the percentage limitations contained in such section) for the taxable year in which such expenses are paid or incurred;

"(3) the term 'insurer' includes any insurance company, or group of insurance companies under common ownership, which is authorized to engage in the insurance business under the laws of any State;

"(4) the term 'pool' means any pool or association of insurance companies in any State which is formed, associated, or otherwise utilized for the purpose of making extended health insurance more readily available;

"(5) the term 'person' includes any individual or group of individuals, corporation, partnership, association, or other organized group of persons;

"(6) the term 'reinsured losses' means losses on reinsurance claims under this title and all direct expenses incurred in connection therewith, including, but not limited to, expenses for processing, verifying, and paying such losses;

"(7) the term 'Secretary' means the Secretary of Health, Education, and Welfare;

"(8) the term 'State' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa; and

"(9) the term 'year' means a calendar year, fiscal year of a company, or other period of twelve months designated by the Secretary.

"PART B—ESTABLISHMENT OF PROGRAM; STATE PLANS

PROGRAM AUTHORIZATION

"SEC. 2011. The Secretary is authorized to establish and carry out a national catastrophic illness insurance program as provided for in this title.

"STATE CATASTROPHIC ILLNESS INSURANCE PLANS

"SEC. 2012. (a) The national catastrophic illness insurance program shall be designed to carry out the purpose of this title through the establishment of statewide plans providing extended health insurance and the reinsurance by the Federal Government of the insurers and pools of insurers who offer extended health insurance under such plans.

"(b) Each insurer which is reinsured under this title (or which is a member of a pool reinsured under this title) shall cooperate with the State insurance authority in each State in which it is to acquire such reinsurance in establishing and carrying out the plan of such State described in subsection

"(c) Each statewide plan described in subsection (a) must be approved by, and administered under the supervision of, the State insurance authority, or be authorized or required by State laws, and shall be designed to make extended health insurance more readily available to all individuals in the State and particularly to those who would be unable to secure adequate and complete health insurance protection at reasonable rates without coverage by extended health insurance policies meeting the requirements of this title which are issued and made available under such plan. Such plans may vary in detail from State to State because of local conditions, but all plans shall contain provisions that—

"(1) extended health insurance issued by insurers under the plan will be available to all eligible individuals (as defined in section 2013) at reasonable premiums (as determined under section 2014), subject only to a deductible or deductibles meeting the requirements of section 2015;

"(2) if any insurer declines to write a policy of extended health insurance covering one or more eligible individuals making application therefor in accordance with this title, or agrees to write the policy only at surcharged rates or subject to specified conditions, such insurer will promptly notify both the applicant and the State insurance authority, which shall take such action as may be necessary or appropriate to provide for the issuance of the policy by a pool or by otherwise allocating the risk to be insured to two or more insurers (acting through the all-industry placement facility described in section 2016 or otherwise);

"(3) all extended health insurance policies for which application is made by eligible individuals under the plan will be promptly written after such application and the payment of initial premium and will be separately coded so that appropriate records may be compiled for purposes of performing loss prevention and other studies of the operation of the plan;

"(4) such reports as the Secretary shall by regulation prescribe will be submitted to the State insurance authority and to the Secretary setting forth information, by individual insurers, including the number of risks insured under the plan and such other information as the State insurance authority or the Secretary may request;

"(5) notice will be given to the policyholder a reasonable time prior to the cancellation or nonrenewable by an insurer of any policy written under the plan (except in case of nonpayment of premium), in order to allow ample time for an application for new coverage to be made and a new policy to be written under the plan; and

"(6) a continuing public education program will be undertaken by the participating insurers, agents, and brokers to assure that the plan receives adequate public attention.

"(d) Each plan shall in addition contain such terms, conditions, requirements, and other provisions as the Secretary shall determine to be necessary or appropriate to carry out the purpose of this title.

"ELIGIBLE INDIVIDUALS

"SEC. 2013. For the purpose of this title, and for the purposes of any State plan submitted under section 2012 and the insurance policies issued thereunder, an individual shall be an eligible individual if (1) he resides in the State submitting such plan, and makes application for extended health insurance coverage under such a policy in such manner and form as the State insurance authority (in accordance with regulations of the Secretary) shall direct, or (2) he is not an eligible individual under clause (1) but is a member of the household of a person who is an eligible individual under clause (1), and is such person's spouse, child, grandchild, parent, or grandparent.

"PREMIUMS

"SEC. 2014. (a) The Secreary is authorized to undertake and carry out such studies and investigations and receive or exchange such information as may be necessary to estimate—

"(1) the premium rates for extended health insurance which, based on consideration of the risks involved and accepted actuarial principles, would be required in order to make such insurance available on an actuarial basis, and

"(2) the rates, if less than the rates established under paragraph (1), which would be reasonable, would encourage prospective insureds to purchase extended health insurance, and would be consistent with the purpose of this title.

"(b) On the basis of estimates made under subsection (a) and such information as may be necessary, the Secretary shall from time to time prescribe by regulation the premium rates which may be charged for extended health insurance under policies issued by insurers under State plans approved under section 2012. Such rates may vary according to the number of individuals in the insured individual's family who are covered by the policy, and on the basis of such other factors as the Secretary may find to justify rate differences (whether based on differences in the risks involved in the coverage or otherwise). Losses sustained by insurers and pools charging premium rates prescribed under this subsection which are lower than the corresponding estimated risk premiums determined under subsection (a)(1) shall be compensated for by premium equalization payments made as provided in section 2044.

"(c) Premium rates prescribed under subsection (b) shall, insofar as practicable, be—

"(1) based on a consideration of the risks involved in the coverage, including differences in risks due to family size or composition;

"(2) adequate, on the basis of accepted actuarial principles, to provide reserves for anticipated losses, or if less than an amount adequate to provide such reserves, consistent with the objective of making extended health insurance coverage available so as to encourage prospective insureds to purchase such insurance and with the purpose of this title; and

"(3) stated so as to reflect the basis for such rates, including the differences (if any) between the estimated risk premium rates determined under subsection (a)(1), the estimated rates determined under subsection (a)(2), and the rates actually prescribed under subsection (b).

"DEDUCTIBLES

"SEC. 2015. (a) The total amount payable to or with respect to any eligible individual on account of costs of medical care paid or incurred in any year under an extended health insurance policy issued by an insurer or pool under a State plan approved under section 2012 may be reduced by a deductible equal to so much of such costs, actually paid or incurred by such individual, as does not exceed the amount determined under subsection (b).

"(b) The deductible for any individual or family for purposes of subsection (a), with respect to costs of medical care paid or incurred in any year, shall be—

"(1) 50 per centum of the amount by which the adjusted income of such individual or family for such year exceeds $1,000 but does not exceed $2,000, plus

"(2) 100 per centum of the amount by which the adjusted income of such individual or family for such year exceeds $2,000.

No deductible may be imposed in the case of an individual or family whose adjusted income does not exceed $1,000.

"(c) Notwithstanding any other provision of law, the deductible applicable with respect to any individual or family for any year under this section shall be reduced by the amount of any payments made toward the costs of medical care of such individual or the members of such family under title XVII or XIX of the Social Security Act or any other public or private health insurance policy covering such medical care.

"(d) As used in this section with respect to any individual or family for any year, the term 'adjusted income' means the gross income of such individual or family for purposes of chapter 1 of the Internal Revenue Code of 1954, reduced by the aggregate amount of the personal exemptions allowed such individual or the members of such family for such year under section 151 of such Code.

"(e) For purposes of subsections (a) and (b), if an individual pays or incurs costs of medical care in any year with respect to a specific illness or injury which began in a previous year and continued without interruption until the time such costs are so paid or incurred, such costs shall be considered to have been paid or incurred in such previous year.

"ALL-INDUSTRY PLACEMENT FACILITY

"SEC. 2016. Any plan under this part shall include an all-industry placement facility doing business with every insurer participating in the plan in the State, and shall provide that this facility shall perform certain functions including, but not limited to, the following:

"(1) seeking, upon request, to distribute the risks involved in the issuance of any extended health insurance policy or class of policies equitably among the insurers with which it is doing business; and

"(2) seeking to place insurance up to the full insurable value of the risk to be insured with one or more insurers with which it is doing business, except to the extent that deductibles, percentage participation clauses, and other underwriting devices are employed to meet special problems of insurability.

"INDUSTRY COOPERATION

"SEC. 2017. (a) Each insurer seeking reinsurance under this title shall file a statement with the State insurance authority in each State in which it is participating in a plan under this title, pledging its full participation and cooperation in carrying out the plan, and shall file a copy of such statement with the Secretary.

"(b) No insurer acquiring reinsurance under this title shall direct any agent or broker or other producer not to solicit business through such a plan, nor shall any agent, broker, or other producer be penalized by such insurer in any way for submitting applications for insurance to an insurer under the plan.

"PLAN EVALUATION

"SEC. 2018. (a) In accordance with such rules and regulations as the Secretary may prescribe, each State insurance authority shall—

"(1) transmit to the Secretary any proposed or adopted plan, or amendments thereto; and

"(2) advise the Secretary, from time to time, concerning the operation of the plan, its effectiveness in providing extended health insurance, and the need to form a pool of insurers or adopt other programs to make extended health insurance more readily available in the State.

"(b) The Secretary may by rules and regulations modify the plan criteria set forth under this part, if he finds, on the basis of experience, that such action is necessary or desirable to carry out the purpose of this title. The Secretary may also, with respect to any State, waive compliance with one or more of the plan criteria, upon certification by the State insurance authority that compliance is unnecessary or inadvisable under local conditions or State law.

"PART C—REINSURANCE COVERAGE

"REINSURANCE OF LOSSES UNDER EXTENDED HEALTH INSURANCE POLICIES

"SEC. 2021. (a)(1) The Secretary is authorized to offer to any insurer or pool, subject to the conditions set forth in section 2023, reinsurance against losses under extended health insurance policies under the plan or plans of any one or more States.

"(2) Reinsurance shall be offered to any such insurer or pool only on all extended health insurance written by it or by its members.

"(b) Reinsurance coverage under this section may be provided immediately following the enactment of this title to any insurer or pool in any State on a temporary basis, and on such terms and conditions as may be agreed upon, and coverage under such terms and conditions may be bound with respect to any such insurer or pool by means of a written binder which shall remain in force not more than ninety days and shall expire at the earlier of either—

"(1) the termination of such ninety-day period, or

"(2) the effective date of any governing contract, agreement, treaty, or other arrangement entered into between the insurer or pool and the Secretary under section 2022 for the purpose of providing reinsurance coverage against losses under extended health insurance policies.

"(c) No reinsurance shall be offered to any insurer or pool in a State after the expiration of the written binder entered into under subsection (b), unless there is in effect in such State a plan as set forth under part B and the insurer or pool is participating in such plan, and unless, in the case of an insurer in a State where a pool has been established pursuant to State law, the insurer is participating in such a pool.

"REINSURANCE AGREEMENTS AND PREMIUMS

"SEC. 2022. (a) During the first year following the date of the enactment of this title, the Secretary is authorized to enter into any contract, agreement, treaty, or other arrangement with any insurer or pool for reinsurance coverage, in consideration of payment of such premiums, fees, or other charges by insurers or pools as the Secretary deems to be adequate to obtain aggregate reinsurance premiums for deposit in the National Catastrophic Illness Insurance Fund established under section 2043 in excess of the estimated amount of losses under extended health insurance policies during such first year, and thereafter the Secretary may increase or decrease such premiums for reinsurance if it is found that such action is necessary or appropriate to carry out the purpose of this title.

"(b) Reinsurance offered under this title shall reimburse an insurer or pool for its total proved and approved claims for covered losses under extended health insurance policies during the term of the reinsurance contract, agreement, treaty, or other arrangement, over and above the amount of the insurer's or pool's retention of such losses as provided in such reinsurance contract, agreement, treaty, or other arrangement entered into under this section.

"(c) Such contracts, agreements, treaties, or other arrangements may be made without regard to section 3679(a) of the Revised Statutes of the United States (31 U.S.C. 665(a)), and shall include any terms and conditions which the Secretary deems necessary to carry out the purpose of this title. The premium rates, terms, and conditions of such contracts with insurers or pools, throughout the country, in any one year shall be uniform.

"(d) Any contract, agreement, treaty, or other arrangement for reinsurance under this section shall be for a term expiring on April 30, 1973, and on April 30 each year thereafter, and shall be entered into within ninety days

after the date of the enactment of this title or within ninety days prior to April 30 each year thereafter, or within ninety days after an insurer is authorized to write insurance eligible for reinsurance in a State which it was not authorized to write in the preceding year.

"CONDITIONS OF REINSURANCE

"SEC. 2023. (a) Subject to the provisions of subsection (b), reinsurance shall not be offered by the Secretary in a State or be applicable to insurance policies written in that State by an insurer—

"(1) after one year following the date of the enactment of this title, or, if the appropriate State legislative body has not met in regular session during that year, by the close of its regular session, in any State which has not adopted appropriate legislation, retroactive to the date of the enactment of this title, under which the State, its political subdivisions, or a governmental corporation or fund established pursuant to State law, will reimburse the Secretary, in an amount up to 5 per centum of the aggregate extended health insurance premiums earned in that State during the preceding calendar year on insurance reinsured by the Secretary in that State during the current year, such that the Secretary may be reimbursed for amounts paid by him in respect to reinsured losses that occurred in that State during a calendar year in excess of (A) reinsurance premiums received in that State during the same calendar year plus (B) the excess of (i) the total premiums received by the Secretary for reinsurance in that State during a preceding period measured from the end of the most recent calendar year with respect to which the Secretary was reimbursed for losses under this title over (ii) any amounts paid by the Secretary for reinsured losses that occurred during this same period;

"(2) after thirty days following notification to the insurer that the Secretary finds (after consultation with the State insurance authority) that there has not been adopted by the State, or the extended health insurance industry in that State, a suitable program or programs, in addition to plans under part B, to make extended health insurance available, and that such action is necessary to carry out the purpose of this title; except that this paragraph shall not become effective until two years after the date of the enactment of this title, or at such earlier date as the Secretary, after consultation with the State insurance authority, may determine;

"(3) after thirty days following notification to the insurer that the Secretary, or the State insurance authority, finds that such insurer is not fully participating—

"(A) in the plan in the State;

"(B) where it exists, in a pool; and

"(C) where it exists, in any other program found by the Secretary to aid in making extended health insurance more readily available in the State:

Provided, That the Secretary shall not make any such finding with respect to any insurer unless (i) prior to making such finding the Secretary has requested and considered the views of the State insurance authority as to whether such finding should be made, or (ii) the Secretary has made such a request in writing to the State insurance authority and such authority has failed to respond thereto within a reasonable period of time after receiving such request;

"(4) following a merger, acquisition, consolidation, or reorganization involving one or more insurers having extended health insurance in the State reinsured under this title and one or more insurers with or without such reinsurance, unless the surviving company—

"(A) meets the criteria of eligibility for reinsurance, other than as provided under section 2022 (d); and

"(B) within ten days pays any reinsurance premiums due; or

"(5) upon receipt of notice from the insurer or pool that it desires to cancel its reinsurance agreement with the Secretary in the State.

"(b) Notwithstanding the foregoing provisions of this section, reinsurance may be continued for the term of the policies written prior to the date of termination or nonrenewal of reinsurance under this section, for as long as the insurer pays reinsurance premiums annually in such amounts as are determined under section 2022, based on the annual premiums earned on such reinsured policies, and for the purpose of this subsection, the renewal, extension, modification, or other change in a policy, for which any additional premium is charged, shall be deemed to be a policy written on the date of such change was made.

"RECOVERY OF PREMIUMS; STATUTE OF LIMITATIONS

"SEC. 2024. (a) The Secretary, in a suit brought in the appropriate United States district court, shall be entitled to recover from any insurer the amount of any unpaid premiums lawfully payable by such insurer to the Secretary.

"(b) No action or proceeding shall be brought for the recovery of any premium due to the Secretary for reinsurance, or for the recovery of any premium paid to the Secretary in excess of the amount due to him, unless such action or proceeding shall have been brought within five years after the right accrued for which the claim is made, except that, where the insurer has made or filed with the Secretary a false or fraudulent annual statement, or other document with the intent to evade, in whole or in part, the payment of premiums, the claim shall not be deemed to have accrued until its discovery by the Secretary.

"PART D—GOVERNMENT PROGRAM WITH INDUSTRY ASSISTANCE

"FEDERAL OPERATION OF THE PROGRAM IN NONCOOPERATING STATES

SEC. 2031. (a) If at any time, after consultation with representatives of the insurance industry, the Secretary determines that operation of the national catastrophic illness insurance program as provided in the preceding provisions of this title cannot be carried out in any State, or that such operation in any State, in itself, would be assisted materially by the Federal Government's assumption, in whole or in part, of the operational responsibility for extended health insurance under this title (on a temporary or other basis), he shall promptly undertake any necessary arrangements to carry out such program in that State through the facilities of the Federal Government, utilizing, for purposes of providing extended health insurance coverage, either—

"(1) insurance companies and other insurers, insurance agents and brokers, and insurance adjustment organizations, as fiscal agents of the United States,

"(2) officers and employees of the Department of Health, Education, and Welfare, and such other officers and employees of any executive agency (as defined in section 105 of title 5 of the United States Code) as the Secretary and the head of any such agency may from time to time, agree upon, on a reimbursement or other basis, or

"(3) both the alternatives specified in paragraphs (1) and (2).

"(b) Upon making the determination referred to in subsection (a), with respect to any State, and at least thirty days prior to implementing the national catastrophic illness insurance program in such State through the facilities of the Federal Government, the Secretary shall make a report to the Congress and such report shall—

"(1) state the reasons for such determination,

"(2) be supported by pertinent findings,

"(3) indicate the extent to which it is anticipated that the insurance will be utilized in providing extended health insurance coverage under the program, and

"(4) contain such recommendations as the Secretary deems advisable.

"ADJUSTMENT AND PAYMENT OF CLAIMS

"SEC. 2032. In the event the program is carried out as provided in section 2031, the Secretary shall be authorized to adjust and make payment of any claims for proved and approved losses covered by extended health insurance, and upon the disallowance by the Secretary of any such claim, or upon the refusal of the claimant to accept the amount allowed upon any such claim, the claimant shall have the right of judicial review as provided by section 2041(b).

"PART E—PROVISIONS OF GENERAL APPLICABILITY

"CLAIMS AND JUDICIAL REVIEW

"SEC. 2041. (a) All reinsurance claims for losses under this title shall be submitted by insurers in accordance with such terms and conditions as may be established by the Secretary.

"(b)(1) Upon disallowance of any claim under color of reinsurance made available under this title or any claim against the Secretary under section 2032, or upon refusal of the claimant to accept the amount allowed upon any such claim, the claimant may institute an action against the Secretary on such claim in the United States district court for the district in which the insurer's principal office is located or the insured individual resides (or resided).

"(2) Any such action must be begun within one year after the date upon which the claimant received written notice of disallowance or partial disallowance of the claim, and exclusive jurisdiction is hereby conferred upon United States district courts to hear and determine such actions without regard to the amount in controversy.

"FISCAL INTERMEDIARIES AND SERVICING AGENTS

"SEC. 2042. (a) In order to provide for maximum efficiency in the administration of the reinsurance program under this title, and in order to facilitate the expeditious payment of any funds under such program, the Secretary may enter into contracts with any insurer, pool, or other person, for the purpose of providing for the performance of any or all of the following functions:

"(1) estimating or determining any amounts of payments for reinsurance claims;

"(2) receiving and disbursing and accounting for funds in making payments for reinsurance claims;

"(3) auditing the records of any insurer, pool, or other person to the extent necessary to assure that proper payments are made;

"(4) establishing the basis of liability for reinsurance payments, including the total amount of proved and approved claims which may be payable to any insurer, and the total amount of premiums earned by any insurer in the respective States for reinsured extended health insurance; and

"(5) otherwise assisting in any manner provided in the contract to further the purpose of this title.

"(b)(1) Any such contract may require the insurer, pool, or other person, or any of its officers or employees certifying payments or disbursing funds pursuant to the contract, or otherwise participating in carrying out the contract, to give surety bond to the United States in such amounts as the Secretary may deem appropriate.

"(2) In the absence of gross negligence or intent to defraud the United States—

"(A) no individual designated pursuant to a contract under this section to certify payments shall be liable with respect to any payment certified by him under this section; and

"(B) no officer of the United States disbursing funds shall be liable with respect to any otherwise proper payment by him if it was based on a voucher signed by an individual designated pursuant to a contract under this section to certify payments.

"NATIONAL CATASTROPHIC ILLNESS INSURANCE FUND

"SEC. 2043. (a) To carry out the program authorized under this title, the Secretary is authorized to establish a National Catastrophic Illness Insurance Fund (hereinafter called the 'fund') which shall be available, without fiscal year limitations—

"(1) to make such payments as may, from time to time, be required under reinsurance contracts under this title;

"(2) to make premium equalization payments as provided in section 2044; and

"(3) to pay such administrative expenses as may be necessary or appropriate to carry out the purpose of this title.

"(b) The fund shall be credited with—

"(1) reinsurance premiums, fees, and other charges which may be paid or collected in connection with reinsurance provided under part C;

"(2) interest which may be earned on investments of the fund;

"(3) such amounts as may be advanced to the fund from appropriations in order to maintain the fund in an operative condition adequate to meet its liabilities; and

"(4) receipts from any other source which may, from time to time, be credited to the fund.

"(c) If, after any amounts which may have been advanced to the fund from appropriations have been credited to the appropriation from which advanced, the Secretary determines that the moneys of the fund are in excess of current needs, he may request the investment of such amounts as he deems advisable by the Secretary of the Treasury in obligations issued or guaranteed by the United States.

"(d) An annual business-type budget for the fund shall be prepared, transmitted to the Congress, considered, and enacted in the manner prescribed by law (sections 102, 103, and 104 of the Government Corporation Control Act (31 U.S.C. 847–849)) for wholly owned Government corporations.

"PREMIUM EQUALIZATION PAYMENTS

"SEC. 2044. (a) The Secretary, on such terms and conditions as he may from time to time prescribe, shall make periodic payments to insurers and pools in recognition of such reductions in premium rates under section 2014(b) below estimated risk premium rates under section 2014(a)(1) as are required in order to make extended health insurance available on reasonable terms and conditions.

"(b) Designated periods under this section and the methods for determining the sum of premiums paid or payable during such periods shall be established by the Secretary.

"RECORDS, ANNUAL STATEMENT, AND AUDITS

"SEC. 2045. (a) Any insurer or pool acquiring reinsurance under this title shall furnish the Secretary with such summaries and analyses of information in its records as may be necessary to carry out the purpose of this title, in such form as the Secretary, in cooperation with the State insurance authority, shall, by rules and regulations, prescribe. The Secretary shall make use of State insurance authority examination reports and facilities to the maximum extent feasible.

"(b) Any insurer or pool acquiring reinsurance under this title shall file with the Secretary a true and correct copy of any annual statement, or amendment thereof, filed with the State insurance authority of its domiciliary State, at the time it files such statement or amendment with such State insurance authority.

"(c) Any insurer or other person executing any contract, agreement, or other appropriate arrangement with the Secretary under section 2022 or section 2042 shall keep reasonable records which fully disclose the total costs of the programs undertaken or the services being rendered, and such other records as will facilitate an effective audit of liability for reinsurance payments by the Secretary.

"(d) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of investigation, audit, and examination to any books, documents, papers, and records of any insurer or other person that are pertinent to the costs of any program undertaken for, or services rendered to, the Secretary. Such audits shall be conducted to the maximum extent feasible in cooperation with the State insurance authorities and through the use of their examining facilities.

"GENERAL POWERS

"SEC. 2046. In the performance of, and with respect to, the functions, powers, and duties vested in him by this title, the Secretary shall (in addition to any authority otherwise vested in him) have the same functions, powers, and duties (including the authority to issue rules and regulations) as those vested in the Secretary of Housing and Urban Development under section 402, except subsections (c)(2), (d), and (f), of the Housing Act of 1950. Any rules or regulations of the Secretary shall only be issued after notice and hearing, if granted, as required by the Administrative Procedure Act.

"SERVICES AND FACILITIES OF OTHER AGENCIES—UTILIZATION OF PERSONNEL, SERVICES, FACILITIES, AND INFORMATION

"SEC. 2047. The Secretary may, with the consent of the agency concerned, accept and utilize, on a reimbursable basis, the officers, employees, services, facilities, and information of any agency of the Federal Government, except that any such agency having custody of any data relating to any of the matters within the jurisdiction of the Secretary shall, to the extent permitted by law, upon request of the Secretary, make such data available to the Secretary.

"ADVANCE PAYMENTS

"SEC. 2048. Any payments which are made under the authority of this title may be made, after necessary adjustments on account of previously made underpayments or overpayments in advance or by way of reimbursement. Payments may be made in such installments and on such conditions as the Secretary may determine.

"TAXATION

"SEC. 2049. The National Catastrophic Illness Insurance Fund, including its reserves, surplus, and income, shall be exempt from all taxation now or hereafter imposed by the United States, or by any State, or any subdivision thereof, except that any real property acquired by the Secretary as a result of reinsurance shall be subject to taxation by any State or political subdivision thereof, to the same extent, according to its value, as other real property is taxed.

"APPROPRIATIONS

"SEC. 2050. There are hereby authorized to be appropriated such sums as may be necessary to carry out this title."

SUMMARY OF NATIONAL CATASTROPHIC ILLNESS PROTECTION ACT OF 1973

PURPOSE AND ORGANIZATION OF LEGISLATION

The proposed National Catastrophic Illness Protection Act is designed to encourage private health insurers, with the assistance of the Federal Government, to provide adequate health inurance protection for persons who cannot otherwise afford such protection, or whose medical and health expenses are such that extended health insurance protection is not available. According to the findings outlined by Congress in the proposal, "many individuals are still unable to secure adequate health insurance protection or to secure such protection at rates which they can afford" and "few of our citzens are protected" from the costs of "catastrophic illness."

To deal with these problems, the bill would create a Federal health reinsurance program designed to encourage the development by the private insurance industry of policies which would afford individuals extended protection. Working with the industry, the Government would reinsure policies on terms and conditions calculated to provide maximum encouragement to insurance companies to participate in the program, either individually or through pools established for the purpose.

The legislation contains five titles designed to meet the program's objectives. Part B contains general provisions relating to the program, including the statement of Congressional findings and a section setting forth the definitions used in the proposal. Part B establishes the National Catastrophic Insurance Program by means of State-wide plans providing extended health insurance coverage through a program by which the Federal Government reinsures losses of insurers or pools of insurers offering extended health insurance policies. Part C contains the Federal reinsurance mechanism for protecting insurers against losses incurred by plans provided under Part B of the bill. Part D of the legislation establishes a separate reinsurance program to operate in those States where a State-wide plan is not developed in accordance with Part B of the bill. Part E of the proposal contains general provisions relating to claims and judicial review procedures and Federal financial obligations in connection with the reinsurance programs established under Part B and D of the bill.

SECTION-BY-SECTION ANALYSIS

Title I—General Provisions

Section 2001—*Short Title.*—Provides that the legislation may be known as the "National Catastrophic Illness Protection Act of 1973."

Section 2002—*Findings and Purpose.* Sets forth the findings of the Congress that there are still many individuals who cannot secure or cannot afford adequate health insurance protection and that very little insurance protection is available to help meet the costs of catastrophic illness or disease. Establish as the policy of Congress the need for a National Catastrophic Illness Insurance program to encourage States and private insurers in the development of policies which will meet the problems set forth in the statement of findings.

Section 2003—*Definitions.* Defines certain terms used in the Act, such as "extended health insurance," "costs of medical care," "insurer," "pool" and "reinsured losses." Among the definitions are:

(1) *extended health insurance*, meaning insurance against all costs paid or incurred for medical care as defined in the Internal Revenue Act.

(2) *costs of medical care*, include expenses of medical care incurred by or on behalf of persons covered by an extended health insurance policy which are deductible in accordance with provisions in the IRS Code.

(3) *Insurers*, include any insurance company or group of companies under common ownership authorized to engage in the insurance business under laws of a State.

(4) *pool*, meaning association of insurance companies in a State formed or organized for the purpose of making extended health insurance more readily available.

(5) *reinsured losses*, meaning losses on re-

insurance claims under this Act and all direct expenses incurred in connection with such claims, including processing, verifying, and paying such losses.

Part B—Establishment of program; State plans

Section 2011—*Authority.* Authorizes the Secretary of Health, Education and Welfare to establish and carry out a National Catastrophic Illness Insurance Program.

Section 2012—*State Plans.* Provides that the program shall involve the creation of Statewide plans providing extended health insurance, and that the Federal Government will reinsure insurers and pools of insurers who offer such insurance. Each insurer (or pool of insurers) will work with the State insurance authority in carrying out the Statewide plan. All plans would have to include:

(1) that extended health insurance be available to all eligible individuals, as defined in Section 2013 and at a cost which is reasonable, as defined in Sec. 2014, subject only to deductibles authorized in Sec. 2015.

(2) that where an insurer does not agree to write a policy of extended insurance, or does so under various limiting conditions, the State authority is notified. The policy would then be placed with a pool or otherwise assigned to insurers by the "all-industry placement facility," provided for in Sec. 206.

(3) that data be compiled and studied in connection with the operation of the Statewide plan.

(4) that certain reports be submitted to the State insurance authority by individual insurers.

(5) that any cancellation of a policy provide for reasonable notice to permit coverage under a new policy to be written under the plan.

(6) that public information about the plan be readily distributed.

Further, each plan would have to contain such terms, conditions, requirements and other provisions determined to be necessary to carry out the purpose of the program.

Section 2013—*Eligible Individuals.* In order to be eligible for policies issued under a State-wide plan, an individual would have to be a resident of the State and make appropriate application, or be a member of the household of such a person and his spouse, child, grandchild, parent or grandparent.

Section 2014—*Premium Setting.* Premium rates would be set on the basis of a study of the risks in question and accepted actuarial principles. These rates would be promulgated by the Secretary for use by States and insurers in charging for extended health insurance issued under plans approved under Sec. 2012 above. Rate differentials would be authorized on the basis of the number of persons covered in a family, or by other factors approved by the Secretary, including the different risks involved in various coverage arrangements. Where insurers established rates lower than those promulgated by the Secretary, any losses sustained by these insurers or pools of insurers would be compensated by "premium equalizers" provided for in Sec. 2044 of the bill.

Section 2015—*Deductibles.* Provides that, before payments are made under an extended insurance policy, a deductible must be satisfied through an equal amount of medical expenses paid or incurred by such individual. The amount of such deductible is determined by relating the extent of medical expenses to adjusted income and is equal to one-half of the amount by which a person's or family's adjusted income exceeds $1,000 but does not exceed $2,000; *plus* all of the amount by which such adjusted income exceeds $2,000. (A person with an adjusted income of $10,000 would have a deductible of $8,500.)

For the purposes of this section, the term "adjusted income" means the gross income of an individual or family for tax purposes less the aggregate amount of personal tax exemptions allowed the individual or family.

For satisfying the deductible, costs paid and incurred with respect to an illness which began in the previous year and continued uninterrupted until such costs were paid or incurred, shall be considered to have been paid or incurred in such previous year.

The deductible would be reduced by the amount of any payments, for the costs of care covered by the Medicare and Medicaid programs, or by any other public or private health insurance policy covering such care.

Section 2016—*All Industry Placement Facility.* A State-wide plan must provide for an all-industry placement facility which would have the responsibility of distributing equitably the risks involved in the issuance of extended health insurance and which would seek to place insurance up to the full insurable value of the risk to be insured.

Section 2017—*Industrial Cooperation.* Provides that certain statements pledging participation and cooperation with the State insurance authority would be required of insurers seeking reinsurance under the program. In addition, no insurer shall direct any agent or broker not to solicit business through such a plan, nor penalize agents or brokers in any manner for submitting applications under the plan.

Section 2018—*Plan Evaluation.* Provides that the State plan shall be evaluated from time to time in accordance with criteria established by the Secretary.

Part C—Reinsurance coverage

Section 2021.—*Reinsurance of Losses under Extended Health Insurance Policies.* Provides that the Secretary is authorized to reinsure against the losses which might be incurred under extended health insurance policies. Temporary reinsurance would be authorized immediately after enactment, but at the expiration of such temporary period, only permanent reinsurance is available to insurers participating in a State-wide plan as provided for in Part B.

Section 2022—*Reinsurance Agreements and Premiums.* Authorizes the Secretary to make agreements with insurers and pools for reinsurance premiums deposited in the National Catastrophic Illness Insurance Fund provided for in Sec. 2043 of the bill. Reinsurance offered would pay an insurer or pool for total proved and approved claims for losses in connection with the provision of extended health insurance over and above the retention of such losses by insurers which were required in accordance with the reinsurance contract. Terms would be made annually in connection with any reinsurance contract.

Section 2023—*Conditions of Reinsurance.* Provides a detailed procedure for implementation of the reinsurance program in a State within specified time requirements, taking into account certain State and local factors which might affect such implementation.

Section 2024—*Recovery of Premiums; Statute of Limitations.* Provides that the Government may recover in the courts any unpaid premiums lawfully payable to the Government by an insurer under provisions of a 5-year statute of limitations.

Part D—Government progam with industry assistance

Section 2031—*Federal Operation of Program in Noncooperating States.* Authorizes after certain determinations that, where a Statewide program cannot be carried out, or that the objective of the program would be materially assisted by the Federal Government's assumption of the plan, arrangements for operation by the Government may be carried out. Insurers would deal directly with the Federal Government as fiscal agents of the United States.

Section 2032—*Adjustment and Payment of Claims.* If a Federally-operated program is provided for, the Secretary is authorized to adjust and pay claims for proved and approved losses covered by extended health insurance.

Part E—Provisions of general applicability

Section 2041—*Claims and Judicial Review.* Provides procedures for judicial review of disallowances for claims for losses under the reinsurance program, whether State-wide or operating by the Federal Government.

Section 2042—*Fiscal Intermediaries and Servicing Agents.* Authorizes the Government to enter into contracts and other arrangements for claims review, receiving and disbursing funds for making payments, etc.

Section 2043—*National Catastrophic Illness Insurance Fund.* Provides for the creation of a fund for purposes of receiving premiums for reinsurance, paying claims, and so on.

Section 2044—*Premium Equalization Payments.* Provides that the Secretary may make periodic payments to insurers and pools in recognition of reductions in premium rates below estimated risks as provided for in Sec. 204.

Section 2045—*Records, Annual Statement, and Adults.* Self-explanatory.

Section 2046—*General Powers.* Authorizes the Secretary of HEW to exercise certain powers vested in the Secretary of HUD under the Housing Act of 1950, in addition to powers provided in this proposal.

Section 2047—*Services and Facilities of Other Agencies.* Provides that the Secretary may, on a reimbursable basis, utilize the services of other Government agencies.

Section 2048—*Advance Payments.* Authorizes necessary payment adjustments in connection with the program.

Section 2049—*Taxation.* Exempts the National Catastrophic Illness Insuarnce Fund from Federal taxation, except that any real property acquired by the Secretary as the result of reinsurance would be taxable by States or political subdivisions.

Section 2050—*Appropriations.* Authorizes such appropriations as are necessary to carry out the provisions of the bill.

APPLICATION OF THE DEDUCTIBLE UNDER THE NATIONAL CATASTROPHIC ILLNESS PROTECTION ACT

The deductible, or the amount of medical costs which must be incurred or paid in one year before benefits begin under this insurance, is based on individual or family income and would be as follows:

Adjusted income:

	Deductible
$1,500	$0
$2,000	500
$2,500	1,000
$3,000	1,500
$3,500	2,000
$4,000	2,500
$4,500	3,000
$5,000	3,500

And so on up the scale.

"Adjusted income" means the gross income of an individual or family for tax purposes less the aggregate amount of personal tax exemptions allowed.

The deductible would be reduced by the amount of any payments, for the costs of care covered by the Medicare and Medicaid programs, or by any other public or private health insurance policy covering such care.

Example: A family with an adjusted income of $10,000 would during a year be required to pay or incur medical expenses to the extent of $8,500 (or to have insurance coverage to meet those expenses in whole or in part; Medicare or Medicaid payments would reduce the deductible similarly). At that point all medical expenses regardless of the extent, during that year, or for any lengthy illness or injury the treatment of which extends into another year, would be covered under such a policy.

Mr. TOWER. I am pleased to join with Senator BEALL in introducing the National Catastrophic Illness Protection Act of 1973. Senator BEALL and myself were original sponsors of this bill in the 92d Congress when it was introduced by our former colleague, Senator J. Caleb Boggs of Delaware.

One of the major issues of a domestic nature that the Congress will confront this year and the next will be that of national health insurance. As was the case in the last Congress, a variety of bills have been introduced dealing with this subject.

Congressional hearings on national health insurance will be very extensive. This is as it should be because this is both a complicated and important subject, potentially affecting the lives of every American. No doubt a great deal of study will be geared to a major component of this overall debate—a catastrophic illness. An examination of this problem will include the scope of catastrophic illness, its effect on the patient and his or her family and potential methods available to remedy or limit the financial burden that is assumed when a person is afflicted with such an extended illness.

By definition, catastrophic illness would comprise health care costs which exceed the coverage of private health insurance programs, both the basic and major medical care plans. When an individual is confronted with such an extended illness he and his family face an incredible financial hardship.

Of course, the Congress of the United States cannot cure the affliction which has incapacitated the individual. However, I do believe that the Federal Government should have a role in limiting his financial liability and the liability of his family. As it stands today, an individual afflicted with a catastrophic illness may often have to leave a hospital after his condition has to a certain extent been stabilized and after his private health insurance has been used up. While facing continuous ill health and the constant need for medical treatment, he and his family may very well end up as wards of the State due to their lack of financial resources.

It is, I believe, a legitimate function of Government to assist this individual and his family. More properly stated, it would be most constructive for Government to stimulate the private sector to solve this problem. This is the intent of the Catastrophic Illness Protection Act.

The proposal is a flexible one, taking into consideration the economics of health care and the need for an individualistic approach to the problem. Individuals and families would be able to purchase catastrophic health insurance coverage from private insurers that would cover the cost of allowable medical services which exceed a certain monetary amount depending on family size and adjusted gross income. The formulation of this type of health care coverage would be coordinated by the insurance authority at the State government level. The State insurance authorities would also move to create statewide insurance pools in order to equalize the amount of risk-taking by private insurance companies throughout the State.

Mr. President, there are a number of reasons why I believe this proposal is an exceptional one deserving careful consideration by the Congress.

A VOLUNTARY HEALTH INSURANCE PROPOSAL

Unlike many other proposals that have been submitted in Congress, the National Catastrophic Illness Protection Act is voluntary in nature. Throughout my public life, I have opposed compulsory Government programs on the basis that they restrict the freedom of the individual that is basic to the American way of life. No individual American would be forced to enroll in this program. While Americans certainly recognize there are problems in the area of health care financing, I believe the vast majority of our citizens oppose a compulsory uniform national health insurance system.

A LIMITED FEDERAL ROLE

The Federal Government role in this proposal would be quite limited. At periodic intervals the Department of Health, Education, and Welfare would review the actuarial value of the catastrophic illness insurance policy in each State. By taking into consideration general economic data and family size the Department of Health, Education, and Welfare could then set a premium policy cost at a lower level than the actuarial value in order to encourage more widespread coverage. A national catastrophic illness fund would be established to reimburse private carriers of the difference between the premium payment and the actuarial value. Additionally, the Federal Government would provide and administer a reinsurance program to insure the private companies offering this low-cost insurance against paying out more in benefits than they received in premiums.

A PUBLIC-PRIVATE PARTNERSHIP

This legislation is geared to improve our existing health care delivery system. I strongly believe that our delivery system is the best that any nation has yet developed. It is not a perfect system and it is my belief that this legislation would move our system closer to the goal of perfection of which we all strive. Our private health insurance system has currently enrolled more than 80 percent of those eligible for the various programs and their benefits. The National Catastrophic Illness Protection Act would strengthen our existing system by providing it with the necessary incentives to make available the type of protection desired by the American people. At the same time, the program would not restrict the ongoing functions of our existing system. Nor would it restrict the constant effort by the private sector to experiment and develop alternative methods of providing better health care.

A FEDERAL-STATE PARTNERSHIP

I believe that a program of this nature cannot be successful without the cooperation and utilization of the experience of existing State governmental units in the insurance field. The National Catastrophic Illness Insurance Act takes this into consideration. The States would have the primary authority for developing statewide insurance plans and would coordinate the insurance risk pool. President Nixon has recognized and I believe the Congress is increasingly recognizing that the Federal Government has neither the answers to all of our problems nor the intuitive ability to properly administer programs dealing specifically with individual human needs. This proposal recognizes the impersonal nature of the Federal bureaucracy while at the same time takes heed of the experience and expertise available at the State level.

A LIMITED FEDERAL COST

It has been quite apparent for some time that the Federal Government cannot afford to implement many new high-cost programs. This is certainly the case until there is a reorganization of the executive branch and a reevaluation of the myriad of programs authorized by the Federal Government. While the proposal being submitted today attempts to rectify a very serious problem of nationwide dimensions, I am convinced that its cost will be of a minimal nature, particularly when compared with other proposals in the national health insurance area. In fact, it is my estimation that the cost of the program would be at its highest in its initial year. Once the program is underway and the incentives established the program will begin to grow in a quantitative sense. This will spread out the risk and reduce the overall cost.

Furthermore, since catastrophic illness consists of only a small minority of all health insurance claims the total amount of benefits paid out should never reach an alarming figure. I am also convinced that the reinsurance claims will be at a minimal level once the carriers have the experience in the program to improve the actuarial basis of their efforts. In this regard, the Federal interest will be protected by the Department of Health, Education, and Welfare's continuing actuarial review of the premium rate structure under the program.

Mr. President, I urge my colleagues to give this legislation their careful consideration. The National Catastrophic Illness Protection Act of 1973 seeks to build upon our present health care delivery system. Since the program will only come into play once a specified amount of health care costs are exceeded and the amount of that deductible will rise measurably depending on income, enrollees in the program will have a strong incentive to obtain private health insurance covering basic and major medical coverage. Already more than 80 percent of those eligible for private insurance in the country have such coverage. The Catastrophic Illness Protection Act recognizes that in the vast majority of cases that the deductible under the plan will be covered by private health insurance. Catastrophic protection, therefore, will assist the individual and his family in filling a gap in the current system of health care financing.

In establishing our priorities in the upcoming debate it is my hope that catastrophic protection will have the highest consideration and that the Congress

will recognize the potential of this program.

By Mr. AIKEN:

S. 589. A bill making an urgent supplemental appropriation for the national industry reserve under the Independent Agencies Appropriation Act for the fiscal year ending June 30, 1973. Referred to the Committee on Appropriations.

Mr. AIKEN. Mr. President, I send to the desk legislation for a $1.8 million supplemental appropriation to restore funds for the National Industrial Equipment Reserve program.

The program received no funds in fiscal 1973 because of a difference between the Congress and the administration over whether the National Industrial Equipment Reserve should be retained under the General Services Administration budget or whether this should be shifted to the Department of Defense budget.

As a result, machine tools worth over $46 million are now sitting unused in two storage depots, and some 400 U.S. schools face the possible loss of over $40 million in NIER machinery on free loan for vocational training purposes.

I hope this legislation can be acted on in an expedited fashion as this program is not only important to our national security but at the same time allows these machine tools to be used for educational purposes.

By Mr. PERCY (for himself, Mr. ERVIN, Mr. BROCK, Mr. CHILES, Mr. JAVITS, Mr. METCALF, Mr. MUSKIE, Mr. ROTH, and Mr. SAXBE):

S. 590. A bill to require that future appointments of certain officers in the Executive Office of the President be subject to confirmation by the Senate. Referred by unanimous consent to the Committee on Government Operations, the Committee on Banking, Housing and Urban Affairs, the Committee on Foreign Relations, and the Committee on Armed Services.

BILL TO REQUIRE CONFIRMATION OF REMAINING MAJOR POSTS IN THE EXECUTIVE OFFICE OF THE PRESIDENT

Mr. PERCY. Mr. President, I am introducing today on behalf of myself; the distinguished chairman of our committee the Senator from North Carolina (Mr. ERVIN); and seven other members of the Government Operations Committee (Mr. BROCK, Mr. CHILES, Mr. JAVITS, Mr. METCALF, Mr. MUSKIE, Mr. ROTH, and Mr. SAXBE) a bill to make three posts in the Executive Office of the President subject to appointment by and with the advice and consent of the Senate. The posts in question are the Executive Secretary of the National Security Council, the Executive Director of the Domestic Council, and the Executive Director of the Council on International Economic Policy.

This bill was reported unanimously by the committee at its executive session on January 26. It permits those officers currently holding the three posts to be exempt from confirmation, except that the Executive Director of the Council on International Economic Policy is exempted only until June 30, 1973, when authority for the Council must be renewed by Congress. If the Council is reauthorized, the bill provides that the Executive Director should be subject to Senate confirmation.

Mr. President, the committee's report on this bill, which will be filed subsequently, will more fully explain the need for this measure. Let me explain now that it is not intended to intervene between the President and his assistants, counselors, consultants, and other staff who assist him in his duties. Each of the three posts affected by the bill has an operating function created by law or reorganizatiton plan. Each of these officials has an enormous impact on the lives of American citizens, on formulation of policy, and the administration of the laws. The committee's action reflects a conviction that Congress must insist on its role as lawmaker, and the Executive's role as implementor of the laws.

I have listened with great interest to some of the arguments that would say that the nominations of these officers should not be subject to confirmation, and I am fully aware that they are in a twilight zone. I would say that we can better fulfill our function and responsibility if we would bear in mind that when one officer holds two positions—counselor or assistant to the President as well as a position of responsibility created by statute or reorganization plan—it is incumbent upon congressional committees to be as considerate as possible of the need for the President to have ready access to such official and also for Congress not to invade the personal relationship that does and should exist between the President and his counselor or assistant when reviewing the separate statutory responsibilities of the official.

I would trust that all congressional committees would bear this in mind and would recognize that the executive privilege to have a confidential relationship between a counselor or assistant to the President cannot and must not be invaded by Congress. But when the same person is in a dual capacity or responsibility, we cannot evade our responsibility by saying that such person's activities are totally exempt from congressional confirmation or oversight. If the President chooses to have one individual occupy two posts, it is only the statutory post for which we have any responsibility.

In fact, we would not be fulfilling our responsibility if we did not have such officials available for reasonable questioning and interchange and to give our advice and consent, with respect to the appointment of such men vitally affecting matters of prime importance to Congress, such as trade legislation, the national defense, international diplomacy, and certainly the ordering of our affairs with respect to our domestic priorities.

This bill thus requires the confirmation of the major three officials of the Executive Office of the President who are not subject to confirmation. On January 26, the Government Operations Committee also reported Chairman ERVIN's bill, S. 518, to require confirmation of the Director and Deputy Director of the Office of Management and Budget; and on January 23 the Senate adopted a bill reported from the Banking Committee to require confirmation of the Director of the Cost of Living Council, I am pleased to say—with the full support of the administration.

The three officials now in question have a far greater ability to affect the people of the United States and the execution of our laws than the vast bulk of the 13,940 civilian officials confirmed by the Senate in the 92d Congress.

The post of Executive Director of the Domestic Council is established in Reorganization Plan No. 2 of 1970. The Domestic Council has become the central management agency for domestic policy and programs in much the same way that the OMB has become the control agency for program budget and management. When the House Government Operations Committee considered Reorganization Plan No. 2 in 1970, it voted to disapprove the plan because it did not provide for confirmation of the Director of the Domestic Council. Section 904(2) of the Reorganization Act requires that officers authorized by reorganization plans be either confirmed by the Senate or be in the competitive civil service. The committee was not sustained in the House, and the plan was not disapproved. In retrospect, the House committee was correct in insisting that this provision of law be complied with. The Director of the Domestic Council has become an extremely important and powerful government official who serves in a capacity well beyond that normally performed by Presidential counselors.

The post of Executive Secretary of the National Security Council—NSC—is created by the National Security Act of 1947, as amended. The law requires that the National Security Council staff shall be headed by a civilian Executive Secretary, appointed by the President, who controls the staff which performs functions assigned it by the Council. Though Dr. Kissinger has not been formally designated Executive Secretary of the NSC, it is clear that he is the operating head of the Council and its staff and that he holds the post of Executive Secretary de facto. A comparison with other EOP officials may be useful. The Director of the Central Intelligence Agency is subject to appointment by and with the advice and consent of the Senate. The Special Representative for Trade Negotiations and his two deputies, all Ambassadors, are subject to Senate advice and consent. Is it unreasonable to ask that the head of the NSC staff, who deals as intimately with questions of national security as the CIA Director, and who surely serves with the authority of an Ambassador with plenipotentiary powers, be confirmed?

The post of Executive Director of the Council on International Economic Policy is created by Public Law 92–412 of August 29, 1972. The extensive duties of the CIEP as the coordinating unit for all U.S. foreign economic policy are also set forth in that act. Again comparison may be useful. Traditionally the President's most important adviser on economic policy has been the chairman of the Council of Economic Advisers, all

members of which are subject to confirmation. Both Mr. Flanigan and Dr. Stein perform duties based mainly on policy formulation. The distinguishing "extra dimension" of Mr. Flanigan's job is his designation as a presidential counselor. He can continue to serve as counselor to the President and these functions are properly private. But in his capacity as the operating chief of the CIEP, performing the duties required by the law, his appointment should be subject to advice and consent.

Each of the above three posts should be make subject to confirmation. To do so is consistent in the context of the Executive Office of the President, where most operating officials, including several exceptionally important ones, are required to be confirmed. Such confirmation is within the letter and intent of the Constitution. The provision that the present occupant of each post need not be confirmed is a fair way of ensuring that we do not change the rules in mid-stream for those officials currently holding the posts in question. I ask unanimous consent that a list of the component offices of the Executive Office of the President be printed in the RECORD at this point.

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

COMPONENT OFFICES OF THE EXECUTIVE OFFICE OF THE PRESIDENT (EOP)
(INCLUDING THE COST OF LIVING COUNCIL, INITIALLY A PART OF THE EOP, NOW CONSIDERED AN "INDEPENDENT AGENCY")

OFFICE	AUTHORITY	TOP OFFICIAL
Not Subject to Confirmation:		
1. OMB	Reorganization Plan	Director and Deputy Director
2. National Security Council	National Sec. Act	Executive Secretary
3. Domestic Council	Reorganization Plan	Executive Director, Deputy Dir.
4. Council on Int'l. Econ. Policy	PL 92–412, 8/29/72	Executive Director
5. Office of Consumer Affairs*	Executive Order	Director and 2 Deputy Directors
6. Cost of Living Council	Econ. Stabilization Act and Executive Order	Director
Subject to Confirmation:		
7. Council of Economic Advisers	Employment Act of 1946	Chairman, 2 Members
8. Central Intelligence Agency	National Sec. Act	Director, Deputy Director
9. Nat'l. Aero. & Space Council**	Nat'l. Aero. & Space Act	Executive Director
10. Office of Emergency Preparedness**	Reorganization Plan	Director, Deputy Dir., 2 Asst. Dir.
11. Office of Science and Technology**	Reorganization Plan	Director, Deputy Director
12. Off. Spec. Rep. for Trade Negos.	Trade Expansion Act	Special Representative, 2 Deputies
13. Office of Economic Opportunity	Econ. Opportunity Act	Director, Deputy Dir., 5 Asst. Dir.
14. Council on Environ. Quality	Environ. Policy Act	Chairman, 2 Members
15. Off. Telecommunications Policy	Reorganization Plan	Director, Deputy Director
16. Special Action Office for Drug Abuse Prevention	PL 92–255	Director, Deputy Director

* Functions to be transferred to Department of Health, Education, and Welfare.
** Functions to be transferred to other Departments and agencies pursuant to proposed Reorganization Plan No. 1 of 1973.

Mr. PERCY. Mr. President, I ask unanimous consent that this bill be referred to the Committee on Government Operations, the Committee on Banking and Urban Affairs, the Committee on Foreign Relations, and the Committee on Armed Services, because posts would be created that would be subject to confirmation, respectively, by the individual committees I have mentioned. One such bill was reported out unanimously by the Government Operations Committee affecting all three positions.

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

Mr. ROTH. Mr. President, today I am pleased to join with Senator PERCY and other Senators in cosponsoring legislation to make appointments of the Executive Secretary of the National Security Council, the Executive Director of the Domestic Council, and the Executive Director of the Council on International Economic Policy subject to senatorial confirmation. It is common knowledge that the officials who occupy these positions exercise far greater authority than many of the great number of appointees currently reviewed by the Senate.

I would also hope that Senators will have an opportunity to consider those who are nominated as Director of the Office of Management and Budget, in some ways the most important executive appointed by the President. As a consequence, I have also cosponsored S. 518, introduced by the senior Senator from North Carolina (Mr. ERVIN), which would accomplish this end.

It seems to me that this proposal offers a way by which to maintain the spirit of the checks and balances between legislative and executive branch envisioned by the framers of the Constitution. This basic document of our Government provided that the "Advice and Consent of the Senate" be given to major Presidential appointments. Since the internal organization of the executive branch changes over time, we must adjust the statutes to continue to provide this sort of legislative confirmation of executive appointees.

Requiring senatorial confirmation of the nominations of these three important executive office officials would also help to guarantee their availability as witnesses before the committees of Congress. Our National Legislature surely will not be effective in performing its legislative and oversight roles if its committees are unable to obtain appropriate information from the executive.

I certainly would not wish to deny the President the power to appoint high quality advisers and top administrators of his choice. I further intend no negative judgments against any particular men who now hold high offices or have been designated for such by President Nixon. However, a truly balanced national government requires that the legislature be able to obtain essential factual information from top Presidential advisers and administrators, as well as set minimal standards of competence and integrity for these officers.

It is also not my desire to give Congress and the public automatic access to confidential advice on policy which is offered to the President. What we at this end of Pennsylvania Avenue need is the facts out of which to build our own policies.

I feel that constitutional logic clearly argues for the enactment into law of both S. 590 and S. 518 to subject the chief officials of four major agencies in the Executive Office of the President to senatorial confirmation.

By Mr. HRUSKA:

S. 594. A bill to amend the Immigration and Nationality Act to provide for waiver of excludibility for certain aliens, and for other purposes. Referred to the Committee on the Judiciary.

Mr. HRUSKA. Mr. President, this bill would amend section 212 of the act by adding a new subsection. This new provision would change the law to permit the Attorney General to exercise discretion in admitting to the United States an alien who has previously entered the United States, or tried to enter, through fraud or concealment of a material fact. Under section 212 as presently written an alien is forever barred from receiving a visa if he has committed such a fraud, regardless of the circumstances or length of time that has passed since his misrepresentation.

The new subsection (j) to section 212 which I propose would authorize the Attorney General to allow such an alien to apply for admission to the United States, under appropriate conditions, if the fraud or misrepresentation occurred more than 10 years prior to such application by the alien. It would not guarantee the alien admission, but would merely give the Attorney General the authority to allow such an alien to apply for admission in any case appropriate.

Mr. President, this is a small but important step forward in making our immigration practices more equitable. Over the years, I have had a number of unfortunate situations brought to my attention in which an alien, in his eager desire to become a resident and citizen of our great country, misrepresented a fact re-

lating to his status. I do not condone such an act, but we must all appreciate that these frauds are often the product of youthful indiscretions.

Recently such a case was brought to my attention by a local attorney. It concerns a doctor now in Vienna who came to this country as a young man and became a citizen. His citizenship was later revoked because of some false statements he made on entry, and he was required to leave the country. Even though these events occurred over 30 years ago, and this doctor had evidently led an exemplary life in Vienna since, he is forever barred from admission to this country. This doctor passionately desires to again become, and die, an American. Under my proposal, because the acts for which he is barred occurred more than 10 years ago, he would be eligible for a waiver from the Attorney General if he were found otherwise suitable for admission.

I introduced a very similar bill in the 92d Congress as S. 1869. It was referred to the Immigration Subcommittee of the Judiciary Committee and the Department of Justice was asked to comment thereon. In a letter dated January 4, 1972, the Deputy Attorney General indicated:

This legislation is regarded as humanitarian in nature and the Department of Justice has no objection to its enactment.

The Office of Management and Budget concurred in this viewpoint. In Mr. Kleindienst's letter he made several suggested changes in the bill to further carry out the intent of the proposal. The bill that I introduce today incorporates the changes suggested by the Department. I ask unanimous consent to have printed in the RECORD the text of the departmental letter.

Mr. President, I urge that this bill receive prompt and favorable consideration. It is consistent with American principles of basic fairness, and with our image as the greatest and most generous country on earth.

I ask that the text of the bill be printed in the RECORD.

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

OFFICE OF THE DEPUTY
ATTORNEY GENERAL,
Washington, D.C., January 4, 1972.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: This is in response to your request for the views of the Department of Justice on S. 1869, a bill "To amend the Immigration and Nationality Act to provide for waiver of excludability for certain aliens, and for other purposes."

This bill would amend section 212 of the Immigration and Nationality Act, 8 U.S.C. 1182, by adding a new paragraph (j). That paragraph would provide for a "statute of limitations" on the operation of the ground of ineligibility and excludability set forth in section 212(a)(19) of the Act, 8 U.S.C. 1182(a)(19), for having procured a document or entry into the United States by fraud or misrepresentation. This waiver would be discretionary with the Attorney General and subject to such terms, conditions and procedures as he may, by regulations, prescribe for consenting to the alien's applying or reapplying for a visa or for admission to the United States. Under the terms of this proposal the acts forming the ground of inadmissibility under section 212(a)(19) must have been committed more than 10 years prior to the date of application for a visa.

This legislation is regarded as humanitarian in nature and the Department of Justice has no objection to its enactment.

It is noted, however, that as written the bill would apply to nonimmigrants as well as immigrants. If this is not desired, the bill's language should be changed to show that it is intended to reach only immigrants. If it is intended that it apply to nonimmigrants, attention is directed to the fact that some nonimmigrant admissions do not require the issuance of a visa. Hence, line 2 on page 2 of the bill should read: "more than 10 years prior to the date of application for a visa or for admission to the United States if a visa is not required,".

It is also noted that while the bill provides for a waiver in the discretion of the Attorney General for one who is excludable for having sought to obtain a document or admission to the United States by misrepresentation, the full objective apparently intended might not be obtained unless provision is also made for a waiver for the admission of any perjury committed in connection with the fraud or misrepresentation involved in the section 212(a)(19) ground. Accordingly, the Committee may wish to add another clause which would recite the following: "or admits the commission of perjury in connection therewith" immediately following "subsection (a)" in line 8 of page 1.

The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

RICHARD G. KLEINDIENST,
Deputy Attorney General.

S. 594

A bill to amend the Immigration and Nationality Act to provide for waiver of excludability for certain aliens, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended by adding at the end thereof a new subsection (j) to read as follows:

"(j) An alien who would be ineligible to receive a visa or would be excludable under the provisions of paragraph (19) of subsection (a), or admits the commission of perjury in connection therewith, may be granted a visa and admitted to the United States, if otherwise admissible, (1) if it shall be established to the satisfaction of the Attorney General that the act or acts rendering such alien ineligible to receive a visa, or excludable, under such paragraph were committed more than ten years prior to the date of application for a visa or for admission to the United States if a visa is not required; and (2) if the Attorney General, in his discretion, and pursuant to such terms, conditions, and procedures as he may by regulations prescribe, has consented to the alien's applying or reapplying for a visa and for admission to the United States."

By Mr. BURDICK:

S. 596. A bill to improve judicial machinery by revising the certiorari jurisdiction of the Supreme Court and for other purposes. Referred to the Committee on the Judiciary.

Mr. BURDICK. Mr. President, I am introducing today for appropriate reference a bill revising the certiorari jurisdiction of the Supreme Court. The bill repeals certain sections of title 28 of the United States Code which permit appeal of certain cases to the Supreme Court. At present, most cases come to the Supreme Court by certiorari; in the 1972 term, 92 percent were by certiorari and only 8 percent were by appeal. The effect of this bill is to provide for review by certiorari in the following classes of cases now reviewed by appeal:

First. Decisions invalidating acts of Congress, except cases decided by special three-judge courts. However, another bill, S. 271, introduced in this Congress would repeal the requirement for these three-judge courts.

Second. Appeals from the U.S. courts of appeals.

Third. Certain appeals from State courts.

The numbers of cases where appeal as a right is available in the categories listed above is very few, so the changes recommended here will not unburden the Supreme Court to any significant extent. However, in the handful of cases which do reach the Supreme Court by appeal, certain statutory provisions, such as 28 U.S.C. 1254(2), have a complicating qualifying clause limiting the scope of review if appeal is taken. Under section 1254(2), providing for review by appeal from a circuit court of appeals, when a State statute has been held unconstitutional, only the Federal questions in the case may be placed in issue.

Thus, in a case involving both constitutional and other issues, counsel cannot be sure of the procedure best suited to protect his client's position and may be well advised to forgo his right of appeal and instead petition for certiorari. As the Freund Committee report, prepared for the Federal Judicial Center, states:

All of these complications can be avoided by making all review of decisions by Courts of Appeals by certiorari. (*Report of the Study Group on the Caseload of the Supreme Court,* Federal Judicial Center (December, 1972))

In a second category of cases, appeals from State courts, section 1257(c) of title 28, United States Code, provides review by appeal where a State court has upheld a State statute against attack on Federal constitutional grounds. A substantial percentage of these cases are disposed of summarily, usually for lack of a substantial Federal question. A further complicating factor arises in this situation in that whether a decision of a State court comes to the Supreme Court by appeal or certiorari depends upon how the State court has decided the constitutional question. Appeal lies only if the State ruling is against the Federal claim; if the challenge is upheld, then review is only by certiorari. As the Freund Committee has stated:

There is no reason to believe that the Court, in the exercise of a wholly discretionary jurisdiction, would not adequately protect the interests of our constitutional order as well in one situation as in the other.

A third category of cases, few in number, are affected by this bill. They are decisions invalidating acts of Congress. Under present law, direct appeal to the Supreme Court lies when any Federal court, including a one judge district

court, has held a Federal statute unconstitutional. 28 U.S.C. 1252. The Freund Committee Report states:

In recent years, it has been very rare for district courts to strike down Acts of Congress and thus the direct appeal provision is used very little. But there is no need for the statute in the rare cases to which it might apply. Direct review is available, if it is truly necessary, through prejudgment certiorari, and even that drastic device ordinarily need not be invoked.

Mr. President, I believe that the practice in the Supreme Court could be simplified by making review in these situations by certiorari alone, thereby eliminating the technical complexities of pleading which the present practice requires and that such a change would not in any way lessen the rights of citizens or the Federal or State governments in presenting their claims to the Court. In fact, I believe that the simplified procedures which would result from the passage of this bill would be beneficial to both litigants and lawyers

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

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

S. 596

A bill to improve judicial machinery by revising the certiorari jurisdiction of the Supreme Court and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1252 of title 28, United States Code, is repealed.

SEC. 2. (a) That clauses "(2)" and "(3)" of section 1254 of title 28, United States Code, are repealed.

(b) That the catchline to section 1254 of title 28, United States Code, is amended to read as follows:

"§ 1254. Courts of appeals; certiorari"

SEC. 3. (a) That paragraphs "(1)" and "(2)" of section 1257 of title 28, United States Code, are repealed.

(b) That the catchline to section 1257 of title 28, United States Code, is amended to read as follows:

"§ 1257. State courts; certiorari"

SEC. 4. The analysis of chapter 81 of title 28, United States Code, is amended to read as follows:

"Sec.
1251. Original jurisdiction.
1252. Repealed.
1253. Direct appeals from decisions of three-judge courts.
1254. Courts of appeals; certiorari.
1255. Court of Claims; certiorari; certified questions.
1256. Court of Customs and Patent Appeals; certiorari.
1257. State courts; certiorari.
1258. Supreme Court of Puerto Rico; appeal; certiorari."

SEC. 5. This act shall not apply to any appeal commenced on or before the date of enactment.

By Mr. BURDICK (by request):

S. 597. A bill to provide for the appointment of additional district judges, and for other purposes. Referred to the Committee on the Judiciary.

Mr. BURDICK. Mr. President, I am introducing today, by request, a bill to provide for the creation of 51 new district court judgeships which were recommended by the Judicial Conference of the United States at its October 1972 meeting.

These recommendations are based on the quadrennial survey made by the Administrative Office of the U. S. Courts in 1972 of the manpower needs of our district courts. These 51 judgeships are proposed for 33 of our 93 judicial districts. I am advised that the Judicial Conference took into consideration the number of cases filed, terminated and pending in each district together with other indicia of the relative workload in these courts, and also gave consideration to certain projections of caseload through the year 1976.

Mr. President, I introduce this bill for appropriate reference so that these recommendations and the justification for them can be thoroughly analyzed and evaluated by the appropriate committee of the Senate.

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

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

S. 597

A bill to provide for the appointment of additional district judges, and for other purposes

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

(a) the President shall appoint, by and with advice and consent of the Senate, one additional district judge for the northern district of Alabama, one additional district judge for the middle district of Alabama, one additional district judge for the southern district of Alabama, one additional district judge for the District of Arizona, two additional district judges for the northern district of California, two additional district judges for the eastern district of California, two additional district judges for the central district of California, two additional district judges for the southern district of California, two additional district judges for the middle district of Florida, two additional district judges for the southern district of Florida, two additional district judges for the northern district of Georgia, one additional district judge for the northern district of Indiana, one additional district judge for the southern district of Indiana, one additional district judge for the district of Kansas, two additional district judges for the eastern district of Louisiana, four additional district judges for the district of Massachusetts, one additional district judge for the district of Minnesota, one additional district judge for the western district of Missouri, one additional district judge for the district of New Jersey, one additional district judge for the northern district of New York, two additional district judges for the eastern district of New York, one additional district judge for the northern district of Oklahoma, one additional district judge for the district of Oregon, one additional district judge for the eastern district of Tennessee, three additional district judges for the northern district of Texas, four additional district judges for the southern district of Texas, one additional district judge for the eastern district of Texas, two additional district judges for the western district of Texas, two additional district judges for the eastern district of Virginia, one additional district judge for the western district of Virginia, one additional district judge for the western district of Washington, and one additional district judge for the western district of Wisconsin: *Provided, however,* That when any vacancy occurs among the judgeships assigned to more than one district in Oklahoma the successor appointed to such a vacancy shall be named to the western district of Oklahoma only.

SEC. 2. The existing district judgeship for the eastern district of North Carolina created by subsection (c) of section 2 of Public Law 91-272, June 7, 1970, 84 Stat. 296 shall be a permanent judgeship and the present incumbent of such judgeship shall henceforth hold his office under section 133 of title 28, United States Code, as amended by this Act. Subsection (c) of section 2 of Public Law 91-272, June 7, 1970, 84 Stat. 296, is hereby repealed.

SEC. 3. In order that the table contained in section 133 of title 28, United States Code will reflect the changes in the numbers of permanent judgeships made by sections one and two of this Act, such table is amended to read as follows with respect to each such district:

Districts	*Judges*
Alabama:	
Northern	5
Middle	3
Southern	3
Arizona	6
California:	
Northern	13
Eastern	5
Central	18
Southern	7
Florida:	
Middle	8
Southern	9
Georgia: Northern	8
Indiana:	
Northern	4
Southern	5
Kansas	5
Louisiana:	
Eastern	11
Middle	1
Massachusetts	10
Minnesota	5
Missouri: Western	4
New Jersey	10
New York:	
Northern	3
Eastern	11
North Carolina: Eastern	3
Oklahoma:	
Northern	2
Northern, Eastern, and Western	1
Oregon	4
Tennessee: Eastern	4
Texas:	
Northern	9
Southern	12
Eastern	4
Western	7
Virginia:	
Eastern	8
Western	3
Washington: Western	4
Wisconsin: Western	2

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

S. 600. A bill to designate certain lands as wilderness;

S. 601. A bill to designate certain areas in the United States as wilderness; and

S. 602. A bill to designate certain lands as wilderness. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, on be-

half of myself, and the ranking minority member of the Committee on Interior and Insular Affairs (Mr. FANNIN), I send to the desk by request three bills to designate certain lands as wilderness pursuant to the Wilderness Act.

Mr. President, the Wilderness Act of 1964 established the national wilderness preservation system to insure that present and future generations of Americans have the benefits of a lasting natural resource.

These three bills would add 46 new areas to the system. They were recommended to Congress by the President in his message of September 21, 1972.

The first bill comprises those lands determined to be suitable for wilderness which are presently administered by the Bureau of Sport Fisheries and Wildlife. A total of 18 areas is included in the bill; these are: First, Farallon National Wildlife Refuge, Calif.; second, Chamisso National Wildlife Refuge, Alaska; third, West Sister Island National Key Deer Refuge, Great White Heron National Wildlife Refuge, and the Key West National Wildlife Refuge, Fla.; which shall be known as the Florida Keys Wilderness; fifth, Simeonof National Wildlife Refuge, Alaska; sixth, Izembek National Wildlife Range, Alaska; seventh, Breton National Wildlife Refuge, La.; eighth, Matia Island and San Juan National Wildlife Refuge, Wash.; ninth, Moosehorn National Wildlife Refuge, Maine; tenth, St. Marks Wildlife Refuge, Fla.; eleventh, Wolf Island National Wildlife Refuge, Ga.; twelfth, Cape Romain National Wildlife Refuge, S.C.; thirteenth, Chase Lake National Wildlife Refuge, N. Dak.; fourteenth, Brigantine National Wildlife Refuge, N.J.; fifteenth, Blackbeard Island National Wildlife Refuge, Ga.; sixteenth, Chassahowitzka National Wildlife Refuge, Fla.; seventeenth, Lost National Wildlife Refuse, N. Dak.; and eighteenth, Bosque del Apache National Wildlife Refuge, N. Mex.

The second bill designates areas deemed suitable by the U.S. Forest Service for inclusion in the system: First, Glacier Primitive Area, Wyo.; second, Gore Range-Eagles Nest Primitive Area, Colo.; third, Agua Tibia Primitive Area, Calif.; fourth, Emigrant Basin Primitive Area, Calif.; fifth, San Juan and Upper Rio Grande Primitive Areas, Colo.; sixth, Mission Mountains Primitive Area, Mont.; seventh, Aldo Leopold Primitive Area, N. Mex.; and eighth, Blue Range Primitive Area, N. Mex. and Ariz.

The third bill includes areas recommended for wilderness designation within the national park system. The 20 areas are embraced in the following units of our national park system:

First, Isle Royale National Park, Mich.; second, Sequoia and Kings Canyon National Parks, Calif.; third, Shenandoah National Park, Va.; fourth, North Cascades National Park and in the Ross Lake and Lake Chelan National Recreation Areas, Wash.; fifth, Colorado National Monuments; sixth, Bryce Canyon National Park, Utah; seventh, Chiricahua National Monument, Ariz.; eighth, Black Canyon of the Gunnison National Monument, Colo.; ninth, Badlands National Monument, S. Dak.; tenth, Theodore Roosevelt National Memorial Park, N. Dak.; eleventh, Cumberland Gap National Historical Park, Tenn. and Va.: twelfth, Carlsbad Caverns National Park, N. Mex.; thirteenth. Great Sand Dunes National Monument, Colo.; fourteenth, Guadalupe Mountains National Park, Tex.; fifteenth, Grand Canyon National Park, Grand Canyon and Marble Canyon National Monuments, Ariz.; sixteenth, Yosemite National Park, Calif.; seventeenth, Grand Teton National Park, Wyo.; eighteenth, Yellowstone National Park, Idaho-Wyoming-Montana; nineteenth, Haleakala National Park, Hawaii; and twentieth, Pinnacles National Monument, Calif.

This proposal affords us another opportunity to set aside unique, natural environment with outstanding scenic, geological, and biological resources.

The Senate and the public may be assured that the Committee on Interior and Insular Affairs will consider these proposals as expeditiously as possible. We recognize that time is of the essence if we are to meet the goal established by the Wilderness Act and endorsed by millions of Americans who are concerned about the threat of our last remaining wild lands.

By Mr. BAKER:

S. 603. A bill authorizing the construction, repair, and preservation of certain works on rivers and harbors for navigation, flood control, and for other purposes. Referred to the Committee on Public Works.

Mr. BAKER. Mr. President, I am introducing, for appropriate referral, legislation proposed by the administration for a number of water resources projects.

This bill consists of two titles, the "Water Resources Development Act of 1973" and the "River Basins Monetary Authorizations Act of 1973."

The Committee on Public Works has today reported to the Senate a proposal that has a number of similarities with this administration proposal.

This committee bill, the "Flood Control Act of 1973," is identical to the conference committee version of S. 4018, which was adopted by the Congress last year, but vetoed by the President. A number of the provisions in the bill I am now introducing are similar to provisions of the "Flood Control Act of 1973."

In an effort to explain in greater detail the similarities and the differences between the two bills, I ask unanimous consent that a copy of the administration proposal, as well as a section-by-section analysis and the letter of transmittal, be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. BAKER. Mr. President, of the several water resources projects listed by name in section 101 of the administration's proposal, all the projects, except Fall Creek, Ind., are also included in the Flood Control Act of 1973.

Section 102 of the administration's proposal is similar to section 27 of the Flood Control Act of 1973, although section 102 is somewhat broader in its scope.

Section 103 is identical to section 21 of the Flood Control Act of 1973.

Section 104 is virtually identical to section 17 of the Flood Control Act of 1973.

Section 105 is similar to section 29 of the Flood Control Act of 1973.

Sections 106 and 107 do not appear in the Flood Control Act of 1973.

Section 108 is identical to section 28 of the Flood Control Act of 1973.

Section 109 is similar in intent with section 10 of the Flood Control Act of 1973, although that provision in the Flood Control Act of 1973 creates a specific mechanism allowing the Congress to veto a deauthorization proposal.

Section 110 does not appear as a part of the Flood Control Act of 1973.

There is no provision in the Flood Control Act of 1973 that is similar to title II of the administration bill, the River Basins Monetary Authorizations Act of 1973. In the past, the Congress has made it a practice to legislate separately on items such as those covered in title II—the raising of the authorized spending level on projects now under construction—and new projects, such as those covered in both the proposed Water Resources Development Act of 1973 and the proposed Flood Control Act of 1973.

EXHIBIT 1

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: I am transmitting for the consideration of the Congress proposed legislation to authorize certain rivers and harbors and flood control projects.

The President, in withholding approval from S. 4018, the Flood Control Act of 1972, on October 27, 1972, stated that a number of projects in that bill were justified and that he would recommend their authorization to the Congress early in the next Congress. This draft legislation meets that commitment.

The ten projects proposed for authorization in this legislation have been reviewed by the concerned executive branch agencies and project reports have been transmitted to the Congress. The bill also includes proposed increases in monetary authorizations and other provisions which the Department of the Army considers to be desirable from the standpoint of orderly program development. The individual projects and other provisions of the bill are described in detail in a section-by-section analysis which is transmitted with the proposed bill.

There were certain provisions in the Flood Control Act of 1972 which are not objectionable to the executive branch but which are not included in the present legislation. These provisions were cases where legislation is unnecessary because existing authorizations are available, or cases where projects were named for distinguished citizens. The legislation proposed with this letter has been limited to those measures which are considered to be essential at this time for the conduct of the civil works program.

The executive branch is in the process of reviewing other proposals for water resources projects which may be appropriately included in this legislation before final action by the Congress. We intend to propose amendments when the executive branch is in a position to make recommendations with regard to such projects.

Future construction of public works which implement these authorizations will only be initiated after coordination and filing of environmental statements as required by the National Environmental Policy Act of 1969. For example, environmental impacts of the projects which would be authorized by Title I, Section 101, are described in detailed final environmental statements on file with the Council on Environmental Quality and available as a part of the cited congressional documents. Sections 103, 104 and 110 of Title I and Title II modify the plan or monetary ceiling for previously authorized works which are subject to the environmental statement requirements of the National Environmental Policy Act. No environmental impacts would result from the studies directed by Title I, Sections 102 and 109. Sections 105 through 108 of Title I modify general authorities for approval and funding of small projects; however, projects prosecuted under these authorities, regardless of size or scope, are subject to the same requirements for preparation, coordination and filing of environmental statements as are larger projects which must be individually authorized by Congress.

The Office of Management and Budget advises that enactment of this legislation would be consistent with the Administration's objectives.

Sincerely,

KENNETH E. BELIEU,
Under Secretary of the Army.

S. 603

A bill authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes

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

TITLE I—WATER RESOURCES DEVELOPMENT

NEW PROJECT AUTHORIZATIONS

SEC. 101.—The following water resources development projects for flood control, navigation, recreation, water supply, fish and wildlife enhancement, and other purposes are hereby authorized to be prosecuted under the direction of the Secretary of the Army and the supervision of the Chief of Engineers as set forth below. Sections 201 and 202 and the last three sentences in section 203 of the Flood Control Act of 1968 shall apply to all projects authorized in this Act.

MIDDLE ATLANTIC REGION

Atlantic Coast of Virginia

The project for hurricane-flood protection at Virginia Beach, Virginia, authorized by the River and Harbor Acts approved September 3, 1954 and October 23, 1962, as amended and modified, is hereby further modified and expanded in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92-365, at an estimated cost of $17,010,000.

SOUTH ATLANTIC-GULF REGION

Pascagoula River Basin

The project for flood protection and other purposes on Bowie Creek, Mississippi, is hereby authorized in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92-359, at an estimated cost of $32,410,000.

Pearl River Basin

The project for flood control and other purposes on the Pearl River, Mississippi, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92-282, at an estimated cost of $38,146,000.

OHIO REGION

Salt River Basin

The project for Camp Ground Lake on Beech Fork in the Salt River Basin, Kentucky, is hereby authorized in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92-374, at an estimated cost of $50,800,000.

Fall Creek Basin

The project for flood control and other purposes on Fall Creek, Indiana, is hereby authorized in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92-370, at an estimated cost of $57,930,000.

ARKANSAS-WHITE-RED REGION

Spring River Basin

The project for flood control and other purposes on Center Creek near Joplin, Missouri, is hereby authorized in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92-361, at an estimated cost of $14,600,000.

LOWER MISSISSIPPI RIVER REGION

West Tennessee Tributaries Basin

The West Tennessee Tributaries feature, Mississippi River and Tributaries project (Obion and Forked Deer Rivers), Tennessee, authorized by the Flood Control Acts approved June 30, 1948 and November 7, 1966, is hereby modified in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92-367, at an estimated cost of $6,600,000.

Cache River Basin

The Cache River Basin feature, Mississippi River and tributaries project, Arkansas, authorized by the Flood Control Act approved October 27, 1965, is hereby modified in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92-366, at an estimated cost of $5,232,000. The Secretary of the Army is also authorized to undertake all or part of the additional fish and wildlife enhancement measures recommended by the Department of the Interior in its comments in such House Document provided that such measures shall not exceed 30,000 acres of land at a cost per acre not to exceed $25. Appropriate non-Federal interests shall contribute fifty percentum of the costs of any such measures undertaken.

TEXAS GULF REGION

Gulf Coastal Basin

The project for flood control and other purposes on the Blanco River at Clopton Crossing, Texas, is hereby authorized in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92-364, at an estimated cost of $42,271,000.

COLUMBIA-NORTH PACIFIC REGION

Umpqua River Basin

The project for flood control on the South Umpque River, Oregon, is hereby authorized in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92-371, at an estimated cost of $113,000,000.

NEW STUDIES AUTHORIZATIONS

SEC. 102. (a) The Secretary of the Army is authorized, in consultation with the Secretary of Interior, to undertake a comprehensive review of the use of lands for recreation and fish and wildlife purposes at water resources projects under his jurisdiction, and to make recommendations as to those measures which should be undertaken to ensure the best use of such lands for outdoor recreation, fish and wildlife enhancement, and related purposes. The study and recommendations of the Secretary shall be transmitted to the President, who shall transmit them to the Congress, with his recommendations.

(b) There is hereby authorized to be appropriated not to exceed $750,000 to carry out the provisions of this section.

SEC. 103. Section 213 of the Flood Control Act of 1970 (84 Stat. 1824, 1829) is hereby amended by (1) inserting before the period at the end of the first sentence the following: ", at an estimated cost of $11,400,000" and (2) striking out the last sentence.

SEC. 104 (a) The project for flood control below Chatfield Dam on the South Platte River, Colorado, authorized by the Flood Control Act of 1950 (64 Stat. 175), is hereby modified to authorize the Secretary of the Army to participate with non-Federal interests in the acquisition of lands and interests therein and in the development of recreational facilities immediately downstream of the Chatfield Dam, in lieu of a portion of the authorized channel improvement, for the purpose of flood control and recreation.

(b) Such participation shall (1) consist of the amount of savings realized by the United States, as determined by the Secretary of the Army, in not constructing that portion of the authorized channel improvement below the dam, together with such share of any land acquisition and recreation development costs, over and above that amount, that the Secretary of the Army determines is comparable to the share available under similar Federal programs providing financial assistance for recreation and open spaces, (2) in the instance of the aforementioned land acquisition, be restricted to those lands deemed necessary by the Secretary of the Army for flood control purposes, and (3) not otherwise reduce the local cooperation required under the project.

(c) Prior to furnishing of the participation authorized by this Act, non-Federal interests shall enter into a binding written agreement with the Secretary of the Army to prevent any encroachments in needed flood plain detention areas which would reduce their capability for flood detention and recreation.

SEC. 105. Section 14 of the Act approved July 24, 1946 (60 Stat. 653), is hereby amended by striking out "$1,000,000" and inserting in lieu thereof "$5,000,000", and by striking out "$50,000" and inserting in lieu thereof "$250,000."

SEC. 106. Section 205 of the Flood Control Act of 1948 (62 Stat. 1182), as amended, is hereby further amended by deleting "1,000,000" and inserting in lieu thereof "$2,000,000."

SEC. 107. Subsection (b) of Section 206 of the Flood Control Act of 1960, as amended (33 U.S.C. 709a), is further amended by striking out "$11,000,000" and inserting in lieu thereof "$15,000,000."

SEC. 108. Section 208 of the Flood Control Act of 1954 (68 Stat. 1256, 1266) is hereby amended by striking out "$2,000,000" and inserting in lieu thereof "$5,000,000," and by striking out "$100,000" and inserting in lieu thereof "$250,000."

SEC. 109. (a) As soon as practicable after the date of enactment of this Act and at least once each year thereafter, the Secretary of the Army shall review and submit to Congress a list of those authorized projects for works of improvement of rivers and harbors and other waterways for navigation, beach erosion, flood control, and other purposes which have been authorized for a period of at least eight years and which he determines, after appropriate review, should no longer be authorized. Each project so listed shall be accompanied by his reasons for such determination. Prior to submission of such list to the Congress, the Secretary of the Army shall request the views of interested Federal departments, agencies, and instrumentalities, and of the Governor of each

State wherein such projects would be located, and those views which are furnished within sixty days after requested by the Secretary shall accompany the list submitted to Congress.

(b) Such list shall be delivered to both Houses on the same day and to each House while it is in session. A project on such list shall not be authorized at the end of the first period of one hundred and eighty calendar days from the date such list is delivered to Congress.

SEC. 110. When the Administrator of the Environmental Protection Agency determines, in the case of any reservoir project proposed for construction by the Secretary of the Army after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500), that any storage in such project for water quality is not needed, or is needed in a different amount, such project may be modified accordingly by the Secretary of the Army, and any storage no longer required for water quality may be utilized for other authorized purposes of the project when in the opinion of the Secretary such use is justified.

SEC. 111. Title I of this Act may be cited as the "Water Resources Development Act of 1973."

TITLE II—RIVER BASIN MONETARY AUTHORIZATIONS

SEC. 201. (a) In addition to previous authorizations, there is hereby authorized to be appropriated for the prosecution of the comprehensive plan of development of each river basin under the jurisdiction of the Secretary of the Army referred to in the first column below, which was basically authorized by the Act referred to by date of enactment in the second column below, an amount not to exceed that shown opposite such river basin in the third column below:

Region and basin	Act of Congress	Amount
Middle Atlantic region, North Branch, Susquehanna River	July 3, 1958	$46,700,000
South-Atlantic-Gulf region, Alabama-Coosa River	Mar. 2, 1945	27,300,000
Ohio River region, Ohio River	June 22, 1936	79,000,000
Upper Mississippi region, Upper Mississippi River	June 28, 1938	2,000,000
Missouri Region:		
Missouri River	June 28, 1938	13,000,000
South Platte River	May 17, 1950	5,400,000
Arkansas-White-Red region, Arkansas River	June 28 1938	12,000,000
Lower Mississippi region, Mississippi River and tributaries	May 15, 1928	111,000,000
Texas gulf region, Brazos River	Sept. 3, 1954	9,000,000
California region, San Joaquin River	Dec. 22, 1944	28,400,000
Columbia-North Pacific region, Columbia River	June 28, 1938	75,400,000

(b) The total amount authorized to be appropriated by this section shall not exceed $409,200,000.

SEC. 202. Title II of this Act may be cited as the "River Basins Monetary Authorizations Act of 1973."

SECTION-BY-SECTION ANALYSIS OF PROPOSED LEGISLATION

"Authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes."

TITLE I

Section 101. New Project Authorizations.—This section authorizes various new water resources development projects and modifications of existing projects, to be prosecuted under the direction of the Secretary of the Army and the supervision of the Chief of Engineers.

Section 102. New Study Authorizations.—This section authorizes the Secretary of the Army in consultation with the Secretary of Interior to undertake a comprehensive review of the use of lands for recreation and fish and wildlife purposes at water resources projects under his jurisdiction, and to make recommendations as to those measures which should be taken to ensure the best use of such lands for outdoor recreation, fish and wildlife enhancement, and related purposes. The Secretary's report is to be submitted to the Congress by the President with his recommendations. There is authorized $750,000 to be appropriated to perform the study.

Section 103. Section 213 of the Flood Control Act of 1970 authorized the Secretary of the Army, acting through the Chief of Engineers, to resolve the seepage and drainage problems in the vicinity of the town of Niobrara, Nebraska, that may be related to operation of the Gavins Point Dam and Lewis and Clark Lake project. Not to exceed $7,800,000 was authorized to be appropriated for the work.

Subsequent to enactment of that legislation, the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 was enacted.

Primarily because of the provisions of the Act, the cost of the Niobrara project has risen to an estimated $11,400,000. Section 103 increases the appropriation authorization accordingly.

Section 104. This section modifies the project for flood control below Chatfield Dam on the South Platte River, Colorado, to authorize the Secretary of the Army to participate with non-Federal interests in the acquisition of lands and the development of recreational facilities immediately downstream of the Chatfield Dam in lieu of a portion of the authorized channel improvements.

The project as originally authorized includes channel improvements and levees downstream of the dam to handle flood releases from the dam. The city of Littleton, Colorado, has proposed that, for the first mile or so below the dam, the channel improvement be deleted and the money used instead to help acquire the lands as a flood plain park area.

The city has raised considerable funds for this purpose and has received assistance from the State of Colorado and appropriate agencies of the Federal Government.

Section 104 authorizes the Secretary of the Army to participate in the acquisition of the flood plain work.

Section 105. This section increases the monetary limitations applicable to emergency bank protection works undertaken by the Corps of Engineers. The individual project amount is raised from $50,000 to $250,000 and the annual expenditure limitation from $1,000,000 to $5,000,000. The increases are neccesary to keep pace with the increase in construction costs since 1946 when the authority was enacted.

Section 106. This section amends the authority of the Secretary of the Army to construct small flood control projects by increasing the limit for individual projects from $1,000,000 to $2,000,000. The increase is necessary to keep pace with rising construction costs.

Section 107. This section amends the existing authority of the Secretary of the Army to compile and disseminate information on floods and flood damages and provide advice to Federal and non-Federal interests on flood plain management, by increasing the annual limit on expenditures from $11,000,000 to $15,000,000. This flood plain management program is proving increasingly valuable in encouraging proper use of flood plains and reducing the need for Federal and non-Federal investments for flood protection. The increased authorization would not be needed for the scheduled funding requirements through Fiscal Year 1974, but would provide for orderly expansion of the program if determined to be desirable prior to enactment of additional Water Resource Development legislation.

Section 108. This section amends existing authority of the Secretary of the Army to undertake small projects for snagging and clearing for flood control in two respects. It raises the limit for individual projects from $100,000 to $250,000 and the annual expenditure limit from $2,000,000 to $5,000,000. The increase is needed to keep pace with rising construction costs.

Section 19. This section provides that as soon as possible after the date of enactment of the section, and at least once each year thereafter, the Secretary of the Army shall review and submit to Congress a list of those authorized projects under his jurisdiction which have been authorized for at least eight years and which he determines should no longer be authorized. Each project so listed is to be accompanied by his reasons for the recommendation. Prior to the submission of the list, the Secretary of the Army shall obtain the views of interested Federal agencies and the Governor of each State in which the project is located, and these views accompany the list submitted to Congress. A project on the list is no longer authorized after 180 calendar days from the date of delivery of the list to the Congress.

Section 110. This section provides that when the Administrator of the Environmental Protection Agency determines, in the case of any reservoir project proposed for construction by the Secretary of the Army after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, that any storage for water quality in the project is not needed, or is needed in a different amount, the project may be modified accordingly by the Secretary of the Army. The storage no longer needed for water quality may be utilized for other authorized purposes of the project as found to be justified by the Secretary of the Army.

Section 102(b)(3) of the Federal Water Pollution Control Act provides that the need for storage for water quality control in Federal reservoirs shall be determined by the Administrator of the Environmental Protection Agency. His views must be set forth in any report or presentation to Congress proposing authorization or construction of any reservoir including such storage. The requirement for the determination by the Administrator was added by the Federal Water Pollution Control Act Amendment of 1972 (P.L. 92-500).

There are a number of reservoir projects authorized and proposed for authorization prior to the Act (including the projects in this bill, all of which were submitted to the 92d Congress) which contain storage for water quality. These projects will be reviewed by the Administrator when they are proposed for construction and he may determine that the need for such storage no longer exists, or exists to a varying degree. In such a case, this section will enable the project to be modified accordingly without the necessity for a specific modification by Act of Congress.

Section 111. This section provides that Title I of the Act may be cited as the "Water Resources Development Act of 1973."

TITLE II

Section 201. This section authorizes an increase in the monetary authorization for 11 comprehensive river basin plans previously approved by Congress. The appropriations intended to be covered by the increased authorizations are those necessary for the scheduled funding requirements through Fiscal Year 1975.

Section 202. This section provides that Title II of the Act may be cited as the "River Basin Monetary Authorizations Act of 1973."

By Mr. STEVENS:

S. 604. A bill relating to manpower requirements, resources, development, utilization, and evaluation, and for other purposes. Referred to the Committee on Labor and Public Welfare.

MANPOWER TRAINING AND EMPLOYMENT ACT OF 1973

Mr. STEVENS. Mr. President, today I am introducing a bill to consolidate the many existing manpower programs and build upon the solid accomplishments of the manpower program created by the Congress in the Manpower Development and Training Act of 1962, as amended.

In 1971, faced with the impending expiration of MDTA, I introduced a similar bill, the Manpower Training and Employment Act of 1971, to assure that the resources, expertise, and programs established by the Congress and developed through 10 years of MDTA operations would not be lost to those who need education and training services for employment.

The MDTA program, and particularly the MDTA institutional training program, has a solid record in providing education and training services for the unemployed and underemployed. It has been particularly successful in assisting the disadvantaged. This record is confirmed by a number of official evaluation reports and studies, several of which I have had the opportunity to review. I regret, however, that the recent Joint Economic Committee report, paper No. 3, "Studies in Public Welfare," did not review the several extensive evaluation reports on the institutional training programs in the preparation of their paper. The MDTA program is widely commended by State and local officials, as well as the thousands of individuals who have gained employment because of the training and services the act authorizes.

For a number of years, this program has effectively been used to meet the skill training needs of my constituents. The Alaska Skill Center in Seward is now serving the citizens of my State who require education and training for employment. This center is funded under MDTA and operated by the Alaska Department of Education in Juneau in cooperation with the State Department of Labor, the Bureau of Indian Affairs, and the Economic Development Administration. Like the more than 80 manpower skill centers funded by the Office of Education under the MDTA, the Alaska center is providing basic education, skill training in occupational clusters, and hope to many citizens of my State who previously were unemployed or underemployed.

In July of 1971, when I introduced the Manpower Training and Employment Act of 1971 we faced the impending expiration of the MDTA. We received a reprieve in the form of a 1 year's extension enacted in January of 1972. But I once again call to the attention of my colleagues to the fact that the MDTA expires in less than 6 months, on June 30, 1973, if we do not act.

It is important that we take definitive action on manpower legislation early in the 93d Congress.

MDTA administrators and instructors have shown remarkable dedication and effectiveness in operating their programs which are given "life" only in funding increments.

I am speaking from personal knowledge of this subject, as I am well aware of the problems facing the dedicated MDTA staff of the Alaska Skill Center, and their attempt to administer in a hand-to-mouth manner. More recently, an ecologically important training program for water treatment plant operators on the Kenai Peninsula has been delayed nearly a year because of the multi-Federal-agency approval and funding processes.

Not only is it time to reexamine our whole manpower program structure—the primary reason I am introducing my bill today—but it is time to restructure these programs so that there is a reasonable continuity in program funding. While I realize we must all tighten our belts, the payoff in education and training programs for employment is there. They provide returns to the economy. They are tax savers. And, to use the economists' term, the "external benefits" in crime forgone, in more stable families, and in improvement of the quality of life in our country are not even now acknowledged by program assessors.

I should not wish to see the gains made during the past 10 years in my own State and throughout the Nation lost because we as a body failed to act, or failed to reach agreement on a program to meet the manpower needs of the 21st century. This loss will occur at a time much closer than most realize.

I am convinced that we must not destroy completely the existing manpower structures that have performed so successfully, and lose the manpower expertise built up in a multitude of State and local agencies. I do not say, however, that what the Congress has wrought should remain forever on the books.

For this reason I am today introducing S. 604, the Manpower Training and Employment Act of 1973. It is intended to continue the basic policy of the Manpower Development and Training Act of 1962, as amended, by providing education and training opportunities to unemployed and underemployed individuals and by continuing to assist the relief of skills shortages both in critical and in emerging occupations, and by making essential and timely improvements in the existing legislation.

Let me briefly outline the major provisions of S. 604.

Title I establishes the National Manpower Advisory Council, and directs the Council to prepare an annual report pertraining to manpower requirements, resources, research, use, training and evaluation. It further sets forth provisions for evaluation, information, and research programs and for training and technical assistance.

Title II describes the various manpower training services and activities that may be conducted under the act, including the Job Corps now under the Economic Opportunity Act of 1964. It sets forth the requirements for State participation under the act, including the establishment of State manpower advisory councils; provides for a comprehensive manpower planning system at the State level; establishes State apportionment of benefits; describes participant eligibility and allowance payments; and, describes the responsibilities of the Secretary of Health, Education, and Welfare and the Secretary of Labor.

Title III establishes a labor market information and job-matching program as well as career and employment development programs in both public and private agencies; career training through public service employment with public and private nonprofit agencies; and, an emergency employment assistance program to provide relief to designated job-distressed areas.

Title IV contains a number of miscellaneous provisions relating to the responsibilities of the Secretary of Health, Education, and Welfare and the Secretary of Labor in carrying out their duties under the act.

Although I have not chosen to mention revenue sharing in the title of my bill, the bill basically reflects the principles of revenue sharing and decentralization as advocated by the administration. Program decisionmaking would be decentralized to those who know best the needs of their States and localities—the Governors and mayors. It further incorporates a permanent public service employment program to enable our fiscally hard-pressed State and local governments to keep up with expanding demands for services.

The Emergency Employment Act has a 2-year life. What is to happen after that date? The Manpower Training and Employment Act of 1973 would assure that public service employment programs, utilizing to the maximum extent a career concept, would continue as one part of our national manpower program. Contrary to the emergency legislation now effective, my bill would assure that individuals who go on public payrolls are provided with the necessary education and training, not only to enhance their attachment to the labor force but also to assure that quality public services would be provided.

To reiterate, central to this provision of the Manpower Training and Employment Act of 1973 is the concept of career development, which is essential to a well-functioning program.

The Manpower Training and Employment Act of 1973, which I propose, is a rational consolidation of manpower programs which would build upon and not destroy existing manpower structures and expertise. I advocate the changes reflected in the Manpower Training and Employment Act of 1973, and commend this measure to my colleagues.

By Mr. KENNEDY (for himself, Mr. BROOKE, Mr. EAGLETON, Mr. HART, Mr. HUMPHREY, Mr. INOUYE, Mr. JAVITS, Mr. MCGEE, Mr. MCGOVERN, Mr. MAGNUSON, Mr. PASTORE, Mr. RIBICOFF, Mr. SCHWEIKER, Mr. STAFFORD, Mr. STEVENSON, Mr. WILLIAMS, Mr. BIBLE, Mr. ABOUREZK, Mr. PERCY, Mr. GURNEY, Mr. MUSKIE, Mr. PELL, Mr. RANDOLPH, Mr. SCOTT of Pennsylvania, Mr. HUGHES, Mr. TAFT, Mr. MOSS, Mr. BIDEN, Mr. HASKELL, and Mr. STEVENS):

S. 607. A bill to amend the Lead Based Paint Poisoning Prevention Act, and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. KENNEDY. Mr. President, I am pleased to take this opportunity to introduce legislation extending the provisions of the Lead Based Paint Poisoning Prevention Act. My bill authorizes the continuation of a program that was enacted January 13, 1971, to eliminate the hazards of childhood poisoning caused by lead based paints.

In 1969, when I proposed legislation to create a Federal program to fight childhood lead poisoning, the Senate overwhelmingly expressed its support by unanimously approving the provisions in that measure. That bill was enacted into law as Public Law 91–695 within 15 months, thereby establishing for the first time, the Federal Government's commitment to battle this insidious childhood disease.

On January 26, 1972, I introduced S. 4080, to amend Public Law 91–695 by guaranteeing continued Federal support in the fight against the hazards of childhood lead-based paint poisoning. During 3 days of hearings last March 31, witnesses appeared before the Health Subcommittee, to provide recommendations that were ultimately approved in a bill that received the votes of 86 Senators. Not one dissenting vote was cast in the Senate last June against the amendments to the Lead-Based Paint Poisoning Prevention Act. However, the House of Representatives failed to take action on this measure before adjournment of the 92d Congress.

Thus today, I am pleased to announce the nonpartisan support of many Senators who join with me to introduce the same measure passed by the Senate last June.

The need for continuing programs in this area is clear. In 1 year about 200 youngsters die from lead-based paint poisoning. At least 400,000 children get lead sick each year. But only 12,000 to 16,000 children actually receive treatment. Of those who are seen by physicians, it is estimated that 50 percent are left mentally retarded because the disease usually has advanced too far by the time a doctor is summoned. Indeed, the greatest tragedy of childhood lead paint poisoning is that our society has so far failed to prevent the disease even though we know how to do that.

Using the authority of the new Federal program, the Department of Health, Education and Welfare awarded $6.5 million during fiscal year 1972 to 40 different organizations that began to systematically search out lead-sick children. At the same time the Department was conducting surveys to determine how widespread lead sickness might be. For, disturbing evidence suggested that childhood lead poisoning might not be confined just to large urban slums. Increasing reports led medical experts to suspect that the lead belt may extend into suburban areas and small cities across the entire country.

After months of testing during 1971 and 1972, government officials confirmed that over 95 percent of the dwellings they tested in 27 cities across the country, proved to have at least one accessible surface with hazardous amounts of lead. Children with alarming blood lead levels were found in all but four of the 27 cities. And nearly 42 percent of the youngsters tested in Charleston, S.C., had such evidence.

In 1969 and 1970, 48 percent of Baltimore children found to have high blood levels were reported from outside of the so-called inner city. Philadelphia recently found that about 50 percent of the reported cases of childhood lead poisoning are located outside of the so-called "lead belt." In Illinois, a 1971 statewide survey of 6,151 children under age 7, living in 14 intermediate size cities revealed that between 10 percent and 30 percent of the children in those cities had high blood lead levels. And the State surgeon general considered 51 of those children to be definite victims of lead poisoning.

Health officials have told me that these examples of the incidence of high lead absorp among our Nation's children, is an alarming phenomenon matched by few if any other pediatric public health problems.

Lead exists naturally in the environment. But many products are manufactured with lead additives to enhance various qualities like staying power or color in paints, and efficiency in automobile fuels. Interior paints used in homes built before World War II customarily included large quantities of lead. Other sources of hazardous lead exposure among children include improperly glazed earthenware, and other eating or cooking utensils. Recent surveys of a number of brands of evaporated milk and infant formula revealed that they contained hazardous amounts of lead. Paint coatings on wooden pencils, as well as the print in newspapers, comics, magazines, childrens' books and playing cards have proven to be yet another source of hazardous lead exposure.

Potentially, the most extensive source of hazardous lead exposure for children may be airborne lead and lead fallout in street dust and soil. Samples of soil from Los Angeles and New York City have contained 9 to 10 times the maximum permissible daily intake of lead in young children. Clearly, the need to eliminate the hazards of lead poisoning wherever such dangers might exist, must be a high priority health goal. Though we know how to cure and prevent lead paint poisoning, thousands of young children are still stricken each year. When lead paint chips are ingested over a period of time, the victims suffer nausea, fever, coma, mental retardation and even death. Sadly, too often, mothers who know their children eat paint chips, fail to realize that it is harmful. Though her child's body is baked with fever and trembling with convulsions, some mothers are not prepared to tell a doctor about the paint eating episodes.

Many doctors are unprepared and unaware that these are the symptoms of plumbism—the scientific term for lead based paint poisoning. For that reason, lead sick children are often treated for the wrong thing. Those who are fortunate enough to get treatment, however, are tragically sent back to the same conditions that caused the disease in the first place. Once a child gets lead sick, he is likely to be sick again.

Community workers and health officials who have attempted to fight the hazards of lead based paint poisoning know that the effects of this debilitating crippler can be halted. Programs are needed most urgently in communities where the risk is high because of widespread conditions of housing deterioration.

These are the communities that must launch awareness programs—awakening parents, teachers and medical professionals to the problems associated with lead based paint poisoning. In these communities, screening projects to seek out youngsters with high lead levels must be established if we intend to help the children who are suffering.

The bill I am introducing today authorizes $45 million for the Department of Health, Education, and Welfare to award contracts and grants for screening programs that will identify those youngsters who need treatment. Spurred by current concerns about this disease, many communities have attempted to establish programs that will measure the extent of the lead poisoning problem. Whenever investigators look for lead sick children, they find them. And the more they look the more they find.

The authorization in my bill recognizes that it is just as important to remove those surfaces from exposure to young children as it is to seek out and treat the sick child. The existing legislation authorizes the Department of Health, Education, and Welfare to assist in the development of community programs that will identify high risk areas and neighborhoods and provide procedures to eliminate the hazards detected in those communities. Thus, my bill authorizes $50 million for the Department of Health, Education and Welfare to extend areawide detection programs. It has been clear for many years that proper maintenance of residential housing can prevent the exposure of lead paint chips to young children. And modern wall coverings as well as deleaded paints can effectively remove lead surfaces from exposure to young children.

Finally, my bill authorizes $5 million for the Department of Housing and Urban Development to work in cooperation with the Department of Health, Education, and Welfare to determine the extent of the lead-based-paint poisoning problem and to establish the most efficient ways to cover up exposed surfaces in residential communities.

If we provide doctors with adequate resources, they cannot only cure this disease but young children can also be protected from exposure to the hazards of lead poisoning. My bill authorizes a total of $100 million to attack the terrible effects of this malady.

Under existing authority, $20 million was authorized for lead poisoning programs in fiscal year 1972, and the Congress appropriated $12 million for fiscal year 1973 lead poisoning programs.

Mr. President, the bill I am introducing today authorizes substantially increased funding levels for lead-based-paint poisoning programs. It also expands the coverage of the programs so

that optimum effects may be realized by program recipients.

Specifically this bill adds several new poisoning prevention programs.

First, the bill specifies for the remainder of this year that paints intended for interior surfaces must contain no more than 0.5 percent lead, and by January 1, 1974, the lead content must not exceed 0.06 percent lead by weight.

During hearings before the Senate Health Subcommittee last March, paint manufacturers reported that paints designed for interior residential surfaces can be readily produced without adding lead compounds. And the Food and Drug Administration used the hearings to announce new regulations placing strict limits on the acceptable level of lead in such paints. The FDA ruling required manufacturers to limit the lead content of interior residential paints to one-half of 1 percent as of January 1, 1973. And by January 1, 1974, the FDA regulations state that those paints may not contain more than six hundredths of 1 percent lead by weight.

Accordingly, the bill I am introducing today will establish those lead content requirements as a matter of law.

Second. This bill authorizes the Federal Government to provide up to 90 percent in Federal funds for a local lead poisoning program. Under existing law local sources must provide at least 25 percent of the program costs. My bill reduces the local share to 10 percent.

Third. Under the provisions of this bill, HEW will have authority to grant lead poisoning programs to State health agencies as well as to local health agencies. Because Rhode Island and Delaware do not have local health authorities, the existing law precluded HEW from awarding grants for people in those States. But, this package of amendments guarantees Federal assistance for those States. The bill also authorizes State agencies to operate centralized testing facilities.

Fourth. The bill prohibits the use of lead based paint on toys, furniture, cooking, drinking and eating utensils, in conformance with recently promulgated FDA regulations.

Fifth. Finally, this bill establishes a Lead Based Paint Poisoning Advisory Board to work in cooperation with the Secretary of Health, Education, and Welfare to develop policies affecting local programs.

In conclusion, Mr. President, I would like to address myself to the administration's insistence that categorical programs are not properly suited to the resolution of critical health demands, like those of childhood lead poisoning. Just last Sunday, the Washington Post published excerpts from a report by the outgoing Secretary of Health, Education, and Welfare, Mr. Elliot Richardson, regarding the matter of categorical health programs.

Mr. Richardson fairly described the overlapping and confusing array of bureaucratic procedures that inevitably result from a plethora of separate programs. He contends that a comprehensive approach to the Nation's health and social needs would resolve them more efficiently. Surely, reasonable observers will not oppose that view. But, Mr. Richardson fails to suggest how the Nation's many deserving health demands might receive proper attention in the absence of such a comprehensive health system. Indeed, he suggests that if needy people would just go away the Department of Health, Education, and Welfare would be much more able to go about its business.

Mr. Richardson contends that—

> The HEW budget is spiraling upward—and more than 85 percent of the budget is determined not by what the executive branch might request or the Congress might appropriate, but simply by the expanding number of eligible people who claim benefits. Pressures for greater equity threaten to force impossible quantum jumps in resource requirements.

I submit, that is a philosophy that may be fitting for Mr. Richardson's new position in the Defense Department. But until the Congress has enacted the health security program that I introduced earlier this month, categorical health programs must stand as the most available and adequate procedure to assist with our enormous health needs.

The package of revisions offered in this bill is designed to continue a very worthwhile program regarding community health needs. Because this measure is unchanged from the one approved last May after 3 days of hearings and testimony from 31 witnesses, the Health Subcommittee will move to report this measure without conducting further hearings. In that way, it is expected that the full Senate will shortly have an opportunity to approve this vital health program.

Congressman BENJAMIN ROSENTHAL will also introduce this package of amendments in the House of Representatives and Congressman WILLIAM BARRETT has already introduced a similar package of amendments to the Lead Base Paint Poisoning Prevention Act. I am hopeful that timely action in both Houses of the Congress will provide the continuation of Federal resources to aid in the battle against the hazards of childhood lead poisoning.

Mr. President, I ask unanimous consent that the text of the bill and a paper prepared by the Joint Center for Political Studies relating to children and lead poisoning be printed at this point in the RECORD.

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

[From the Joint Center for Politcial Studies Public Policy Series, Dec. 1972]

CHILDREN AND LEAD POISONING: A GUIDE FOR LOCAL ACTION

(NOTE.—This is the second in a series of occasional background papers on public policy issues of special interest to minority elected officials and others concerned with minority groups.

(The first background paper, entitled "Federal Drug Abuse Programs" was published by the Joint Center, in cooperation with U.S. Representative Charles B. Rangel, on December 8, 1972. The third in the series will deal with revenue sharing and will be published in late December.

These occasional papers briefly summarize and analyze relevant issues on contemporary problems. They also suggest additional resources to aid the reader in developing more extensive knowledge. With this knowledge, the reader will be better prepared to take appropriate action on these issues.

(With the inauguration of this new series, the Joint Center is expanding its services to its constituents.—Eddie N. Williams, President.)

LEAD POISONING: "GHETTO MALARIA"

Childhood lead poisoning is, according to one federal document, "more prevalent than the polio problem before the advent of the Salk vaccine." Yet this disease, a vicious killer and crippler, is a man-made, preventable affliction. We know what causes it; we know how to diagnose it; we know how to treat it and we know how to prevent it.

Sometimes called the "silent epidemic," sometimes known as "ghetto malaria," technically labeled "plumbism," childhood lead poisoning almost exclusively strikes youngsters six and under. Recent data suggest, also, that black children are more susceptible than are other youngsters.

Childhood lead poisoning's annual toll is a stark one: 200 children dead; 800 severely brain damaged; 3,000 suffering moderate to severe brain damage; 16,000 requiring treatment. Nationally, it is estimated that some 400,000 children annually experience some degree of elevated blood lead levels—the precursor of more serious problems.

The consequences can be tragic—death, blindness, mental retardation, cerebral palsy, convulsions, kidney disease, learning defects, behavior disorders, etc.

In human terms this tragedy is incalculable. In terms of just plain economics, society's allowing the continued existence of thi preventable disease makes no sense. Each child who experiences moderate brain damage—about 3,000 each year—will require special care and training for about ten years, at a total cost of $17,500. This adds up to $56,000,000 for these youngsters, and each year another 3,000 are added to the toll.

There is very little that can be done to rehabilitate the 800 children who suffer severe brain damage each year. Most of them will live out their lives in institutions, at an average cost of about $250,000 over a lifetime.

Yet, despite the human costs, and the economic costs, childhood lead poisoning persists.

WHAT CAUSES CHILDHOOD LEAD POISONING?

The primary source of childhood lead poisoning is the lead-bearing paint coating the walls and ceilings of much of our older housing. Prior to the 1950's, paints containing significant quantities of lead were used to paint the interiors of dwellings. Even today, when no interior paints are, by industry self-regulation, supposed to contain more than one percent lead (a level which is too high, and which will be lowered in the future), paints in fact are being sold on the market with lead in excess of this amount, despite labeling to the contrary.

As older dwellings become increasingly dilapidated, paint and plaster chips fall from the walls and ceilings. These are picked up and eaten by small children, who are unaware of the danger these chips pose. In many cases, these youngsters are not motivated just by innocent curiosity; they have pica, which is an unusual craving for eating non-food objects. While pica itself may be harmless, the result of their craving is to eat these poisonous chips, which, because they are sweet-tasting, are particularly attractive to the children.

Over time, the lead builds up in the child's system. Eventually, he falls ill. It has been estimated that a small child, eating just a thumbnail-sized chip daily for three months, will develop the disease.

HOW IS IT DETECTED?

In its early stages, childhood lead poisoning is often difficult to detect on the basis of observation alone. The symptoms are typical of numerous minor childhood complaints,

and may include any of the following: Stomach ache, weakness, constipation, sleeplessness, vomiting, anemia, headache, irritability, loss of weight, and loss of appetite. Sometimes, there are no symptoms at all. Sometimes, more severe symptoms are present, such as dizziness, staggering, paralysis, convulsions, and pains in the joints.

Because the symptoms of childhood lead poisoning are not unique, parents and sometimes even doctors may not even suspect the true nature of the problem. Nonetheless, we do have well-developed means to definitely determine whether the child is indeed ill with the disease. A blood sample can establish whether there is an undue level of lead in the blood. Methods are currently being tested to enable this determination on the basis of blood taken from a prick of the finger.

In addition, because we know the disease is associated with older housing, we can identify so-called "lead belts"—those areas of cities and towns where the lead-tainted paint and plaster chips are likely to be present. Good methods exist for testing wall and ceiling surfaces to determine if in fact lead-tainted paint is present.

WHAT CAN BE DONE ONCE IT IS DETECTED?

We have the knowledge and ability to treat childhood lead poisoning. Doctors can administer substances—chelating agents—which pick up the lead in the youngster's system and remove it. *The disease is curable—if caught* in time.

More than just medical treatment is necessary, however. Many children who fall ill and are then de-leaded become ill again when they return to the same dwelling, where the poisonous chips are still available to be eaten once again. Thus, renovation of the dwelling is essential, to prevent recurrence.

HOW CAN YOU COMBAT IT?

There are several key elements involved in eradicating this disease. First, there must be education to make people aware of the problem. Despite its deadly toll, childhood lead poisoning is actually little known—particularly in those communities where it hits hardest.

Second, there must be large-scale screening programs, particularly in the "lead belts," to determine which children need immediate treatment.

Third, there must be treatment of those children who are found to have unduly elevated blood lead levels.

Fourth, there must be action to renovate the poisoned housing which accounts for childhood lead poisoning.

FEDERAL ASSISTANCE TO COMBAT IT

The primary source of federal funds and direction to establish anti-lead poisoning programs is the Bureau of Community Environmental Management (BCEM), a branch of the Department of Health, Education, and Welfare (HEW). BCEM has the responsibility for implementing the Lead-Based Paint Poisoning Prevention Act, Public Law 91-695, originally authored by the late Congressman William F. Ryan of New York.

This Act authorizes the Secretary of HEW to make grants to units of general government to develop screening and treatment programs, as well as for housing rehabilitation. The amount of the grant can be up to 75 percent of the cost of the program. The program is required to include educational programs to make people aware of childhood lead poisoning, screening programs to test for the disease, and follow-up programs to prevent re-poisoning. Each program funded under the Act must provide opportunities for employing community residents, and for training and educating them.

It is expected that there will be some changes made in the Act in 1973. These will be handled by the Subcommittee on Health of the Senate Labor and Public Welfare Committee and the Subcommittee on Housing of the House Banking and Currency Committee. The proposed changes include increased authorization of funds, and expansion of eligible grantees.

As of June 30, 1972, BCEM had distributed $6,000,000 for local anti-lead poisoning programs. It has $7,500,000 available for the period July 1, 1972 through June 30, 1973. Grant applications, and requests for assistance in preparing such applications, should be submitted to: Robert Novick, Director, Bureau of Community Environmental Management, 5600 Fishers Lane, Rockville, Maryland 20852.

In addition, there are two very important publications to be obtained from Mr. Novick. These explain how to go about combatting childhood lead poisoning, and how to make grants for funds from BCEM. The publications are:

Childhood Lead Poisoning Control Project Grants—Program Guidelines for Applicants; and

Control of Lead Poisoning in Children (Pre-publication draft, May, 1972).

There are other federal programs which also have become involved in childhood lead poisoning. HEW distributes funds for health programs under Section 314 of the Partnerships for Health Act. The funds are given to the states, which allocate them among different state and local programs. Thus, you should make sure that the appropriate state health agency is including childhood lead poisoning on its list of programs to be funded.

Medicaid is also relevant, because it may pay for the costs of treating children who fall ill with childhood lead poisoning. In addition, every state is required by law to conduct screening and treatment programs for all children covered by Medicaid. Some states have been slow to comply with the law—Section 1905(a)(4)(B) of the Social Security Act—and you may want to contact the appropriate state agency to see what action your state is taking.

The federal Department of Housing and Urban Development (HUD) provides loans and grants for housing rehabilitation, if local housing codes require the removal of lead-based paints. Thus, HUD is a potential source of funds. The office to contact for more information is: Office of the Assistant Secretary for Research and Technology, Department of Housing and Urban Development, Washington, D.C. 20410.

In addition, Model Cities programs, also funded by HUD, can undertake lead poisoning activities, and the local Model Cities program should be consulted on this.

LOCAL ACTION

There are a number of ways non-governmental individuals and groups can help to combat lead poisoning.

(1) PASSAGE OF STATE AND LOCAL LEGISLATION

Only a few cities and states have laws dealing with childhood lead poisoning. In fact, a study conducted in 1971 revealed that only 13 states and six cities even make lead poisoning a reportable illness.

Legislation can accomplish such things as establishing screening and treatment programs, and banning lead-based paints. In addition, an ordinance can provide a mechanism to require landlords to renovate lead-tainted dwellings. This is done in Philadelphia, where a landlord is subject to a fine and/or imprisonment if he does not comply with a court order to renovate. In addition, city funds can be used to perform the renovation, and then the city collects the rent to cover the costs. If this type of mechanism is pursued, and it is a good one, it is important that the ordinance assure that a landlord cannot evict or otherwise harass a tenant who complains about lead-tainted walls.

The Bureau of Community Environmental Management's publication, *Control of Lead Poisoning in Children,* contains a model city ordinance.

Cities which might be consulted on their ordinances and how they work are Chicago, New York, New Haven, Baltimore, Philadelphia, Newark and Washington, D.C. States which might be consulted on their state laws are New York, New Jersey, Connecticut, and Illinois.

(2) COMMUNITY ACTION

In several communities, private citizens and organizations have organized to press for legislation, for city action, and for community programs to combat childhood lead poisoning. There are numerous variations.

In some cities, adequate housing codes already exist to require safe dwellings. The problem is that no one is enforcing them. Thus, one can first determine whether such provisions exist, and then press for enforcement.

In New York City, the Albert Einstein Medical College of Yeshiva University and the Neighborhood Youth Corps, a federally funded Department of Labor program, jointly sponsored a summer program in which 100 teenagers canvassed a 150-block area to examine children for lead poisoning.

In Washington, D.C., 60 volunteer doctors, working with the D.C. Health Services Administration, the Medical Committee for Human Rights, and the local community action agency ran several special clinics to screen children for lead poisoning.

In Rochester, N.Y., a very active community group, working with the University of Rochester's Department of Preventive Medicine and Community Health, has created an excellent anti-lead poisoning program.

An excellent description of community development of anti-lead poisoning programs—one in Norfolk, Va., and the other in Cincinnati, Ohio—is provided in a paper titled *Breaking the Childhood Lead Poisoning Cycle: A Program for Community Casefinding and Self-Help,* by Drs. Challop, McCabe, and Reece. You can obtain this from: Mr. Walter Holland, Director, Office of Information, Bureau of Community Environmental Management, 5600 Fishers Lane, Rockville, Maryland 20852.

The Bureau of Community Environmental Management can be helpful to communities in organizing local efforts.

ORGANIZATIONS THAT CAN HELP

Numerous organizations may be of help in working on the childhood lead poisoning problem. You may wish to contact:

Mr. George Degnon, Director, Department of Governmental Liaison, American Academy of Pediatrics, 1800 N. Kent St., Suite 1025, Arlington, Virginia 22209.

National Association of Coordinators of State Programs for the Mentally Retarded, Inc., 2001 Jefferson Davis Highway, Arlington, Virginia 22301.

Secretary's Committee on Mental Retardation, U.S. Department of Health, Education, and Welfare, Washington, D.C. 20201.

New York Scientists' Committee for Public Information, Inc., 30 E. 68th Street, New York, New York 10021.

National Association for Retarded Children, 1522 K Street, N.W., Suite 808, Washington, D.C. 20005.

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

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

The text of the bill is as follows:

S. 607

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 101(a) of the Lead Based Paint Poisoning Prevention Act is amended by striking out "units of general local government in any State" and inserting in lieu thereof

"public agencies of units of general local government of any State and to private nonprofit organizations in any State".

(b) Section 101(b) of such Act is amended by striking out "75 per centum" and inserting in lieu thereof "90 per centum".

(c) Section 101 of such Act is amended by adding at the end thereof the following new subsection:

"(e) The Secretary is also authorized to make grants to State agencies for the purpose of establishing centralized laboratory facilities for analyzing biological and environmental lead specimens obtained from local lead based paint poisoning detection programs.".

(d) Section 101 of such Act is further amended by adding at the end thereof the following new subsection:

"(f) No grant may be made under this section unless the Secretary determines that there is satisfactory assurance that (A) the services to be provided will constitute an addition to, or a significant improvement in quality (as determined in accordance with criteria of the Secretary) in, services that would otherwise be provided, and (B) Federal funds made available under this section for any period will be so used as to supplement and, to the extent practical, increase the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the program described in this section, and will in no event supplant such State, local, and other non-Federal funds.".

SEC. 2. (a) Section 201 of the Lead Based Paint Poisoning Prevention Act is amended by striking out "units of general local government in any State" and inserting in lieu thereof "public agencies of units in general local government in any State and to private nonprofit organizations in any State".

(b) Section 201(a)(2) of such Act is amended to read as follows:

"(2) the development and carrying out of procedures to remove from exposure to young children all interior surfaces of residential housing, porches, and exterior surfaces of such housing to which children may be commonly exposed, in those areas that present a high risk for the health of residents because of the presence of lead based paints. Such programs should include those surfaces on which nonlead based paints have been used to cover surfaces to which lead based paints were previously applied; and".

(c) Section 201 of such Act is amended by adding at the end thereof the following new subsection:

"(c) Any public agency of a unit of local government or private nonprofit organization which receives assistance under this Act shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for purposes of audit and examination, any books, documents, papers, and records that are pertinent to the assistance received by such public agency of a unit of local government or private nonprofit organization under this Act."

SEC. 3. Section 301 of the Lead Based Paint Poisoning Prevention Act is amended to read as follows:

"FEDERAL DEMONSTRATION AND RESEARCH PROGRAM

"SEC. 301. (a) The Secretary of Housing and Urban Development, in consultation with the Secretary of Health, Education, and Welfare, shall develop and carry out a demonstration and research program to determine the nature and extent of the problem of lead based paint poisoning in the United States, particularly in urban areas, including the methods by which the lead based paint hazard can most effectively be removed from interior surfaces, porches, and exterior surfaces of residential housing to which children may be exposed.

"(b) The Secretary of Health, Education, and Welfare shall conduct appropriate research on multiple layers of dried paint film, containing the various lead compounds commonly used, in order to ascertain the safe level of lead in residential paint products. Within eight months after the date of enactment of this Act, the Secretary shall submit to Congress a full and complete report of his findings and recommendations as developed pursuant to such programs, together with a statement of any legislation which should be enacted or any changes in existing law which should be made in order to carry out such recommendations."

SEC. 4. (a) Title III of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et seq.) is amended—

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

"FEDERAL HOUSING ADMINISTRATION REQUIREMENTS

"SEC. 302. The Secretary of Housing and Urban Development (hereafter in this section referred to as the 'Secretary') shall establish procedures to minimize the hazards of lead-based paint poisoning with respect to any existing housing which may present such hazards and which is covered by an application for mortgage insurance or housing assistance payments under a program administered by the Secretary. Such procedures shall apply to all such housing constructed prior to 1950 and shall provide for (1) appropriate measures to eliminate, wherever feasible, immediate hazards due to the presence of cracking, scaling, peeling, or loose paint which may contain lead and to which children may be exposed, and (2) assured notification to purchasers of such housing of the hazards of lead-based paint, of the symptoms and treatment of lead-based paint poisoning, and of the importance and availability of maintenance and removal techniques for minimizing or eliminating such hazards. Such procedures may apply to housing constructed during or after 1950 if the Secretary determines, in his discretion, that such housing presents hazards of lead-based paint."; and

(2) by inserting after "PROGRAM" in the caption of such title, a semicolon and the following: "FEDERAL HOUSING ADMINISTRATION REQUIREMENTS".

(b) The amendments made by subsection (a) of this section become effective upon the expiration of ninety days following the date of enactment of this Act.

SEC. 5. Section 401 of the Lead Based Paint Poisoning Prevention Act is amended to read as follows:

"PROHIBITION AGAINST USE OF LEAD BASED PAINT IN CONSTRUCTION OF FACILITIES AND THE MANUFACTURE OF CERTAIN TOYS AND UTENSILS

"SEC. 401. The Secretary of Health, Education, and Welfare shall take such steps and impose such conditions as may be necessary or appropriate—

"(1) to prohibit the use of lead based paint in residential structures constructed or rehabilitated by the Federal Government, or with Federal assistance in any form, after the date of enactment of this Act, and

"(2) to prohibit the application of lead based paint to any toy, furniture, cooking utensil, drinking utensil, or eating utensil manufactured and distributed after the date of enactment of this Act."

SEC. 6 (a) Section 501(3) of the Lead Based Paint Poisoning Prevention Act is amended by striking out "1 per centum" and inserting in lieu thereof "five-tenths of 1 per centum".

(b) Effective after December 31, 1973, section 501(3) is amended by striking out "five-tenths of 1 per centum" and inserting in lieu thereof "six 1-hundredths of 1 per centum".

SEC. 7. (a) Section 503(a) of the Lead Based Paint Poisoning Prevention Act is amended (1) by striking out the word "and" and inserting in lieu thereof a comma, and (2) by inserting before the period a comma and the following: "and $45,000,000 for each fiscal year thereafter".

(b) Section 503(b) of such Act is amended (1) by striking out the word "and" and inserting in lieu thereof a comma, and (2) by inserting before the period a comma and the following: "and $50,000,000 for each fiscal year thereafter".

(c) Section 503(c) of such Act is amended (1) by striking out the word "and" and by inserting in lieu thereof a comma, and (2) by inserting before the period a comma and the following: "and $5,000,000 for each fiscal year thereafter."

(d) Section 503(d) of such Act is amended by striking out all matter after the semicolon and inserting in lieu thereof "any amounts authorized for one fiscal year but not appropriated may be appropriated for the succeeding fiscal year,".

(e) Title V of the Lead Based Paint Poisoning Prevention Act is amended by adding at the end thereof the following new sections:

"ELIGIBILITY OF CERTAIN STATE AGENCIES

"SEC. 504. Notwithstanding any other provision of this Act, grants authorized under section 101 and 201 of this Act may be made to an agency of State government in any case where State government provides direct services to citizens in local communities or where units of general local government within the State are prevented by State law from implementing or receiving such grants or from expending such grants in accordance with their intended purpose.

"ADVISORY BOARDS

"SEC. 505. (a) The Secretary of Health, Education, and Welfare, in consultation with the Secretary of Housing and Urban Development, is authorized to establish a National Childhood Lead Based Paint Poisoning Advisory Board to advise the Secretary on policy relating to the administration of this Act. Members of the Board shall include residents of communities and neighborhoods affected by lead based paint poisoning. Each member of the National Advisory Board who is not an officer of the Federal Government is authorized to receive an amount equal to the minimum daily rate prescribed for GS–18, under section 5332, title V, United States Code, for each day he is engaged in the actual performance of his duties (including traveltime) as a member of the board. All members shall be reimbursed for travel, subsistence, and necessary expenses incurred in the peformance of their duties.

"(b) The Secretary of Health, Education, and Welfare, in consultation with the Secretary of Housing and Urban Development, shall promulgate regulations for establishment of an advisory board for each local program assisted under this Act to assist in carrying out this program. Two-thirds of the members of the board shall be residents of communities and neighborhoods affected by lead-based paint poisoning. A majority of the board shall be appointed from among parents who, when appointed, have at least one child under six years of age. Each member of a local advisory board shall only be reimbursed for necessary expenses incurred in the actual performance of his duties as a member of the board."

SEC. 8. Section 315(e) of the Public Health Service Act is amended by inserting at the end thereof the following new paragraph:

"No funds appropriated pursuant to the authorization of this subsection shall be available for lead-based paint poisoning control of the type authorized under the Lead-Based Paint Poisoning Prevention Act (84 Stat. 2078)."

Mr. JAVITS. Mr. President, I am pleased to be a cosponsor of the Lead Based Paint Poisoning Prevention Act which is identical to the bill passed by

the Senate in the 92d Congress but, unfortunately, was not enacted into law. As ranking minority member of the Labor and Public Welfare Committee, I will give this measure my strong support and urge its prompt Senate passage.

Last year the Assistant Secretary for Health and Scientific Affairs, Dr. Merlin K. Duval, testified as to its human dimensions that:

> Approximately 25 percent of these children are apt to have sufficiently high blood lead levels to indicate medical treatment.

About 50,000 to 100,000 of these children are apt to have sufficiently high-blood levels to indicate medical treatment. As to its economic dimensions, he testified that:

> Lead paint poisoning costs this Nation about $200 million annually. This estimate includes the lost earnings and the costs of treatment, education, and the institutional care of those afflicted.

In view of the severity of this health problem, the bill focuses on interlocking components—detection and treatment, elimination; and research—to launch a comprehensive attack against lead based paint poisoning.

Although the Department of Health, Education, and Welfare has made efforts to control lead poisoning, I believe they have not been sufficiently aggressive. I am concerned that the fiscal year 1974 proposed budget of $6.5 million to combat this child health problem is inadequate. The bill authorizes $95,000,000.

In my own New York City, an intensive lead poisoning control program has been undertaken. They have expended since 1970 $4.6 million, for which no Federal support was received.

In an effort to protect future generations of children from lead based paint, the bill amends the definition of lead based paint to that of a 0.06-percent content, effective January 1, 1974. This is a trace amount which should be a significant safeguard for young children and in accordance with proposed FDA regulations.

The New York City Health Code has required for over a decade a lead content warning for interior paint, yet the New York City Bureau of Lead Poisoning Control found in a recent survey that paints manufactured by 25 of 76 companies included in their survey did not comply. In some instances, labels even stated that the paint was safe for cribs and playpens despite a lead content as high as 9.5 percent.

If we are to achieve success against childhood lead poisoning, we must enact this legislation, and assure its adequate funding and enforcement.

By Mr. KENNEDY (for himself, Mr. MUSKIE, and Mr. HATHAWAY):

S. 608. A bill to authorize members of the Armed Forces and Federal employees who were in a missing status for any period during the Vietnam conflict to receive double credit for such period for retirement purposes, to provide for the payment of certain pay and allowances for such period, and for other purposes. Referred to the Committee on Veterans' Affairs.

LEGISLATION FOR RETURNING PRISONERS OF WAR

Mr. KENNEDY. Mr. President, all America shares today the relief and joy of the prisoner of war families, who will be finally reunited with their sons and husbands and fathers.

Over the years, we have also shared the heartfelt anguish of these families. We have experienced their frustrations, when we tried to help and support them. And we have all been moved by their courage and spirit and determination, throughout the long years of war in Southeast Asia. But none of us can ever know the special burden these families have carried—some for many years. And none of us can really appreciate the long twilight that fell over their lives.

Our Nation can never adequately honor the returning prisoners of war. We can never adequately repay them for their suffering and sacrifice. Even to say that these men have served their country above and beyond the call of duty, falls short in recognizing their sense of duty and service.

Over the next few weeks they will be returning to the warmth and affection of family and friends. The least that we in Congress can do—and the least that our Government can do—is to show compassion for these men and their families, and to make sure that every step is taken to help restore a sense of normalcy in their lives.

Mr. President, a number of important administrative steps have been taken by officials in the Department of Defense to provide both immediate assistance and longer term benefits to our repatriated prisoners of war. I want to commend the Department for establishing a comprehensive program to receive the prisoners, and for arranging various financial, health, and other benefits for the men and their families. We all hope that the good intentions and advance planning within the Department will result in efforts that are truly sensitive to the special needs of each prisoner and his family, as together they renew their lives in communities throughout our land.

But beyond the administrative actions that have already been taken, there appears to be a need for legislation, especially to assist those returning prisoners who choose to leave military or Government service. After consultation with a number of prisoner-of-war families, and with officials in the executive branch, I have prepared a bill which I am introducing today on behalf of myself and the distinguished Senators from Maine (Mr. MUSKIE and Mr. HATHAWAY).

The general purpose of the first section of the bill is to permit repatriated prisoners, military or civilian, the option of retiring early from military or Government service. Many of the repatriated prisoners will face on their return the hard fact that their professional careers in a rapidly changing, technologically oriented service, will be severely stunted by their long isolation and captivity. Prisoners held the longest will obviously face the greatest hurdle in this respect, making it perhaps impossible for them to return to their former professional careers. By allowing all repatriated prisoners to count each day in captivity as 2 days in service toward retirement—which this bill provides—those men who have been in prison the longest will gain the most time toward early retirement, and an opportunity to leave and begin a new career.

Mr. President, the second section of the bill provides per diem rates to military and civilian personnel who were prisoners of war at the same level as that provided to their counterparts in Saigon who received per diem when governmental quarters and messing privileges were not available. Certainly, the prisoners are entitled to this benefit. Government quarters were clearly not available in Hanoi, or the other prison camps of Indochina, so it is not unreasonable to ask that the same per diem enjoyed by those stationed in Saigon should also apply to those in Hanoi.

Under the Foreign Claims Settlement Commission, the law now provides only $5 per day for repatriated prisoners who did not receive adequate food or compensation for their time or labor while in prisoner-of-war camps. I believe that this sum should be augmented by per diem rates, so that the returning prisoners receive an amount comparable to what men of the same rank received while on duty in Saigon when government quarters and messing facilities were not available.

Mr. President, in addition to the legislation I am introducing today, I would urge that the Department of Defense consider some additional recommendations for administrative action.

First, I believe it would be useful if military personnel captured in Indochina were allowed to leave their accrued savings deposited in the uniformed services savings deposit program for a period of 6 to 9 months after repatriation. Current regulations only provide a 3-month grace period, and from the experience of recently released prisoners, this is not sufficient time to permit thoughtful investment decisions.

The initial period of the prisoners' return will be too occupied with other priorities—reunion with family, physical rehabilitation, and readjustment to life in freedom—to allow time for financial decisions. A longer grace period is required and this can be arranged by administrative action.

Second, I would urge the Department to establish with the Customs Bureau a waiver of import duties for household goods purchased subsequently by repatriated prisoners. This waiver would be valid for 1 year, and could be used only once. Current regulations now allow American military personnel stationed overseas for 180 days or more, to bring home duty-free items purchased as part of their household goods. This privilege will be denied to repatriated prisoners from Indochina because of the obvious need to fly them directly from Hanoi to American facilities. A 1-year customs waiver, to be used once, would allow repatriated prisoners an opportunity at a later date to import household items similar to those brought in by other returning servicemen from Indochina.

Finally, Mr. President, I would urge

the Department of Defense to establish continuing health programs for repatriated prisoners and their families, even after they elect to leave the service at some future date. Such a comprehensive health program should be designed to meet the special needs of the prisoners, both psychologically and physically. No present program now exists to meet these needs.

Mr. President, I believe all Americans should have the opportunity to receive comprehensive health care, and I have introduced, and I hope to see passed, such legislation this session. But until such time, I believe it is necessary to develop and to extend special health care programs to the returning prisoners of war and their families, particularly after they leave the service. We must assure them that any physical or psychological effect of captivity will not, at some future date, go unattended.

These health needs can perhaps be met through extending a program such as Champus—the Military Service Health Plan—to prisoners and their families after they leave the service. If legislation is necessary to provide such expanded health benefits for repatriated prisoners, I am prepared to introduce, and I hope Congress will be prepared to pass, such a bill this session. I am writing this week to the Secretary of Defense to determine what special medical benefits should be extended to prisoners and their families, and what specific legislation is required to assist the Department in meeting the future medical needs of our returning men.

Mr. President, given the urgency and priority we must attach to assisting our prisoners of war, I am extremely hopeful that the legislation I am introducing today will be given speedy consideration by the appropriate committees of the Senate, and that the House will act on similar legislation.

In conclusion let me say that for all the joy and relief we share with the returning men and their families, we must not overlook the far greater number who are still missing and unaccounted for. For the families of these men, the tragedy of this war continues. The administration, including the President himself, has assured us that every possible effort will be made to secure the fullest possible accounting for the missing—even if it takes years. And we must pray that the day will come when all our men are accounted for, and our Nation can truly be at peace.

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

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

S. 608

A bill to authorize members of the armed forces and Federal employees who were in a missing status for any period during the Vietnam conflict to receive double credit for such period for retirement purposes, to provide for the payment of certain pay and allowances for such period, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1405 of title 10, United States Code, is amended by inserting "(a)" immediately before the word "For" at the beginning of such section and by adding at the end thereof a new subsection as follows:

"(b)(1) Notwithstanding any other provision of law, in determining his eligibility for retirement from the armed forces and in computing the amount of his retired pay, a member or former member of the armed forces shall be credited with a period of service equal to any period of time during the Vietnam conflict he was in a missing status within the meaning of section 552 of title 37, and any such period of time credited under this subsection shall be in addition to credit for such period of time allowed for such purposes under any other provision of law.

"(2) A member may elect to be credited with all or any portion of the period referred to in paragraph (1), but such election must be made within 2 years after his return to the jurisdiction of the United States following the termination of his missing status. If a member fails to make an election in accordance with regulations prescribed by the Secretary concerned within such 2-year period he shall be deemed to have elected to have none of such period credited to him.

"(3) As used in this subsection, the term 'Vietnam conflict' means the period beginning February 28, 1961, and ending on such date as shall thereafter be determined by Presidential proclamation or concurrent resolution of the Congress."

SEC. 2. (a) Chapter 10 of title 37, United States Code, is amended by adding at the end thereof a new section as follows:

§ 559. Minimum pay and allowance for members in a missing status during the Vietnam conflict

"(a) Notwithstanding any other provision of law, the amount in pay and allowances received by or credited to the account of a member of the uniformed services in a missing status under section 552 of this title during the Vietnam conflict shall be an amount equal to not less than the amount he would have received in pay and allowances, including any allowances for subsistence and any other per diem allowances to which he would have been entitled, if he had been assigned to duty during such period in Saigon, Vietnam, and had no Government quarters furnished and no Government messing facilities available.

"(b) As used in this section the term 'Vietnam conflict' means the period beginning February 28, 1961, and ending on such date as shall thereafter be determined by Presidential proclamation or concurrent resolution of the Congress."

(b) The table of sections at the beginning of chapter 10 of title 37, United States Code, is amended by adding at the end thereof a new item as follows:

§ 559. Minimum pay and allowance for members in a missing status during the Vietnam conflict".

SEC. 3. Section 8332 of title 5, United States Code, is amended by adding at the end thereof a new subsection as follows:

"(l)(1) Notwithstanding any other provision of law, an employee, shall if he so elects, be given civilian service credit for a period of time equal to any period of time during the Vietnam conflict he was in a missing status within the meaning of section 5561 of this title, and any such period of time credited under this subsection shall be in addition to credit for such period of time allowed under any other provision of this subchapter.

"(2) Service credited to any employee under this subsection shall be credited, and the annuity of such employee shall be computed, without regard to sections 8334(c) and 8339(i) of this title.

"(3) An employee may elect to be credited with all or any portion of the period referred to in paragraph (1), but such election must be made within 2 years after his return to the jurisdiction of the United States following the termination of his missing status. If an employee fails to make an election in accordance with regulations prescribed by the Civil Service Commission within such 2-year period he shall be deemed to have elected to have none of such period credited to him.

"(4) For the purpose of this subsection, 'Vietnam conflict' means the period beginning February 28, 1961, and ending on such date as shall thereafter be determined by Presidential proclamation or concurrent resolution of the Congress."

SEC. 4. Section 5562 of title 5, United States Code, is amended by adding at the end thereof a new subsection as follows:

"(e)(1) Notwithstanding any other provision of this subchapter, the amount received by or credited to the account of an employee in a missing status during the Vietnam conflict shall be not less than the amount he would have received in pay and allowances, including any allowances for subsistence and any other per diem allowances to which he would have been entitled, if he had been assigned to duty during such period in Saigon, Vietnam, and had no Government quarters furnished and no Government messing facilities available.

"(2) As used in this subsection the term 'Vietnam conflict' means the period beginning February 28, 1961, and ending on such date as shall thereafter be determined by Presidential proclamation or concurrent resolution of the Congress."

SEC. 5. In computing the 2-year period referred to in section 1405(b)(2) of title 10, United States Code, as enacted by the first section of this Act, or the 2-year period referred to in section 8332(l)(3) of title 5, United States Code, as enacted by section 3 of this Act, such period shall not begin to run until the date of enactment of this Act in the case of any person whose missing status was terminated prior to such date of enactment.

Mr. HATHAWAY. Mr. President, it is a great honor for me to join the distinguished Senator from Massachusetts in the introduction of this legislation. I have long felt that the plight of our POW's was one of the real human tragedies of this unfortunate conflict. Having been a war prisoner myself in Eastern Europe at the close of World War II, I can sympathize with the feelings of isolation and helplessness that these men have experienced.

I also have a particular interest in this legislation because some of the principal ideas embodied in it were suggested by one of my constituents, Lt. Markham Gartley of Greenville, Maine. Lieutenant Gartley, you will remember, is one of the prisoners who was released last summer and has since taken an active role in insuring just and equitable treatment for his fellow prisoners.

I hope that the Senate will take swift action on this legislation, Mr. President, so that the prisoners who are about to be released can return with these matters settled. After what these men and their families have gone through, I feel it is incumbent upon us to remove as many of the uncertainties surrounding their future as possible. To have the prisoners return with significant questions as to their status and rights still unanswered would be a cruel and unnecessary additional burden.

Finally, Mr. President, I commend the substance of the proposed legislation to my colleagues in the Senate. It creates some special privileges for the POW's, it is true, but the number of men here considered is limited and the sacrifices they have made are tremendous. On this day, the first day of Senate business since the official end of our involvement in Vietnam, it is fitting that we should begin the task of readjustment to peace. And a logical first step to this end is just treatment for these men who have given so much.

By Mr. McGEE (for himself and Mr. BROCK):

S. 609. A bill to amend the Internal Revenue Code of 1954 with respect to .22 caliber ammunition recordkeeping requirements. Referred to the Committee on Finance.

Mr. McGEE. Mr. President, today my colleague from Tennessee (Mr. BROCK) and I introduce a bill to amend the 1968 Gun Control Act with respect to the recordkeeping requirements for the sale of .22 caliber rimfire ammunition.

During the 92d Congress I introduced an identical measure, S. 144, together with 38 cosponsors. The Senate will recall that during the second session of the 91st Congress the House of Representatives passed this measure with a substantial majority. Following the House action, the Senate Finance Committee reported this bill to the floor of the Senate during the last days of the session. Unfortunately, there was insufficient time to obtain final passage. Last year, however, Senator BROCK offered an amendment to the Handgun Control Act of 1972 which would have exempted .22 caliber rimfire ammunition from the recordkeeping requirements of the 1968 act. I joined him in sponsoring this amendment, and it was adopted by the Senate by a vote of 71 to 21. Unfortunately, as you will recall, the amendment was lost in conference.

Our proposal introduced today would simply exempt .22 caliber rimfire ammunition from the burdensome recordkeeping requirements of the Gun Control Act of 1968. This ammunition is the most popular type used by sportsmen, and, therefore, places an unreasonable burden on not only sporting enthusiasts but also on many small businessmen who make this ammunition available for legitimate purposes.

The Department of the Treasury has recommended that this legislation be adopted in testimony before the House Ways and Means Committee and also in reports to the Senate Finance Committee.

The Internal Revenue Service advises me that there is no known instance where any of the recordkeeping requirements relating to sporting type ammunition, including .22 caliber rimfire ammunition, has been helpful in law enforcement. We are advised, quite to the contrary, that the recordkeeping requirements have become so burdensome that they tend to detract from the enforcement of other provisions of the firearms laws.

Mr. President, I hope that the Senate will take action on this bill at its earliest opportunity.

Mr. BROCK. Mr. President, I rise to commend the distinguished senior Senator from Wyoming, Mr. McGEE, for his foresight in reintroducing his bill to eliminate the burdensome, time consuming and costly recordkeeping requirements adopted by the Internal Revenue Service and applied to the purchase of ammunition under the Gun Control Act of 1968.

This is identical to an amendment I offered in the 92d Congress to the Handgun Control Act of 1972. The Senate at that time gave overwhelming support to this proposal by a vote of 71 yeas and 21 nays.

The bill covers .22 caliber rimfire ammunition which is the choice of many sportsmen for target practice. It does not touch those center-fire types of ammunition that have a far more lethal effect.

The experience under the Gun Control Act has demonstrated that the ammunition recordkeeping requirements have had the sole effect of imposing troublesome redtape on sportsmen, retail dealers, and other law-abiding citizens, but have had no effect on criminals and do not deter crime.

I am pleased to join the Senator from Wyoming as a sponsor of this legislation. I urge my colleagues to take speedy action on this to relieve sporting enthusiasts and small businessmen who make and sell this ammunition of an unreasonable burden.

By Mr. JAVITS:

S. 611. A bill to amend the Interstate Commerce Act, as amended, with respect to schoolbus safety. Referred to the Committee on Commerce.

SCHOOLBUS SAFETY ACT OF 1973

Mr. JAVITS. Mr. President, I introduce for appropriate reference the Schoolbus Safety Act of 1973. The bill is being cosponsored in the House by Representative JOHN W. WYDLER, of New York.

This measure amends the Interstate Commerce Act to strengthen the enforcement powers of the Bureau of Motor Carrier Safety by enabling the Bureau to exercise regulatory jurisdiction over certain schoolbus operations which are now exempt because they are conducted by private carriers—or conducted by agencies and instrumentalities of government, such as local educational agencies. While the bill is directed at so-called interstate operations, the Department of Transportation indicated that in cases where some buses in a school system are utilized for interstate transportation—such as study trips or trips to athletic events or historical sites—then all the schoolbuses of the school district would come under the reach of the law—therefore, most schoolbus transportation would be covered.

The bill is the product of study I first undertook some time ago with local and State school officials, professionals in the field of safety and pupil transportation, and officials and professional staff of the Department of Transportation. It follows recommendations made by the National Transportation Safety Board in its report on the 1970 fatal bus crash involving a tour group from the Hillel Country Day School at Lawrence, Long Island, N.Y. It is similar to the bill I introduced last year on which hearings were held before a subcommittee of the Senate Commerce Committee at the session's end. Due to the lateness of the year, further action was not taken. Also, the tragic schoolbus accident last year in Congers, N.Y., in which five students were killed and more than 40 injured, dramatizes the increasing public concern for the safety of the almost 20 million young people who each day travel in some 285,000 buses to and from school.

Specifically, the bill would:

Authorize the Secretary of Transportation to establish reasonable requirements to promote safety of operation of schoolbuses including qualifications of drivers, maximum hours of service and standards of equipment. In administering and enforcing regulations to promote schoolbus safety, the Secretary would be authorized to use the administrative powers that he now exercises in the administration of the Department of Transportation's motor safety program, such as record inspection, issuance of administrative subpenas, and inspection of motor vehicles.

Give the Secretary enforcement powers.

Give the Secretary power to issue a cease-and-desist order directing the carrier to immediately stop his schoolbus operations for up to 60 days in a case where a motor carrier's schoolbus operations create an unreasonable risk of accident, injury, death, or property damage, and when he finds that application of other available sanctions would be impracticable, unduly time consuming or inadequate to protect the public health and safety.

For 1971 the most recent data available indicate that there were 47,000 schoolbus accidents, killing 150 persons and injuring 5,600. This involves 2.3 billion miles of travel during that year. While this record for safety is considered superior to the automobile safety record in other areas, the fact remains that it is still much too high. The safety and well-being of our children merit every action that can be undertaken. The bitter lessons learned from the tragic deaths and injuries in the accidents involving the children from Congers, in Rockland County, last year and the children from the Lawrence, Long Island Hillel Country Day School 3 years ago must be used to avert such tragedies in the future.

Finally, Mr. President, I ask that there be included as part of my remarks the letter I recently received from the National Highway Traffic Safety Administration relative to the National Transportation Safety Board's Safety Recommendation H–72–30, which pertains to schoolbus body construction. The report referred to, which emanates from the Congers, N.Y., accident to which I referred, is also included with my remarks here.

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

S. 611

A bill to amend the Interstate Commerce Act, as amended, with respect to schoolbus safety

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 "School Bus Safety Act of 1972".

SEC. 2. Part II of the Interstate Commerce Act, as amended (49 U.S.C. 301 et seq.), is amended by adding a new section 204b, reading as follows:

"SEC. 204b. It shall be the duty of the Secretary of Transportation, in carrying out the functions, powers, and duties transferred by section 6(e) of the Department of Transportation Act (80 Stat. 931, 939–940), to establish reasonable requirements to promote safety of operation of motor vehicles used to transport children to or from school or school-related activities and to that end to prescribe qualifications of drivers and maximum hours of service and standards of equipment for motor carriers (including private carriers and agencies or instrumentalities of Federal, State, and local governments) engaged in transporting children to or from school or school-related activities. In the event such requirements are established, the term 'motor carrier' includes all persons (including private carriers and agencies or instrumentalities of Federal, State, or local governments) engaged in transporting children to or from school or school-related activities. In the administration and enforcement of this section, the Secretary is authorized to employ all administrative powers transferred to him by section 6(f) of the Department of Transportation Act (80 Stat. 931, 940)."

SEC. 3. Section 222 of part II of the Interstate Commerce Act, as amended (49 U.S.C. 322), is amended as follows:

(1) by redesignating subsection (a) as paragraph (1) of such subsection and adding a new paragraph (2), reading as follows:

"(2) Any person who knowingly commits an act in violation of any requirement, rule, regulation, or order promulgated by the Secretary of Transportation under section 204b of this part shall be fined not less than $250 nor more than $1,000 for the first offense and not less than $500 nor more than $2,000 for any subsequent offense. Each day of violation shall constitute a separate offense.";

(2) by redesignating subsection (h) as paragraph (1) of such subsection and adding a new paragraph (2), reading as follows:

"(2) Any motor carrier, or other person who violates any requirement, rule, regulation, or order of the Secretary of Transportation described in subsection 222(h)(1) or promulgated under section 204b of this part shall be subject to the penalties specified in subsection 222(h)(1)."; and

(3) by adding a new subsection (i), reading as follows:

"(i) In the administration of section 204b of this part, the Secretary of Transportation may order any motor carrier to cease and desist from engaging in all or a specified portion of its operation of motor vehicles used to transport children to or from school or school-related activities for not more than sixty days when the Secretary, for good cause, finds that the carrier's operations will create an unreasonable risk of accident, injury, or death to persons or damage to property. Before issuing a cease-and-desist order authorized by this subsection, the Secretary shall (1) determine that the application of other available sanctions would be impracticable, unduly time consuming, or inadequate to protect the public health and safety; and (2) give the carrier written notice of his intention to issue a cease-and-desist order, identifying the portion the carrier's operations that would be affected by the order and setting forth the reasons why he intends to issue it. If the carrier is operating under a certificate or permit issued by the Commission with respect to operations covered by a cease-and-desist order, the Commission may, upon petition of the Secretary and after notice and hearing, revoke or further suspend the carrier's operating authority in whole or in part upon determining that revocation or further suspension will protect the public safety. An order of the Secretary issued under this subsection is reviewable in accordance with chapter 7 of title 5, United States Code. The provisions of title 28, United States Code, respecting three-judge district courts, do not apply to a proceeding to review an order of the Secretary issued under this subsection."

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION,
Washington, D.C., January 2, 1973.

Hon. JACOB K. JAVITS,
Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

DEAR SENATOR JAVITS: Thank you for your letter of December 14, 1972, concerning the National Transportation Safety Board's Safety Recommendation H–72–30, which pertains to school bus body construction.

The Board's recommendation is now being considered by appropriate members of my staff. We are also defining the research requirements needed to support new and proposed standards, the optimum level of crashworthiness to be specified for the school bus itself, and regulations governing the use of these vehicles by the nearly twenty-thousand school districts across the Nation. Our major concern is the allocation of resources to the solution of a problem which is characterized by low benefit-cost ratios. In other words, the safety performance of the pupil transportation system is very good.

For instance, the result obtained by dividing the number of pupils injured by the total number of pupils using school buses shows that one pupil out of 3,700 is likely to be injured in a school bus during a school year. The same rate for all vehicles combined is one out of 100. The estimated number of pupil miles is 40 billion. Using this estimate a rate of one injury per 8.0 million pupil miles is computed. Based on an average vehicle occupancy (Federal Highway Administration estimate) of 2.2 passengers per car, we find that the same rate for cars is one injury per 1.0 million passenger miles.

Despite these statistics, the National Highway Traffic Safety Administration continually reevaluates and reassesses the status of school bus safety.

A Notice of Proposed Rulemaking on bus seating is in the final stages of completion and work on a structural standard has been initiated. These actions and others resulting from the above study will consider all aspects of the safety problem and will require those additional safety features, within reasonable costs, which will further reduce the number of injuries and fatalities involving the busing of school children.

Your continued interest in school bus safety is appreciated. If I can be of further assistance, please let me know.

Sincerely,

DOUGLAS W. TOMS,
Administrator.

SAFETY RECOMMENDATION H–72–30, ADOPTED BY THE NATIONAL TRANSPORTATION SAFETY BOARD AT ITS OFFICE IN WASHINGTON, D.C., AUGUST 30, 1972

The National Transportation Safety Board is investigating an accident involving the collision between a train and a schoolbus at Congers, New York, on March 24, 1972. This accident resulted in five fatalities and injuries to 45 occupants of the schoolbus.

The performance of the schoolbus in the crash has been initially observed and analyzed by the Safety Board, assisted by the Cornell Aeronautical Laboratory, the latter agency acting under its contract with the National Highway Traffic Safety Administration (NHTSA). Both agencies have tentatively concluded that the gross disintegration of the schoolbus body was made possible by widespread failures of the schoolbus body at the joints. Approximately the rear one-third of the bus was separated from the forward portion, with failures occurring at joints within the body and also at joints between the body and the chassis frame. A large portion of the roof was separated from the remainder of the body, the side walls on the right side were separated from the floor, and the floor sections were separated from each other and from the chassis frame. The construction method employing relatively few widely spaced rivets and other fasteners throughout the body of the schoolbus appears to have contributed to the large-scale disintegration of the schoolbus body and chassis.

In addition, the window columns failed in one portion of the schoolbus which was inverted after being torn away, and there were widespread failures of seats at their fastenings to the floor.

Analysis of the fatality and injury causation is not yet complete; however, some very evident factors appear to justify immediate corrective action by NHTSA standards. The seat anchorage failures and other seating factors are already the subject of NHTSA standards proposals. We believe that standards should be established for the basic schoolbus structure. The Safety Board has analyzed the problem of extensive failures of structural joints in schoolbuses in a special study, "Inadequate Structural Assembly of Schoolbus Bodies," issued July 29, 1970. The Board also recommended on September 18, 1968, that the National Highway Safety Bureau, predecessor to NHTSA, ". . . consider the need for requirements for structural strength of schoolbus bodies in connection with its study of desirable standards for protection of schoolbus occupants. In particular, the Board recommends that program A.1.1.4 of the National Highway Safety Bureau titled 'Design, Fabrication, and Test of a Safe Schoolbus Interior,' be expanded in scope to include consideration of structural integrity and intrusion into the schoolbus interior."

As stated above, there are indications in the Congers accident that the failures of structural joints contributed to the injuries of the occupants. The speed of the schoolbus was slow and the speed of the train was moderate, apparently not more than 30 miles per hour. Although about two-thirds of the bus structure was accelerated to the full speed of the train by the impact, a majority of the schoolbus occupants survived and some received only relatively minor injuries. However, the penetration of the gross structure of motor vehicles in crashes, or the disintegration of the structure, generally does tend to reduce the probability of survival and increase the probability of injury.

In this connection, structural improvements which have been made by other agencies and private manufacturers in response to the Safety Board's earlier recommendations are important. In January 1971, the Vehicle Equipment Safety Commission (VESC) adopted a regulation which, when implemented by the States, would require that all schoolbuses under State purchasing authority have substantially increased strength of structural joints. The exact wording of this part of the regulation is attached as Appendix A. At least two schoolbus manufacturers have built and exhibited prototype buses which apparently meet this requirement. These prototypes are constructed of much larger steel sheets to reduce the number of joints, in effect providing 100-percent joint efficiency wherever a joint was eliminated. In addition, many more rivets are used to join sheets and structual members. An analysis by one manufacturer indicated that approximately half the joints have been eliminated and that about six times as many rivets are used in meeting the VESC speci-

fication than were used in the earlier designs which had unspecified joint strength. It appears that changes in the VESC specification increases the strength of the joints in a schoolbus body approximately fivefold.

The technical feasibility of implementing the VESC structural specification appears to be well established by these prototype buses. One of the manufacturers has stated that the change in sale price of a bus having more complete assembly of structural joints was only approximately 5 percent of the total cost.

The Safety Board is aware that the VESC specification does not insure the structural strength of schoolbus bodies. It is, no doubt, preferable to control the structural strength of bus bodies and chassis as a unit through the development and application of large-scale crash tests. However, the development of such tests and their use as standards have been very slow, as even passenger cars are not yet subjected to such testing. This critical weakness of schoolbus bodies must be eliminated as quickly as possible. Additionally, the VESC specification, in part, meets the statutory requirement of DOT that safety characteristics be controlled by performance rather than design.

It is the Board's opinion that the very high value that society places upon the protection of children riding in schoolbuses establishes the need for improvement in structural design. The adoption of a standard to control the assembly of structural joints in school buses should not be regarded as a novel initiative to reduce schoolbus fatalities, but as correction of a longstanding failure to employ normal engineering practices in schoolbus construction. Many existing schoolbuses do not meet rivet-spacing recommendations of SAE Standard J–492, Rivets and Riveting, June, 1961.

While NHTSA is taking steps to correct the structural inadequacies of schoolbus bodies through the establishment of standards to control strength of joints, they should resolve the problem of the column strength of schoolbuses. The failure of the window columns is very evident in the accident at Monarch Pass, Colorado, as well as in this accident at Congers, New York. Because of the similarity in construction methods used for domestically produced schoolbuses, the overall strength of schoolbus bodies possibly could be controlled through performance requirements of individual structural elements prior to the development of the full-scale tests which are more technically complete.

For the above reasons, the National Transportation Safety Board recommends that—

"The National Highway Traffic Safety Administration expeditiously adopt a Federal Motor Vehicle Safety Standard to control the strength of structural joints of schoolbuses. In this connection careful consideration should be given to requirement 5.6 Body Structure, of the Vehicle Equipment Safety Commission. This standard should also apply to the strengthening of the window columns of schoolbuses."

This recommendation will be released to the public on the issue date shown above. No public dissemination of the contents of this document should be made prior to that date.

Reed, Chairman; McAdams Burgess, and Haley, Members, concurred in the above recommendation. Thayer, Member, was absent, not voting.

JOHN H. REED,
Chairman.

APPENDIX A: VEHICLE EQUIPMENT SAFETY COMMISSION REGULATIONS VESC–6, MINIMUM REQUIREMENTS FOR SCHOOLBUS CONSTRUCTION AND EQUIPMENT, APPROVED JANUARY 1971, REVISED FEBRUARY 1972, WASHINGTON, D.C.

5. Body Structure:

5.6 Strength of structural joints of Schoolbus bodies. It is the intent of this section to insure that all structural joints within bus bodies which employ discrete fasteners, including those between heavy gauge members and those which join panels to panels or panels to heavier structures, achieve a significant proportion of the strength of the parent metal, so that all available panel materials are capable of serving as part of the structure. Accordingly, in all joints of the above named types which employ discrete fasteners such as rivets, screws or bolts, the pitch of fasteners shall not exceed 24 times the thickness of the thickest material used in the joint. Alternatively, for any method of joining such structural members, it shall be demonstrated by calculation that the strength of such joints is at least 60% of the tensile strength of the thinest joined member.*

By Mr. KENNEDY:

S. 612. A bill to authorize the establishment of an older worker community service program. Referred to the Committee on Labor and Public Welfare.

OLDER AMERICANS COMMUNITY SERVICE EMPLOYMENT ACT

Mr. KENNEDY. Mr. President, I am pleased to reintroduce today the Older Americans Community Service Employment Act.

In the last session this bill was unanimously reported out of the Committee on Labor and Public Welfare on September 15, 1972, and on September 21, it was approved by the Senate 77 to 0.

Because of the lateness in the session, the House was unable to act on this measure separately. Therefore, in the Senate, the bill was incorporated as a separate title of the Older Americans Comprehensive Services Act. Passed by the Senate, it was accepted in conference by the House and finally approved by the Congress. Unfortunately, the bill was vetoed by the President on October 28, 1972, after the Congress had adjourned sine die.

I hope that the Congress will act expeditiously in repassing the comprehensive Older Americans Act once again.

In the bill introduced this session, S. 50, which I cosponsored, the community service program remains as title IX.

However, in the event a delay in enactment of the comprehensive measure occurs, it will hopefully be possible to pass this program as a separate bill.

Mr. President, this bill will provide $250 million to be spent over the next 2 years to create new job opportunities for persons of low income over the age of 55. In all we expect the legislation to create at least 100,000 job opportunities.

I first introduced such legislation in March 1970, during the 91st Congress. After hearings, the main features of the bill were incorporated in the comprehensive manpower bill. This bill was later vetoed by the President. Thus, this program has been stymied twice by Presidential vetoes.

No one, not even the President, can deny the need for such legislation. The plight of older Americans grows more desperate with each passing month. For as unemployment has been rising throughout the country over the last 4 years, so the unemployment of the elderly has been rising fastest of all. Between January 1969 and September 1971 unemployment for persons 45 and over rose by 77 percent. It is difficult to describe the hardships that this caused for countless families throughout the country. Statistics last year showed 6.8 million Americans over the age of 55 who were living in poverty. That is one quarter of the Nation's enormous and unforgivable total of 25.9 million poor.

The premature retirement that is forced on our elderly not only destroys a person's ability to provide for his family, it inspires a conviction of uselessness and a sense of rejection by society. It is little wonder that so many Americans prematurely find themselves in custodial care institutions. For nothing saps the will of a man more than the vain quest for work.

In 1971, the Emergency Employment Act did something to alleviate the plight of the unemployed. But although the elderly represent 25 percent of the poor, they were given only 6 percent of the available EEA job opportunities, according to the Department of Labor. As so often in the past, the Department of Labor once again continued its perpetual pattern of neglect of older people.

Some accomplishments can, however, be cited. For example, Operation Mainstream, the Federal economic opportunity pilot program, has helped to provide job opportunities for older Americans. With mainstream support, the farmers' union has directed the green thumb and green light projects, and the National Council of Senior Citizens has operated the senior aides projects. Testimony before the Senate Aging Subcommittee and research done by the Labor Department all demonstrate the success of these and other projects, which have provided part-time work of usually 4 hours a day, 5 days a week, at $2.50 an hour for older Americans.

But it is not enough. It is not nearly enough. Even with increased appropriations voted by Congress in the last session, and later vetoed by the President, the total number of job slots for this year, 1973, would have been only 30,000. That is 30,000 people who once again would have had a source of income and, more importantly, a sense of purpose in their lives. But set beside the figure of half a million unemployed older workers and 6.8 million poor older persons, 30,000 job slots is not really very many. Nor very creditable. We should and we must do much better.

That is why this bill is so essential. That is why every single group representing older Americans testified in favor of this bill during the hearings held in the last session. That is why we received hundreds upon hundreds of telegrams and letters of support from old people all over this country, from ocean to ocean.

It is now 13 months since the President spoke at the White House Conference on Aging. At that Conference he delivered a speech full of fine rhetoric, full of praise for public service programs, full of apparent determination to extend such Federal service programs as then existed on a much broader, national basis. Listening to the President's pledges

---

* (Board Comment: This sentence states the requirement in terms of performance.)

on that occasion, elderly Americans had good reason to hope that finally this administration was committed to meeting their needs.

Thousands of them did allow themselves such hopes, but those hopes have been sadly disappointed. For in the 13 months since the President held his Conference the administration's most significant action with regard to the elderly was to oppose and then to veto the Older Americans Act, which set out to fulfill many of the promises the President himself had made.

And so now we must try again. Once more we must show that even if the administration is not prepared to help the elderly, the Congress is determined to do so. That is why I am today reintroducing the Community Service Employment Act.

The bill does the following:

First, it seeks to convert the Operation Mainstream pilot programs into permanent nationwide programs.

Second, it would authorize the Secretary of Labor to enter into agreement with nonprofit private organizations and State or local governments to pay up to 90 percent of the cost of community service employment projects for low-income persons 55 and older who have or would have difficulty in locating employment. Also, 100 percent Federal funding would be authorized in economically depressed areas.

Third, it would authorize the Secretary of Labor to consult with State and local governmental units with regard to localities where community service projects are most needed, employment situation and types of skills possessed by eligible individuals, and the number of eligible individuals in the local population.

Fourth, it would authorize the Secretary to encourage agencies administering community service projects to coordinate activities with agencies conducting existing programs of a related nature under the Economic Opportunity or Emergency Employment Act.

Fifth, it would require the Secretary to establish criteria designed to achieve equitable distribution of assistance among States and between urban and rural areas.

Finally, it would authorize $100 million for fiscal year 1973 and $150 million for fiscal year 1974.

In short, the bill would create an impetus for advocating manpower training and job opportunities within the Department of Labor. It would also enable the creation of a nationwide permanent program aimed at providing job opportunities for older workers in areas where they can best contribute to the life of our Nation in schools, hospitals, libraries, and other public service institutions, and organizations.

This bill is essential to our society. It is essential if we are to build a community in which care of the aged * * * of those who have already made a major contribution to society * * * is considered important. It is essential if we are to reward rather than disdain those who have spent their lives in building the Nation. It is just one part, but a very vital part of the creation of a more just society.

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

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

S. 612

A bill to authorize the establishment of an older worker community service program

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 "Older Americans Community Service Employment Act."

OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM

SEC. 2. (a) In order to foster and promote useful part-time work opportunities in community service activities for unemployed low-income persons who are fifty-five years old or older and who have poor employment prospects, the Secretary of Labor (hereinafter referred to as the "Secretary") is authorized to establish an older American community service employment program (hereinafter referred to as the "program").

(b) In order to carry out the provisions of this Act, the Secretary is authorized—

(1) to enter into agreements with public or private nonprofit agencies or organizations, agencies of a State government or a political subdivision of a State (having elected or duly appointed governing officials), or a combination of such political subdivisions, or Indian tribes on Federal or State reservations in order to further the purposes and goals of the program. Such agreements may include provisions for the payment of costs, as provided in subsection (c), of projects developed by such organizations and agencies in cooperation with the Secretary in order to make the program effective or to supplement it. No payments shall be made by the Secretary toward the cost of any project established or administered by any such organization or agency unless he determines that such project—

(A) will provide employment only for eligible individuals, except for necessary technical, administrative, and supervisory personnel, but such personnel shall, to the fullest extent possible, be recruited from among eligible individuals;

(B) will provide employment for eligible individuals in the community in which such individuals reside, or in nearby communities;

(C) will employ eligible individuals in services related to publicly owned and operated facilities and projects, or projects sponsored by organizations exempt from taxation under the provisions of section 501(c)(3) of the Internal Revenue Code of 1954 (other than political parties), except projects involving the construction, operation, or maintenance of any facility used or to be used as a place for sectarian religious instruction or worship;

(D) will contribute to the general welfare of the community;

(E) will provide employment for eligible individuals whose opportunities for other suitable public or private paid employment are poor;

(F) will result in an increase in employment opportunities for eligible individuals, and will not result in the displacement of employed workers or impair existing contracts;

(G) will utilize methods of recruitment and selection (including, but not limited to, listing of job vacancies with the employment agency operated by any State or political subdivision thereof) which will assure that the maximum number of eligible individuals will have an opportunity to participate in the project;

(H) will include such training as may be necessary to make the most effective use of the skills and talents of those individuals who are participating, and will provide for the payment of the reasonable expenses of individuals being trained, including a reasonable subsistence allowance;

(I) will assure that safe and healthy conditions of work will be provided, and will assure that persons employed in public service jobs assisted under this Act shall be paid wages which shall not be lower than whichever is the highest of (i) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938, if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (ii) the State or local minimum wage for the most nearly comparable covered employment, or (iii) the prevailing rates of pay for persons employed in similar public occupations by the same employer;

(J) will be established or administered with the advice of persons competent in the field of service in which employment is being provided, and of persons who are knowledgeable with regard to the needs of older persons;

(K) will authorize pay for necessary transportation costs of eligible individuals which may be incurred in employment in any project funded under this Act in accordance with regulations promulgated by the Secretary; and

(L) will assure that to the extent feasible such projects will serve the needs of minority, Indian, and limited English-speaking eligible individuals in proportion to their numbers in the State.

(2) to make, issue, and amend such regulations as may be necessary to effectively carry out the provisions of this Act.

(c)(1) The Secretary is authorized to pay not to exceed 90 per centum of the cost of any project which is the subject of an agreement entered into under subsection (b), except that the Secretary is authorized to pay all of the costs of any such project which is (A) an emergency or disaster project or (B) a project located in an economically depressed area as determined in consultation with the Secretary of Commerce and the Director of the Office of Economic Opportunity.

(2) The non-Federal share shall be in cash or in kind. In determining the amount of the non-Federal share, the Secretary is authorized to attribute fair market value to services and facilities contributed from non-Federal sources.

ADMINISTRATION

SEC. 3. (a) In order to effectively carry out the purposes of this Act, the Secretary is authorized to consult with agencies of States and their political subdivisions with regard to—

(1) the localities in which community service projects of the type authorized by this Act are most needed;

(2) consideration of the employment situation and the types of skills possessed by available local individuals who are eligible to participate; and

(3) potential projects and the number and percentage of eligible individuals in the local population.

(b)(1) The Secretary is authorized and directed to require agencies and organizations administering community service projects assisted under this Act to coordinate their activities with agencies and organizations conducting related manpower programs receiving assistance under other authorities such as the Economic Opportunity Act of 1964, the Manpower Development and Training Act of 1962, and the Emergency Employment Act of 1971. In carrying out the provisions of this paragraph, the Secretary is authorized to make necessary arrangements to include projects assisted under this Act within a common agreement and a common application with projects assisted under other authorities such as the Economic Opportunity Act of 1964, the Manpower Development and Training Act of 1962, and the Emergency Employment Act of 1971.

(2) The Secretary is authorized to make whatever arrangements that are necessary to carry out the programs assisted under this Act as part of any general manpower legislation hereafter enacted, except that appropriations for programs assisted under this Act may not be expended for programs assisted under that Act.

(c) In carrying out the provisions of this Act, the Secretary is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies, and instrumentalities in the use of services, equipment, and facilities.

(d) The Secretary shall establish criteria designed to assure equitable participation in the administration of community service projects by agencies and organizations eligible for payment under section 2(b).

(c) Payments under this Act may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

(f) The Secretary shall not delegate his functions and duties under this Act to any other department or agency of Government.

PARTICIPANTS NOT FEDERAL EMPLOYEES

SEC. 4. (a) Eligible individuals who are employed in any project funded under this Act shall not be considered to be Federal employees as a result of such employment and shall not be subject to the provisions of part III of title 5, United States Code.

(b) No contract shall be entered into under this Act with a contractor who is, or whose employees are, under State law, exempted from operation of the State workmen's compensation law, generally applicable to employees, unless the contractor shall undertake to provide either through insurance by a recognized carrier, or by self insurance, as allowed by State law, that the persons employed under the contract, shall enjoy workmen's compensation coverage equal to that provided by law for covered employment. The Secretary must establish standards for severance benefits, in lieu of unemployment insurance coverage, for eligible individuals who have participated in qualifying programs and who have become unemployed.

INTERAGENCY COOPERATION

SEC. 5. The Secretary shall consult and cooperate with the Office of Economic Opportunity, the Administration on Aging, the Department of Health, Education, and Welfare, and any other related Federal agency administering related programs, with a view to achieving optimal coordination with such other programs and shall promote the coordination of projects under this Act with other public and private programs or projects of a similar nature. Such Federal agencies shall cooperate with the Secretary in disseminating information about the availability of assistance under this Act and in promoting the identification and interests of individuals eligible for employment in projects funded under this Act.

EQUITABLE DISTRIBUTION OF ASSISTANCE

SEC. 6. (a) (1) From the sums appropriated for any fiscal year under section 8 there shall be initially allotted for projects within each State an amount which bears the same ratio to such sum as the population aged fifty-five or over in such State bears to the population aged fifty-five or over in all States, except that (A) no State shall be allotted less than one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made; and (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted an amount equal to one-fourth of 1 per centum of the sum appropriated for the fiscal year for which the determination is made. For the purpose of the exception contained in this paragraph, the term "State" does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(2) The number of persons aged fifty-five or over in any State and for all States shall be determined by the Secretary on the basis of the most satisfactory data available to him.

(b) The amount allotted for projects within any State under subsection (a) for any fiscal year which the Secretary determines will not be required for that year shall be reallotted, from time to time and on such dates during such year as the Secretary may fix, to projects within other States in proportion to the original allotments to projects within such States under subsection (a) for that year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates that projects within such State need and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for that year.

(c) The amount apportioned for projects within each State under subsection (a) shall be apportioned among areas within each such State in an equitable manner, taking into consideration the proportion which eligible persons in each such area bears to such total number of such persons, respectively, in that State.

DEFINITIONS

SEC. 7. As used in this Act—

(a) "State" means any of the several States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands;

(b) "eligible individual" means an individual who is fifty-five years old or older, who has a low income, and who has or would have difficulty in securing employment;

(c) "community service" means social, health, welfare, educational, library, recreational, and other similar services; conservation, maintenance or restoration of natural resources; community betterment or beautification; antipollution and environmental quality efforts; economic development; and such other services which are essential and necessary to the community as the Secretary, by regulation, may prescribe.

AUTHORIZATION OF APPROPRIATIONS

SEC. 8. There are hereby authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1974, and $150,000,000 for fiscal year ending June 30, 1975.

By Mr. McGEE:

Senate Joint Resolution 41. A joint resolution to authorize the President to issue annually a proclamation designating March of each year as "Youth Art Month." Referred to the Committee on the Judiciary.

Mr. McGEE. Mr. President, today I introduce a Senate joint resolution to establish the month of March of each year as Youth Art Month and to authorize the President of the United States to issue a proclamation to this effect.

In my State, the Wyoming Federation of Women's Clubs has sponsored this effort since 1961. It has been an effort to focus upon the importance of art education and public support for quality school art programs. The purpose is to emphasize the value of participating art for the development of all children. We have had a broad base of participation in Youth Art Month in Wyoming which has involved public and private schools, libraries, churches, and municipalities. For the third consecutive year, Gov. Stanley K. Hathaway has proclaimed the month of March as Youth Art Month. It is my understanding that many other States across the Nation have likewise participated in this worthwhile effort.

The joint resolution which I introduce today has the nationwide support of The Crayon, Water Color & Craft Institute, Inc. and also the National Art Education Association, which has affiliates in virtually every State in the Nation. It is, therefore my hope, Mr. President, that Congress will take immediate action in passing this resolution in time for a Presidential proclamation for March of this year.

I ask unanimous consent that the joint resolution be printed at this point in the RECORD.

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

S.J. RES. 41

Joint resolution to authorize the President to issue annually a proclamation designating March of each year as "Youth Art Month"

Whereas children are our most priceless asset;

Whereas childhood is the time to develop interests, skills, and aptitudes that will last a lifetime;

Whereas through meaningful school art activities, children develop initiative, self-expression, creative ability, self-evaluation, discipline, and a heightened appreciation of beauty;

Whereas the importance of art in education is recognized as being necessary for the full development of all children;

Whereas participation in school art programs develops perceptive qualities and sensitivity, thus producing a more enlightened citizenry; and

Whereas Youth Art Month has been observed nationally since 1961 and has gained wide acceptance: Now therefore, be it

Resolved by the Senate and House of Representatives of the United States of America, That the President is authorized and requested to issue annually a proclamation designating the month of March of each year as "Youth Art Month" and calling upon the people of the United States and interested groups and organizations to become involved in and give their support to quality school art programs for children and youth.

By Mr. JAVITS (for himself, Mr. BEALL, Mr. CRANSTON, Mr. KENNEDY, Mr. PELL, Mr. RANDOLPH, and Mr. STEVENSON):

Senate Joint Resolution 43. A joint resolution to authorize and request the President to proclaim the period April 23, 1973, through April 28, 1973, as "School Bus Safety Week." Referred to the Committee on the Judiciary.

Mr. JAVITS. Mr. President, I introduce, for myself and Senators BEALL, CRANSTON, KENNEDY, PELL, RANDOLPH, and STEVENSON, a measure to designate the period of April 23 through 28, 1973, as School Bus Safety Week.

Each day more than 20 million American youngsters—one out of every four school children—travel to and from school in 290,000 school buses. This adds up to 40 billion pupil miles annually. This

total may be expected to mount as suburban education systems grow and as our population expands. However, as the number of school bus passengers increases, the accident rate climbs still faster.

The Senate Committee on Labor and Public Welfare, commenting on my school bus safety amendment to the Elementary and Secondary Education Act, declared in 1967 in its report that "school bus safety standards throughout the Nation are spotty, substandard, and lax." This finding gives further force to the statement of the president of the Physicians for Automotive Safety who observed that, in the area of school transportation, not a single State is doing all that safety authorities believe must be done to protect human life on the highway. He also indicated shock in discovering that safety measures to safeguard young people in school vehicles are largely being ignored at the local level.

The National School Bus Safety Week Committee is seeking to focus needed public attention on improved school bus safety.

President Nixon, in endorsing the week early in 1969 said:

> This week focuses public attention on the need for skilled, responsible drivers, and on the importance of effective inspection and reliable repair services for these vehicles. And finally, it reminds each of us that it is the duty of every motorist to cooperate with school bus drivers to make our highways as safe as possible for the one out of every four American pupils who ride buses to and from school each day.

I am not suggesting that school bus transportation is unsafe. It is not. The National Highway Traffic Safety Administration informs me that there is an injury rate of one injury per 8 million pupil miles as compared to one injury per 1 million passenger miles for cars. However, the increasing accident rate and the fact that each year more and more children travel on school buses makes it imperative that the safety record of such buses be as near perfect as humanly possible—indeed, the safest form of transportation in the Nation.

I ask unanimous consent that the text of the joint resolution be printed at this point in the RECORD.

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

S.J. RES. 43

Joint Resolution to authorize and request the President to proclaim the period April 23, 1973, through April 28, 1973, as "Schoolbus Safety Week"

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, since (1) it is important to provide safe transportation for the Nation's twenty million children who travel daily on schoolbuses, (2) the Senate Committee on Labor and Public Welfare has found that "schoolbus safety standards throughout the Nation are spotty, substandard, and lax", and (3) it is desirable to focus public attention on the need to establish and maintain high standards of safety for schoolbuses, the President is authorized and requested to issue a proclamation designating the period April 23, 1973, through April 28, 1973, as "Schoolbus Safety Week", and calling upon the people of the United States to observe such with appropriate ceremonies and activities.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 12

At the request of Mr. WILLIAMS, the Senator from Michigan (Mr. HART) was added as a cosponsor of S. 12, the Urban Parkland Heritage Act of 1973.

S. 160

At the request of Mr. MCCLELLAN, the Senator from Florida (Mr. GURNEY) was added as a cosponsor of S. 160, a bill to amend title 37, United States Code, in order to provide a special bonus for members of the Armed Forces of the United States who were held as prisoners of war during the Vietnam era.

S. 204

At the request of Mr. BAYH, the Senator from New York (Mr. JAVITS) and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of S. 204, a bill to amend the Internal Revenue Code to encourage the continuation of small family farms, and for other purposes.

S. 255

At the request of Mr. EAGLETON, the Senator from South Dakota (Mr. ABOUREZK), the Senator from Iowa (Mr. CLARK), the Senator from California (Mr. CRANSTON), the Senator from Oregon (Mr. HATFIELD), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. MONDALE), the Senator from Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PASTORE), the Senator from Rhode Island (Mr. PELL), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Alaska (Mr. STEVENS), the Senator from Illinois (Mr. STEVENSON), and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of S. 255, a bill to repeal certain provisions which become effective January 1, 1974, of the Food Stamp Act of 1964 and section 416 of the Agricultural Act of 1949 relating to eligibility to participate in the food stamp program and the direct commodity distribution program.

S. 336

At the request of Mr. HART, the Senator from North Dakota (Mr. BURDICK) and the Senator from California (Mr. TUNNEY) were added as cosponsors of S. 336, to amend section 133(f) of the Legislative Reorganization Act of 1946 with respect to the availability of committee reports prior to Senate consideration of a measure or matter.

S. 361

At the request of Mr. MCGOVERN, the Senator from Iowa (Mr. HUGHES), the Senator from Michigan (Mr. HART), the Senator from Montana (Mr. METCALF), and the Senator from Wisconsin (Mr. NELSON) were added as cosponsors of S. 361, the Emergency Rural Housing Act of 1971.

S. 386

At the request of Mr. WILLIAMS, the Senator from Rhode Island (Mr. PASTORE) was added as a cosponsor of S. 386, the Emergency Commuter Relief Act.

S. 394

At the request of Mr. AIKEN, the Senator from Pennsylvania (Mr. SCOTT) was added as a cosponsor of S. 394, a bill to amend the Rural Electrification Act of 1936, as amended.

S. 467

At the request of Mr. RANDOLPH, the Senator from Michigan (Mr. HART) and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of S. 467, a bill to extend the Public Works and Economic Development Act of 1965, as amended, for 1 year, and for other purposes.

S. 516

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Montana (Mr. MANSFIELD), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Washington (Mr. JACKSON) be added as cosponsors of my bill, S. 516, to amend title VI of the Omnibus Crime Control and Safe Streets Act of 1968 to provide for a 4-year term for the appointment of the Director of the Federal Bureau of Investigation.

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

S. 547

At the request of Mr. WILLIAMS, the Senator from Connecticut (Mr. WEICKER) was added as a cosponsor of S. 547, a bill to allow the broadcasting of information relating to State-run lottery programs via television and radio.

S. 570

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, at the next printing, the name of the distinguished junior Senator from Alabama (Mr. ALLEN) be added as a cosponsor of S. 570, a bill to promote public confidence in the legislative, executive, and judicial branches of the Government of the United States.

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

SENATE JOINT RESOLUTION 1

At the request of Mr. BAYH, the Senator from South Dakota (Mr. MCGOVERN) was added as a cosponsor of Senate Joint Resolution 1, a joint resolution proposing an amendment to the Constitution of the United States to provide for the direct popular election of the President and Vice President of the United States.

SENATE JOINT RESOLUTION 5

At the request of Mr. BAYH, the Senator from Illinois (Mr. PERCY) was added as cosponsor of Senate Joint Resolution 5, proposing an amendment to the Constitution of the United States lowering age requirements for membership in the Houses of Congress.

SENATE JOINT RESOLUTION 19

At the request of Mr. PERCY, the Senator from North Daktota (Mr. BURDICK) and the Senator from Ohio (Mr. TAFT) were added as cosponsors of Senate Joint Resolution 19, to designate March 4, 1973, "National Nutrition Week."

SENATE CONCURRENT RESOLUTION 8—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO THE EXPENSES OF THE JOINT STUDY COMMITTEE ON BUDGET CONTROL

(Referred to the Committee on Finance.)

Mr. LONG submitted the following concurrent resolution:

S. CON. RES. 8

Concurrent resolution relating to the designation, administration, and expenses of the Joint Study Committee on Budget Control

Resolved by the Senate (the House of Representatives concurring), That the joint committee established under title III of the Act entitled "An Act to provide for a temporary increase in the public debt limit and to place a limitation on expenditures and net lending for the fiscal year ending June 30, 1973", approved October 27, 1972 (Pub. L. 92-599; 86 Stat. 1324), shall be known as the Joint Study Committee on Budget Control (hereafter referred to in this concurrent resolution as the "joint study committee").

SEC. 2. (a) During the first session of the 93d Congress, the members of the joint study committee shall select two co-chairmen in lieu of a chairman.

(b) The joint study committee is authorized to procure the services of individual consultants, or organizations thereof, in accordance with the provisions of section 202 (i) of the Legislative Reorganization Act of 1946.

SEC. 3. (a) For the period from March 1, 1973, through the close of the first session of the 93d Congress, the joint study committee is authorized to expend from the contingent fund of the Senate not to exceed $200,000 to carry out the provisions of such title III. Of such amount, not to exceed $25,000 may be expended for the procurement of such individual consultants or organizations thereof.

(b) During the first session of the 93d Congress, expenses of the joint study committee paid out of the contingent fund of the Senate shall be so paid upon vouchers approved by either of the two co-chairmen of the joint study committee.

SEC. 4. The joint study committee shall submit a final report of the results of the study and review made under such title III, to the Speaker of the House of Representatives and to the President pro tempore of the Senate, not later than the close of the first session of the 93d Congress.

ADDITIONAL COSPONSORS OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 6

At the request of Mr. BAKER, the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of Senate Concurrent Resolution 6, making apportionment of funds for the National System of Interstate and Defense Highways.

SENATE RESOLUTION 43—ORIGINAL RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON AERONAUTICAL AND SPACE SCIENCES

(Referred to the Committee on Rules and Administration.)

Mr. MOSS, from the Committee on Aeronautical and Space Sciences, reported the following resolution:

SENATE RESOLUTION 43

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Aeronautical and Space Sciences, or any subcommittee thereof, is authorized from March 1, 1973, through February 28, 1974, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $147,500.00, of which amount (1) not to exceed $3,000.00 shall be available for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,500.00 shall be available for the training of the professional staff of such committee, or any subcommittee thereof (under procedures specified by section 202(j) of such Act).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1974.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 44—ORIGINAL RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON LABOR AND PUBLIC WELFARE

(Referred to the Committee on Rules and Administration.)

Mr. WILLIAMS, from the Committee on Labor and Public Welfare, reported the following resolution:

S. RES. 44

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Labor and Public Welfare, or any subcommittee thereof, is authorized from March 1, 1973, through February 28, 1974, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of pesonnel of any such department or agency.

SEC. 2. The expenses of the Committee under this resolution shall not exceed $1,700,000, of which amount not to exceed $200,000 shall be available for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganziation Act of 1946, as amended.

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1974.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 45—ORIGINAL RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON COMMERCE.

(Referred to the Committee on Rules and Administration.)

Mr. PASTORE, from the Committee on Commerce, reported the following resolution:

S. RES. 45

Resolution authorizing additional expenditures by the Committee on Commerce of inquiries and investigations

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Commerce, or any subcommittee thereof, is authorized from March 1, 1973, through February 28, 1974, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $1,300,000, of which amount not to exceed $10,000 shall be available for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. For the purposes of this resolution the committee, or its chairman, from March 1, 1973, through February 28, 1974, is authorized in its, or his discretion, (1) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, paper, and documents; (2) to hold hearings; (3) to sit and act at any time or place during the sessions, recesses, and adjournment periods of the Senate; (4) to administer oaths; and (5) take testimony, either orally or by sworn statement.

SEC. 4. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1974.

SEC. 5. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 46—ORIGINAL RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON GOVERNMENT OPERATIONS

(Referred to the Committee on Rules and Administration.)

Mr. ERVIN, from the Committee on Government Operations, reported the following resolution:

S. RES. 46

Resolution authorizing additional expenditures by the Committee on Government Operations for inquiries and investigations

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Government Operations, or any subcommittee thereof, is authorized from March 1, 1973, through February 28, 1974, for the purposes stated and within the limitations imposed by the following sections, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The Committee on Government Operations is authorized from March 1, 1973, through February 28, 1974, to expend not to exceed $10,000 for the procurement of the

services of individual consultants, or organizations thereof (as authorized by section 202 (i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The Committee on Government Operations, or any subcommittee thereof, is authorized from March 1, 1973, through February 28, 1974, to expend not to exceed $1,830,328 to examine, investigate, and make a complete study of any and all matters pertaining to each of the subjects set forth below in succeeding sections of this resolution, said funds to be allocated to the respective specific inquiries and to the procurement of the services of individual consultants or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended) in accordance with such succeeding sections of this resolution.

SEC. 4. (a) Not to exceed $980,000 shall be available for a study or investigation of—

(1) the efficiency and economy of operations of all branches of the Government, including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corrupt or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public: *Provided*, That, in carrying out the duties herein set forth, the inquiries of this committee or any subcommittee thereof shall not be deemed limited to the records, functions, and operations of the particular branch of the Government under inquiry, and may extend to the records and activities of persons, corporations, or other entities dealing with or affecting that particular branch of the Government;

(2) the extent to which criminal or other improper practices or activities are, or have been, engaged in in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(3) syndicated or organized crime which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions which are in violation of the law of the United States or of the State in which the transactions occur, and, if so, the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, what facilities, devices, methods, techniques, and technicalities are being used or employed, and whether or not organized crime utilizes such interstate facilities or otherwise operates in interstate commerce for the development of corrupting influences in violation of the law of the United States or the laws of any State, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activities have infiltrated into lawful business enterprise; and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce, and to determine whether any changes are required in the laws of the United States in order to protect the public against the occurrences of such practices or activities;

(4) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety;

(5) riots, violent disturbances of the peace, vandalism, civil and criminal disorder, insurrection, the commission of crimes in connection therewith, the immediate and long-standing causes, the extent and effects of such occurrences and crimes, and measures necessary for their immediate and long-range prevention and for the preservation of law and order and to insure domestic tranquillity within the United States; and

(6) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(A) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(B) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge, talents, and skills;

(C) the adequacy of present intergovernmental relationships between the United States and international organizations principally concerned with national security of which the United States is a member; and

(D) legislative and other proposals to improve these methods, processes, and relationships;

of which amount not to exceed $25,000 may be expended for the procurement of the services of individual consultants or organizations thereof.

(b) Nothing contained in this section shall affect or impair the exercise by any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946, as amended.

(c) For the purpose of this section the committee, or any duly authorized subcommittee thereof, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 1973, through February 28, 1974, is authorized, in its, his, or their discretion, (1) to require by subpena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents, (2) to hold hearings, (3) to sit and act at any time or place during the sessions, recesses, and adjournment periods of the Senate, (4) to administer oaths, and (5) take testimony, either orally or by sworn statement.

SEC. 5. Not to exceed $342,828 shall be available for a study or investigation of intergovernmental relationships between the United States and the States and municipalities, including an evaluation of studies, reports, and recommendations made thereon and submitted to the Congress by the Advisory Commission on Intergovernmental Relations pursuant to the provisions of Public Law 86-380, approved by the President on September 24, 1959, as amended by Public Law 89-733, approved by the President on November 2, 1966; of which amount not to exceed $10,000 may be expended for the procurement of the services of individual consultants or organizations thereof.

SEC. 6. Not to exceed $327,500 shall be available for a study or investigation of the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(1) the effects of laws enacted to reorganize the executive branch of the Government, and to consider reorganizations proposed therein;

(2) the operations of research and development programs financed by the departments and agencies of the Federal Government, and the review of those programs now being carried out through contracts with higher educational institutions and private organizations, corporations, and individuals in order to bring about Government-wide coordination and elimination of overlapping and duplication of scientific and research activities; and

(3) the adequacy of present intergovernmental relationships between the United States and international organizations, exclusive of those principally concerned with national security, of which the United States is a member;

of which amount not to exceed $20,000 may be expended for the procurement of the services of individual consultants or organizations thereof.

SEC. 7. (a) Not to exceed $180,000 shall be available for a study and investigation of any and all matters pertaining to budget and accounting measures and operations, other than appropriations, including but not limited to—

(1) the formulation of the budget (including supplemental and deficiency appropriations) and its submission and justification to Congress;

(2) the review and authorization of budget obligations and expenditures by the Congress;

(3) the execution and control of such authorized obligations and expenditures;

(4) the accounting, financial reporting, and auditing of all Government expenditures; and

(5) the evaluation of Federal program performance and fiscal information and management capability;

of which amount not to exceed $10,000 may be expended for the procurement of the services of individual consultants or organizations thereof.

(b) Such study and investigation shall be limited to budgeting and accounting measures and operations of the Federal Government, and shall not be extended to the operations of any State or local government, any business or other private organization, or any individual, except that information with respect to these parties may be obtained on a voluntary basis.

SEC. 8. The committee shall report its findings, together with such recommendations for legislation as it deems advisable with respect to each study or investigation for which expenditure is authorized by this resolution, to the Senate at the earliest practicable date, but not later than February 28, 1974.

SEC. 9. Expenses of the committee under this resolution, which shall not exceed in the aggregate $1,840,328, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 47—SUBMISSION OF A RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON VETERANS' AFFAIRS

(Referred to the Committee on Veterans' Affairs.)

Mr. HANSEN. Mr. President, on behalf of Senator HARTKE who is unable to be with us today, I submit a resolution authorizing additional expenditures by the Committee on Veterans' Affairs for inquiry and investigation.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

The resolution is as follows:

S. RES. 47

Resolution authorizing additional expenditures by the Committee on Veterans' Affairs for inquiries and investigations

Resolved, That in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Stand-

ing Rules of the Senate, the Committee on Veterans' Affairs, or any subcommittee thereof, is authorized from March 1, 1973, through February 28, 1974, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $200,000, of which amount not to exceed $40,000 shall be available for the procurement of the services of individual consultants or organizations thereof (as authorized by section 202 (i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1974.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 48—SUBMISSION OF A RESOLUTION RELATING TO A COMPREHENSIVE INTERPRETATION FOR THE GENEVA PROTOCOL

(Referred to the Committee on Foreign Relations.)

Mr. HUMPHREY. Mr. President, on July 23, 1971, I introduced a resolution to register the Senate's support for approval without qualification of the Geneva protocol on the use of chemical and biological weapons in warfare. Today, I am reintroducing that resolution because I think its consideration by the Senate provides an extremely useful vehicle for an open discussion and evaluation of the protocol and its relevance to the future control of the use of "asphyxiating, poisonous or other gases, and all analogous liquids, materials, and devices" in warfare. Whether we like it or not, any such discussion will include the use of herbicides like agent "orange" used extensively in Vietnam. It will include a discussion of lethal and nonlethal gases, like CS_2, also used extensively at one time in Vietnam. These may not be comfortable issues for us to face, but we must deal with them. For us to avoid a future Vietnam-type war, we must fully appreciate what it is we should be avoiding. We must be sensitized to the excesses committed by both sides in the war in Vietnam.

There is nothing partisan about this matter. The United States first proposed the Geneva protocol in 1925. It was sent to the Senate in 1926 and has been sidetracked ever since. Secretary Rusk, in 1965, placed several restrictions on the use of tear gas in the field in Vietnam, but his directives were never fully implemented. President Nixon took an important initiative in November 1969 when he ordered the unilateral renunciation of the first use of chemical weapons, including incapacitating chemical weapons and, in early 1970, toxins were also included. It was President Nixon who submitted the Geneva protocol to the Senate in 1970.

We are now at the stage when we face the last and, for some, the most difficult hurdle. Although our Government supports Senate ratification of the protocol, it has given a narrow interpretation of the protocol, excluding the use in war of chemical herbicides and riot-control agents. Our reasons for taking this position are understandable to the extent that we do not want to condemn ourselves anteriorly for our military use of these weapons in Vietnam. These reasons are not, however, acceptable. By ratifying the protocol, the United States will not be condemning itself for something it was not a party to in the past. On the other hand, failing to ratify the protocol or ratifying it with a very narrow interpretation will not exonerate us in other nations' eyes.

In his testimony on the Geneva Protocol before the Senate Foreign Relations Committee, Secretary of State Rogers stated very dramatically the importance of the U.S. ratification of the protocol:

Widespread acceptance of the obligations of the protocol through formal ratification or adherence has been accepted as an important goal by all members of the United Nations. Our ratification would also constitute an important step in our efforts to seek further disarmament measures relating to development, production and stockpiling of biological warfare and chemical warfare agents.

However, until we have become a party to the protocol, our ability to guide and influence the development of these further measures ("more effective controls over production and stockpiling of chemical weapons," etc.)—measures which we consider important to our own security and to further progress in the arms control field—will be seriously undermined.

I could not agree more, but my disagreement with the Secretary of State is over the way we adhere to the protocol. Should we ratify with the kind of informal interpretation advocated by our Government, we would be undermining the relevance that this historic protocol has to the conduct of current warfare. I, therefore, am reintroducing this resolution in an attempt to fortify the protocol by giving it a broader interpretation than the one suggested by the Secretary of State. I ask unanimous consent, Mr. President, that the resolution be printed at this point in the RECORD.

At the same time, I ask unanimous consent that the foreword, written by Senator FULBRIGHT as chairman of the committee, to the Senate Foreign Relations Committee hearings on the Geneva protocol be printed at this point in the RECORD.

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

S. RES. 48

Resolution on the United States ratification of the Geneva protocol for the prohibition of the use in war of asphyxiating, poisonous, or other gases and of all analogous liquids, materials, or devices and of bacteriological methods of warfare

Whereas the President has submitted the Geneva Protocol of 1925 for the Prohibition of the Use in War of Asphyxiating, Poisonous, or Other Gases and of All Analogous liquids, Materials, or Devices and of Bacteriological Methods of Warfare for the Advice and consent of the Senate;

Whereas the President has renounced all possession and use of biological and toxin weapons and has renounced the first use of lethal and incapacitating chemical weapons;

Whereas it is strongly in the interests of the United States to maintain and strengthen the barriers against the proliferation and use of chemical and biological weapons;

Whereas the General Assembly of the United Nations has adopted a resolution which supports a broad interpretation of the Geneva Protocol of 1925: Now, therefore, be it

Resolved, That the Senate supports a broad interpretation of the Geneva protocol. In so doing it recommends that the United States be willing, on the basis of reciprocity, to refrain from the use in war of all toxic chemical weapons whether directed against man, animals, or plants.

FOREWORD

A year and a half ago, in March, 1971, the Committee on Foreign Relations held extensive hearings on the Geneva Protocol of 1925, which the President had resubmitted for the Senate's advice and consent. Following those hearings the Committee expressed to the President its strong support for the objectives of the Protocol but asked the President to reconsider the Administration's interpretation that the Geneva Protocol does not prohibit the use of tear gas and herbicides in warfare.

These views were set forth in a letter which I sent to the President on behalf of the Committee on April 15, 1971. (A copy of this letter appears in the appendix to the hearings on page 432.) In the same letter, the Committee expressed its desire to have available to it before acting on the Protocol several studies then in progress within the Executive Branch relating to the use of herbicides and tear gas in Vietnam and their possible utility in other situations. Our letter also indicated that the Committee would await the President's response before taking further action on the Protocol.

More than 16 months have passed since the Committee wrote to the President. To date we have received no substantive reply. The Committee initially delayed publication of these hearings in the expectation of a response from the Executive Branch which would provide a basis for the resumption of hearings. Because the Committee still has received neither a substantive response to its letter nor any indication that one will be forthcoming, and because the end of the current session of Congress is rapidly approaching, there appears to be no justification for further delay in publishing these hearings.

Since March, 1971, there have been several developments related to the issues raised in the hearings. Despite assurances given by the Secretary of State to the Committee that American military use of herbicides in Vietnam would be phased out, the use of herbicides by American forces has been reduced but not eliminated. Similarly, the use of tear gas, particularly of the potent CS2 form, also continues, both by American and by South Vietnamese forces, the latter being trained and supplied by the Amercans. There have also been reports of the use of tear gas by the North Vietnamese, this being the almost inevitable and, indeed, the predicted consequence of our own use of such gas.

During this interim period there have also been positive developments relating to the control of chemical and biological weapons. The United States and many other nations have concluded a Convention for the Prohibition of Development, Production and Stockpiling of Bacteriological and Toxin Weapons. This treaty was signed in Washington on April 10, 1972, and was submitted to the Senate for its advice and consent on August 10, 1972. In addition, discussion has now begun in the U.N. Conference to the Committee on Disarmament at Geneva regarding a chemical weapons convention.

It is unfortunate that while these efforts have been going forward that the Administration has not demonstrated any interest in removing the cloud which it has placed over the Geneva Protocol by virtue of its interpretation regarding tear gas and herbicides. This inflexibility coupled with the fact of our continued use of these agents in Vietnam threatens to undermine the ultimate effectiveness of the new conventions.

The preamble of the Bacteriological Convention reaffirms the significance of the Geneva Protocol as the foundation for subsequent international agreements in this area. Most nations of the world take the view that our use of tear gas and herbicides in Vietnam is contrary to the provisions of the Geneva Protocol. Indeed, the preamble of the Convention specifically notes that the General Assembly "has repeatedly condemned all actions contrary to the principles and objectives" of the Protocol. It is difficult in light of these circumstances to see how the United States adherence to the Convention can be reconciled with the Administration's rejection of the universally accepted interpretation of the Protocol.

In my view it is regrettable that the Executive Branch has ignored the Committee's efforts to resolve the difficulties posed by its interpretation of the Protocol. It is now more important than ever that the Executive Branch come to grips with the question of U.S. adherence to the Protocol in order that this issue not complicate consideration of the Bacteriological Convention.

The Executive Branch studies relating to tear gas and herbicides which the Secretary of State told the Committee were in progress at the time of the 1971 hearings are reported to have been completed. Yet to date none of these studies has been made available to or discussed with the Committee.

Similarly the Executive Branch has ignored the Committee's requests for its comments on two proposals relating to the interpretation of the Geneva Protocol, S. Res. 154 and S. Res 158, introduced by Senators Humphrey and Brooke in July, 1971. (The texts of these resolutions appear on pages 438 and 436 of the appendix.) While the Committee has not taken a position on these resolutions and could hardly be expected to do so in the face of continued Executive Branch silence, these resolutions do represent constructive efforts to resolve the question of the Protocol's interpretation.

We are hopeful that the appearance of these hearings coupled with the President's submission of the Bacteriological Convention to the Senate will stimulate new interest on the part of the public and the Executive Branch in full U.S. adherence to the Geneva Protocol. It would appear that the only impediment to such progress is the reluctance of the Administration to forego the option to employ tear gas and herbicides in future wars. It is difficult to reconcile this position with our knowledge that their military utility is open to serious question, that their actual use in Vietnam is undermining the restraints inherent in the Geneva Protocol, and that the opprobrium which attaches to their use is nearly universal.

A decision on the part of the Administration to seek ratification of the Geneva Protocol without any special exceptions for the use of herbicides and tear gas in warfare would, in my view, be a constructive act. A renunciation of the option to use these weapons would not adversely affect our national security and, indeed, it would represent the single greatest contribution which our nation could make now to the creation of truly effective and universal barriers against one of the most repugnant of all forms of warfare.

J. W. FULBRIGHT, *Chairman*.
OCTOBER 3, 1972.

Mr. HUMPHREY. Mr. President, I commend the chairman for his excellent summary of the significance of the protocol and its status at the present moment. I think it important to take special note of the fact that studies done within the executive branch relating to tear gas and herbicides have now been completed, and yet there has not been any reference to their findings by the administration. Senator FULBRIGHT draws attention to these studies, which have not yet been communicated to the Foreign Relations Committee.

There have, however, been some leaks concerning at least a part of the major study conducted by the Army Corps of Engineers Strategic Studies Group. The three-volume work is entitled "Herbicides and Military Operations," and at least two volumes deal in part with the weaknesses of the arguments heretofore used as justifications for the extensive use of herbicides in Vietnam. According to an article by Ms. Deborah Shapley in Science, September 1, 1972, the first two volumes uncover many weak links in the arguments for the military usefulness of a herbicide program in Vietnam, as well as divisions within the Department of Defense itself over the merits of using herbicides in the kind of war which was being fought in Vietnam. Mr. President, I ask unanimous consent that the text of this article be printed in full at this point in the RECORD.

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

HERBICIDES: DOD STUDY OF VIET USE DAMNS WITH FAINT PRAISE

An in-house, for-official-use-only study prepared in the Department of Defense (DOD) has concluded that herbicides were of only limited usefulness in the Vietnam war and, in effect, damns them with faint praise.

The report is the first major review of the military effectiveness of herbicides and was intended to complement the ongoing National Academy of Sciences (NAS) study of the ecological and physiological effects of herbicides. The study's conclusions are so far from a glowing endorsement, that they could signal an important weakening in DOD support for herbicides and possibly even a change in the Administration's exemption of herbicides from international arms limitations treaties. The treaty which would affect herbicides, the 1925 Geneva Protocol, is currently stymied in the Senate, thanks to President Nixon's "interpretations" that riot control agents and herbicides are not included under the agreement. The United Nations, by a vote of 80 to 3, has voted the contrary.

The three-volume study, titled *Herbicides and Military Operations*, was conducted between May 1971 and January 1972. The group that performed the work was the Army Corps of Engineers Strategic Studies Group (ESSG), a type of in-house think tank that, according to a variety of officials, has a high reputation for objectivity in the sometimes-warring factions of the Pentagon.

The first two volumes, obtained by *Science*, carry a survey of the experience of several hundred military officers who had direct knowledge of or participation in the herbicide program in Vietnam. The third volume, which is classified, contains some data on specific missions and computer wargames or herbicide use in future conflicts, such as in Western Europe. It was the focus of an article 2 weeks ago in the Washington *Post*, having been obtained by Daniel S. Greenberg, publisher of the *Science & Government Report* newsletter.

The ESSG study was conducted as part of an overall review of the implications of herbicide use which Secretary of Defense Melvin R. Laird was requested to make by Congress in October 1970. According to nondefense sources, the purpose of commissioning it was to present the strongest possible case in favor of herbicides; but instead, the field data from Vietnam simply did not support a ringing endorsement.

The ESSG study concludes rather weakly by comparison with the enthusiasm typical of military reports: "Herbicides can be useful as a specialized support to military operations as long as several specific circumstances exist." And, later, "significant net changes occurred after spraying. But the evidence is not sufficient to attribute the net changes to direct or indirect effects of herbicides delivered from fixed wing aircraft. . . ." Still later, "Herbicides were useful in supporting military operations in RVN in selected instances." Comparing the Vietnam experience with potential future conventional wars, it summarizes: "Herbicides are a significant aid to military operations in counter-insurgency and of less value in terms of force requirements in conventional (linear) warfare."

There are three critical points in the first two volumes of the ESSG's study, at which the effectiveness of the defoliation experience in Southeast Asia appears very questionable. The most obvious of these are the responses to a question asked at the end of each questionnaire about future need for herbicides. The results are shown in Table 1.

TABLE 1.—ANSWERS TO THE QUESTION "IS THERE A NEED FOR HERBICIDES IN FUTURE CONFLICTS?" (PERCENTAGES DERIVED FROM ESSG, SURVEY RESULTS)

Service	Yes	Perhaps	No	Yes percent	No and perhaps percent
Air Force and Marine Air	145	116	38	48.5	51.5
Army and Marine commanders and advisers	238	83	20	69.8	30.2
Navy	107	35	9	70.9	29.1
Army chemical officers	[1] 28	5	0	84.9	15.1
Total	518	239	67	62.9	37.1

[1] On the actual survey summary sheet in vol. 2, this number is 22, a figure which lowers the percentage of chemical officers responding "yes" to 81.5 percent and raises those responding "perhaps" and "no" to 18.5 percent.

Even though the question was phrased as broadly as possible, that is, not specifying what "future conflicts" or "needs" might arise, the officers answered with an extraordinarily large number of "no" and "perhaps" replies. A number of those familiar with military reporting, including Congressman Les Aspin (D-Wis.) who is himself a former DOD analyst, see the "perhaps" and "no" replies as an indication of grave doubts concerning the effectiveness of defoliation. Aspin said, reviewing the findings, "The fact that such a large number of military personnel and a majority of aviators have doubts about the future need for herbicides raises serious questions about the findings of the study. . . . The large number of 'perhaps's,'" Aspin said, "is a pentagonese equivocation for the serious doubts that many of these officers have about the effectiveness of herbicides." Also, other observers who have reviewed the study pointed out that, if the same question were asked about some obviously useful weapon, such as a tank, rifle, or helicopter, the responses would be a near-unanimous "Yes."

A second weak hinge in the ESSG argument is that in "friendly-initiated actions" after spraying, "enemy fatalities" declined by 33.3 per cent, while "friendly fatalities" declined by only 20.9 percent. The ESSG correlated data concerning 175,444 military encounters involving the deaths of 435,149 people (personnel). The deaths were categorized as to which occurred within sprayed areas, which were outside sprayed areas, and which occurred before and after spraying.

The areas not sprayed served as the control group.

A related finding was that, in sprayed areas after spraying, the overall number of military "actions" decreased by an average of 2.8 percent, a number which Aspin calls of "questionable significance. In pentagonese, a 'significant' change usually is 5 percent or more."

A third obvious point of weakness in the study's pro-herbicide conclusions is the responses of commanders and advisers to questions on crop destruction. The crop destruction program, until it terminated in 1971, was one of the most controversial parts of the U.S. use of herbicides in the war, the key issue having been the reliability of data on who was farming which fields and for whom the crops were intended. Despite the official DOD line that intelligence for the program was excellent, the commanders' and advisers' replies tell another story. Asked about the "distinction between crops grown for use by the enemy and crops grown by noncombatants who were not supporting the enemy," 21 replied that it was "completely reliable," 53 replied it was "usually reliable," 63 said it was "fairly reliable," and a total of 22 said it was not reliable or of "unknown reliability." The study itself concludes, in volume 1, "At most, the crop destruction program harassed the enemy."

Besides these three obvious points, the ESSG report contains other weaknesses. One official who has read the report pointed out that the "I don't know" replies to ESSG's survey were eliminated in tabulating the various replies thus altering the relative weight among answers. Also, most of the officers were asked to rank the frequency of the occurrence of a given military event after spraying on a five-point scale ranging from "significantly increased," "slightly increased," "unaffected," to "slightly reduced" and "significantly reduced." But the overwhelming number of replies said that a given event was "slightly" reduced or increased after spraying with herbicides; similarly, they said that specific battle conditions were altered "somewhat" rather than "greatly" altered. While these replies were enough to enable ESSG authors to draw conclusions favoring herbicide use, the actual data on which their conclusions are based are tentative and, so to speak, slight.

A final part of ESSG's assignment was to investigate the military effectiveness of herbicides in future conflicts. According to the *Post* article, in volume 3, ESSG "recommended that herbicides be included in top-secret contingency battle plans in case of war in Western Europe, Cuba, Korea, Ethiopia, and Venezuela." This was the conclusion drawn from ESSG's factoring herbicide use into 5 of the 106 SPECTRUM scenarios which serve as computer models of possible battle situations worldwide.

One thing which remains unclear, however, is whether ESSG found any real data base for these recommendations. Volume 1 states that herbicides can be more valuable in counterinsurgency wars than in conventional war, and, according to the *Post*, the scenarios show friendly force reductions of up to 50 percent in some counterinsurgency situations—but reductions of only 3 to 4 percent in conventional battle scenarios. Nonetheless, despite this weak evidence concerning conventional war, ESSG allegedly recommended inclusion of a herbicide capability in various contingency plans.

DOD, for its part, maintains that "The Spectrum-scenarios are completely hypothetical computer models of various warfare situations and have nothing to do with existing battle plans or contingency plans." That is, DOD has not included herbicides in its official battle plans—yet.

Aspin, reacting to the *Post* disclosures, labeled the scenarios "computer lunacy" and said: "Herbicides have been of little use in Vietnam and promise little real advantage in a European conflict."

Another reaction to the report is a written commentary, drawn up by two former DOD analysts, John P. Wheeler, III, and Han Swyter. In talking about military effectiveness, says the Wheeler-Swyter critique, the ESSG study failed to note that herbicides are becoming technologically obsolete:

A critical point with respect to conventional and counterinsurgency warfare is that the technology of electronic and infrared sensors is becoming such that herbicides could be labeled obsolescent, possibly obsolete.

The reason for this is that sensors can provide surveillance of an area without stripping vegetative cover for friendly use, that sensors can be delivered or used fairly independently of weather, and that an enemy is not likely to know that a sensor is present, whereas he would be aware of defoliation.

The ESSG report also reveals that the generally unanimous pro-herbicide position taken by DOD in public conceals a variety of warring factions. As mentioned earlier, herbicides proved least popular with the air officers. One long-term observer of DOD said this finding confirmed his view: "The Air Force has never been wild about offering combat support for the Army, which is what they were doing in the herbicide program." In the same survey, almost 30 percent of the Navy officers had doubts. A former officer observed that Navy officers had "gut-type" reasons for disliking chemical weapons. "Among other things, a ship is one massive, self-containing, ventilation system; the minute any of that stuff gets released accidentally, you'd just have to abandon ship. Its too dangerous."

On the other hand, 85 percent of the chemical officers voted that there will be a future need for herbicides. This was explained by several sources as doing just what comes naturally. Chemical weapons are the Corps' *raison de'être*, or, as one official said, more baldly, "Its their meat and potatoes. Asking the Chemical Corps to vote against future use of herbicides is like asking it to cut its own throat."

Although the ESSG report reveals these intraservice factions, the study itself, according to a number of accounts, was the product of a larger scale factionalization within DOD. Allegedly, in mid-1971 when the report was commissioned, the Joint Chiefs of Staff (JCS) favored use of herbicides, while the Office of the Secretary of Defense (OSD) opposed it. The office of Defense Research and Engineering (DR & E), which commissioned the report, tended to side with the pro-herbicide JCS. "DR & E was at loggerheads with OSD on whether you need them," said a source. Another official outside the defense department who followed the ESSG study commented: "I remember being surprised that this was handed to ESSG and not to systems analysis [an office in OSD]. But possibly that was because systems analysis had already established a track record of taking a dim view of it [the herbicide program]".

An official who was involved in the genesis of the report, explained why ESSG was chosen. "Systems analysis really doesn't do that sort of thing. Weapons systems evaluation group might have done it. ESSG was chosen because of the large background of information they had of the geology, climatology, and flora of the area. They have made a number of very good surveys of the country so they would understand the problem, and they could also look into the war-gaming type of problems."

A non-DOD official explained that one reason the military has always favored herbicides in the past was because the JCS, which coordinates the activities of the Army, Navy, and Air Force, was always willing to "go along with" Army leaders' backing of the Chemical Corps enthusiasm for these weapons. Now that the ESSG study has come out, however, the official speculated on what would happen. "One thing it would be interesting to know is just how actively the Department of the Army and the JCS are willing to lobby for the Chemical Corps."

The relative weakness of the ESSG study's endorsement of herbicides, in the eyes of some, could pull the rug out from under the DOD and the Nixon Administration's interpretation of the Geneva Protocol as exempting herbicides from its ban. As the Wheeler-Swyter review says:

The data in the Engineer Report strongly supports a position that the incremental military effectiveness secured by retaining the option to use herbicides is outweighed by the costs of retaining the option.

"Among these costs . . . are . . . retardation of further arms limitation agreements, as is currently the case with the Geneva Protocol."

One of the experts who has testified before Congress on the Protocol, George Bunn, dean of the University of Wisconsin Law School, does not take a position on whether herbicides legally are included under its ban. However, Bunn does think that the issue of their military effectiveness or ineffectiveness is relevant to U.S. arms control policy. Bunn gave *Science* the following statement:

If the legal question is not clear, that is, if the Protocol does not clearly prohibit herbicides, then the United States should consider from a policy point of view whether it wants to have them prohibited or not.

Then, certainly, you should consider their military effectiveness and *if they're not* very effective from the military point of view, and they raise serious diplomatic and arms control problems, then that's good reason why they should be prohibited, that is, included under the Protocol.

One former White House staffer who recalls the President's historic 1969 decision to seek ratification of the Protocol says that some military inputs to the White House were overruled when the decision was made. "I always had the feeling they [the White House] had their eyes on the Russians more than anyone. This was one of the gestures made in courting the Soviets. The CBW decision was a first step toward SALT." Now that a SALT agreement has been reached, and the DOD's staunch support for herbicides seems to be wilting, perhaps the obstacles to fuller U.S. participation in international CBW agreements will be fewer.

Mr. HUMPHREY. Mr. President, the point of discussing the military implications of the acceptance of the Geneva protocol is to answer those critics who suggest that we would be surrendering a valuable military weapon by ratifying the protocol without any limiting interpretation or understanding. The study I have referred to, and other detailed discussions of this question suggest that this argument is highly tenuous. This conclusion can be made without even getting into an evaluation of the human costs and physical devastation wrought by any comprehensive herbicide program for military purposes. Were due consideration given to this question, in my opinion, the scales tip heavily in favor of a broad interpretation for ratification of the protocol.

Unless the Geneva protocol is ratified in this manner Mr. President, we encourage the continued proliferation of these cheap and devastating weapons.

EXTENSION OF ECONOMIC STABILIZATION ACT OF 1970—AMENDMENT

AMENDMENT NO. 93-3

(Referred to the Committee on Banking, Housing and Urban Affairs, and ordered to be printed).

Mr. CASE submitted an amendment, intended to be proposed by him, to the bill (S. 398) to extend and amend the Economic Stabilization Act of 1970.

NOTICE OF HEARINGS ON LAND USE POLICY AND PLANNING ASSISTANCE LEGISLATION SCHEDULED FOR FEBRUARY 6 AND 7

Mr. JACKSON. Mr. President, I wish to announce that on February 6 and 7 the Committee on Interior and Insular Affairs will hold hearings on S. 268, a bill to establish a national land-use policy. This measure would authorize the Secretary of the Interior to make grants to assist the States to develop and implement State land use programs; set up procedures to coordinate Federal programs and policies which have a land use impact and coordinate planning and management of Federal lands with planning and management of adjacent non-Federal lands; and establish an Office of Land Use Policy Administration in the Department of the Interior.

S. 268, the Land Use Policy and Planning Assistance Act of 1973, is virtually identical to S. 632, the national land use policy bill adopted by the Senate on September 19, 1972.

To date, 14 days of hearings have been held in the Senate on national land use policy measures: In the 91st Congress, 4 days by the Interior Committee; in the 92d Congress, 4 days by the Interior Committee, and 3 days each by the Commerce and Banking, Housing and Urban Affairs Committees. Because an extensive hearing record already exists, the committee will wish to focus the February 6 and 7 hearings on those policy issues which have not yet been adequately addressed. To encourage this focus, witnesses will be asked to respond, either in their testimony or in written submissions, to a set of policy questions on S. 268 submitted to them prior to the hearings. The policy questions will be available on Wednesday, January 31.

Any person or organization wishing to testify or submit a statement for the record should contact the committee on or before Thursday, February 1. The hearings will begin each day at 10 a.m. in room 3110 of the Dirksen Senate Office Building.

NOTICE OF HEARINGS ON PENSION LEGISLATION

Mr. WILLIAMS. Mr. President, I wish to announce that the hearings on the "Retirement Income Security for Employees Act of 1973" (S. 4) originally scheduled for January 31 and February 1, 1973, at 9:30 a.m. in room 4232, New Senate Office Building, have been rescheduled for February 15 and 16, 1973, in room 4232, New Senate Office Building. Persons who are interested in testifying at this hearing, or who wish to submit written statements with respect to same, should notify Mr. Mario T. Noto, special counsel, Subcommittee on Labor, room 4230, New Senate Office Building—telephone 225-3656—within 5 days of this announcement.

NOTICE OF RESUMPTION OF HEARINGS ON COMPETITIVE PROBLEMS IN THE DRUG INDUSTRY

Mr. NELSON. Mr. President, I wish to announce that the Subcommittee on Monopoly of the Select Committee on Small Business will resume hearings on competitive problems in the drug industry, with special emphasis on the development, marketing, and use of prescription drugs in this country.

The hearings will be held on February 5, 6, 7, and 8, 1973, in room 318—caucus room—of the Old Senate Office Building starting at 10 a.m. each day.

NOTICE OF HEARING ON SENATE JOINT RESOLUTION 37

Mr. MOSS. Mr. President, the Committee on Aeronautics and Space Sciences will hold a hearing on the joint resolution introduced by the distinguished Senator from Texas (Mr. BENTSEN) to change the name of the Manned Spacecraft Center in Houston, Tex., to the Lyndon B. Johnson Space Center, on February 2 at 10 a.m. in room 231, Russell Senate Office Building.

ADDITIONAL STATEMENTS

POPULATION FILM SHOWING, JANUARY 30, ROOM G-308, NEW SENATE OFFICE BUILDING

Mr. PERCY. Mr. President, the Commission on Population Growth and the American Future was proposed by President Nixon, and established by Congress, in 1970, to conduct a 2-year study of the probable course and consequence of U.S. population growth and distribution to the year 2000. The report of that Commission, ably presided over by Mr. John D. Rockefeller III, was submitted to the President and Congress last March.

Because the Commission wished to communicate its findings and recommendations to the widest possible audience, it undertook to have a filmed version of the report produced. Before going out of existence, the Commission raised the necessary funds from private sources, and contracted with a producer to make the film. It was shown to the public on November 29 over the Public Broadcasting Network and has been the subject of considerable comment.

For those who may have missed seeing it, arrangements have been made for Members of the Senate and their staffs to view this very fine film on Tuesday, January 30, in the auditorium of the New Senate Office Building (G-308). The 1-hour film, entitled "Population and the American Future," and narrated by Hugh Downs, will be shown continuously from noon until 3 p.m.

Members of the staff of the Citizens Committee on Population and the American Future, a private organization established to publicize the findings and recommendations of the Commission, will be on hand to answer questions. I heartily recommend this most interesting and informative film, and hope that Senators and members of their staffs will be able to take the time to view it.

BUSINESS AND PROFESSIONAL WOMEN COMMENDED

Mr. ROBERT C. BYRD. Mr. President, the Weston Business and Professional Women's Club, of Weston, W. Va., has recently called my special attention to something I have long been aware of—the many efforts and achievements of this fine organization of workingwomen.

There are more than 3,850 business and professional women's clubs in the 50 States, the District of Columbia, Puerto Rico, and the Virgin Islands. Through membership in the International Federation of Business and Professional Women, the U.S. Federation is affiliated with working women on every continent. The objectives of the organization are to elevate the standards for women in business and the professions; to promote the interests of business and professional women; to bring about a spirit of cooperation among business and professional women of the United States; and to extend opportunities to business and professional women through education, and along lines of industrial, scientific, and vocational activities.

In addition to these four main objectives for the betterment of working women everywhere, the various clubs have taken on many programs and projects of service to the individual and the community, such as programs to cut down on crime and the causes of crime; improving the plight of women in prison; the planting of trees for beautification purposes; the organization of central pickup sites for products which can be recycled; litter cleanup projects; monetary assistance to hospitals; entertainments for hospital patients; collecting trading stamps to provide a kidney machine for a needy individual suffering from a kidney disease; and others too numerous to list.

It is a pleasure and an honor for me to publicly recognize and commend the Business and Professional Women's national organization, and the various individual clubs, particularly those in my State of West Virginia, for excellent contributions resulting not only in improvement in the status of the working woman of America, but also in the betterment of the community wherever these women have banded together to serve.

FUEL OIL SHORTAGE IN MASSACHUSETTS

Mr. BROOKE. Mr. President, in Massachusetts winter means snow, ice, and arctic temperatures. That is why no issue is more important to the citizens of Massachusetts than the current fuel oil shortage. For yet another winter the Commonwealth of Massachusetts has had to bear the brunt of an unfair discriminatory import quota system which denies Massachusetts and all of New England adequate heating fuel. Both branches of the Massachusetts legislature have responded to the present crisis by turning to the Federal Government for succor.

By unanimous vote, the Massachusetts House of Representatives and the Massachusetts State Senate ask the adminis-

tration and Congress to redress a very real grievance.

I share their sentiments and their indignation at our Government's unwillingness to right an obvious wrong.

I ask unanimous consent that these resolutions be printed in the RECORD.

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

RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION INCREASING THE FEDERAL OIL IMPORT QUOTA SYSTEM TO MASSACHUSETTS

Whereas, The Federal Oil Import Quota System is an unconscionable burden on the Massachusetts consumers who are the largest per capita users of home heating oil in the United States; and

Whereas, This Federal Oil Import Program has been in fact operated as a price fixing device for the benefit of the large United States oil producers and in fact operates as a tax on the Massachusetts consumer; and

Whereas, the Massachusetts wholesalers, distributors and retailers of fuel oil have been hampered in their ability to obtain certain grades of oil, particularly No. 2 oil which is used for home heating; and

Whereas, Every year, advance planning for assurance of an adequate supply has been adversely effected by the manipulation and procrastination of the executive department in Washington to the detriment of the health and welfare of the consuming public; therefore, be it

Resolved, That it is the will of this House of Representatives that immediate action be taken by the President of the United States to remove all oil import quota restrictions, at once, in order that an adequate supply of oil may be obtained for the rest of this winter to insure the safety and health of the consuming public and that the President take the proper steps to insure that there shall be no recurrence of the faulty planning and manipulation of the price and supply of this commodity by the Federal Government; and be it further

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

House of Representatives, adopted, January 18, 1973.

RESOLUTIONS MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO LIFT THE IMPORT RESTRICTIONS ON OIL

Whereas, There presently exists in New England and across the United States a lack of sufficient natural resources to provide heat for the schools, homes and businesses of the nation, a situation reaching crisis proportions; and

Whereas, The states of the New England area, particularly the Commonwealth of Massachusetts, have faced this recurring problem of oil shortages winter after winter; now therefore be it

Resolved, That the Massachusetts Senate respectfully urges the President and the Congress of the United States to take cognizance of the necessity for immediate action in averting further oil shortage crises, and further, to eliminate the present legislative restricting on the importation of oil from foreign nations; and be it further

Resolved, That copies of these resolutions be sent forthwith by the Senate Clerk and Parliamentarian to the President of the United States, the presiding officers of each branch of the Congress and to each member thereof from the Commonwealth.

Senate, adopted, January 16, 1973.

L. B. J.'S CONTRIBUTION TO THE SPACE PROGRAM

Mr. MOSS. Mr. President, as the fourth and newest, chairman of the Senate Committee on Aeronautical and Space Sciences, I would like to pay tribute today to the first chairman of this committee, Lyndon B. Johnson.

We have all read and heard in the last few days many words about the 36th President of the United States—his triumphs and failures; his moments of joy and moments of sadness; his drive, his energy, his compassion for his fellow man. We have heard how this earthy Texan has done more for the arts than any President in our history. We have been reminded how this Southerner, whose grandfathers served the Confederacy during the Civil War, has done more for the cause of civil rights, voting rights, housing rights and education for our minorities, our poor and our downtrodden, than any President since Lincoln.

I certainly do not have to remind this body of his presence in this Chamber. More than one-third of the present membership, including myself, had the honor and privilege of serving with him when he was our distinguished majority leader. Each one of these Senators, I am sure, has many recollections, public and private, of this unique and forceful man.

But what I particularly want you to recall today was his role as leader in our Nation's space program. It is unlikely that we would have successfully landed on the moon when we did or that our space program would have progressed to the high state of the art it has if it had not been for Lyndon Johnson.

Almost immediately after the Russian sputnik flashed across the sky in October 1957, Lyndon Johnson, as chairman of the Preparedness Investigating Subcommittee, began a searching and detailed inquiry into the status of our satellite and missile programs. The junior Senator from Mississippi (Mr. STENNIS) and the senior Senator from Missouri (Mr. SYMINGTON)—who, incidentally, both still serve on the Space Committee—were members of that subcommittee and, I am sure, remember those hearings well.

Those hearings clearly revealed our shortcomings in space and our inadequate organization for dealing with space matters both at the executive and legislative levels. Consequently, on February 6, 1958, the Senate established the Special Committee on Space and Astronautics with Lyndon Johnson as its chairman.

This blue ribbon committee, composed of the chairmen and ranking members of six of the Senate's most prestigious committees, working diligently through the spring and early summer, hammered out the National Aeronautics and Space Act of 1958. This act not only established the National Aeronautics and Space Administration—NASA—as our primary space agency but laid down the important policies that guide us in our peaceful exploration of space. It was truly one of the landmark pieces of legislation of the 1950's.

Following the passage of the Space Act, the Senate created on July 24, 1958, the permanent Committee on Aeronautical and Space Sciences as a means of continued surveillance and control over this important new domain. Lyndon Johnson became its first chairman and presided over the committee until his retirement from the Senate in 1961 upon becoming Vice President. There is absolutely no doubt that Lyndon Johnson, by putting the full weight of his prestige as Majority Leader behind the fledgling space program, gave it a respectability and a momentum that it otherwise would not have had.

But this did not end Lyndon Johnson's involvement in the space program by any means. President John F. Kennedy recognized the expertise of his Vice President in this area and quickly moved in early 1961 to make him chairman of the National Aeronautics and Space Council. Those were critical days for the space program. Soviet Cosmonaut Yuri Gagarin had just become the first man to orbit the earth. Americans did not like being in second place. In an urgent memorandum to the Vice President, President Kennedy requested advice on what our next step should be. In typical fashion, Lyndon Johnson gathered around him dozens of the Nation's best engineers and scientists who went into near round-the-clock sessions to come up with a workable program. Government officials were consulted. Business men were consulted. Congressional leaders were consulted. The famous Johnson technique of seeking a consensus was in operation. And the consensus was that we should take a bold step forward and choose as a national goal, by the end of the decade, the landing and returning men from the moon. On May 25, 1961, President Kennedy announced his goal to a joint session of Congress.

But again, this did not end Lyndon Johnson's involvement in the space program. When he became President in November 1963, after the tragic assassination of President Kennedy, he assumed full responsibility for the conduct of the program. The Apollo program continued, and, before he left office he had the satisfaction of seeing the first successful circumlunar flight of Apollo 8 with those touching and dramatic readings from the Bible on Christmas Eve of 1968.

In spite of rising costs of the involvement in Vietnam, and urgent financial demands of the great society programs, Lyndon Johnson did not abandon our space program through those trying years. The last full year of expenditure for space under Lyndon Johnson was some 20-percent higher than we have now, and many of the important programs which are only now coming to fruition—such as the Skylab and Viking programs—were initiated during his administration.

Lyndon Johnson understood the importance of space exploration to the people of the United States and its ultimate benefits to all of mankind. He understood the necessity of this advanced technology to our security. He understood the stimulation this new field would create in our educational systems. He understood the

palpable gains to the average citizen from our weather, communications, and other applications satellites. He understood the challenge to excellence and achievement it posed to our scientists, engineers, and technicians. But most of all, he understood the needs of the spirit—the need of man to explore, to reach out, and to seek new ways to bend science and technology to our use. The poet, Robert Browning said:

A man's reach should exceed his grasp/
Or what's a heaven for?

That is what the space program is all about. Lyndon Johnson understood.

Mr. President, the junior Senator from Texas (Mr. BENTSEN) has introduced a joint resolution to change the name of NASA's Manned Spacecraft Center in Houston, Tex., to the Lyndon B. Johnson Space Center. I can think of no more fitting tribute than that the NASA center, from which all of the Apollo flights have been directed, be named for Lyndon Johnson. I fully support this proposal and take this opportunity to announce a hearing before the Committee on Aeronautics and Space Sciences on February 2, at 10 a.m. in room 231 of the Russell Senate Office Building on the joint resolution.

GENOCIDE—A MATTER OF INTERNATIONAL CONCERN

Mr. PROXMIRE. Mr. President, article I of the Genocide Convention forthrightly states that all the parties which ratify the treaty will join together to prevent and punish genocide.

The text of the article is largely self-explanatory. The signers seek to make it clear that genocide—a grievous crime against humanity—will be an international crime punishable under international agreements. Thus genocide is put in the category of acts governed by international agreements, such as the treatment of war victims and the ban on slave trading.

Some people, however, have objected to this portion of the Genocide Convention. Their fear is that if the United States accepts the Genocide Convention our citizens could be tried in foreign courts.

This was one of the major objections raised by the American Bar Association to ratification in 1950. Their view was that the treatment of our citizens is a domestic concern and should not be subject to the jurisdiction of a foreign court.

Such arguments when applied against the Genocide Convention have no basis in fact. At the present time, for example, any American citizen visiting a foreign country can be charged and tried for any criminal offense, including robbery, espionage and murder.

The only change that acceptance of the Genocide Convention would make is that the crime of genocide would be added to that list of criminal offenses. The treaty would in no way modify or extend the jurisdiction of foreign courts over American citizens.

We must recognize that when genocide is committed it involves reprehensible actions against a large mass of people. From a moral point of view genocide is of concern to all nations, not just those in the area where the act took place. From a practical point of view genocide is likely to involve acts against a large number of people from more than one country. Hitler did not just exterminate Jews in Germany. He extended the acts of terror to Jews and citizens in other nations, such as Poland, Hungary and France. Consequently, we must recognize that genocide is an international concern.

Since 1776 the United States has made a commitment to strive for basic human rights for all mankind. This commitment is demonstrated in our Declaration of Independence, which declares that people should have the right to "life, liberty and the pursuit of happiness." Life, certainly, is the most important of all human rights. What the Genocide Convention does is to extend our principles of leadership in the field of human rights to an international accord.

I therefore urge Senators to reject the specious arguments presented against the Genocide Convention and to ratify it as quickly as possible.

SHELLFISHING RETURNS TO THE JERSEY SHORE

Mr. WILLIAMS. Mr. President, recently I read a particularly interesting article which indicated that the shellfishing industry off the coast of New Jersey has recovered from a level of near devastation over the last few years.

The article discusses the deleterious effect which diseases and raw or undigested sewage sludge have had on this important industry in the ocean and in the Delaware Bay area. By 1970, these factors had forced the closing of over 120,000 acres for shellfishing.

However, over the last 3 years, State and Federal officials, who were armed with financial aid and court orders, began forcing communities to clean up their sludge and sewage before dumping it, thereby cleaning the receiving waters. These aggressive actions were complemented with innovative growing experiments and now shellfishing is once again an active business in the bays and the ocean around southern New Jersey.

I am most gratified that this success at improving the quality of the water in these areas has been made. However, since 100,000 acres of clam beds are still too polluted to be harvested, we must continue our efforts to clean our rivers and oceans and prevent new degradation.

A first step clearly must be to secure the release of all the money which Congress almost unanimously provided in the Water Pollution Control Act Amendments of 1972. I fear that if these funds remain impounded, our progress toward clean water will remain tedious and prolonged. Second, we must prevent the introduction of new sources of pollution, such as the plan to build supertanker ports off the New Jersey coast for the importation of oil. Massive environmental problems both on land and in the ocean must be resolved before any commitment is made to this project of constructing enormous unloading and storage facilities offshore from some of the country's finest resorts and in the midst of these fishing areas which are just beginning to reach former levels of productivity.

I commend this article to Senators who also are experiencing water quality problems and who are interested in the early stages of a successful reclamation of a severely polluted area.

I ask unanimous consent that the article from the Sunday Philadelphia Bulletin be printed in the RECORD.

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

JERSEY SHELLFISH INDUSTRY ON RISE

The New Jersey shellfishing industry is coming back from near extinction.

An oyster disease and then pollution and closing of most clam fisheries nearly wiped out New Jersey shellfishing in the 1960s.

In the middle 1950s, Delaware Bay yielded an annual 750,000 bushels of oysters, worth almost $6.5 million.

After an epidemic of MSX virus struck the beds in 1957, the harvests dropped to 10,000 bushels.

In the last three years, the state has reformed 31,000 acres of seedbeds in the upper bay. Oystermen take the immature oysters from the beds and transplant them to their rented beds in the lower bay to mature in size and flavor. Last year's harvest of 175,000 bushels was worth about $2 million.

GREATER REGION

But pollution has condemned a much greater shellfishing region than has disease.

In the 1950s and '60s, the clam beds were infected by microorganisms in raw or improperly treated sewage pouring from the booming resort communities of the shore.

Ten years ago, half the bays of New Jersey were closed to shellfishing. The 55-mile stretch from Atlantic City to Cape May was the hardest-hit.

Then, in 1964, the U.S. Public Health Service said it had found that 56 Philadelphia area and 63 New Jersey hepatitis victims had recently eaten raw clams. None died. But by 1966, New Jersey had put 62,250 acres of clam beds off limits to fishermen.

The economic loss in Ocean, Atlantic and Cape May Counties alone ran to $1.5 million a year.

In 1970, an area of about 100 square miles lying a dozen miles off the south of Delaware Bay was declared unfit for shellfishing. Dumping there of Philadelphia sewer sludge thus put a significant dent in the $40 million a year shellfish industry of Delaware.

Three years ago, after state and federal officials armed with financial aid and court orders had begun forcing New Jersey shore communities to clean up their sewage, clamming took a turn for the better.

The shellfish industry and the state began a bold experiment. They scooped clams out of polluted Lakes Bay behind Atlantic City and transplanted them for a 30-day flushing and self-cleaning period in the cleaner waters of Great Bay, behind the Brigantine Wildlife refuge. This year's crop was about 3.5 million clams, worth about $112,000.

LARGER BOATS

Joseph A. Price, New Jersey's shellfish management administrator, said that in 1971 state clam production had come back to about 2.5 million pounds, worth about $1.6 million.

The larger fishing boats have moved more than a dozen miles offshore, to escape pollution. Now they dredge in 100 feet for sea clams that once were used only for bait but now account for the bulk of canned and other clam products sold in America. They will harvest about 40 million pounds, worth an estimated $5 million, this year.

New Jersey shellfishing is back to a $7 to $8 million a year business. But, 100,000 acres of clam beds still are too polluted to be harvested.

Price said a second transplanting program might be started in 1973, to remove clams from polluted Cape May Harbor to the cleaner waters of Great Sound, behind Avalon.

THALIDOMIDE PROBLEM

Mr. MOSS. Mr. President, the tragedy of Thalidomide strains the public's conscience. We must consider how those involved in this disaster can make amends for the incalculable damages which have befallen thousands of families and crippled children.

In Great Britain, after considerable jockeying, Distillers Corp. has apparently proposed a more conscionable settlement than was offered several weeks ago. Those injured must closely scrutinize the settlement to insure that it is commensurate with the tragic results which have occurred.

Furthermore, the British experience indicates once again the need for a premarket screening of drug products in the United States as well as the need for a mechanism for citizens to bring suit jointly in order to recover for the pyramiding damage which can be done by a widely sold deficient product.

I will continue to watch the progress of settlements in Great Britain and the other countries in order to see how the sympathies of the American people can assist those who have suffered so much.

WILDERNESS—A QUESTION OF PURITY

Mr. PACKWOOD. Mr. President, I invite the attention of Senators to an interesting and thought-provoking paper written by an Oregonian who is at present a student at the Northwestern School of Law in Portland. Because of Mr. Foote's interest in the ideological controversy that has been revolving around the wilderness-purity issue, he has done extensive research into past inclusions of land into the Wilderness Act and the precedents which have been set regarding their suitability for Wilderness classification. His paper raises important questions relative to the U.S. Forest Service interpretation of the Wilderness Act of 1964 as it pertains to the suitability of certain areas for wilderness classification. I ask unanimous consent that Mr. Foote's paper be printed in the RECORD.

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

WILDERNESS—A QUESTION OF PURITY

(By Jeffrey P. Foote, Northwestern School of Law, Portland, Oreg.)

In the latter part of the 19th Century an American policy of disposal of public lands became disfavored and gradually replaced with various procedures for its retention and preservation. The first significant step in that direction came in 1872 when President Grant signed the Act which set aside Yellowstone Park.[1] Since that time, there has been continuing debate and confrontation on what lands should be set aside and what uses are permissible.[2] This paper deals specifically with the concept of wilderness, as expressed in the Wilderness Act of 1964,[3] and the debate over its definitions and permissible uses.

The adversaries in this debate have become the U.S. Forest Service and industry on one side, and environmental, conservation, and preservation groups on the other. The Forest Service, industry, and their Congressional supporters have taken a "purist" stance concerning wilderness classification. By purists, I mean they accept only the strictest definitional criterion. Their policy has been to oppose wilderness designation to areas where there are man-made intrusions in the area.

The Forest Service sees the choice as a simple one. ". . . you can have wilderness *or* something else you want, but not wilderness *and* that something else." [4] That something else is, in many cases, something wilderness proponents have no trouble accepting as wilderness; things like second growth forests in the East,[5] existing motorboat rides on Crater Lake and Yellowstone Lake,[6] dude ranches on the Minam River, and many others. The debate inevitably boils down to how you are to interpret the vague and somewhat ambiguous definition of wilderness found in the 1964 Act.

The Wilderness Act definition of wilderness is:

"A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been primarily affected by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five-thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic or historical value.[7] "

In light of this definition and the legislative history that surrounds it, the purist position lacks support. The center of disagreement in the definition is the phrase, "generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable . . ."[8] The phase does provide some ambiguity. "That the intent appears to be to make the human effect the primary determining factor is unmistakable. . . . Some effects of human activity will probably not disqualify an area, however. It seems to be a question of how temporary the effects of human activity are. Certain obvious effects such as those left behind by man as a visitor will be permissible. A trail, or campsite are assumedly such kinds of effects. What more will be allowed, however, is not specified for us." [9] Conservationists treat the first sentence of the definition as an ideal concept of wilderness. They then look to the words "substantially unnoticeable" as a flexible working definition.[10]

Senator Anderson, then chairman of the Senate Interior and Insular Affairs Committee and one of the chief sponsors of the Bill, analyzed the definition during hearings on the Bill in 1961.

"Section 2b (2c in the 1964 Act) contains two definitions of wilderness. The first sentence is a definition of pure wilderness areas, where 'the earth and its community of life are untrammeled by man . . .' It states the ideal.

"The second sentence defines the meaning or nature of an area of land wilderness as used in the proposed Act: A substantial area retaining its primeval character, without permanent improvements, which is to be protected and managed so man's works are 'substantially unnoticeable.'

"The second of these definitions of the term, giving the meaning used in the Act, is somewhat less 'severe' or 'pure' than the first. As a practic l matter it has been determined that some economic activities, such as grazing and motorboating where they are established practices, should be permitted to continue and some temporary trails, roads and other facilities should be allowed to permit fire, insect, and disease control when it is necessary." [11]

THE FOREST SERVICE

The Forest Service does not treat this as a working definition. They instead look at it as a rigid unflexible requirement. For example, they contend that none of the areas in the Eastern United States can qualify as wilderness because they have been roaded, logged, or otherwise affected by man. Instead they are trying to get support for a "Wild Lands East" program to set up a special category for these areas.

What the Forest Service is doing is using the criteria set forth in Sec. 4 of the Act as standards for admission as wilderness. These criteria are guidelines for management of the area once it has been accepted as Wilderness, not the standards for admission. Sec. 4c reads:

"Except as specifically provided for in this Act, and subject to existing private rights, there shall be no commercial enterprise and no permanent road within any Wilderness area designated by this Act except as necessary to meet minimum requirements for the administration of the area for the purpose of this Act (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure of installation within any such area." [12]

Sec 4 makes special provisions for aircraft, motorboats, water projects, and grazing where they have become established before the area becomes wilderness.

The Forest Service and other agencies are automatically blanketing areas with these "intrusions" out of Wilderness. Sec 4 is part of the Act to provide guidelines for management of the wilderness, once it has been admitted to wilderness. The criteria for admission is in Sec 2.

"It was not the intent of Congress that the Section 4 management provisions be applied as criteria and standards for adding an area to the National Wilderness Preservation System. The test of suitability of an area for wilderness designation is simply and solely in the definition of wilderness in Section 2c, which is a reasonable, flexible definition, resting basically on a balancing judgment of the imprint of man's work being 'substantially unnoticeable' within the proposed wilderness entity." [13]

The Forest Service bases its decisions on wilderness designation on three main criteria: suitability, availability, and need.[14] The factor we are concerned with is that of suitability. The Forest Service does not recognize the argument that the sole test for suitability is that "the imprint of man's work is substantially unnoticeable." Instead it looks to the ideal stated in the first part of the definition as a criterion for classification. It sets forth in its policy that minimum conditions are:

"1. As an area where earth and its community of life are untrammelled by man; where man himself is a visitor who does not remain.

Footnotes at end of article.

"2. As undeveloped land retaining its primeval character and influence, without human habitation or permanent improvements, except those that are necessary to meet the minimum requirements for administration and authorized use of the area.

"Generally appearing to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable . . ." [15]

The term untrammeled is dealt with elsewhere in the Forest Service Manual. "The term 'untrammeled' as used in the third line of that portion of the Wilderness Act quoted above is defined as not bound or fettered; hence figuratively, free; nothing prevents or impedes the free play of. In the context of the Wilderness Act it means an area where action by man has not or should not impede the free play of natural forces." [16] Nowhere in the Act or the legislative history surrounding it will you find justification for this unreasonably strict policy. On the contrary there are provisions in the Act for fire control, grazing, motorboating, and aircraft rights where they existed before, mining rights, and water system rights.[17] Some local forests in their application of the Forest Service Manual have even taken stricter criterion for designation. A sheet put out by the Williamette National Forest in February 1972, entitled "Criteria for Wilderness" is an example. "The uniqueness of Wilderness is that it is in a constant state of natural flux, ever changing and uncontrolled by man . . . Many people think that there is a need for Wilderness to satisfy recreation demands.

Yet Congress, through the Wilderness Act, makes it clear that Wilderness is something else: it is untrammelled by man, it is primeval, it has solitude." [18] Congress does not make that clear at all. Congress instead gives us a working definition in the words "imprint of man's work is substantially unnoticeable." Congress also, in contrast to the Willamette Forest sheet, specifically accounts for recreation potential. They provide for ". . . outstanding opportunities for solitude or a primitive and unconfined type of recreation . . ." [19] What the Forest Service has done is taken the ideal concept of wilderness and the management criteria for wilderness and used them as the basis for area designation. This is in direct conflict with the words of the Act and the legislative history surrounding it.

NATIONAL PARK SERVICE

The Forest Service is not the only agency that has not followed the 1964 Act in its designation of wilderness area. The National Park Service has also erred in its designation and management of National Park wilderness areas. The National Park Service has erred in its policies for private rights inholdings or enclaves. The National Park Service policy is "Unless acquisition by the United States is assured, inholdings will be excluded from the area classified as wilderness. It will be the policy to acquire such inholdings as rapidly as possible, and as they are acquired, the lands will be proposed for designation as wilderness if they otherwise meet the criteria for such area." [20] The Wilderness Act contemplates small private inholdings, mineral claims, grazing areas, and other pre-existing private rights. The Act would designate them as within the wilderness boundaries, not special enclaves within the wilderness. That way when the rights do phase out they go automatically into wilderness without legislative process.

Sec. 4 of the Act reads:

"Except as specifically provided for in this Act, and subject to existing private rights there shall be no commercial enterprise and no permanent road within any wilderness areas designated by this Act, and, except as necessary to meet minimum requirements for the administration of the area for the purpose of this Act (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area." [21]

The Act contemplates some non-wilderness enclaves within designated wilderness. Yet, in the proposals for Sequoia and Kings Canyon National Parks there are 22 nine-acre enclaves, excluded from wilderness, for the purpose of telemetering precipitation measuring equipment. There is an enclave of 131 acres to allow for the landing of aircraft in the Simeonof National Wildlife Refuge wilderness. These enclaves are unwarranted under the Act and dangerous to the areas involved. By setting an enclave apart from Wilderness the area can be used in any way imaginable. But, if it is included within the wilderness area, the user is restricted.

The National Park Service is also in error in its policies on motorboats. The policy states: "Boating, except with motorboats and airboats, is an acceptable use of park wilderness." [22] It now looks as though the National Park Service is not going to include the faces of Crater Lake and Yellowstone Lake in their Wilderness designations. There is no legislative support for this. On the contrary, Senator Frank Church introduced an amendment on the floor of the Senate in 1961 to clarify this point.[23] The bill previously made exception only to National Forest lands where the use of motorboats and aircraft have become established uses. The passed Bill, with Senator Church's amendment, now reads:

"1) within wilderness areas designated by this Act the use of aircraft or motorboats where these uses have already become established may be permitted to continue. . . ." [24]

Senator Church referred specifically to Yellowstone when arguing for his amendment.

"In the Yellowstone Park, for example, wilderness areas will be established as a result of the enactment of the Bill. In some of these wilderness areas the practice of motorboating, on some areas of Jackson Lake, for instance, may have become well established. There is no reason why the stated exception in the Bill should not extend to wilderness areas in national parks as well as to wilderness areas carved out of national forests." [25]

With the continued decline in *de facto* wilderness areas it becomes increasingly important for the agencies involved to recognize just what was intended by Congress in the 1964 Act.

AN ILLUSTRATION: THE MINAM RIVER

The dispute over the Minam River in the Wallowa-Whitman National Forest (Oregon) serves as a good illustration of the conflict over Wilderness purity. A portion of this beautiful area is being opposed for Wilderness mainly on the purity question. The arguments are as follows: First of all, there are two guest or dude ranches within the area. These ranches are well within the proposed Wilderness with no roads leading to them.

The argument is that the Wilderness Act does not permit these. But the Wilderness Act allows for inholdings or private rights. Section 4c says: "Except as specifically provided for in this Act, and subject to existing private rights, there shall be no commercial enterprise or permanent road . . ." [26] Senator Church discussed the matter on the floor of the Senate prior to passage of the 1964 Act. He said, in reply to a question concerning condemnation, that ". . . there are in my state inholdings—ranches—which were homesteaded many years ago and lie within primitive areas.

"We wanted to be perfectly sure that the owners of these ranches were guaranteed the customary usage of their property for ingress and egress according to the customary ways." [27] This statement certainly indicates that ranches, such as those in the Minam, are acceptable as private right inholdings within the Wilderness. As a matter of fact there exist in the adjoining Eagle Cap Wilderness area on Aneroid Lake, a small general store and five small cabins. With this sort of precedent, inclusion of the ranches in the Wilderness area is certainly within the framework of the Wilderness Act, as contemplated by the Congress that passed it.

A second objection raised by those espousing the "purist" point of view is that this area is unsuitable for Wilderness because a small portion of it was logged. This logging only involved 1,600 acres and was done by horse prior to 1924. The cutting was selective and stands of large trees are present throughout the area. Compare this to 80,000 acres of the Bob Marshall Wilderness that was horselogged after 1900. Right here in Oregon is the Strawberry Mountain Wilderness that had 75–100 acres logged (selectively) in the 1950's.

Another objection to inclusion of this area is a small field used as an airstrip by the dude ranches. Purists claim this is not of the Wilderness character. On the contrary, it is specified in the Act that "Within Wilderness areas designated by this Act the use of aircraft or motorboats, where these uses have already become established, may be permitted to continue . . ." [28] There is now, for example, an airfield in the Bob Marshall Wilderness in Montana.[29] The Wilderness Act, as applied in the past by Congress, would certainly allow the Minam River area entry into the National Wilderness Preservation System.

JUDICIAL TREATMENT

There is a noticeable lack of judicial action in this field of wilderness purity. The main reason is that it is a Congressional decision which gives an area Wilderness status. However, there is one significant case. The only place where the courts have dealt with the definition of wilderness is in the case of *Parker v. U.S.*[30]

The suit was filed in U.S. District Court in Colorado to stop the Forest Service from selling timber from the East-Meadow Creek area in the White River National Forest in Colorado. The issue, according to Judge Doyle, was not "whether the Secretary erred on his factual findings in ruling the East Meadow Creek out of Wilderness, but rather with whether there is sufficient evidence of its Wilderness character so as to require study and submission to the President and Congress for determination of its character and whether acts which would change its character should be enjoined until the determination can be made." [31]

The area is described by the opinion as "generally untrammelled by man except for an access road which runs to a point about ¾ of a mile inside the sale area. There is also a road known as the 'bug road' which was constructed during the bark beetle control project in the early 1950's. This road is now blocked off and cannot be used by motorized vehicles. In some places the vegetation has camouflaged the 'bug road' so that it is substantially unnoticeable." [32] The Citizen's proposal for Wilderness does not include the access road but does include the bug road. Nevertheless the court held that "the area meets the minimum requirements of suitability for wilderness classification . . ." [33] This opinion was affirmed by the 10th Circuit.[34] Certiorari to the United States Supreme Court was denied.

AGENCY PROTECTION: THE CASE OF FRENCH PETE

The Wilderness Act is a tool to afford absolute protection to these "questionable"

Footnotes at end of article.

areas before they are irreparably abused. This is protection of law, not agency protection, which is all that is offered under any Forest Service classification scheme. This distinction is important. If an area carries only agency protection, it can be withdrawn at the discretion of that agency, without public approval. The shortcomings of administrative protection have been driven home to Oregonians with the symbolic case of French Pete.

The French Pete Valley is a 19,200 acre watershed, 55 miles east of Eugene, Oregon, on the Williamette National Forest. It is the only place in the western Cascades where it is possible to walk by trail for five miles below 3,000 feet altitude, without a closely parallel road. French Pete is unique. It is one of the last valleys in the western Cascades that has not been roaded or logged. Its values as a Wilderness area are beyond question. Yet, this area has been the center of controversy since the early 1950's.

At that time French Pete was part of the Three Sisters Primitive Area. When the Forest Service reclassified the area to Wilderness, they excluded about 55,000 acres. Included in the exclusion was the French Pete Valley. This decision was met by strong public opposition. Subsequently, a public hearing was held in February 1955 in Eugene. A great majority opposed the decision of the Forest Service.

The exclusion was also opposed by the majority of the Oregon congressional delegation, including Senator Richard Neuberger and Senator Wayne Morse, as well as Representatives Charles Porter, Edith Green, and Al Ullman.

Despite this opposition, the Forest Service plan stood intact. Senator Neuberger and Senator Morse each made strong statements before the Senate in 1957. Senator Neuberger's remarks are especially significant in that they were made in his comments as he joined Senator Humphrey in introducing the first Wilderness bill.

"Mr. President, the urgent need for some form of congressional action to safeguard these scenic realms has just been indicated by the decision of the Department of Agriculture to remove from the Three Sisters Wilderness Area of Oregon some 53,000 acres of majestic forest canyons and ridges, as well as of supremely important botanical content. . . .

"I am not assailing, or attacking, or criticizing anyone in the Forest Service or in the Department of Agriculture for the Three Sisters decision. What I am saying is this: Such a decision is virtually for eternity. . . . So final a verdict, Mr. President, ought to be reviewed by the Congress of the United States and it should not be merely within the fiat of an executive agency. The Congress, after all, is the supreme policymaking agency of the American people, to whom these national forest solitudes actually belong." [35]

The same day Senator Morse promised ". . . that the Department of Agriculture will hear more from us in Oregon in regard to the Three Sisters Wilderness area decision which has just been announced." [36]

The Department of Agriculture has heard much more from Oregon in regard to this decision. Now, fifteen years later, after administrative appeals and Congressional legislation, the battle still rages in the fight to save French Pete.

This is just one example of what agency protection has meant to conservationists in the past. The lasting protection is that of law, which only Congress can erase.

CONCLUSION

The Forest Service, and others who follow the "purist" interpretation of the Wilderness Act, are neglecting important legislative history. This position is being used simply as an anti-Wilderness tool. Industry does not want wilderness in heavily forested areas because this gives the area the enduring protection of law, reversible only by Congress. It is no secret that it is much easier for the Forest Service to manage an area without the Wilderness classification, even though one of the purposes of the Act was to take this discretionary power away from the agency and give it to Congress.

It is important to secure many of these "impure" areas for Wilderness due to a shortage of Wilderness acreage. The Wilderness Act is a tool to afford absolute protection to these areas before they are irreparably abused.

The Forest Service has different programs proposed to give these areas protection, but only agency protection, not the protection of law. Examples are "Wildlands East" and and "Backcountry." These proposals are not adequate. They can only lead to more unpopular decisions and more French Petes.

The better alternative is to look to the legislative history of the Wilderness Act for support and allow these areas, like the Minam River, into Wilderness. In time, these impure intrusions will be restored back to the natural scene. Senator Frank Church put it this way: "This is one of the great promises of the Wilderness Act, that we can dedicate formerly abused areas where the primeval scene can be restored by natural forces. . . ." [37]

FOOTNOTES

[1] Nash, Wilderness and the American Mind 112 (1967); 16 U.S.C. Sec. 21.
[2] McCabe, *A Wilderness Primer*, 32 Mont. L. Rev. 19 (1971).
[3] 16 U.S.C. Sec. 1131–1136.
[4] Costly, *An Enduring Resource*, AM. Forests, June, 1972 at 55.
[5] 9 Wilderness Report #1, p. 5, May 1972.
[6] *Hearings Before the Subcommittee on Public Lands, Senate Interior and Insular Affairs Committee*, May 5, 1972 (Official record not yet printed).
[7] 16 U.S.C. 1131(c).
[8] *Id.*
[9] *Supra* note 2, at 30.
[10] A Handbook on the Wilderness Act, distributed by The Wilderness Society, p. 10.
[11] *Hearings on S. 174 Before Committee on Interior and Insular Affairs*, United States Senate, 87th Congress, 1st Sess., at 2 (1961).
[12] 16 U.S.C. 1133(c).
[13] *Supra* note 6 at 7.
[14] U.S. Forest Service Manual 2321.1.
[15] *id* 2321.11a.
[16] *id* 2320.5.
[17] 16 U.S.C. 1133(d).
[18] *Criteria for Wilderness*, Willamette National Forest, Feb. 1972.
[19] 16 U.S.C. 1131(c)(2).
[20] Compilation of the Administrative Policies for the National Parks and National Monuments of Scientific Significance, p. 58, (1970).
[21] 16 U.S.C. 1133(c).
[22] *Supra* note 20 at 57.
[23] 107 Cong. Rec. 18102 (1961) (remarks of Senator Church).
[24] 16 U.S.C. 1133(d)(1).
[25] *Supra* note 23 at 18103.
[26] 16 U.S.C. 1133(c).
[27] 109 CONG. REC. 5926 (1963) (remarks of Senator Church.
[28] 16 U.S.C. 1133(d)(1).
[29] *Supra* note 11 at 144.
[30] 309 F. Supp. 593 (1970).
[31] *Id* at 597.
[32] *Id* at 595–6.
[33] *Id* at 601.
[34] 448 F. 2d 793 (1971).
[35] 103 Cong. Rec. 1903 (1957) (remarks of Senator Neuberger).
[36] 103 Cong. Rec. 1908 (1957) (remarks of Senator Morse).
[37] *Supra* note 5.

DEATH OF AMILCAR CABRAL

Mr. BROOKE. Mr. President, early last week I called the Senate's attention to the assassination of Amilcar Cabral, the African nationalist who sought for many years the independence of his people from Portuguese colonial rule.

Two articles in the Washington Post of January 26, 1973, provide useful background on this man and the cause he gave his life for. It is important for a United States, which is seeking to restructure its involvement in the world, to understand the aspirations of such individuals as Amilcar Cabral as they strive for the independence and freedom that we ourselves so much cherish.

I ask unanimous consent that the two newspaper articles be printed in the RECORD.

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

AN AFRICAN NATIONALIST DIES: HIS CAUSE ENDURES

The murder of Amilcar Cabral removes the dominant figure in the struggle to substitute African for Portuguese rule in the West African land known to Lisbon as "Portuguese Guinea" and to Mr. Cabral's nationalist movement ("PAIGC") as Guinea Bissau. His towering stature—among his people and to a lesser extent in the international community—raises the serious question of whether and how his movement will proceed without him. His guerrillas are credited with having wrested about half the country from the 25,000 Portuguese soldiers and 15,000 African irregulars contesting them, and with having set up a civil administration in the "liberated" territory. Mr. Cabral, whose role is evaluated elsewhere on this page today, had planned to announce Guinea Bissau's independence shortly, and to seek international recognition for it.

The Portuguese presumably hope that by his death the momentum and morale of the "terrorists" will be broken. They have been in Africa five centuries. Such is their insularity that the intensity of their sense of mission is hard for outsiders to believe. Building a peaceful multiracial society, Premier Caetano said just last week, "is the correct path for the whole of Africa, the only one likely to prevent painful tragedies in the territories south of the Equator where a great number of whites have set down and have created cities, industrial achievements, which would not last without them . . ." It is this sense of mission rather than any common imperialist lust for profit which sustains Portugal's disproportionate and anachronistic military efforts to retain its "overseas territories."

Here is the real tragedy. Not only does Lisbon's clutch on its colonies produce much suffering, injustice and expense now, it steadily prejudices the possibility that—when Africans finally do take over their own homelands—they will feel inclined to treat the long-residents Portuguese well. Mr. Caetano does his overseas countrymen ill service by failing to anticipate their vulnerability in conditions of guerrilla-won African rule.

Cabral supporters often claim that American support of Portugal is at once crucial to Lisbon's continued colonialism and certain to rebound against the United States when the nationalists eventually prevail. Both claims are considerably overstated. Not Washington's small NATO-connected aid but Lisbon's own perversity keeps it in the field. And if the nationalists triumph, in Angola or Mozambique or in Guinea, they will have the same practical reasons every other such movement has had to consider what advantages may lie in good relations with the United States. Unwilling to condone guerrilla attacks across established state frontiers, the United States has tended to limit itself to statements of general support for the principal of self-determination. Such a posture, the African-American Institute has noted, "allows the United States to express dis-

satisfaction with Portugal without having to face the discomfort of major policy alterations."

Many Americans, feeling that the nationalists' cause is just, would like to see their government end its ambivalence and come down hard, in word if not in deed, on the side of the nationalists. But neither as ideology nor policy is this a course likely to commend itself to a Nixon administration oriented toward both Europe and the business world. The nationalists do get weapons from socialist countries (and from the world marketplace), and they receive sanctuary in neighboring Guinea—where Mr. Cabral was assassinated—and Senegal. But they must know their cause is largely theirs alone to win or lose.

AFRICA'S CABRAL: IN SEARCH OF A JUST SOCIALIST SOCIETY

(By Jim Hoagland)

BEIRUT.—Amilcar Cabral, mysteriously assassinated in Guinea Jan. 20, was more than a guerrilla leader fighting Portuguese colonialism. His murderers have cut down one of Africa's four or five most important thinkers and political writers.

Cabral was a rare combination—a revolutionary theorist and a man of action, marching with his troops through the steamy swamps and river-shredded terrain of his West African country. Inevitably, he became labeled as Africa's Che Guevara—and, in some ways, he was.

Like Guevara, Cabral possessed an independent, restless spirit that roamed across standard ideological boundaries. He was a dedicated leftist, but he rejected key elements of Marxism because it failed to take into account human will and individuality, especially in unindustrialized regions like Africa.

"Keep always in mind that the people are not fighting for ideas. They are fighting for material benefits, to live better and in peace, to see their lives go forward," Cabral wrote to his field commanders in a memorandum quoted by his friend, Basil Davidson. It is pointless to talk to peasants about wars of national liberation, Cabral said again and again, if they cannot be assured that their lives will be improved in terms they understand.

This was one of the chief lessons Cabral gathered from two years of tramping across Portuguese Guinea as a census taker for the colonial administration in the early 1950s. It helped him shape the revolutionary movement that is currently the most successful in Africa and which appears to be on its way to gaining increasing international approval before Cabral's murder.

The movement, the African Party for the Independence of Guinea and Cape Verde, claims to control more than two-thirds of the territory's 14,000 square miles and 700,000 population. I came away from a 1971 visit persuaded that the guerrillas did have effective control over perhaps 40 per cent of the colony, then.

Cabral would probably have had a major impact on Africa over this decade if he had lived to gain control of the colony. As a revolutionary still struggling for power years after it had been cordially granted to most other African leaders, Cabral was more free to think and write about the post-independence period in Africa.

He was clearly not enthused, and committed himself to establishing an alternative in what he would call Guinea-Bissau. What he saw in country after country in Africa was "the creation of a bourgeoisie where one did not exist, in order specifically to strengthen the imperialist and the capitalist camp." He saw in his Guinea a chance to leapfrog this process and develop a just socialist African society.

"The national liberation of a people is the regaining of the historical perspective of that people," he said in a speech to the Tricontinental Conference in Havana in January, 1966. The speech reprinted in Cabral's book "Revolution Guinea" analyses his movements problems with a rare clarity and honesty.

"The battle against ourselves" is "the most difficult of all," Cabral said. In another text, he gives a factual and lucid analysis of Portuguese Guinea's crippling tribal and economic problems, and frankly admits that despite standard revolutionary theory, the colony's peasants have almost no revolutionary potential.

The urban disaffiliated, and especially the under- and unemployed young men of the *Lumpenproletariat*, provide the backbone of his movement, Cabral reported.

According to information disseminated by the Portuguese, Cabral's father was a mulatto, born in the Cape Verde Islands, which are some 250 miles off the coast of Bissau. His mother was African, from the town of Bafata, where Cabral was born in 1924.

He attended Sao Vicente Lyceu in Cape Verde and was educated at the university in Lisbon to be an agronomist and, later, a hydraulics engineer. He reportedly married a Portuguese woman Marxist.

Embittered by his own experiences on his return to Guinea—"I was an agronomist working under a European who everybody knew was one of the biggest idiots in Guinea. I could have taught him his job with my eyes shut but he was the boss." Cabral founded the independence movement secretly in 1956.

Estimated to have about 5,000 well trained men, the movement is aided principally by the Soviet Union, China, Algeria and Cuba. But Cabral always insisted on his ideological independence, noting "Social revolution is not an exportable commodity." He frequently mixed African proverbs into such scholarly assessments.

His assassination was imputed by African leaders to the Portuguese but Lisbon heatedly denied it, suggesting that rivals may have done Cabral in. The scenario strikingly resembles the murder by postal bomb of Mozambique's brightest and best anti-Portuguese guerrilla leader, Eduardo Mondlane, in 1969. For much of the third world at least, the assumption as well as the acqusation will continue to be that the two killings are tied together by a string that runs back to Lisbon, and perhaps beyond.

RULES OF COMMITTEE ON APPROPRIATIONS

Mr. McCLELLAN. Mr. President, in accordance with the provisions of section 133(B) of the Legislative Reorganization Act of 1946, as amended, I submit the rules adopted by the Committee on Appropriations at its organizational meeing on January 18 and ask unanimous consent that they be printed in the RECORD.

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

RULES GOVERNING THE PROCEDURE OF THE SENATE COMMITTEE ON APPROPRIATIONS, ADOPTED PURSUANT TO SECTION 133(b) OF THE LEGISLATIVE REORGANIZATION ACT OF 1946, AS AMENDED

1. MEETINGS

The Committee will meet at the call of the Chairman.

2. QUORUM

(a) *Reporting a bill.* A majority of the members must be present for the reporting of a bill.

(b) *Other business.* For the purpose of transacting business other than reporting a bill or taking testimony, one-third of the members of the Committee shall constitute a quorum.

(c) *Taking testimony.* For the purpose of taking testimony, other than sworn testimony, by the Committee of any subcommittee, the member of the Committee or subcommittee shall constitute a quorum. For the purpose of taking sworn testimony by the Committee, three members shall constitute a quorum, and for the taking of sworn testimony by any subcommittee, one member shall constitute a quorum.

(d) *Ex officio members.* In determining if a quorum is present, ex officio members appointed pursuant to paragraph 6 of Rule XVI of the Standing Rules of the Senate shall not be considered.

3. PROXIES

Votes may be cast by proxy when any member so requests.

4. ATTENDANCE OF STAFF MEMBERS AT EXECUTIVE SESSIONS

Attendance of Staff Members at Executive Sessions of the Committee shall be limited to those members of the Committee Staff that have a responsibility associated with the matter being considered at such meeting. This rule may be waived by unanimous consent.

5. BROADCASTING AND PHOTOGRAPHING OF COMMITTEE HEARING

The Committee or any of its subcommittees may permit the photographing and broadcasting of open hearings by television and/or radio. However, if any member of a subcommittee, including ex officio members, objects to the photographing or broadcasting of an open hearing, the question shall be referred to the Full Committee for its decision.

6. AVAILABILITY OF SUBCOMMITTEE REPORTS

When the bill and report of any subcommittee is available, they shall be furnished to each member of the Committee twenty-four hours prior to the Committee's consideration of said bill and report.

7. POINTS OF ORDER

Any member or ex officio member of the Committee who has in charge an appropriation bill is hereby authorized and directed to make points of order against any amendment offered in violation of the Senate rules on the floor of the Senate to such appropriation bill.

CONFLICTING PHILOSOPHY ON VIETNAM WAR

Mr. SCOTT of Pennsylvania. Mr. President, in the latest issue of Newsweek magazine, Stewart Alsop devotes his entire column to an exchange of correspondence between himself and Pulitzer Prize winner Anthony Lewis, of the New York Times. It is an excellent column. The letters clearly bring to the fore an interesting philosophy of two people on different sides of the Vietnam issue. I commend it to Senators for their consideration.

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

ETERNAL DAMNATION

(By Stewart Alsop)

WASHINGTON.—The following letter from Anthony Lewis, columnist for The New York Times, is reproduced with his permission. No doubt he will in due course produce a reply to my reply.

LONDON, *December 28, 1972.*

DEAR MR. ALSOP: You write this week that the President "surely cannot go on bombing the bejesus out of North Vietnam forever" because that would make the United States

look "like a bully and a brute." Your comment raises questions that would be funny if so much horror were not involved.

1. Why cannot the President go on doing whatever he wants forever? So far he has dropped 4 million tons of bombs in four years. Why not 8? Why not 100? Do you sense some inner moral limitation that has escaped the notice of the rest of us?

2. You say that the United States might at some point look like a bully and a brute. What do you suppose we look like right now, to most of the civilized world? . . .

I know it is silly to think that another letter is going to make you think differently. But I happen to believe that the sanity of our country, and the last chance to save it from the eternal damnation that the Nazis earned Germany, rest with conservatives like yourself. If you cannot see that the mass bombing of one of the most densely populated areas on the face of the earth is a crime, then nothing can save us. . . .

Sincerely yours,

ANTHONY LEWIS.

DEAR MR. LEWIS: I found your "questions" not at all funny but rather surprising. It surprised me that a leading political journalist should suppose that an American President's power is limited only by "some inner moral limitation." It is limited by the political realities, as subsequent events have demonstrated.

It also surprised me that one who writes so much on the subject should have got his facts so wrong. You seem to think that the B–52 bombings of the Hanoi area were like the population bombing of, say, Hamburg and Dresden, which killed upwards of 200,000 people in a couple of nights. According to Hanoi's figures, the B–52 bombings killed 1,318 people in Hanoi in twelve days. That is a lot of dead people. But the fact remains that the bombing was not "mass bombing" in the sense you employ. If it had been, there would have been no more Hanoi.

Since you are a professional writer, it also surprised me that you should be surprised that I should use the future tense in a piece clearly addressed to the future. I regard analysis of the facts rather than passionate advocacy of his own views as the chief function of a political columnist, but the piece from which you quote surely makes it abundantly clear that I thought the President's decision to resume bombing was wrong.

I thought it was wrong in part because, as I wrote after it ended, it left "a nasty aftertaste." All bombing is a nasty business—so, indeed, is all war, which always kills people who have done nothing to deserve to die. I also thought it was wrong because I didn't think it would work. Since the start of the Vietnam war and before, I have written almost ad nauseam that the supposed omnipotence of air power is "the great American illusion."

But I am now beginning to wonder if the President was right and I was wrong—a frightful confession for a columnist to make. It begins to seem at least possible that important political results have been achieved by the controlled use of air power.

That has happened at least once before—when the Israelis, after they had won the six-day war, resorted to "deep penetration" bombing. There was then no military threat at all from the Arabs. The purpose of the bombing was essentially political—to establish the conquered territories as the de facto borders of Israel. The purpose was brilliantly achieved, but it cost at least three times as many lives as the B–52 bombing. I do not recall that you denounced the deep-penetration bombing as a crime worthy of the Nazis.

Neither you nor I can guess how much the B–52 bombing influenced Hanoi's policy. But it is surely at least possible that it too has led to important political results—a respectable American extrication from a hated war, and perhaps even an end to the Communists' remorseless use of every form of violence, from tank-supported invasion to mass assassination, to impose their rule on South Vietnam. In that case, many more than 1,318 will be saved, which is why I begin to wonder if I was wrong.

In any case, I do not think that anything our government has done is remotely comparable to Hitler's murder of 6 million Jews. I do not think our country is in danger of "eternal damnation." I do think our country is in danger of a period of rancid political reaction. The chief reason I think so is that liberals like yourself have twisted the liberalism of Roosevelt and Truman and Kennedy all out of shape, with results disastrous to the liberal interest in the United States.

You refer to me as a conservative. I certainly did not vote for George McGovern. Maybe that makes me a conservative, although I voted for every previous Democratic Presidential candidate since I came of voting age. I have also pointed out such inconvenient facts as that children of working-class people, not of prosperous persons like you and me and Senator McGovern, are chiefly affected by racial busing. I have failed to grasp the shining morality of betraying the South Vietnamese by denying them the means to defend themselves. I do not see President Nixon, for all his faults, as a monster or a mini-Hitler. I do not agree with your dictum that "the United States is, today, the most dangerous and destructive power on earth."

Does all this make me a conservative? Perhaps, by the standards of your kind of liberalism. But consider the results of your kind of liberalism. The old liberalism identified itself with the interests of ordinary people, people who work for a living, enjoy "I Love Lucy," and wear American flags in their buttonholes. Your kind of liberalism excludes such people as rigidly as old Joe Pew's "real Republicanism" excluded them.

One result was last November's liberal disaster, which saw an unloved President, burdened with a smelly scandal, score a historic landslide. The reason was not that your kind of liberalism was against Mr. Nixon, whom hardly anybody likes very much, or against the war, which nobody likes at all.

The reason was that a great many ordinary Americans perceived your kind of liberalism as against *them*—and worse, against the United States. To see why, it is only necessary to read the last paragraph of your letter.

Yours sincerely,

STEWART ALSOP.

THE PRESIDENTIAL PRESS CONFERENCE

Mr. McGOVERN. Mr. President, an important new publication in 12 volumes containing "the Complete Presidential Press Conferences of F. D. R." has been reviewed by Prof. Arthur Schlesinger, Jr., in yesterday's Washington Post. Mr. Schlesinger's review is a wise and perceptive analysis which I believe will be of interest to Members of Congress. I ask unanimous consent that it be printed in the RECORD.

THE COMPLETE PRESIDENTIAL PRESS CONFERENCES OF FRANKLIN DELANO ROOSEVELT

(By Arthur Schlesinger Jr.)

(12 Volumes, Introduction by Jonathan Daniels, Da Capo Press. $40 each, $450 the set)

The publication for the first time in book form of the entire series of Franklin D. Roosevelt's press conferences is an invaluable addition to the historical record of the Roosevelt years. It also induces melancholy reflections about the moribund condition of the presidential press conference, an institution that only a short time ago was supposed to have become a permanent part of our unwritten constitution.

Franklin Roosevelt did not invent the presidential press conference. Theodore Roosevelt was the first President to give the press a bridgehead in the White House, Wilson the first to hold regular press conferences. Suspended during the First World War, the presidential press conference made a limited comeback in the twenties, but under highly circumscribed conditions. Hoover, for example, insisted that all questions be submitted in advance and answered only those he felt like answering. Reporters were forbidden to ask follow-up questions: they were even forbidden to mention in their stories the questions the President declined to answer.

It was FDR who transformed the press conference into a potent instrument of government. On his fourth day in office he invited reporters to join in regular sessions of give-and-take along the lines of the "very delightful family conferences I have been holding in Albany for the last four years." Written questions were abolished; and, while there could be no direct quotation except when specifically authorized, there was no limit on indirect citation except for occasional remarks defined as "background," which could be used without attribution to the White House, and for very occasional passages put entirely off the record. "I am told that what I am about to do will become impossible," FDR said. "But I am going to try it."

Roosevelt held 1,011 press conferences during his twelve years and one month in the White House—an average of almost two a week. Some of them ran forty minutes or even an hour in length. The transcripts were not released at the time and in recent years have been available only on microfilm, which is why the Da Capo Press publication will be so useful for students. For these transcripts not only supply a fascinating running commentary on problems and policies but they also offer an extraordinary portrait of Roosevelt himself. In a brilliantly perceptive introduction, Jonathan Daniels, who was Roosevelt's last press secretary, points out that it is in the regular press conference that the modern President speaks "most certainly as himself." Other presidential communications—speeches, messages and so on—represent the labor of many hands. But the press conference displays "the man unique and the man alone."

The man displayed in these twelve thick volumes could not be in the nature of things greatly different from the man so well reported during his lifetime. But from the perspective of our present quasi-monarchy it is striking to note FDR's disarming informality, his openness, his lack (at least until the war years) of presidential front or self-regard. And it is impressive to observe the wide range of information at his fingertips, the skill with which he simplified complex issues and the immense flow of fact and attitude he sent out twice a week to the American people. One must not romanticize: FDR was of course using the press conference for his own purposes. Daniels speaks properly of Roosevelt's "not always innocent candor." He could be evasive, misleading, frivolous, condescending, irritable. But this was part of the portrait too; and the people had a good chance to see what their president was really like.

As FDR became a major and steady source of news, the number of reporters attending his conferences increased, and the "very delightful family conferences" gradually turned into mob scenes around the presidential desk. Roosevelt met the press in the oval office to the end; but in 1950, Truman, who held con-

ferences only once a week, transferred them to the Indian Treaty room in the old State Department, where the President, instead of chatting while seated at his desk, now addressed the reporters from a podium. Under Truman, too, reporters were permitted to make transcripts of the conference, though these were to be couched in indirect discourse; and under Eisenhower, the White House began to put out such transcripts itself. Eisenhower in time permitted his conferences to be taped, and Kennedy both issued exact transcripts and began to hold conferences on live television.

The presidential press conference now seemed well established as an integral part of the political process. Arthur Krock called it "the American counterpart of the question period in the House of Commons"—a not quite precise analogy, since the ground rules of the press conference were far more flexible. Erwin D. Canham spoke of "the fifth wheel of democracy." Political scientists agreed with historians about both the value of the conference and its permanence. Clinton Rossiter saw it as "a completely accepted institution . . . a fixed custom in our system of government." Louis Brownlow, that sagacious student of the American government, even wrote, "It would be almost impossible, in my opinion, for any President now to change this pattern or to interfere in any material way with this institution, set up without authority of the law, required by no Constitutional mandate, embodying no rights enforceable in a court of law, but nevertheless an institution of prime importance in the political life of the American people."

As late as 1965 James MacGregor Burns could write, "The press conference is as much a White House fixture as the cabinet meeting." He was prescient in a way he could not have realized. As of mid-January 1973, there had not been a presidential press conference since October 5, 1972, nor a cabinet meeting since November 8, 1972. In his first four years, President Nixon held only 28 press conferences. FDR held the same number between March 8 and June 9, 1933. Since the press conference has no great value unless held at regular and frequent intervals—otherwise the pent-up flood of questions makes it impossible to pursue any single subject very far—President Nixon has to all practical purposes abandoned the institution that Louis Brownlow thought it impossible for any President to change. Perhaps thirty years from now the Da Capo Press, in order to meet the needs of historians, will have to issue *The Complete Press Conferences of Ron Ziegler.*

In a way it is odd that President Nixon should have given up on the regular press conference, since he has thereby renounced a powerful instrument of presidential government. In 1959, Clinton Rossiter thought it would be "altogether imbecile" for any President to surrender "the power he draws from this unique institution." And, indeed, President Nixon is reasonably proficient on the rare occasions when he exposes himself to the press. But he evidently finds scrutiny and challenge intolerable. The whole idea of accountability exacts a heavy psychic toll on him. And to be realistic, his refusal to meet the press regularly spares him the necessity of answering uncomfortable questions—about such matters, for example, as his knowledge of the Watergate affair. When the President's own appointments secretary is said on sworn testimony to have received reports from Republican political spies and saboteurs, it is almost inconceivable that the President himself should not have known about it; if he didn't one can only question his capacity to control his most intimate associates. In any case, the American people are surely entitled to have a direct answer to the question of whether their President was really unaware of the ingenious things done on his behalf. So long as he hides out from the press, we will never know.

This is only the smaller consequence, for the country, of the disappearance of the regular press conference. The public is also denied the opportunity to hear the President respond to questions on rather more momentous matters, such as war and peace. It is hard to imagine any other President, confronted by the Indochina negotiations, not seeing it as his obvious and inescapable personal responsibility to inform the people what is going on. But we have got so inured to President Nixon's flight from such responsibility that no one even expresses surprise when he trots out Dr. Kissinger to do what he should be doing himself. In the volumes under review, one does not find FDR, returning from wartime conferences, asking Harry Hopkins to explain it all to the press and the people. Or to take another example: one of FDR's most impressive exercises was his annual budgetary press conference. "We go over the Budget message that is to go up to Congress the following day," as Roosevelt described it, "and take it apart. Anybody can ask any question he wants about it." Why is President Nixon afraid of doing the same thing? Why is not the electorate entitled to know the President's personal views about national priorities and the way their tax money is spent?

It would be wrong, however, to suppose that the people are the only victims of the abandonment of the regular press conference. In the end, the main victim may well be the President himself. For the press conference, as most Presidents have discovered, is a forum in which they not only tell things but learn things. Preparation for the press conference requires the President to acquaint himself with a range of public issues that may not be within his own primary concern of the moment. The questions asked at the conference often disclose to him things about the government and the country which his own executive establishment, consciously or not, has been keeping from him. The press conference, in short, is an indiscernible form of reciprocal communication. It is not only a means of presidential influence but an antidote to presidential isolation and illusion. As John F. Kennedy said:

"It is an invaluable arm of the Presidency, as a check really on what is going on in the administration, and more things come to my attention that cause me concern or give me information. . . . Even though we never like it, and even though we wish they didn't write it, and even though we disapprove, there isn't any doubt that we could not do the job at all in a free society without a very active press. . . . Their obligation is to be as tough as they can on the administration."

Walter Lippmann summed it up:

"A free press is not a privilege but an organic necessity. Without criticism and reliable and intelligent reporting, the government cannot govern. For there is no adequate way in which it can keep itself informed about what the people of the country are thinking and doing and wanting."

For all its own abundant vanities and vagaries, the press in the American system is the champion of the reality principle against the presidential capacity for self-delusion. Reading FDR's press conferences makes it evident how much meeting the press twice a week contributed to the singular vitality and power of his presidency. A President who shuns the press will only wall himself up all the more in his own fantasies.

Still we may be sure that, despite President Nixon, the press conference is probably not dead beyond recall. When the next President of the United States reinstates the regular press conference, the feeling that the national government is once again opening up to the people cannot help but be a major source of strength for his administration.

REPORTS ON VISIT TO CHINA

Mr. MANSFIELD. Mr. President, groups of unofficial visitors have been traveling to the People's Republic of China during the past year. Among these groups were 22 editors, representing the American Society of Newspaper Editors. They were in China from September 29 to October 22.

Since their return, I have read the reports which many of these editors have written on the situation in China. They are uniformly impressive both as to the sharpness of their perception and the similarity of their evaluations of what has taken place.

In particular, I note the series of articles on the China visit in the Denver Post written by W. H. Hornby, the executive editor and an old friend of many years. Mr. Hornby's articles are interesting, informing, and taken together, provide a real insight into contemporary life of China. I was very much impressed by this series of articles and would like to share them with the Senate. I ask unanimous consent that they be printed in the RECORD.

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

[From the Denver Post, Oct. 29, 1972]

REFLECTIONS FROM A CHINESE SURFACE: THE DRAGON LOOKS MIGHTY HEALTHY

(By W. H. Hornby)

China has always been a walled society. Its Imperial Palace of glinting gold roofs was a city Forbidden by high red walls to the ordinary mortal. And whether made of the brown earth of the north or the dirty white brick of the tropical south, walls surrounded the life of the peasant in the village or the merchant in the squalid town.

The first Westerners to contact China in the 19th century were likewise walled off in compounds (as perhaps they should have been, being the first great dope pushers of history). When they journeyed north to Peking, they traveled in seclusion and entered on bended knee.

In a way Americans of 1972 in their contacts with the mainland Chinese are starting over again, peering over the walls, glimpsing through doorways, arriving in carefully scheduled groups, very much the guests of a stable and confident host.

Americans have always tried to idealize the Chinese, more often to our sorrow than theirs. First we were convinced they would be great customers for our traders, and we wanted to fill their lamps with oil. Then we saw them from the missionary viewpoint as faithful converts for our religion. Then in the Sun Yat-sen days they were cast as students of our political system Under Chiang Kaishek they were to be our loyal allies. We built the Chinese up in our minds as a Great Power of United Nations status.

When our side lost in their Civil War, we went full circle and conjured images of a bunch of red-starred Fu Manchus, brainwashing all and sundry and plotting world conquest from Peking.

None of these scenarios ever fit the facts, although we paid a lot of money, and what's worse, blood, to try to make China match our "policy" preconceptions.

Now we are back again, and maybe, just maybe, we'll start the new century of contact with the resolve to look at China for what it is. We may stop trying to look for that mystic Cathay which has beguiled Western commanders as far back as Columbus.

Much of mainland Chinese civilization, it

is simplistic to say, is still there in 1972, just as it has been for many thousands of years. Impressive archeological diggings at Sian, the ancient center of the Han culture in north central China, have pushed the time frame of Chinese people back at least to 4000 B.C., and there has been a continuous system of daily living going on ever since, under whatever political umbrella.

The first shock for an American newly returned to mainland China is to realize that while America has felt very cut off and isolated from China these past 25 years, the mainland Chinese haven't particularly felt that they had gone anywhere. They have had plenty of world contact.

Air France and Pakistan Airways operate regular flights into China. The ships of many nations tie up at the old docks of Shanghai just as they always have.

Chinese may listen to shortwave broadcasts from BBC and the Voice of America if they have the language skill and the money to buy a radio set sold in any department store. Extracts from most of the foreign press, including critical comment about China, are circulated by the government to the leading officials of China. Foreign delegations come and go to the Great Hall of the People in Peking, and the embassies of nearly 30 countries now go about their business there, albeit under a system which restricts their contacts to the city itself.

Because the Bamboo Curtain dropped; because we have been at war in Korea, and, almost, in Vietnam; because of the tendency of Americans to think that what they don't know about must be inherently dangerous, we in this country had built up the idea of a great dragon behind the wall. In reality it was, and is, just China, with many of the same problems it's always had, but with some significant changes attributable to the new political system and its consequences.

The facts about China are still familiar in their fundamentals. A country about the size of the United States, with four times the people, indeed one out of every fourth human being alive (800 million). Able, due to much hostile mountainous and desert area, to cultivate only 11 per cent of its land, compared to more than 30 per cent for the United States. Forced to keep 80 per cent of its people down on the farm just to feed itself. Beset by a history in which, due to foreign domination, invasion and then internal revolution, it lost for its people the first three-quarters of the 20th century in which countries with more stable political situations were able to "take off" into the industrial era.

As a result China's transport and technology system is, by its own admission, still far behind those of Japan or Western nations.

Viewing the countryside, the average factory, the general level of roads, housing, architecture, illumination or machinery, an American of 1900–1910 would feel more at home in China today than a refugee from modern jet and computer. (But don't forget the Chinese have fired their bomb and aimed their missile and at least in small quantities, have built highly sophisticated equipment.)

Against this background there are some basic changes in the mainland Chinese picture. Most of them are attributable to the policies of the Chinese regime, a very thoroughly Communist regime indeed. Some of them are already well reported in this country, due to the media envelopment of the Nixon visit and its aftermath. Nevertheless they are fundamental to understanding the prospects for China's future and its relations with the United States, and bear repeating.

First, China in the words of an eminent scholar interviewed in Peking, has "stood up." You cannot tour China even for three weeks, walking at will down the streets of capital and village, without noting that China in 1972 is clean, honest, healthy, proud, and, at least visibly, incorrupt.

To anyone who, like the writer, knew the Shanghai of World War II days, this change is overpowering. Gone are the rickshaws pulling the man in the white pith helmet. Gone the beggars, the whores in their slit-silk skirts, the hungry kids, the grotesque inequities of class and wealth between Chinese. And the most poignant tombs in China, those Western skyscrapers standing shabby along the Shanghai waterfront, certify that the foreigner with his hand in the Chinese till is also gone, forever.

Is this just a front for the visiting journalist—a new Potemkin village where you sail by false-fronted glitter concealing agony in the alleys?

Forget it. Our groups traveled widely enough, talked with enough people, had enough time to forage for itself to know that there has been a real revolution in the dispensing of medical care to all the Chinese. Public sanitation is at a very high level. You can't walk among the singing children out for their national independence day in the old Empress' gardens in Peking, like any kids on a 4th of July picnic, without noticing health, posture, high spirits.

There is little sullenness in contacts with the Chinese; he claps you in and out of town, not knowing who you are but glad to greet friends. Where is the fawning merchant, rubbing hands and bowing low? In Communist parlance, these "running dogs" with teeth of gold are consigned as villains to the political melodramas. In life, they're long gone.

These changes in Chinese society are nowhere more evident than in the treatment of women and youth. The fluttering, perhaps footbound, wives who whispered behind the screens of old China have been replaced by the girls you see everywhere as farmers, welders, crane operators, doctors, political chairmen.

Womens' Lib is practiced with determination in China; there are literally very few occupations not open to women on the basis of full equality. Mama brings home her share of the checks, her bundles of the grain, and speaks up.

As for youth, in a society which used to think that no one young could also be wise, at the lower governing levels there are a great number of young men. One of the most impressive was a deputy mayor of 39 who is a key honcho for Shanghai, a city of 10 million. Many of the directing Chinese we met, except in Peking, were in their 40s.

Second on a list of fundamental changes would be the economic improvement in the lot of the everyday Chinese. Basically China now has enough food to feed itself. Everyone now has a roof over his head, though in some areas not much of one. There is a considerable range of decent consumer goods available for purchase throughout the country. Peasant and worker are saving enough each year to make some purchases.

Our group visited both farm and factory homes. The four musts of modern Chinese status—a radio, a sewing machine, a bicycle, and a watch—were in wide evidence. Although factory salaries or farm incomes are very low by our standards, so are rents, taxes, and, most important, aspirations as measured from the Chinese past.

China is developing industrially and technologically. The machine and machine expertise are reaching the countryside in the form of pumps, small tractors and factories placed in the countryside in the program of decentralization.

In the cities the Chinese are building cars, trucks, and ships, electronic parts, radios, machine tools. The common story told in innumerable factory or commune meetings, sitting beneath the ever-present pictures of Mao, Lenin, Marx, Engels, and Stalin, was the sad-state of product or output "before Liberation" when the Communists took over, compared to one, two, or three-fold improvement now "since Liberation." Some of this was rhetoric, but most of it was also obviously true.

The third basic change in the new China is the comprehensive effort to change human nature and the way it operates in society.

In place of family, you have peasant commune or city factory group as the central point of identity.

In place of the reflective scholar, you have the rewards of society going to the pragmatic doer.

In the place of the highly colorful but grossly unfair society of the wealthy, flesh-oriented sybarite and the open-sored beggar, you have a spartan ethic of the most thorough-going equality system in the world today. This is best emphasized by the severe Mao tunic as the work dress for men, and the standardized, pig-tailed, white-bloused young women with pink-cheeked health, but a drab and sexless silhouette to the Western eye.

To an American schooled to value individual reward for individual effort, the constant emphasis of the Chinese upon service to the group for its own sake, and equality of material reward, seems unreal. Except that it also seems to be working in this particular society under these particular circumstances.

A fourth fundamental change over the recent Chinese past is a new emphasis on "normalizing" relations between the People's Republic and the rest of the world diplomatic community.

It would be foolish to consider Peking as representing anything other than a Communist society. But it is also obvious that a great deal of the "revolutionary" expansionist rhetoric is gone.

Peking is placing great emphasis on increasing diplomatic contacts with states. The agreement with Japan formalizing the end of World War II in the Pacific came while our group was entering China. During the celebration of the October 10 national holidays, Chinese newspapers were full of government announcements of receptions for this or that government dignitary from abroad.

Premier Chou En-lai in an interview with our visiting group stressed that China wanted to play its role in the United Nations, did not intend to interfere in the internal relations of other states, and looked toward a world where state relations are on a basis of mutuality and peaceful coexistence.

These four changes in China—the great improvement in health, cleanliness, and morale as compared to 30 years ago; the considerable economic improvement, again as scaled against the past; the replacement of the old political and social system with new spartan, puritan, egalitarian Maoism; and the new emphasis on normalizing diplomatic relations with other states, with attendant cooling of revolutionary rhetoric—were the most fundamental to this writer.

Other questions need to be answered. How do the Chinese in their daily life fare within this system? What does China seem to want as its long-term goals? What are its chances of achieving these goals? And so what for America? Future articles in The Post will attempt to give impressions on these points.

It would be easy for Americans tired of pollution, crime, drugs, and complexity to go back to the old business of idealizing a newly reopened and clean China. In many ways the People's Republic of China recalls the American frontier of hard work, clean living, and duty to Diety (in this case Chairman Mao) and country.

As history indicates, we could forget that the People's Republic is also implacably Communist and organized under a different set of values than our own. We could also forget that China's vigor and equality mask very real economic problems; it has one devil of a job ahead just feeding itself and pulling its industry up to modern levels. We could think of China as being stronger than it is, as more stable.

If a new generation of Chinese begins to measure what it has, not against a desperate

past which it never knew, but against the obviously greater affluence of Japan or the West, the Peking regime under less-known leaders will have difficulty keeping a tight lid on.

These impressions of health, some more wealth, a fair social system, and a motivation toward a peaceful world, are, again, just reflections from the Chinese surface. You know that beneath lie contending political factions which have been in convulsion twice in the past decade, with great falls of other leaders also renowned. You know that Chinese economic margins are very thin—many more new mouths for each additional output of food. You know that China is trying to build an agriculture and an industrial system of modern caliber on a resource base that is narrow and from a position far back on the track. You know that throughout Chinese history the forces which pulled the country apart into regional factions have been more often stronger than those which have imposed central unity.

But on this visit at least, the dragon behind the wall turned out to be admirably improved in important respects, very preoccupied with big internal problems, quite desirous of more peaceful and normal relations, willing to tear down walls. Not, taken altogether, the fearsome beast that 25 years of mystic isolation had led some to expect.

[From the Denver Post, Nov. 26, 1972]

THE LESSONS OF YENAN

(By W. H. Hornby)

In a previous article my over-all impressions of People's China were briefly summarized. These included the obvious improvements in cleanliness, health and morale; and economic progress to the extent that for the first time in Chinese history there is enough for everyone to eat, if only barely, and a roof over everyone's head, if sometime rickety. Also there seemed to be a genuine desire to turn from the incendiary foreign policy of the past toward normalization of relations between nations. And perhaps most interesting was the unique attempt to change human nature and the way it operates politically.

The American of 1972 finds the ranking of his values dramatically challenged in China today.

In our economic life, we choose freedom of opportunity over equality of distribution. The Chinese chooses the latter.

Where we strain toward the greatest degree possible of individual choice, the Chinese opts for group solidarity and fine-tunes his conduct to conform to group values.

MESSAGE IS THEME

Where we try to keep our communication system as open and varied as possible, the Chinese rather uncritically accepts the central message, endlessly repeated. Criticism of policy, and dissidence, is worked out before the public communication process, not during it.

And perhaps most significantly for an understanding of Communist China, where we tend to think of the most advanced society as being urbanized and in many respects centralized, China is making a thorough effort to decentralize its economic and social development, with emphasis on serving the countryside and its needs first.

There were many places in our tour where one got the strongest pulse of Mao's China, but to me the most effective was at the pagoda of Yenan. This town of 70,000 population in the north-central province of Shensi superficially resembles Santa Fe, N. M. The same dry, almost desertlike environment of brown earth beneath sparkling blue skies. The cave dwellings in the soft loess hillsides in Yenan are not too removed in aspect from our southwestern Indian pueblos—the dried ears of corn and red beans hanging in the simple doorways took me back to Taos.

On a point far above the dry river bed which runs through Yenan is a towering pagoda, perhaps the most noted landmark for Chinese Communism. It appears on stamps and in countless murals in faraway meeting rooms. Yenan since the mid-'30s, until their arrival at power in Peking, was the guerrilla headquarters for the Chinese Communists. From the pagoda air wardens signaled the rulers of the PRC when Japanese planes were approaching. The pagoda was destroyed by Chiang Kai-shek's soldiers when they attacked during the Civil War, to be carefully restored in the '50's.

Today Yenan and the pagoda are shrines. If you will, the Valley Forge of Communist China.

Here you are shown Mao and Chou's spartan wartime headquarters—"Here is the chairman's washbasin, there is the bench on which he wrote our nation's policy toward the arts." A museum reveals youthful photographs of Mao and his comrades in the simplicity of their peasant political movement.

YENAN MIRRORS CHINA

As you look out over Yenan you see in microcosm a nation essentially agricultural, scratching a living from a land in many places barren and in every place crowded—a nation short on water and resources but long on muscle power. From the pagoda in Yenan you see dwellings carved out of the hillside, served by man or burro carting everything imaginable.

There are few cars, some trucks, very few tractors. Here and there smokestacks bespeak rudimentary industry. In the distance a new bridge rises, but there isn't any water under it at this time of year.

Below, endless lines of children are at play, watched by the old people sitting in their dusty courtyards. The bluish smoke of evening fires casts a haze.

This is nearer to the basic China than the packed apartments of Shanghai or the impressive palaces of Peking. Mao knows in his bones that China is basically rural—he was born a peasant and has insisted that his political movement remain always based on service to and understanding of the peasant. His years in Yenan are a dramatic reminder to him of the truth that famine, flood, or mass injustice in the countryside have, and can again, tumble leaders—Manchu or Communist—even though the Imeprial Palace is a world away from a cave in Yenan.

If one can grasp the fact even today Yenan is more China than Peking or Shanghai, he can make sense of the Cultural Revolution which shook Communist China beginning in 1966. Only in the past year has it subsided to the point where it is beginning to be over.

MOVEMENT RE-EXAMINED

Chairman Mao, in his offices beside the palace walls in Peking, believed the Chinese Communist movement was forgetting the lessons of Yenan. Bureaucrats, he felt, were becoming more aloof from the people. The idea of equality of rank and payment in the peasant and Communist view is essential to avoid discrimination and injustice in a huge, nonaffluent society. This equality was beginning to fade as the "capitalist" ideas of individual material incentives began to seep in. There was also, Mao felt, an increasing tilt toward the cities in the allocation of money and goods.

So Mao, by the Cultural Revolution (1966–69), administered a gigantic cathartic. He turned loose the younger generation to roam the country, rioting, condemning, humiliating, in some cases killing and destroying. The targets were people and practices which were leading China away from a peasant-centered model.

This Cultural Revolution of just a few years ago was so pervasive that it amounted to a second Communist revolution. And while it may be instructive to revisit the history of China from the turn of the century until our own time, the China of today is really as much a product of this Cultural Revolution (CR) as of previous developments.

EXAMPLES OF UNIVERSITIES

One example lies in the universities. These were completely closed in China during the CR, and have only just begun to reopen. Peking University, a facility for 20,000, has 4,500 students today, and the major part of faculty time is going into development of textbooks reflecting a new, post-CR theme.

Basically Mao feels that in Chinese higher education, theory had become too divorced from practice. Students were being "stuffed like Peking ducks" with a heavy diet of theoretical knowledge, while scholars and experts became increasingly divorced from the masses. Was China headed back toward a class of long fingernailed Mandarins who learned for learning's sake and gave not a fig for the man in the rice paddies?

Mao sent the professors packing back to the paddies, to hoe manure and stoop in the mud and sweat beside the grimy peasant—to be searingly reminded that this was the real China and that the only purpose of higher education was that it be applied toward making the peasant's China better.

The same pattern was repeated, and still is, throughout the post-CR educational and political structure. Millions of leaders or potential leaders from all walks of life were assigned to some sort of work experiences in the countryside. In PRC parlance, this is "re-education," a "struggle and transformation," a "tempering" of the souls toward Maoist perspectives.

TEACHERS WORK IN FIELDS

We visited May 7 training camps, named for the date the CR began, where young city teachers were cheerfully hoeing fields and oiling tractors. We visited articulate editors and scientists who openly admitted to their periods of personal realignment in the country. Most of them seemed to sincerely believe the process had been beneficial and had achieved what Mao wanted, although, one recalls, many of the youngsters swimming the channel to Hong Kong say they have fled the PRC because they don't want to be sent to the countryside.

But in Yenan we ran across some young people, accidentally so that there was no chance for rehearsal, who had been sent out from Peking. Their attitude seemed much like that of the American Peace Corps youngsters. They were cheerfully working the fields, living in clean caves, and preparing to serve as long as necessary to "rebuild China."

In addition to this back-to-the-countryside movement, which is somewhat diminishing now in total numbers but seems destined to be a permanent part of the system, there are other new ways of doing things in China since the CR.

There is the three-in-one principle of leadership at many levels in commune or factory. The peasant or worker, the expert technician, and the administrator are joined as a task force to approach industrial or agricultural problems.

EXCHANGE OF VIEWS ASSURED

This assures an exchange of views which embraces worker or peasant attitudes in the solution of all problems. The Revolutionary Committees which ran all of the enterprises we visited had the similar input of worker or peasant membership.

Equality of rank and the incentive of serving China rather than material rewards have been restressed as basic themes. In many factories we discovered that management was paid less than some senior workers, and had the same housing, medical care and educational chances. Factory decision as to who should get pay increases or what should be

done to stimulate output were in the first instance based on the recommendations of "the masses." While these worker recommendations might be overruled by higher authority and returned for more "criticism" by the "masses," they had a great deal of influence in the decision-making process.

Similarly on the farm the peasant commune committees solicit the opinions of field workers in what must be an endless series of meetings. The PRC is undoubtedly the greatest Bull Session or Rap Society of all time.

LINKS TO THE COUNTRYSIDE

Emphasis on links to the countryside; on equality in rank and social custom; on group service as the incentive; on giving agriculture and light industry higher priority than heavy urban industry; and on developing an education system which insists on a unity of theory and practice—these are the integral themes of the Maoist system as it has evolved from the chaotic mid-60s.

The total effort of the state-run communication system is pointed toward strengthening this system. It is awesome, often deadly boring, but never absent to the Westerner's perception that the Maoist line is woven into all public communication.

The sign above the pig pens, the Mao "thought" on the airport wall, both push production for a revitalized China. The sign above the jade statues in the Palace museum recalls that these baubles were extracted from the toil of the masses. The themes of the opera and of the school dance ("Up the Hill With the Manure Carriers") re-enforce the endless litany about building China in the newspapers and magazines.

PUBLICLY MUCH ALIKE

The system has produced a people that think and talk very much alike, at least in public encounters. And seemingly happily so. The American thinks this central system must be "repressive." But the Chinese is historically used to turning his viewpoint to the group, and to repeating themes from on high.

The idea of constant individual criticism of the central theme, or of a search for attractive alternatives, seems foreign to the Chinese intellectual makeup. Chinese editors did not find it at all strange to tell us that their newspapers are solely for the purpose of advancing and spreading the central political themes. Western-trained doctors and educators easily ascribed their technical progress to the wisdom of Maoist doctrine.

With these political and social themes of the Chinese system since the Cultural Revolution goes a renewed economic emphasis on decentralization of industry. This had gone on before. In the Great Leap Forward of the late '50s, the backward pig-iron furnaces didn't work.

But decentralization has again been more sensibly re-emphasized in the current period. In Yenan there was a new machine tool plant; near the commune of Linhsien we saw a new small steel mill, miles away from any urban market or labor supply. The idea is to stabilize the countryside economically by spreading job opportunity, and to prepare China for a defensive military strategy. Again this is the spirit of Yenan, where the Communists learned that by decentralizing their supplies, falling back before superior pressure, then emerging to strike, they could win.

CAN LOSE ARM OR LEG

They are preparing a China, which, in guerrilla fashion if need be, can lose an arm in Manchuria or a leg in Singkiang and still fall back to an economically balanced and self-sufficient countryside.

So what you find as far as the general system goes in 1972 China is a tightly controlled society, heavily oriented toward equality; favoring in dramatic fashion the essential agricultural heart of the body politic; and fundamentally preoccupied with internal development and a defensive military strategy.

It is the spirit of Yenan at least temporarily triumphant over the revolutionary pretensions of Peking or the individualistic thrusts of a teeming industrial city such as Shanghai.

How this system works out in the daily lives of several different types of Chinese, whether it has prospects of success in the highly technological world of the late 20th century, and what this drama may mean for America will be the subjects of following articles.

[From the Denver Post, Dec. 13, 1972]

"TAKE THE SOCIALIST ROAD," CHAIRMAN MAO

(By W. H. Hornby)

Maoism, perhaps the world's most ambitious attempt to make equality the central value of a political system, reaches the average Chinese through his organization—the commune in the countryside, the factory or job committee in the city or, if necessary, through groups based on his place of residence, e.g., a "street" committee administering his apartment-house area.

If the American, used to a distinction between his work life and his personal life, can grasp how intimately these are woven in China he can begin to think of Mao's China as less like Alice's Wonderland.

Whether it was the textile plant in Sian, the machinery plant in Chengchou or the shipyard or truck factories in Shanghai, the pattern we saw was much the same. A revolutionary committee, with representation from workers, management, the Communist Party and, in most cases, the People's Liberation Army, running the show.

Not only would this committee administer the working arrangements, with much discussion with the "masses" to get their ideas and suggestions, it also would administer the housing, schools and medical care for the workers of that factory if they numbered anywhere near enough to make that feasible. (Workers in smaller plants get the welfare and education services from residential-area committees if their particular job plant is too small.)

Basically for a Chinese city dweller, his identity is tied to the place he works. He sees * * * There he gets his medical care and sends his children to school. So when the government recruits a peasant youngster to work in Textile plant No. 4 in Sian, he is being handed not only his economic passport but his social identity as well.

Similarly on the farm, the people's commune (better read as cooperative) would provide for its farmer members not only the job in the commonly-owned fields, but his small private plot of land, his housing, his clinic or hospital and schools for his children. He gets a lift to town on the commune truck and the commune tractor will come around to help with the hard tilling. The commune will bring in the traveling players or movies for his entertainment, and runs the store where he can finally get the bike or radio he's been anticipating.

Through all of these organizational tubes to the people, Mao's government pumps a steady political education. The factory worker at his plant, grandma at her apartment committee, the farmer at the commune meeting, the kid at the school all get their weekly political gabfests. Usually for the adults this takes an hour-and-a-half three nights a week, outside regular working hours.

NO TOTALITARIAN APPROACH

The theme is "building China" according to the Maoist principles of equality, self-reliance, priority to agriculture and light industry, etc. Apparently it isn't just a "Sig Heil" approach that Americans think of as totalitarian, but more of an adult-education along the lines of the Great Books.

The Thoughts of Chairman Mao are read together, then discussed as being applied to the problems at hand—how to get more fenders on the truck assembly line in time; where to store the winter wheat just coming off the field. Current events are discussed and the central position of a good Chinese established.

These sessions are deadly important for the ambitious Chinese. For example, to get into a university today, your fellow workers or farmers have to have a good opinion of your political consciousness, meaning your verve for Mao thought and your muscle for pitching in.

They analyze the same things regarding your chances for getting a raise in pay. There are eight grades, and promotion depends on the feeling of your fellow workers as well as the approbation of the "leading members" or administration. Small wonder that the Chinese puts emphasize on keeping "in" with the group.

Let's look at the life of Lei Shih-je, 44, of the Shang Wang People's Commune near Sian in north-central China. He grew up in a poor peasant family, living four in a room. Clothing was scarce and hunger no stranger. He was able to have a primary school education but then went into the fields. Over the years he managed to acquire some learning so that today he is a bookkeeper for his production "team" (the equivalent of a village) for about 30 percent of his time. He works the fields the rest of the time.

Today Lei lives in a three-room house which has an attached kitchen. There is a well in the courtyard and electricity from the commune generator. Outdoor john. Sparse furniture. Loudspeaker for radio programs from a central transmitter. Bicycle for transportation. The house was built in 1956. Much better than a city flat for space or air quality.

Lei invited us to lunch with his wife, two teen-age sons and small daughter. The first son has graduated from high school and is at work for the commune in the fields; the second son is still in high school, the daughter in primary school. One son hopes for a university education but the selection is out of his hands. All will be more literate than father and mother at the same age.

The family served a feast, but all from their own resources. Chicken, a hot-pepper soup, soy sauce and noodles, cauliflower and bean curds.

Although Lei works on the common fields owned by the commune, he also has a private plot of ⅕ acre on which he grows a few extra market products and raises some chickens. The family has a surplus of food as evidenced by storage at several points in the courtyard.

FAMILY PAYS NO RENT

The Lei family takes in 600 yuan a year, about $250. They pay no rent as the commune owns the house, and nothing for water which comes from a commune-built irrigation reservoir. There is a small expense for their electricity, and some coal to supplement field husks burned as fuel.

They get work points for labor performed according to schedules decided by the peasants, and at the end of the year they receive a share of the commune grain according to their point total. There isn't any landlord with his whip anymore.

Of their income, the Leis pay out about $100 for more grain, $50 for store food, a few dollars for cloth. The net result is that they can save about $40 a year, even on such a low income. They have no fear of illness as all medical expenses are paid by the commune, which has a variety of clinics and hospitals. Education is free. The commune has a welfare fund to take care of emergencies such as unemployment (less likely than in the city) or widows and dependents.

Lei spends his day from 6 to 9 a.m. in the

fields, then breaks for breakfast, returning for work until a 1 p.m. lunch when they have their main meal. Work again from 3 to 6:30 or 7 p.m. After supper he can till his own plot or read his newspaper by the single 40-watt bulb or visit, unless he is going to the thrice-weekly political meeting. Sometimes there are movies or plays by traveling troupes in the commune meeting hall.

Now and then the family will ride the commune truck to Sian for a day in town, but none of them have ever been out of the province and don't expect to. They get their news from the radio or by reading a copy of the People's Daily at headquarters.

The night before our meal Lei had attended his latest political meeting. They had discussed Chairman Mao's thoughts about fall agriculture, and how they could get the cotton crop in faster and improve the sowing of winter wheat on the same fields. Double and triple-cropping of the same earth is common, and the commune has several members assigned to an experimental team to nurture new seed strains. They get two crops of wheat and one of cotton each year, with vegetables in between the rows. There are small pumps and farm tools, but 80 per cent of the labor is by hand or oxen.

Overall the team or village in which Lei lives has 103 families, husbanding about 100 acres of land. About 75 per cent of the commune's income comes from agriculture, supplemented as elsewhere in China by proceeds from some sidelines, in this case a pig farm, a brick kiln and a small machinery-repair shop. Over the pig pens are two slogans from Chairman Mao, "Develop Collective Raising of Pigs" and "Take the Socialist Road."

The commune has built almost 300 rooms of housing since 1955, and every family now has a new house. There are 50 carts, 73 bikes, 22 sewing machines and 30 radios in the team, the "revolutionary chairman" proudly reports from his well-thumbed notebook.

Before "Liberation" (1949) and Chairman Mao, this village had 46 families, of which four were rich peasants. Seven families died of starvation after 1929, and this fact is duly noted in lectures by the oldtimers in the nursery, primary and middle schools.

The commune produces six times the amount of grain per mu (1/6 acre) than it did in 1949, and hopes that some new experimental seed strains from Albania can boost that. "We must try to make still greater victories," the chairman concludes, with a slight nod to the portrait of the chairman. My friend Mr. Lei assures me with sincere emotion that his family is incomparably better off than in his own boyhood, thanks to the effort to build China under Mao.

There is a great deal of family affection and responsibility; the old idea of communal barracks living has been abandoned and the family is again a unit. But the political authority comes from the loudspeaker, not from father, who would be subject to criticism by not only neighbors but his own family if he slipped away from the group goals of ever greater output and "rebuilding of China."

I saw only one fly in the village.

Leap now to the Workers Village administered in Shanghai by the Tien Shan Street Committee, under the chairmanship of Chiang-Yun-hsiang, a very articulate woman. Under her wing, if wing there was under that drab denim blouse, is a grouping of 17,000 households holding 74,000 people, most of them in workers apartments or "flats."

The particular workers are mostly from textile, machine tool or iron-and-steel factories which don't have their own housing. Most of the wives work at different factories from the husband, or in small piecework factories set up by the street committee to keep those "idle" hands flying at embroidery or electronic parts.

The "street committee" operates 12 primary schools, six middle schools, for a total of some 24,000 students. (Almost a third of China is in school.) Several hospitals and 13 clinics give neighborhood service on cuts, fractures, birth control pills and baby birthing. (Similarly the "barefoot" doctors reach practically every Chinese in the countryside with some sort of medical screening service, although it is often just at the "shots" and first-aid level.

The Shanghai street committee also operates a "super" market with a good variety of foodstuffs, a department store and opera house theatre. The street committee handles all minor crime and neighborly hassles at the committee level, sending upstairs to the regular court system only major cases. Even divorces are first requested from and "discussed" with the street committee, which attempts to effect reconciliation, etc.

Lu Tsu-Yung, 42, about the same age as our farmer host, lives under this "street committee" operation with his wife, mother-in-law, one daughter, 19, and two sons, both in school.

The father works as a crane operator, the mother in a textile mill and the daughter in the shipyards, for a total family income of 2,160 yuan per year, or about $850. Rent is a small $6 a month, for two 10 x 12 rooms, not counting a common kitchen and sit-down bathroom shared with two other families. They save about $140 a year after expenses for food and clothes, or about 15 per cent of their income.

The rooms are crowded but clean, with radio, one or two bulbs of light per room, a sewing machine, pictures of Mao and the rest of the family, beds with great comforters, a few chairs and a central table.

The Lu family goes to the movies and sometimes into downtown Shanghai by bus for an outing. They do a lot of visiting with people met at the various factories where the family members work. They see TV at the factories and read their newspapers there, as well as getting political education at the regular weekly meetings after work. The father improved his literacy at the "spare-time" school at his factory. (Again all the children have already received more formal education than their parents.)

The husband and wife have traveled several times to their native province of Kansu in the interior to visit families—a train trip. The youngsters still in school don't know where they will work—"wherever it will do the most good for China."

Again as in the farm-commune visits and in similar trips to other factory families, the overall impression was of a life we would consider sparse, but cheerfully accepted, extremely busy, healthy, somewhat drab and thoroughly supportive of Chairman Mao's goals.

It is disconcerting to get the same reply from so many people in so many different places, but as the young waitress told us in responding to a spontaneous toast on our last night, "Our job is to build China."

[From the Denver Post, Dec. 27, 1972]

CHINA-JAPAN LINK KEY TO ASIA'S FUTURE

(By W. H. Hornby)

PEKING.—On the weekend of Chinese communism's national holiday, Oct. 1, the most significant visitors to the Great Hall of the People were not our American editors, representing as they did the first fruits of the new Nixon thaw with Red China.

Rather, the key individuals were the larger numbers of Japanese foreign-office bureaucrats relaxing after the intensive negotiations which had led to formal diplomatic relations between Tokyo and Peking.

Despite the dramatic chapters keynoted by the American occupation of Japan, the war in Korea, and the bitter tea of Vietnam, it is still Chinese-Japanese relationships, not those between either country and America, which dominate the history of East Asia. Japanese expansionism set the stage for both the collapse of Imperial China and the Republic, and created the vacuum into which Chinese communism flowed.

Now a whole new era of Chinese-Japanese contact is opening. This time the contact is between countries of relatively equal power over their own internal systems, and of relatively peaceful intent abroad, since Japan is still disarmed and China preoccupied with internal development.

In this atmosphere the great natural romance between Chinese labor and raw materials and Japanese technological and marketing know-how may at last be consumated. Already since our trip to China, the New York Times reports that China has sent several dozen technological prospecting parties into Japan.

In our interview with Premier Chou En-lai, it became apparent that one objective of the turn Peking has taken toward Tokyo and Washington is its desire for more technological exchange. Not, let it be immediately stressed, in the form of "foreign aid" or "joint development ventures." Both of these smack to the Chinese of foreign domination, recalling as they do the pre-World War II heavy-handed economic techniques of the Western powers, and of the Russians in the late 1950s. The People's Republic doesn't feel it needs economic exchange on any basis other than mutual benefit.

CONTRASTS OF LATE 1940'S WITH 1972

Previous articles in this series have highlighted the most obvious contrasts between what our group found in the People's Republic of 1972 and what was recalled from the late 1940s.

The tremendous improvements in the levels of cleanliness, health, morale and basic economic production on farm or in factory. The challenging attempt to stabilize a new Maoist political and social system stressing human equality. And the decentralization toward the countryside of industry and economic benefits.

The Chinese are the first to admit that these goals will be increasingly difficult as population grows, as revolutionary motivation dims, and as they open the gates to let in more of the 20th century.

Three great problems hang over mainland China, and for the most part were frankly admitted in a score of interviews with the Communist Chinese. Posed as questions, these problems are:

1. Will Chinese productivity, especially in growing food, keep pace with population growth, which question also asks, will birth control be effective?

2. Can the Chinese broaden and deepen their technological base to bring to late-20th century levels an economy still marked by much hand labor, a thin transport system and several decades lag behind the technology of Japan or the West?

3. And can the Chinese perfect an education and communication system which will help this modernization without destroying the spartan, group-oriented, highly selfless political and social system which is Maoism?

That the spectre of famine has been banished temporarily is one of Maoist China's glowing achievements; that it hasn't been banished permanently is its persistent storm cloud.

While estimates of Chinese population vary, and even the Chinese don't know for sure, 800 million is a good working figure. At even modest rates of growth, this means a billion Chinese by the turn of the century.

FAMILY PLANNING ESSENTIAL TO SURVIVAL

Our visits to agricultural communes and Chinese planners made it clear that while the intensification of multiple cropping, fertilization, and irrigation have brought crops into surplus for the 800 million, increased rates of growth are needed to keep up with

even modest procreation. If Chinese family planners were to fail, the billion won't have enough to eat, no matter how loyal they are to whatever chairman in Peking.

The Chinese have made a good effort on birth control. They have set 28 for men and 26 for women as the socially desirable ages for marriage, and have idealized the two-child family as the norm. With the great effectiveness of group ideals as motivating forces in Chinese personal life, this could be very effective. We didn't see much evidence of youthful romance, if that is any index.

On the practical level, the government is working very hard to spread birth-control information and devices through the country. The "barefoot doctors"—para-medics who spread into the countryside carrying minimum medicine to everybody—are instructed in birth control and can perform simple abortion. Chou En-lai in his interview with our group stressed birth-control methodology was one area his country hoped to study further in the West.

An indication of effectiveness came from Hsu Ching-hsien, an impressive 39 year-old vice chairman (deputy mayor) of the Shanghai Revolutionary Committee. Hsu listed population control as one of four central problems facing his city administration.

At first the Chinese Communists were responsible for a soaring of Shanghai's population. More food became available after the "liberation" in 1949, and population increased until by 1950 Shanghai had a birthrate of 29 per 1,000, a gross addition of 290,000 mouths a year to the teeming industrial city!

As the subsequent birth-control program began to take effect, this rate was reduced more than three times to 7.5 a 1,000 in the city where street committee clinics reach the most people.

But in the suburbs, the rate was only reduced to about 15 a 1,000, for a net metropolitan Shanghai figure of some 12.5 a 1,000. The rub lay in the fact that as the program spread out from the urban center it became weaker, because of less effective communication and because in rural areas they had the old idea that many children equal good fortune.

SIZE OF FAMILY PERSONAL ISSUE

There is still a problem in this area. Practically every possible personal topic in China is a proper subject for group discussion. Criticism by your peers is the great control of the Maoist system.

But, said a factory manager, even a Chinese "criticism" group would hesitate to bring up to a neighbor the size of his family. The concept of family limitation still has a way to go before it overcomes the cultural instinct which blesses large families.

The other side of the population coin concerns economic productivity, particularly agricultural. The amont of uncultivated Chinese land left for crop penetration is extremely limited. Most of the deserts that can bloom are blooming.

The answer lies in ever greater use of existing land. At several farm communes we saw extraordinary efforts to grow the greatest number of crops possible from the same ground—winter wheat amidst the cotton, onions at the base of fruit trees. This is possible in an economy where cultivation is by hand, while in a technological society, harvesting machinery would rip up one crop in gleaning another.

The Chinese know that much more intensive fertilization with chemicals, and new farm techologies as yet undiscovered, must develop apace with procreation if the Maoist system is to survive. In the long-run, grain production means more to that survival than world revolution led from marble halls.

This brings up another great question confronting Mao's China: the depth of the technological base. The skills of the Chinese are beyond question. They have lifted satellites, aimed missiles, fired off mushroom clouds. We saw at the Canton trade fair sophisticated models of computers, lasers, X rays—you name it.

But how many? Chou admits to a shortage of multipurpose machine tools. A Shanghai truck factory produces a serviceable two-ton truck, but only 10 a day, and the manager says his greatest need is to study Western assembly-line methods. You'd think it was 1920 in Dearborn!

TECHNICAL TO EDUCATIONAL HURDLES

The technological problem leads into the educational. As previously noted, from the Cultural Revolution, when Mao closed down the suspected campus seedbeds of capitalist deviation, the Chinese higher-education system has taken a long time to get back into gear. At Peking University, there are now a third of the normal number of students, and most of the faculty are engaged in writing new textbooks to relate to the new Maoist themes of education.

As mentioned, Mao wants higher education to be a unity of theory and practical application. China's higher education before, he felt, was too much like stuffing geese—all rote memorization which separated students from peasant Chinese realities, and which, by implication, left too much time for dabbling in the non-Maoist theories.

What Mao has come up with was exemplified in a pharmacy class. A morning of theory—but when we saw them in the afternoon, the students were turning out pills in a small drug factory on campus—the practical application of their theory. Students in the social sciences would spend part of their time on visits to factories or farms for studies of actual conditions—a history professor related a trip to investigate living conditions among coal miners—writing living "revolutionary" history.

The rub will lie in China's ability, under this system, to produce the technological and scientific specialists needed for a truly modern economy. Even at Peking University the administrators admitted China's greatest educational need is in advanced training in the pure sciences.

Are there enough hours in a student's life to be both a good Maoist, happy to go back to the farm for "tempering" of his soul, and an up-to-date graduate student in advanced research?

COMMUNICATIONS POSSIBLE PROBLEM

Communication may also produce a problem. The Maoist system has depended on the loyalty bred of revolutionary fervor and personal improvement among the generations who experienced the horrors of the old China. This loyalty and fervor have been unimpeded by an excessive opportunity to observe or learn of the outside world.

The Maoist communication system sticks to the line of building China, and does not open up avenues for foreign comparison. Indeed one rather disquieting aspect of our many interviews was the relative lack of interest displayed by the Chinese in events abroad. Among professional foreign-office information types there was some interest, but over-all the Chinese were intensely preoccupied with problems of their internal development, and not very aware of conditions abroad.

This has suited Mao, Chou, and company fine. But now they have decided that problems of the late 20th century require a further lifting of curtains and increased contacts abroad. But can you lift curtains to let in just the beams of light you choose?

On our trip home from China, the plane was loaded with young Japanese businessmen taking brides to Honolulu for honeymoons. All of the affluence of a modern industry society was apparent—beautiful and varied clothes, cameras and recorders galore, credit cards, wine with the meals, tourist guidebooks.

The contrast with the Chinese youth we had just left was overpowering. The drab, straight-laced, extremely serious young Chinese "revolutionary" chairmen would have been horrified at the creature comforts on their Japanese counterpart—at least at first.

When does jealousy seep in? When does the Chinese young adult begin to question the wisdom of going back to the farm to dig in the paddies for the good of his Maoist soul, and begin to think that taking Mama on a vacation might be nice for the good of his Chinese body?

JAPAN-CHINA STORY FASCINATING

This great confrontation between a newly opened mainland China and industrial Japan will be one of the fascinating stories of the next two decades. America's role will probably be primarily that of the sideliner, for while we will have some contact, it seems apparent, at least to this writer, that the Japanese are better equipped to mesh with China's immediate problem.

Japan needs the market and the raw materials—China needs the technology, but a technology promoted by Asians accustomed to a system where great amounts of human labor are still the basis of the economy.

The Maoist system, behind the walls for three decades, reveals itself to 1972 American eyes as having come a very long way. But a long way measured from where it started, not from where it has to go.

If the People's Republic is to survive in a world of advanced technology, and if it is to solve its fundamental problems of food supply and population control, it will have to have the very best research and technology the world has been able to devise.

Whether China can bring in the research and technology without bringing in the individualism connected with research and technology is the basic question.

The aging leaders of Peking have been able to implant their system in part because of immense personal prestige gained over years of privation and sacrifice.

They must now not only be able to pass on some of that prestige to their successors, but they are also asking those successors to operate in far more open communication with the world than they have accepted in the past. And they will have to lead a new generation to whom the worthwhile sacrifices of the Chinese Communist Revolution are pages of history, not personal memories.

It is a tremendous chance Mao and Chou are taking in opening up China. Somehow an American individualist, raised to abhor communism but admiring of the clean, proud, vigorous society Mao has brought to China, hopes they win the gamble.

[From the Denver Post, Nov. 21, 1972]

RED ARMY TRIUMPHS ON WUHSI STAGE

(By William Hornby)

WUHSI, CHINA.—Great stress has been placed by our hosts on the cultural side of modern China. The tour schedule took us to art-object factories, museums in the Forbidden City where treasures of the past are displayed, to the carefully protected Ming Tombs on the outskirts of Peking, and to the archaeological diggings at Sian.

The People's Republic has been somewhat stung by the impression abroad that it is callous to the old cultural values of Chinese civilization, or that these have been wantonly destroyed during the Red Guard excesses of the Cultural Revolution.

Actually, the Chinese Communists have been meticulous about preserving the relics.

Great palaces have been opened to the people as public parks and museums; newspapers and magazines are full of details regarding archaeological finds in ancient tombs. Some museums were closed during the Cultural Revolution to protect them from harm.

The regime reveres the past, but turns this respect into support for the political education of the masses.

Over the tomb of the Ming emperor will be a wall mural pointing out that the deceased had oppressed the masses and met a just fate. Inside the Forbidden City the people of 1972 are reminded that all this splendor properly belongs to them because it was whipped from the toil of the unknown workers of yesteryear.

In modern handicrafts the Chinese are producing beautiful ivory carvings and handpainted wall scrolls. But in the ivory boat at the prow will be a red soldier with rifle alert; in the scroll the lacy birds and dwarf pine trees of ancient Chinese style surround a modern dam or an irrigation canal.

A Westerner gets the best feel of this in drama, which is about the only stage available to the modern Chinese.

In the darkened theatre of provincial Wuhsi we sat with 300 Chinese peasant and factory families watching the "Red Detachment of Women." This dance-drama was created under Chairman Mao's dictum regarding literature and art—they must serve the revolution by "making the past serve the present and foreign things serve China."

The plot is of the poor peasant girl who flees the cruel landlord and his "running dog" lackeys, who finds rescue and life's purpose in the Chinese Red Army, and who follows the Revolution through to victory over the oppressors.

These political melodramas are beautifully staged and costumed. The dancers and singers strike stiff dramatic poses somewhat reminiscent of our early silent movies, but if these postures appear overdone and somewhat awkward to our eye, the Chinese find an easy parallel with the old Chinese stage operas.

The full flavor of "Red Detachment," and the intertwining of PRC drama and politics, can be gained from this transcript of the plot:

PROLOGUE

"Night. The dungeon of despotic landlord Nan Patien.

Wu Ching-hua, daughter of a poor peasant, is chained to a post. Refusing to be a slave, she has run away a number of times, but has been recaptured each time. Lao Szu, the landlord's running dog, has orders to sell her. The furious girl suddenly kicks him to the ground and flees.

ACT I

In a dark grove of cocoanut palms. Wu Ching-hua, having escaped from the hands of the despotic landlord, fights the pursuing gang desperately. She is beaten black and blue and sinks into unconsciousness. A rainstorm is imminent. Nan, thinking Ching-hua dead, hurriedly departs with entourage.

Hung Chang-ching, a Red Army cadre, and his messenger Pang, enter in disguise. They are on a scouting mission. They see Ching-hua and question her. She tells them her story. With profound proletarian class feelings, they tell her where to seek the Red Army.

ACT II

A revolutionary base. Red pennants flutter gaily as the soldiers and local people celebrate the formation of a women's company of the Chinese Workers' and Peasants' Red Army.

Ching-hua, having undergone untold bitterness and travail, finally arrives. She is given a warm welcome by the soldiers and villagers who expose deep concern for her. With profound hatred for the landlord class, she angrily denounces the towering crimes of the tyrant Nan. Hung Chang-ching, party representative to the company of women, uses her tale of bloody class oppression to educate all the soldiers and villagers: Only by taking up guns and following Chairman Mao and the Communist party to wage revolution can the oppressed people achieve emancipation. The people are indignant and determined to fight. Hung and the company commander approve Ching-hua's request to join the army, and the commander presents her with a gun. Ching-hua enters the ranks of the Red Detachment of Women.

ACT III

A courtyard in Palm Grove Manor, residence of the Tyrant of the South.

It is the despotic landlord's birthday. Hung enters the bandit lair disguised as a wealthy overseas merchant who has returned to China. He is accompanied by Pang and several other fighters, also in disguise. At midnight, they will strike from within, while the Red Army attacks from without, in a combined assault to destroy the Tyrant of the South, and his gang.

Late at night, Ching-hua slips into the bandit lair to make contact with Pang. She sees Nan. Unable to suppress her wrath, she fires, prematurely giving the signal to attack. In a panic, the landlord and Lao Szu flee into a secret tunnel and escape. Under Hung's determined command, the Red Army men and women pour into the manor. They break open the landlord's granary and distribute grain among the poor peasants. All are overjoyed.

ACT IV

In a Red Army campsite Hung Chang-ching is conducting a political class for the fighters of the women's company to teach them the revolutionary truth: "Only by emancipating all mankind can the poletariat achieve its own final emancipation." Her class consciousness raised, Ching-hua makes up her mind to fight for the freedom of all mankind.

Countryfolk come bringing bamboo boats and fresh lichees to present to the Red Army. The army cherishes the people and the people support the army. The army and the people are united as one.

The Kuomintang brigand army launches an attack on the revolutionary base. The company commander orders her troops to assemble. The fighters and Red Guards say goodbye to the villagers. Confidently, they go forward into a new battle, determined to win a new victory.

ACT V

Hung, leading a contingent of Red Army men and Red Guards, is holding a mountain pass to cover the main force slipping to the enemy's rear. Their delaying mission having succeeded, he again remains to cover his comrades-in-arms who are pulling out. He fights the bandits bravely. Badly wounded but unyielding, he stands rock-firm.

ACT VI

The Red Army wins victory after victory. It is pressing nearer to the lair of the Tyrant of the South. The landlord is scared out of his wits. In desperation, he tries in vain to force Hung to recant. In righteous anger Hung denounces the cruel foe. Gallantly he dies, with the fearless heroic spirit of a Communist.

Myriad rays drive off the dark clouds. The Red Army liberates Palm Grove Manor. The despotic landlord is shot. The labouring people whose families have suffered for generations see the sun.

Hung has fallen, millions of revoutionaries rise to take his place. They are determined to wage revolution till its final triumph. Ching-hua, who has joined the glorious Communist Party at the front, carrier on as party representative. Revolutionary masses flock to join the Red Army. Battle songs resound to the skies.

Forward, forward, under the banner of Mao Tse-tung, forward to victory!

End of transcript! If the fervor is a bit elemental from our viewpoint, let it be noted that the Chinese audience cheered wildly when the landlord met his fate.

[From the Denver Post, Nov. 18, 1972]

THE WOMEN OF CHINA

(By William Hornby)

These pictures show Chinese women at work in a neighborhood embroidery factory in Shanghai, standing beside an irrigation canal they helped build in the parched interior of Honan Province, working in the fields, undergoing military training in the militia of interior Yenan, and, more traditionally, washing the laundry in a village ditch.

Members of a delegation of the American Society of Newspaper Editors, touring the People's Republic in October, found the new status of women one of the most dramatic and pervasive changes on the mainland as compared to the old Chinese norm of the quiet, subordinate, perhaps foot-bound drudge.

In every family I visited intimately, whether in the farm commune or city factory, the wife worked outside the home and was contributing to the family income, aided by the ever-present nursery schools where Junior could be deposited. In every case the women joined in the discussion and proffered evidence of equal status. The leading administrators of at least two factories were women, and their sisters seemed amply represented on all the factory or commune "revolutionary committees" which are the governing organs of China today. The old grandmas watching the babies or husking the corn, the cotton pickers and field hoers doing the traditional "stoop" labor of a muscle-powered rural economy, the crane and machine operators—these were definitely "equal" women.

For work and most public appearances the Chinese Communist woman dresses in her spartan jumper and trousers, with very little femininity revealed. However, some variation in sweaters and scarves is appearing among holiday groups, and we noticed dress goods for sale in stores, to be used on a few private social occasions.

However, the ideal woman in China is erect, healthy, with hair short or in pigtail, working beside the man, and not at a distance easily distinguished as to sex.

[From the Denver Post, Nov. 10, 1972]

U.S. EDITORS VIEW ACUPUNCTURE USE

(By William Hornby)

On an October trip to the People's Republic of China, a delegation of the American Society of Newspaper Editors was split into two groups and taken into the operating rooms of two hospitals in Peking. Four surgical operations were observed where the patients were anesthetized using acupuncture.

The accompanying photographs show a hernia operation at Friendship Hospital. The patient, fully conscious and showing no signs of presedation or other preparation, was prepared in the normal manner. Acupuncture needles were inserted at relevant points for the particular operation and attached to a low-voltage battery to give the needles some vibration. After 20 minutes, the surgeon inquired of the patient as to the stage of numbness and the operation proceeded. (If the anesthesia had not worked sufficiently, as the Chinese frankly state may occur on a particular individual, local anesthetic shots may be added. This happens in a small percentage of cases.)

Operation techniques as to sterilization, preparation and surgery appeared standard. Aftereffects were remarkable, in the case of both the hernia and thyroidectomy cases observed, the patients sat up on the table when through, and walked to the elevators, headed for their rooms. The Chinese claim very little postoperative shock and standard recovery rates for their acupuncture patients. They do not claim acupuncture works for everybody or everything, but that it is

successful enough to merit acceptance as a professional anesthetic technique.

The candid doctors admitted they do not have a complete theory as to why acupuncture works, only thousands of years of successful practice to prove that—theory or not—it is effective.

[From the Denver Post, Oct. 9, 1972]

CHOU REVEALS DETAILS OF LIN PIAO'S DEATH AFTER FAILURE OF PLOT

(By William Hornby)

SIAN, CHINA—Premier Chou En-lai of China has added new details and clarified others concerning the flight and death a year ago of Lin Piao, China's defense minister and designated successor to Chairman Mao Tse-tung. The premier, in an interview Saturday in Peking with a delegation of the American Society of Newspaper Editors stressed among other things:

Lin is definitely dead from the crash of his plane in the Mongolian desert Sept. 12, 1971. The Chinese took identifying photographs of the bodies.

LIN FLED IN HASTE

Lin fled in haste well before he had the opportunity to proceed against the life of Chairman Mao. Earlier it had been thought the plot might have reached the attempted-action stage.

The Chinese central government had not realized the scope of Lin's plot and was not setting out to arrrest him when Lin took off in panic from Peitaiho, a resort on the Northeast China seacoast.

Lin's plane crashed from a forced landing after running out of fuel, and was not shot down by Chinese aircraft as previously rumored.

The Lin plot was the work of a small handful and did not in Premier Chou's opinion represent a great crisis for the government.

A helicopter containing a few Lin supporters and documents concerning the plot fled a few hours after the marshal's plane, but was forced to land by government aircraft, accounting for subsequent rumors that two planes were involved.

Chou pictured the Lin conspirators as being so small in number and surrounded by such numbers of loyal Maoists that they "had their hearts in their mouths all the time."

GOT PLANE FROM SON

Lin had secured a plane from the air force through his son, an air force officer. This was outside regular procedure, Chou said, so when the government asked Lin's wife about it and she denied knowledge of the plane, the government knew something was afoot. Mao then ordered all planes grounded, and Lin, thinking his plot discovered, took off in haste, without a radioman or navigator.

"Actually," Chou said, "we did not at all think of arresting him. We only wished to know what he wanted that plane for. Therefore, while it was inevitable that his conspiracy would fail, there was an accidental element in his flight aboard and subsequent death."

Chou said Lin's plane, a British Trident, failed to spot the landing strip when it reached Outer Mongolia and tried a forced landing. "It slid over a distance on the ground, leaving behind very clear marks. One of its wings touched the ground and caught fire, and all nine persons aboard were burnt to death."

As to Lin's identification, Chou said, "our embassy people were accompanied to the spot by officials from the Mongolian foreign ministry and they took photos there. Although the bodies were burned, they were not completely destroyed and it was still possible to identify them."

Chou said he did not regard the Lin affair as being as mysterious, for example, as the Kennedy assassination. "I have told you everything," he said. It's much clearer than your Warren Report on the assassination of President Kennedy."

Chou reiterated only a few Chinese knew of Lin's plan, and the overwhelming majority of people in and outside the government would have no part in it.

Chou ascribed Lin's fall to his realization that the plan to have a single successor to Chairman Mao was impossible and an error in political thinking, and that he therefore must seize power by force if at all.

Lin was designated Mao's successor at the ninth party congress in April 1969, but subsequent criticism within the party rendered that promotion doubtful, Chou said.

[From the Denver Post, Oct. 9, 1972]

U.S. EDITORS BRIEFED: CHOU SATISFIED WITH UNITED STATES-CHINA PROGRESS

(By William Hornsby)

PEKING.—China's Premier Chou En-lai, in a wide-ranging, remarkably frank interview with 22 visiting American newspaper editors late Saturday night, indicated reasonable satisfaction with the progress of U.S.-Chinese relations since President Nixon's visit in February.

Chou also gave clues as to the mainland Chinese view on rejoining Taiwan to the People's Republic, and clarified Chinese leadership succession problems in a 3 hour-40 minute discussion at the Great Hall of the People with a delegation of the American Society of Newspaper Editors.

Chou didn't mention America's problems in Vietnam in contrast to recent statements by other key China foreign policy officials that U.S. withdrawal from Vietnam is the principal condition for further improvement of relations between America and China.

"Some say the development in our relations has been slow," Chou said. "But I don't believe they have been necessarily slow."

Noting China's admission to the United Nations and the recognition of Peking by 20 additional countries since the Nixon visit, including the Sino-Japanese understanding. Chou called these developments "links in the chain, and there will be further development, sometimes slow, sometimes fast, with twists and turns."

Chou emphasized, however, as have numerous officials during this visit, that lack of diplomatic recognition of Peking by Washington remains a major difficulty in normalizing such relationships as the establishment of permanent U.S. news bureaus in China or visits by top Chinese such as Chou to the United States.

Regarding what Taiwan Chinese might expect if joined to the People's Republic, Chou recalled the treatment of "national capitalists," i.e. the existing business communities, at the time of the Communist take-over in China after 1949. They were adjusted to the new system step by step, and were compensated for their appropriated capital. For seven years they remained in their regular condition, he noted. Then when private enterprises were taken over partially by the state, they were paid 5 per cent of their capital for each of 10 years, plus receiving returns from their capital for that period.

"They got back all their capital," Chou said. "In Taiwan we may need even more steps."

He said the People's Republic would be fully able to bear the national budget expense of Taiwan when the time comes. Regarding succession problems facing China's aging leadership, Chou, 74, indicated strongly some sort of group leadership is a probability.

"The very fact of naming only one successor was in itself one of the plots of Lin Piao," Chou said, referring to the designated heir to Chairman Mao Tse-Tung, 78. Lin Piao fled China to presumable death in a Mongolian plane crash just a year ago.

"Chairman Mao calls for the bringing up of tens of thousands of successors—with such a big country how can you have only one?"

The premier reviewed at length Chinese Communist party history which involved successive shocks to the leadership structure as it fought Chiang Kai-shek in the 1930s, then the Japanese during World War II, then the climactic civil war. Many good leaders were lost along the way, the premier indicated, leaving a gap in which a number of Chinese in the 50–60 year age bracket are moving up but not yet into view from the Western world.

Regarding the challenges to Chinese leadership implicit in the successive internal struggle with Liu Shao-chi, former Chinese Communist party boss, and Lin Piao, Chou said, "now we can say that such interference has basically been done away with. Our line (national policy) is more clear than ever before."

Chou vigorously denied the statement that recent People's Republic of China initiatives in the United Nations indicate a desire to become the leader of the Third World of developing nations.

"We look on ourselves as a member of the Third World, and have absolutely not taken on ourselves to be the leader. The Shanghai communique (between Chou and Nixon) made clear that China will absolutely not be a superpower."

Chou said China was surprised by its admission to the United Nations last year, not expecting that development at this stage, but it felt it owed it only to the votes of the smaller nations of the Third World, and would therefore deal with them as equal colleagues and not in any stance of leadership.

As for development of the U.S.-Chinese detente, Chou gave direct credit to Chairman Mao. Mao had been pushing for increased contacts with Americans for some time, and Mao overruled Foreign Ministry technical objections to invite American table tennis players to Peking, thus breaking the ice.

As to areas of further cooperation, Chou said China's main needs are in industrial equipment and the importation of technique.

He ruled out joint U.S.-Chinese development ventures, noting unhappy experiences with the Soviet Union. There Chou said the beginnings of joint economic ventures led to Russian efforts to control Chinese life.

He revealed that Soviet Premier Nikita Khrushchev in 1958 proposed a joint Soviet-Chinese fleet, and was so irritated with China's refusal that he later withdrew all Russian technical advisers and economic and nuclear aid from China.

An early area for cooperation, he said, is medical research on cancer, control of heart and circulation diseases, bronchitis and respiratory disease, and better methods of contraception, especially the pill.

The premier returned with emphasis to his feeling that China must bring forward more younger and middle-aged leaders.

"We don't lack experienced cadres, but our older people are too many and keep the young ones down. You can count me in."

Chou said recent importation by China of U.S. and other wheat was to allow export of rice, which brings a higher world price, and to improve Chinese stores of grain against possible internal need. He indicated the 1972 crop will be about 250 million tons of food grains and that the country has become "self-reliant" as to food output, but also said a Socialist country can never allow itself to have a shortage of grain.

China's future food problems will be solved by internal expansion of crop output by increasing yields and the number of crops grown, and by reclaiming more fallow land in China's interior.

"How could a Socialist system permit outward expansion?" Chou asked.

Chou avoided the formalized rhetoric of the lower-level Communist leaders, and steered toward the areas of agreement between America and China rather than points of conflict stressed by other officials earlier.

The midnight interview climaxed the American editors' first week in China and delayed departure to interior China by one day. In addition to the interview, Chou was their host at a diplomatic reception for Chinese national day Oct. 1, and they have met leaders of Peking University, and other political, medical, and educational institutions.

The delegation's reception has been uniformly friendly and talks frank.

The editors leave Peking on Monday for Yenan, the Communist guerrilla headquarters of anti-Japanese war days, then visit Siam, Chengchou, Shanghai, Wushi and Canton for observation of agricultural, industrial and commercial development. The group leaves China-Hong Kong Oct. 22.

CAROL FOX AND CHICAGO'S LYRIC OPERA

Mr. PERCY. Mr. President, the Christian Science Monitor of January 22, has a most interesting article on the very gifted Carol Fox, general manager of the Chicago Lyric Opera.

The success of the Lyric Opera has been in large part due to Miss Fox's efforts over the years, and a record of excellence has been built under the general guidance of an outstanding board.

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:

CAROL FOX: DYNAMIC MANAGER OF CHICAGO'S LYRIC OPERA

(By Peter P. Jacobi)

CHICAGO.—Carol Fox has been general manager of Chicago's ever-growing Lyric Opera since its founding in 1954—and during its years of introducing to America such stars as Maria Callas, Anna Moffo, Christa Ludwig, and Renata Scotto.

That is a long period in a position which requires fuller than full time attention and devotion. It's an incredibly long period in a city that prior to the Lyric had a tradition of constant organizational changes in its opera companies.

The task has required mental and physical stamina. Miss Fox obviously possesses both. She's imposing, a handsome, strong woman capable of hard work and hard decisions.

Demanding or not, wearing or not, she has no plans to move from the general managership. She continues to have plans to move within that position.

"Around here I see a rebirth of opera," she says, "a true, budding interest, an audience getting bigger and younger."

Lyric performances are sellouts, from start of season to end. "Eventually, I guess, we'll have to expand season and repertoire to meet the demand"—demand that has pushed the limits of the current three-month period of 52 performances.

A near future plan for growth at the Lyric is a spring season by 1974 (or 1975 at the latest) in the little companion Civic Theater, next to the giant opera house.

"We'd try contemporary opera and baroque, do it with style, and with younger artists who have almost arrived." Master teachers, singers like Britain's Geraint Evans, would be contracted, as Miss Fox envisions it, to help train the younger ones. They would teach and perform as artists-in-residence.

"The project really excites me," says Carol Fox. "It would enhance the quality of our orchestra and chorus by giving a number of these musicians almost year-round employment."

A dream in the serious planning. "I'm kept going by such things," she reflects. "There's not much glamor, you know, to running an American opera company. The fun, the artistic expression are easily drowned by standard operating procedure. And by economics, I might add."

The spring addition would contribute to the economic burden. Opera, as the Lyric produces it does not pay for itself. Each time the curtain opens in the fall—to a full 3,600-seat house and with tickets at $15.50 top—the company's deficit is enlarged by $30,000.

"So expanding our season in the fall, or adding to it by producing in the little theater in the spring, means compounding our fund-raising requirements." These currently are in excess of $1 million per season. "I don't relish asking for more, but I see all we could and should do. We have to progress, and in opera progress means expense."

"I have my moments of bleakness," she explains. "But then when at the start of each season 'The Star-Spangled Banner' is played, I know we've done it again. I know we are moving on."

Miss Fox has accomplished marvels—not unmarred but considerable:

A level of production generally to be equated with the best opera houses in the world.

A rich record of vocal introductions including Maria Callas, Carlo Bergonzi, Giulietta Simionato, Anna Moffo, Teresa Berganza, Nicolai Ghiaurov, Gre Brouwenstijn, Teresa Stich-Randall, Walter Berry, Christa Ludwig, Renata Scotto, Sesto Bruscantini, Ilva Ligabue, Katia, Ricciarelli—these are only some of the artists who began American careers at Lyric Opera under the Fox watchfuness. So, too, conductors like Solti, Pretre, Kondrashin, Votto, and von Matacic.

A solidly interesting repertory, not grandly adventurous (and some fault Miss Fox for this) but still broad enough to encompass Britten's "Billy Budd," Mussorgsky's "Khovanshtchina," Verdi's "I Due Foscari," Janacek's "Jenufa," Giannini's "The Harvest" and "Taming of the Shrew," Bartok's 'Bluebeard's Castle," Prokofiev's "Angel of Fire," Stravinsky's "Oedipus Rex," along with the more popular operas.

"We started out to have the largest and grandest grand opera company in America. More realistically now we have built a company of first caliber in a city that had a history of excellence."

Miss Fox has been the force behind the success. She began adult life wanting to sing. She studied with Giovanni Martinelli, Edith Mason, Fausto Cleva among others. Talent was there, she believes, but not enough, and "I loathe mediocrity."

So she turned to opera management—with Lawrence Kelly and Nicola Rescigno, who later, after a power struggle, moved to Dallas to initiate opera doings there. Miss Fox built the Lyric.

A strong woman she is and had to be. Difficult sometimes. Demanding. Forceful. Tenacious. Shrewd. Obstinately shy about publicity. Sternly serious.

She has made it happen.

"It's work," she explains. "Work and more of it." Trips to find talent, hassles with lawyers and unions and temperaments, meetings with potential funders, lunches with socialites and business leaders, hand holding with singers, rehearsals to oversee, papers to wade through, complaints to field, crises to solve.

"No, it's not glamorous," she repeats. "And during that season when things go crazy and when I just get to see so little of my daughter, I wonder about it." Victoria is 14. She's used to having a mother busy. She's used to hobnobbing with artists.

But they look forward to a five- to six-week period in summer when all opera is forgotten for sunshine, swimming, and horseback riding in the Southwest. "I guess that keeps us going. It refreshes us for all that has to be done when we return."

Miss Fox has finished planning 1973 and is setting up seasons for 1974 and beyond.

"It's work for today, finalize for tomorrow, and dream for the day after tomorrow."

That is her life. It has been for 18 years.

"But I'm not done," she assures.

One can believe she isn't.

EDUCATION IN CONSTITUTIONAL RIGHTS

Mr. KENNEDY. Mr. President, the Educational Forum for May 1972, contains an interesting and important article on the subject of the need for more vigorous programs of constitutional education in our schools, if we are to preserve the precious values enshrined in our Constitution. The article, by Amitai Etzioni, professor of sociology at Columbia University and director of the Center for Policy Research, emphasizes a paradox in our society today that threatens to undermine the values of the Constitution and Bill of Rights—the broad public support for what have been called the majestic generalities of the Constitution, versus the willingness to suspend specific constitutional safeguards in individual circumstances when other values are at stake.

Professor Etzioni proposes a new curriculum for constitutional education in the schools, in order that students may acquire a meaningful understanding of the application of the great guarantees of the Constitution to their daily lives. In addition, he urges that the goal be carried beyond the classroom and into the community, by establishing similar citizens programs in local areas, and by encouraging greater vigilance of leaders at all levels of government, Federal, State, and local.

Mr. President, I believe that Mr. Etzioni's thoughts will be of interest to all of us in Congress. I ask unanimous consent that his article be printed in the RECORD.

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

AMERICANS REJECT THEIR CONSTITUTION: WHAT IS TO BE DONE?

(By Amitai Etzioni)

Large segments of the American people unhesitatingly reject the Constitution of the United States. When the public was polled about various sections of the venerable document without being apprised of their source, large proportions expressed opposition to the First Amendment, the Fourth Amendment, and most of the others. According to an early national poll, 30 percent of those interviewed felt that "if a person wanted to make a speech in your community favoring government ownership of all the railroads and bigs industries," he should not be allowed to do so.

Thirty-five percent would remove from circulation a public-library book advocating government ownership, and a majority (54 percent) would bar a teacher of such ideas from a college faculty. Opposition to the First Amendment ran higher if the speechmaker were an atheist: 61 percent would prevent a speech to be made against churches or religion. During the 1968 Democratic con-

vention, millions watching TV saw the Chicago police bloody large groups of peaceful demonstrators. Polls showed that 66 percent of Americans supported this police action, as though two out of every three of our citizens had never even heard of the right of free assembly.

More generally, four out of five Americans believe law and order has broken down in the USA, and they favor a "strong president" to correct this, although most expressed awareness that "the rights of many people can be endangered in the name of law and order." In other words, many Americans are so concerned about law and order that they are willing to suspend the constitutional safe-guards.

If asked directly whether they would endorse the Constitution the founding fathers signed, most Americans probably would be offended; the Constitution, like the flag, is sacrosanct. But, the polls show, this patriotic commitment does not entail an understanding of its implications or a deep commitment to its content.

And no wonder. The Constitution, though it may seem an expression of "natural rights," entails a long list of "do's" and "don'ts" that is part of the heritage a civilized person acquires—he is not born with it. One must learn to understand what the observance of the Constitution requires and evolve the emotional support for its prescriptions; to do so is not part of our reflexive inborn instincts. On the contrary, the Constitution is based, to a very large extent, on the curbing of one's impulses. It is "natural" for me to seek to prevent the exposition of views I find heretical, utterly wrong, or immoral; I must *learn* to be tolerant of opposition and accept the free clash of ideas. Similarly, to clobber those who offend my sensibilities is quite human; I must gain the capacity to control my anger and express it in a civilized manner. The wish to drop the Constitutional safeguards and lean on a strong leader is also quite natural; to await the slower, less dramatic, and maybe even less effective—but more just and humane work of a constitutional democracy—is a preference which must be cultivated.

But where is an American to acquire the deeper understanding and emotional support for his Constitution? Surely he will hear its name and principles mouthed often enough. But in many a home, there is no true support for its content. The burden of education for the Constitution is often put on the schools, which are not known for their moral or character building potency. In their curricula, "civics" is often a highly neglected topic, being alloted less time and attention than most subjects. Finally, civics classes tend to be taught with dry formalism; pupils recite that we have three branches of government or re-read the Bill of Rights. Rare indeed are the provisions for the genuine and lively education of the citizen.

We ought to do to civics what we did to math—develop *a new curriculum for constitutional education,* one which focuses on those parts of the Constitution which our impulses tend to undermine. And, lectures about and memorizing the Constitution will not do. We need a sequence of relevant dramatizations which will allow pupils to express their resentments and doubts, and to *experience* the value of the Constitutional curbs.

If an untutored class votes for a strong leader, let it experience the uneven hand and arbitrary power of one of its more forceful members by, let's say, turning over to him privileges usually allocated by the more fair-minded and rule-oriented teacher. And let all those who vote limiting the freedom of speech in a class assembly be deprived of the right to express their views for, say, a week. Some schools successfully experimented in teaching tolerance for others by instituting a week in which blue-eyed people or blonds were discriminated against. These examples are not meant to detail here the new civics curriculum, but to illustrate the need to rely on techniques which not only inform the mind but also educate the emotions. The design of a new civics will require months of planning and at least a year of experimentation, as did the new math.

Ideally, each community should have a committee for constitutional education which would encourage the development of such a curriculum, the training and recruitment of teachers who themselves are emotionally in tune with the Constitution, and the extension of the new teaching to adult education classes.

Education per se will not suffice, however. School-learning, especially when it runs against our instincts, tends to erode over time. To sustain a commitment to the Constitution which is deeper than lip service, we require devices to *reinforce* what we have learned. In effect, one may view the daily reports of the press, radio, and television as a continual reeducation process. Thus, when the A.C.L.U. brings to court a violation of the Constitution, the effect is not just to seek redress for the persons involved but also to remind us all that under our code, people are presumed innocent until proven guilty, that we are not to tolerate police harassment of political or sexual deviants, and so on. But the A.C.L.U. is quite controversial; it could benefit from more allies in more communities. A broadly based committee for constitutional education, including representatives of all the major segments of the community, could mobilize wider citizen support for Constitutional watch dogs and sustain the needed educational work.

Finally, community leaders, especially the President, have the profound responsibility of continually educating the public in civic matters. Every time a leader slights the Constitution by labelling a man a criminal before he has been convicted (as Sirhan was labelled), favors illegal arrests of demonstrators (as were the arrests of those in Washington, D.C. following the May antiwar demonstrations), or puts partisan political considerations above the law (as Calley's release pending appeal was), the foundations of the Constitution are weakened. Our leaders should rather address themselves to the reinforcement of these foundations, because the anarchy certain to arise from the erosion of the Constitution will exempt no party or man, and the temporary partisan gains are made directly at the cost of the nation.

CEASE-FIRE IN VIETNAM

Mr. ALLEN. Mr. President, since coming to the Senate, I have made weekly reports to the people of Alabama to keep them informed of my stewardship of this great public trust.

The Vietnam cease-fire agreement and its effects on the United States were the subjects of my weekly television and radio programs and my weekly newspaper column for the week of January 29, 1973.

I ask unanimous consent that these scripts be published in the RECORD.

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

JANUARY 29, 1973.

TV SCRIPT ON CEASE-FIRE

ANNOUNCER. We asked Senator Jim Allen if he felt that the cease-fire agreement in Vietnam will lead to a lasting peace.

Senator ALLEN. No one knows the answer to that, but soon we will have all our men out of Vietnam, and I don't believe that we will ever go back in. The unresolved issues are to be determined in the political arena by the Vietnamese, North and South, and there is no reason for us to continue our involvement. South Vietnam has an army of over one million men, well-equipped by the U.S. South Vietnam must do the fighting if there is fighting to be done. Also, I do not favor spending billions of American taxpayers' dollars to rebuild North Vietnam. If it was right for us to conduct the war in the first place, we owe no reparations. It would amount to admitting defeat and paying tribute to a conquering enemy to prevent further war. We owe no tribute and no reparations.

RADIO, WEEKLY NEWSPAPER REPORT

Unlike the ending of other wars in which the United States has been involved, the cease-fire in Vietnam was not met here at home with wild street dancing and mass hysteria. Instead, the President's announcement was met with prayers of thanks to God for leading us to peace, and quiet rejoicing that the killing has been brought to an end, that our prisoners of war will soon be back among their loved ones, and that the families of those missing-in-action will at long last receive an accounting of their men.

This is a peace with honor based on compromise, but it is not an outright victory for either side. Hopefully, what has been decided after some 10 years of our involvement in a tragic fratricidal war, is that the South Vietnamese people have the right to decide their own destiny free of aggressive outside forces.

Since coming to the Senate I have given the President my full support in his efforts to bring the war to a close, though time and time again I have stated on the floor of the Senate and elsewhere that we should never have been in Southeast Asia to begin with.

It is interesting that the cease-fire negotiated in Paris closely parallels an amendment to the Foreign Assistance Act of 1972 which I proposed in the Senate, with Administration support, in July 1972. This amendment, which was defeated by the doves in the Senate by a vote of 50 to 45, stated that it was the sense of Congress that all American forces would be withdrawn from Vietnam within four months after an internationally supervised cease-fire agreement and the return of our prisoners and an accounting of our missing. This is essentially what has now been agreed to by all sides in the agreement which was signed on Saturday, January 27, 1973.

There is no question that this is a tenuous peace, based only on the willingness of the North Vietnamese to abide by the agreement. While no one anticipates any immediate outrageous violations, in my judgment Vietcong agents in South Vietnam will do everything possible, including assassinations, to disrupt a political settlement. But I feel that the United States has now done everything humanly possible to equip South Vietnam for facing the hazards of the future. We have given them valuable time to strengthen their Government and we have provided them with a full arsenal of weapons with which to protect themselves and to survive on their own.

Alabamians, along with all other Americans have suffered grievous losses as a result of our involvement in this war. Up to the last week prior to the signing of the cease-fire, 1,169 Alabama men have died in the jungles of Southeast Asia, fighting in the service of their country and in defense of the freedoms which you and I continue to enjoy. These men fought with honor and they died with honor. Let us never forget their sacrifices. And even as we sadly count the cost of the Vietnam war, we rejoice in the anticipation of the return of the prisoners-of-war. The Defense Department ad-

vises me that there are 96 next-of-kin of missing and captured servicemen in the State of Alabama. It will be a grand and glorious day when all of the POWs are safely home, and all of us pray that God, in his wondrous and mysterious ways, will have most, if not all, of the missing-in-action among those men released from North Vietnamese and Vietcong prisons.

My prayer is that we can now close the divisions which this tragic war has created among Americans and that we can now devote our full attention and our resources toward building a better America.

THE NATION'S WATER RESOURCE PROGRAMS

Mr. HRUSKA. Mr. President, the National Water Commission recently published a draft of its proposals for sweeping changes in the Nation's water resource programs. Many, including this Senator, feel the impact of these proposed changes would be detrimental—highly damaging, in fact—to the economic and social well-being of our Western States.

One who views the proposals with a good deal of alarm is Mr. Dan S. Jones Jr., president of the National Water Resources Association. Mr. Jones is a highly respected figure in the field of natural resource allocation. His opinions are based upon many years of experience in the water resource field. As a result, they are held in high regard by all who are concerned with proper water management.

Mr. Jones has made his association's position on the Commission's report known to the authors of the draft. He noted in his comments that much of Nebraska's economy is based upon successful, well-planned water management. Loss of this valuable tool in the areas of irrigation and reclamation would be disastrous.

He points out that other States would be similarly affected.

Mr. Jones further notes that the premise behind the proposal to reduce the role of water resources is dangerously optimistic. That premise assumes there will be adequate production capacity in the Nation's agricultural community to meet our national food and fiber demand until the year 2000.

Those of us who are familiar with our Nation's agricultural situation realize that is quite an assumption, Mr. President. In view of the volatile conditions affecting agriculture today—conditions which range from changing markets to weather problems and population trends—I am not at all sure that the Commission's view of our agricultural capacity is one of substance or merit.

Similar flat assumptions based upon what I believe to be faulty reasoning are contained in the Commission's lengthy two-volume report. It is not my purpose to comment on them in detail at this time. I would urge all who are concerned with our Nation's agriculture and water resource policies to familiarize themselves with this report. It needs a great deal of further study and reevaluation before it becomes the water policy of our Nation.

Because Mr. Jones' evaluation of the report gets right to the heart of the potential problems entailed in the draft report, it deserves the careful attention of all who are interested in water resources. Of similar interest is a resolution by the Nebraska State Legislature.

Mr. President, I ask unanimous consent that the text of Mr. Jones' remarks and the Nebraska resolution be printed in the RECORD.

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

NEBRASKA WATER RESOURCES ASSOCIATION,
Lincoln, Nebr., January 8, 1973.

NATIONAL WATER COMMISSION,
Arlington, Va.

DEAR COMMISSION MEMBER: The draft report of the National Water Commission states that irrigated acreage in the seventeen western states could decrease by 9 to 26 million acres by the year 2000. The prediction of an increasingly minor role for irrigation seems to be based upon this optimistic assumption. This hopeful forecast is not supported by the predictions of other authorities on the future food and fiber needs and supply. Adequate reserves of food and fiber and the means to produce them must be maintained against any reasonable single crisis or even some compounding of several separate crises. The membership of the Nebraska Water Resources Association has directed that we write you relative to this conclusion and recommendation and point out the difference between the projected and the probable actual result which is reached in this conclusion.

The proposed draft report of the National Water Commission, if adopted, would have far-reaching and damaging effects on all of the western United States. Nebraska has carved out a healthy agricultural economy based on irrigation. In the state, there are many additional acres of land suitable for irrigation and some of the seven million acre feet (7,000,000 a.f.) of water in streams could be so used that now flow unused out of the State annually, adding to flood hazards downstream. This is true in other of our sister states of the West.

Our Association objects strongly to the assumptions on food and fibre production in the United States and the attempt to predict projected needs on which initial recommendations in the report are based. The projection is optimistic. Rex F. Daly, Director of the Economic Statistical Analysis Division Economic Research Service, U.S. Department of Agriculture, comments on such optimism: "Projections should not be considered an attempt to anticipate some inevitable unraveling of coming decades . . . In planning for the future the costs of being too optimistic are great indeed. The stakes are high, not only in dollars but also in terms of adequacy and purity of our food, our health and perhaps our vitality as a nation."

We would be certain that the National Water Commission would not knowingly chart a course for this nation which might cause great harm to our welfare in years to come.

The need for food and fiber for export is disposed of with one single-sentence disclaimer of responsibility for such consideration. If we take only the narrow view of national interest, even then all possible must be done to produce food and fiber in this country with such efficiency that it will allow competition in the world market. Farm exports will be required increasingly in the future to help balance growing trade deficits in such imports as petroleum products and manufactured goods. Overall agricultural efficiency is not increased by bringing marginal land back into production. It can be greatly bettered by the application of water to highly productive soils in areas with suitable climate.

The report of the United Nations Food and Agriculture Organization for 1970 voices a note of cautious optimism concerning the world food supply for future years and especially the food supply of North America. However, warnings are repeated throughout the report. On page 126 there is the qualification: "A major lesson of agricultural development during the post-war period is that technology by itself is not enough." On page 143 there is another word of caution: "Because of the biological nature of agricultural production, it is difficult to predict the level of output from a given level of input; the output is affected by exogenous factors such as weather and pests and diseases."

Turning to the 1969 Yearbook of Agriculture which comments in detail on the production of food in the nation, we find on page 69: "Americans are gradually becoming aware that hunger, and more particularly, poor nutrition still do exist within our borders." On page 81, commenting on world food needs, we find: "It is important to be clear what today's agricultural world revolution is and what it is not. It is a tremendous accomplishment. It is a new hope for developing nations. It is not a total solution to the hunger problem, but it should make substantial additions to food supplies in countries where there have been food shortages." Continuing a discussion of world food needs on page 83, we read: "It is hard to determine with any degree of accuracy the current food situation in the developing countries and project how it will change in the future. Statistics do not exist, or at the best are rough estimates in many nations for even the most basic elements of population, production and trade. Weather may cause fluctuations in agricultural production as great as 25 percent."

The report of the National Water Commission, when adopted, will constitute a policy statement. For this reason, it should take into account and correlate with other policies, in particular those which stem from laws enacted by the Congress. The report and recommendations of the Commission should therefore coordinate with the Rural Development Act. This law, as you are aware, looks toward relief of the pressure on our urban centers resulting from migration of rural population to these already overcrowded metropolitan areas. The method prescribed in the Rural Development Act would develop the rural areas so as to make them more attractive and thus stem the outmigration of rural people. By no stretch of the imagination could the policy of downgrading irrigation be anything but contradictory to the aims set forth in the Rural Development Act. New cities or existing towns cannot be developed for population dispersal purposes unless a sound resource base is provided, including a dependable and economical water supply. There is general agreement on the solution of the problem created by 70% of our people living on 2% of our land—the decentralization, or geographic dispersal of people and industry. This would achieve a much better balance of both the nation's population and its resources. A Presidential Task Force puts it this way: "The great threat that now faces us is that the social and economic ills of the Nation's cities may worsen and spread over entire urban areas, infecting even the entire national structure, unless we act together with intelligence to prevent it."

It should not be overlooked that water resources in the West, originaly developed for irrigation, have, in numerous locations, been acquired later for municipal and industrial use. Had the storage and stabilization of supply for irrigation use not have taken place, it generally would not have been available for municipal and industrial purposes.

Another factor, which would cast serious doubt on the assumptions on which the requiem for irrigation is based, are popula-

tion projections for the United States. These are 271 million to 305 million persons in the year 2000 and up to 600 million persons in the year 2050.

We would be remiss if we did not set forth one facet of national economic development which we believe should be spelled out as a guiding factor in evaluating reclamation projects. As irrigation is developed within a new area, it has been demonstrated that Federal excise and income tax collections increase markedly. These collections accrue to equal the construction cost of a Federal reclamation project and thereafter periodically repeat this accretion. As an example, a report prepared for the House Committee on Interior and Insular Affairs in 1956 cites the total cost of the North Platte Project in Wyoming and Nebraska as $22.5 million. Repayment by water users to June 30, 1955, totaled $16.2 million. The debt to the U.S. Treasury is rapidly approaching full repayment. In addition to this repayment, the Federal Treasury is receiving, in excise and income taxes collected, an amount exceeding the project cost every 18 months. Admittedly, some excise and income tax would have been collected without irrigation. Federal tax collections on irrigated land in the North Platte Valley in 1953 amounted to $45.37 per acre against $1.37 per acre on non-irrigated land. We would concede that Federal tax collections would not be so dramatically increased in some areas presently proposed for streamflow irrigation in Nebraska by the Bureau of Reclamation. Nevertheless, the pattern of tax returns to the U.S. Treasury on the North Platte Project would be repeated with a possible lesser percentage of annual collections compared to project cost.

More recently in 1970, the House Appropriations Committee received a report from the Bureau of Reclamation on returns provided by reclamation to the Federal Treasury and to the economy of the United States. This report showed an estimated total of $800 million annually in personal income, corporate profit and indirect business taxes over and above that which would have accrued without the reclamation development. Cumulative Federal tax revenues since 1940 total nearly $11 billion. Cumulative net expenditures for the reclamation program since its beginning total $7.2 billion. Cumulative gross reclamation crop value reached $32.4 billion. In a given year total net value of economic activity generated by the reclamation program (subtracting the net value which would have occurred without the program) totals in excess of $4 billion annually.

The conclusion that the role of water development projects in increasing economic activity and employment opportunities has greatly diminished is not in accord with such studies as that by the University of Nebraska on the "Impact of Irrigated Agriculture on the Economy of Nebraska". Obviously, data to support such a conclusion was not assembled by anyone familiar with the impact of irrigation in the arid West.

Referring to the comments (5-35) on the effect of the reclamation program on "crop surpluses", a report to the House Appropriations Committee in March 1972 by the U.S. Bureau of Reclamation pointed out several facets of ACSC payments which put these payments in perspective. These payments to U.S. farmers in 1970 amounted to $3.7 billion. This was about 2% of the total Federal budget outlays. Of this $3.7 billion, only 2% went to Federal reclamation water users. That amounts to 0.04% (that is 4 ten thousandths) of the Federal budget. It can be readily seen that the Reclamation program contributes to surplus in an amount hardly measurable.

Irrigation is a form of technology. It is one means of increasing the economic efficiency of agriculture. Other means that come to mind are the improvement in fertilizers, herbicides, insecticides, and the automation of farming. There probably would be no surer way of slowing down the rate of economic growth in this country than to impose a freeze on the level of technology.

The Nebraska Water Resources Association commends the Commission's recommendations in the draft report which advocate expanded federally funded research and development in the realms of weather modification, water purification, irrigation methods, evaporation control, water distribution and importation, recycling and administration. In this connection, we would favor that the Commission urge Congress to utilize the already established and functioning Water Resource Research Institutes and the Experiment Stations of Land Grant Universities, thus avoiding duplication of established research facilities.

In the recommendation for studies in applied research on waste water reuse, there should be a requirement that such studies give due consideration to the protection of established water rights based upon return flow. We would be sure that the National Water Commission would not fail to recognize that, in improvement of the efficiency of water distribution and of waste water reuse there must be protection of legally vested water rights. A like precaution would apply in the "Legal Protection of Instream Water Values". In this latter case there should be provision for protection of the water user's property rights in a manner consistent with the doctrine of prior appropriation and in conformity with present state water laws.

The United States has a growing, dynamic, complex, interdependent economy. A change in any economic activity has an effect on every other economic activity. In advancing recommendations, which point the way to a centrally planned and directed agriculture for the United States, the Commission might well look over the world scene to determine the results of such centralized direction in various foreign nations. The American consumer has benefited substantially from the stable and efficient agriculture which farm programs and today's technology have fostered.

Very truly yours,

DAN S. JONES, Jr.,
President.

LEGISLATIVE RESOLUTION 3

Whereas, the National Water Commission, established in 1968 by the 90th Congress by the passage of P.L. 90-515, has recently distributed a draft report for review by the States and other natural resources interests pursuant to its assigned responsibilities of submitting a final report to the President and to Congress; and

Whereas, the National Water Commission has undoubtedly devoted much time and energy to the preparation of such a report; and

Whereas, the draft report contains much material and numerous recommendations, some of which seem improperly conclusive or unfounded in fact, such as the prediction of greatly reduced national needs for irrigated acreage by the year 2000, which was apparently based upon theoretical economic assumptions, or the recommendation that all costs of future federal irrigation projects should be recovered from the irrigators, without any recognition that irrigators are not the only class benefiting from irrigation projects; and

Whereas, the State of Nebraska has a great interest in the future development and protection of its natural resources and the final report of the National Water Commission may have extensive impact upon that future;

Now therefore be it resolved by the members of the Eighty-Third Legislature of Nebraska, First Session, that the Legislature commends the National Water Commission for its time and energy devoted to the preparation of such an extensive report, but cautions the Commission to carefully reconsider their work, being certain that each statement is proper and leads to a valid conclusion based upon fact so that the Commission's ultimate recommendations are the best possible, and the Commission's final report may become a foundation for proper natural resources development and protection nationally;

Be it further resolved that copies of this resolution be sent to the President of the United States, the National Water Commission, and the Nebraska Congressional Delegation.

ACROSS THE PEDERNALES—A TRIBUTE TO PRESIDENT LYNDON B. JOHNSON BY BILL MOYERS

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the RECORD the moving tribute to President Lyndon B. Johnson by Bill Moyers, which appeared in the New York Times on January 26, 1973.

This very personal tribute by a man who knew President Johnson so well strikes harmonic chords of reminiscence for many others of us who were proud to be President Johnson's friend and associate.

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

ACROSS THE PEDERNALES

(By Bill Moyers)

WASHINGTON.—I was in Minneapolis, filming a public television show with Chippewa Indians, when the radio flashed the news of President Johnson's death.

As I walked into the tribal hall, one Indian who knew that I had worked for Mr. Johnson, pulled me aside and said: "A mighty wind has been stilled. I'm sorry."

Lyndon Johnson struck people that way. Friends, enemies and strangers alike felt the force of his enormous, restless energy. Like the Chippewa's "mighty wind" he could be awesome, capricious and inexplicable—his presence, as Washington learned after 1968, felt even by his absence.

I was drawn to him early. To a generation of ambitious Texans Lyndon Johnson was as big as the state itself and just as promising. To a small-town kid with an overwrought Baptist conscience he showed how to get things done in a hurry. We were short on philosophy in Texas, short on history and philosophy, too. On the frontier, which Texas remained until late, life was its own reason for living, action its own justification. And you didn't read a text book on how to climb the greasy pole; you just started climbing. How often I would hear him say: "Don't just stand there, son, get busy."

But power had a purpose for L.B.J. It was the way to deliver the goods. If you shared in the rewards (his mother, he told me, insisted that "If you do good, you'll make good"), so be it; the "folks" were always the real winners. The greatest good for the greatest number, he preached, and the largesse was pouring in: rural electricity, dams, highways, defense contracts, space projects, aerospace plants. "This is what your Government did," he told his hill-country friends as he patted a new R.E.A. building as if it were a newborn calf.

His critics smirked when he said that what most people want "is a rug on the floor, a picture on the wall and music in the house." Their criticism bothered him least of all. "Those S.O.B.'s got it all," he said. "The folks I'm talking about don't even have the simple decencies, and they outnumber that slicked-down crowd"—here he would wrinkle

his nose as if squinting through pince-nez—"ten million to one."

So I wrote him for a summer job. Later he told me the letter was impertinent, my suggesting that he was out of touch with Texas young voters and offering to help him reach them, but maybe because he had also been brash and not a little cocky when he was 18: he told me to come to Washington, sight unseen.

I flew there aboard an old two-engine Convair, my first trip east of the Red River, and landed expecting to counsel the mighty. Instead I wound up in a tiny airless room so deep in the basement labyrinth of the Capitol that one old Senator who had stashed his mistress in a nearby hideaway got lost coming back from a quorum call and couldn't find her for hours.

I spent my first night in Washington—from 5 P.M. to the following noon—completing my first assignment for Lyndon B. Johnson: addressing 100,000 letters to Texas voters one at a time on an ancient machine operated by pumping the right foot up and down, like a sewing machine. I stopped only to go to the bathroom and to assure Senator ———'s girl friend, who kept poking her tearful face in the door to inquire how long quorum calls lasted (I didn't know), that he was certain to return (I didn't know that, either).

I emerged the next day squinting in the light, hobbling on my now-stunted right foot, and wondering how L.B.J. would reward me. I soon found out. "I'm going to promote you to an upstairs room," he announced. I reported there immediately—and got to put stamps on all those letters I had just addressed. Some reward.

Years later I told him how my illusions had suffered those first two days in Washington. "Politics is stamps, spit and shakin' hands," he said. Then he smiled: "Besides, whom the Lord liketh, He chasteneth." Not quite a literal translation, but I got the point.

Throughout his career Lyndon Johnson carried on that kind of love affair with the country, a one-time school teacher from Cotulla, Texas, forever trying to instruct his charges.

He taught us that the country is "peepul," with names, faces and dreams. He came to despise the bureaucracy his own programs created because they started dealing in "categories" and assigning numbers to human beings whose names were Hathie, Joe Henry, Fritz or Betty Lou—people who lived down the road, across the Pedernales. Once he cut an H.E.W. official off in midsentence with the outburst: "Goddamit, you make those folks sound like subjects instead of citizens."

Another time he ripped into a group of Government lawyers who had drafted an Appalachian assistance bill. "Who the hell can read this gobbledygook?" he thundered. "But that's a technical document, Sir," one of the men replied. The President gave him a long, merciless stare, then with his own black felt pen he rewrote the establishing clause. "There!" he said, holding the document out before him with a flourish. "Now they'll know down in Morgantown what we're talking about."

As the Manila Conference droned to a close in 1966 the President was handed a draft on the final memorandum of agreement. He was aghast at its flat, sterile, polysyllabic prose: "Come on," he whispered, pulling at my sleeve, and we left without so much as an "excuse me" to the dignitaries around the table. At the door he stopped long enough to whisper to the Secret Service Agent: "Don't let one of 'em out until I get back."

In the next room he handed me a pad and his own pen. "Now I want to rewrite that preamble so it can be read in the public square at Johnson City," he said. We labored for an hour while Marshal Ky, President Thieu, Dean Rusk and other assorted, perplexed personages waited in the next room. The President dictated, edited, looked over my shoulder as I added what I could, finally picked up the pad, read silently, nodded, and stalked back toward the conference room. He stopped at the door and, winking at me, said: "I want you to leak this to Smitty (Merriam Smith of UPI) first. It gets home first that way, and when ol' Judge Moursund reads this he'll know what we're trying to do out here with his money."

He taught us there's no progress without some giving up, that a nation of 200 million will stagnate without compromise. Some people scoffed as he reached for consensus, charging him with trying to please all the people all the time. But to him politics meant inclusion—"Noah wanted some of all the animals on board," he said, "not just critters with four legs." If consent of the governed is essential to democracy, to L.B.J. compromise was its lubricant.

On the day I resigned, we rode around his ranch for hours. "You were born over there with those Choctok Indians," he said. "Bet you don't know where the word 'okay' came from."

I didn't.

"Right from the Choctaws themselves," he said. "It meant 'we can agree now, if you aren't so all-fired set on perfection.' " If he had been born in another time, I thought, he would have made his living as a horse trader. Instead, he bent this remarkable talent for getting agreement from disparate men to making things happen. He taught us, after years of stalemate, that the legislative process can function.

Why, then, wasn't he willing to compromise in Vietnam? The irony is, he thought he was. "Well, boys, I've gone the second, third and fourth mile tonight," he said after his Johns Hopkins speech in 1965. He had proposed a multibillion-dollar rehabilitation program for Indochina, including North Vietnam, and he was convinced that it was a bargain Ho Chi Minh couldn't turn down. Another time he made another offer, in secrecy, and Ho again said no. "I don't understand it," he said, with a note of sadness in his voice. "George Meany would've grabbed at a deal like that."

Therein may be the biggest lesson Lyndon Johnson may inadvertently have taught us. We think of ourselves as a broad-minded, good-intentioned, generous people, pursuing worthy goals in a world we assume is aching to copy us. "Surely," the logic goes, "all we have to do is offer them what we would want if we were in their place."

This is not a lesson in the limits of power. Lyndon Johnson knew better than most the fragile nature of power, its shortcomings, the counter-tides it inevitably provokes. "Hurry, boys, hurry," he would implore his staff after his great electoral triumph of '64. "Get that legislation up to the Hill and out. Eighteen months from now ol' Landslide Lyndon will be Lame-Duck Lyndon."

He knew the limits of power. What he had to learn the hard way, and teach us as he went along, was something about the limits of perception. What made Lyndon Johnson such a unique and authentic figure—half Texas hill country, half Washington—may have also been his undoing. He was so much a creature of those places that he may have shaped the world in their image. And this image would hem him in, causing him to see others as he saw himself. It was this that made him such an American man when the world was in reality reaching for other models.

I don't know, this is conjecture. What I do know is that Lyndon Johnson was cut ten sizes larger than any of us. This made him coarser, more intemperate, more ambitious, cunning and devious. But it also made him more generous, intelligent, progressive and hopeful for the country. He was, inside, a soft man—I saw him weep as he watched television reports from Selma, Ala.: "My God," he said, "those are people they're beating. Those are Americans." Inside, I don't think he had what it took to prosecute a war wholeheartedly, and in the end he may yet teach us that democracy just doesn't have the heart for those dirty little wars.

He's gone now, and history will take a fuller measure of the man than those of us who served him. I suspect he would have enjoyed what his fellow politicians are saying about him today. I know he would believe them.

Our own relationship was strained toward the close and he died before the prodigal got home. But he did more for me than any man and I loved him.

ENVIRONMENTAL BLACKMAIL

Mr. MOSS. Mr. President, the recently well-published shortages of fuel oil and gas occurring around the country have alerted us, once again, to the Nixon administration's lack of foresight. Only when an issue becomes so overwhelmingly critical does this administration show an ability to act; and then in usually insufficient ways. Moreover, American people are the ones who suffer because of this shortsightedness.

The well-head price regulations have led to gas shortages. Import quotas have brought on fuel oil shortages. This will probably be followed by gasoline shortages next spring. We learned Friday in an article written by Thomas O'Toole for the Washington Post that oil companies are pressuring the officials of five States to relax air pollution standards. The relaxation is necessary, the companies say, so that high sulfur fuel oil can be substituted for low sulfur fuel oil which is in short supply. This is tantamount to blackmail of the American people. The shortsightedness of this administration is forcing the American people into a fictitious choice between clean air and adequate heat.

The administration's shortsightedness must be corrected. The American people are entitled to clean air as well as adequate heat. A firm commitment to maintain environmental standards must be made and then a rational energy policy developed which assures achievement of those standards. Both can be achieved with proper foresight.

An editorial in Friday's Post suggests that all import quotas should be lifted for a period of time necessary to assure a stable supply of fuel. Others have suggested greater stimulation of domestic reserves. In the longer run, it seems obvious that alternative energy sources must be carefully examined.

I challenge this administration to demonstrate its often stated commitment to protect the public interest in a clean environment. The American people should not be subjected to environmental blackmail.

Mr. President, I ask unanimous consent that the article by Thomas O'Toole and the editorial entitled "Fuel Oil and Import Quotas," published in the Washington Post of January 26, be printed in the RECORD.

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

POLLUTION WAIVER ASKED FOR FUEL OIL

(By Thomas O'Toole)

Some of the East's largest oil distributors have asked five states to relax their air pollution standards until the current shortage of heating oil is over.

The oil companies have gone to Pennsylvania, New Jersey, New York, Massachusetts and Rhode Island, requesting permission to burn oil with a higher sulfur content than these states allow. The oil companies have told the states they have enough of the higher sulfur oil to relieve the shortage.

The shortage appeared to be as its worst in Massachusetts, where the state's three largest oil distributors asked for a change in the air pollution laws. The three companies requesting the change are Texaco, Inc., its subsidiary the White Fuel Corp. and Northeast Petroleum Corp., an independent firm.

An aide to Massachusetts Gov. Francis W. Sargent said he heard a report that Texaco was preparing a plan to ration fuel oil in Massachusetts, starting this weekend. The report could not be confirmed last night, but the aide said he understood the Texaco executive committee was meeting in New York last night to discuss the plan.

Texaco officials told the state that it would run out of low-sulfur residual oil no later than next Tuesday throughout the entire state. Texaco and White Fuel are sole suppliers to Boston Edison Co., Cambridge Electric Co., 13 Boston-area hospitals, Harvard University, Massachusetts Institute of Technology and numerous office and apartment buildings.

"We were appalled when they told us this," said John R. Verani, state secretary of consumer affairs. "Massachusetts is now confronted with a crisis created by private oil companies who do business in the state without being regulated by the state."

Texaco won a variance from the city of New York on Wednesday night that will allow it to sell 12 million gallons of No. 4 and No. 6 heating oils with a sulfur content of 2 per cent, which is eight to ten times as much sulfur as New York's laws permit.

The city put a penaty on the sale, which calls for Texaco to pay New York $2 for every barrel of the high-sulfur oil it sells. The city also insisted that buyers of the high-sulfur oil prove that they cannot get low-sulfur oil from another supplier.

At the same time that it granted Texaco its variance New York City issued a regulation allowing the entire oil industry to sell residual heating oils with a sulfur content of 1 per cent, three times what the law allows.

This variance also allows oil companies to sell home heating oils with a sulfur content of one half of 1 per cent, twice what the law permits. Both variances are good for the next 45 days.

New York state followed New York City's action with the granting of a similar variance, but it was unclear last night if any of the other four states would go along with the requests to alter their pollution laws. It was also unclear what role the Environmental Protection Agency might take, since EPA has said that it must approve any amendment to state plans on air pollution.

While this was going on, former White House energy adviser S. David Freeman blamed the fuel shortage on President Nixon's reluctance to end the quotas of oil imports.

"This winter's so-called energy crisis was manufactured right here in Washington," Freeman said in a speech to the Consumer Federation of America. "It could have been averted with the stroke of a pen."

FUEL OIL AND IMPORT QUOTAS

The administration's gingerly and cautious expansion of oil import quotas was a gesture in the right direction. But it is not likely to have any very profound effect on fuel oil supplies. Presumably the White House wanted to buy a little time while it considers what to do next. President Nixon is preparing a message on energy policy, to appear later this winter. But the sudden and unexpected shortages of fuel oil, in many parts of the country, do not instill great confidence in the administration's command of the subject.

The heating oil shortage is owed essentially to the same reasons as the natural gas shortages that preceded it and the gasoline shortages that may develop this spring. The gas and oil industry is heavily regulated in this country, by a great variety of authorities with differing purposes. The market for energy is changing rapidly, as the economy grows. The shortages appear because the regulators cannot keep up with the changes in the market.

Misconceived regulation of natural gas has resulted in gas shortages throughout the Northeast and the Midwest. In response, a number of industries have switched from gas to fuel oil, contributing to the unanticipated demand for oil. Now the federal authorities are leaning on the refineries to produce more fuel oil and less gasoline, while the national stocks of gasoline have also been declining. The country's demand for petroleum products has in fact outrun domestic production altogether. But the country's ability to import is still sharply limited by highly restrictive import quotas, imposed in 1959 to protect domestic producers and keep prices high.

The White House took two steps last week. It suspended the import quotas on heating oil for four months, and it expanded crude oil import quotas for the rest of the year. Lifting the fuel oil quotas for a period as short as four months is an extremely limited remedy, for the major international suppliers operate under much longer contracts. This brief suspension will probably get us through the rest of the winter without disaster. Then what? If the old quotas are imposed again, there will be no opportunity to rebuild stocks before next winter. It used to be routine to replace supplies over the summer. But utilities are increasingly relying on light fuel oil to generate electricity, and the demand for electricity rises to a peak in the summer.

As for the expansion of crude oil quotas, which permits imports to increase by 65 per cent for the rest of 1973, it will keep the American refineries running closer to capacity production. But it is, again, very much an interim answer to a question that is going to be with us for a long time. It gets us around the next corner, but no farther. Greater reliance on imported crude oil is the obvious solution for the coming years. But the country will need greatly increased port and refining facilities. The oil industry says that it cannot make the enormous investments required for these facilities until two public issues are settled. First, the country must make up its mind on environmental standards for fuel. Second, the federal policy on oil imports has to be settled permanently. Ad hocing along, four months or a year at a time, is not an adequate basis for the multi-billion-dollar investments that lie before the oil companies. Clear public decisions are now necessary, not for the sake of the oil companies but for the sake of their customers. They are entitled to a stable supply of a vital commodity.

The public interest would now be served best by a firm commitment to high standards of environmental protection, and the abolition of all import quotas.

THE OIL SHORTAGE

Mr. FANNIN. Mr. President, I am relieved to see that some attention is now being focused on the problems which will be caused if the United States is forced to import large quantities of oil.

In recent years we have seen an ever-tightening noose on the use of America's abundant resources. Those who have blocked the development of our resources have suggested vaguely that there are two solutions to the ultimate energy crisis:

First. Severe reductions in the use of energy.

Second. The importing of fuels to meet our needs.

Few people give serious consideration to the first suggestion because it would mean self-inflicted poverty for the mass of our people, and it would end our efforts to provide opportunity and equality for all Americans.

Much of the discussion of the second alternative has involved our national security. There are those who would willingly entrust the future security of America to international goodwill. There are others who see grave peril for America and the free world should we become reliant on fuels imported from the Middle East or Communist nations.

It is only recently that attention has been given to the other overwhelming reason why the United States should not adopt policies which will rely on imports—it would be economically disastrous.

We, as a nation, simply cannot afford a policy which will result in our purchasing tens of billions of dollars worth of foreign oil in the near future.

The Wall Street Journal of January 23, 1973, carried a good article on this problem. The article points out some of the dangers that will arise for the international economic system when huge amounts of surplus funds are accumulated in the oil producing nations. There also are deep political questions which must be faced in this new situation.

Mr. President, I ask unanimous consent to have this article reprinted in the RECORD.

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

OIL & MONEY—WESTERN NATIONS FRET AS ARABS ACCUMULATE MASSIVE SUMS FROM OIL: UNITED STATES, OTHER STATES WORRY HOW FUNDS WILL BE USED, FEAR MONETARY INSTABILITY; "UP, UP INTO THE STRATOSPHERE"

(By Ray Vicker)

RIYADH, SAUDI ARABIA.—Thanks to their oil, Arab nations are accumulating undreamed-of wealth—which, of course, makes them happy. And they now have successfully put the squeeze on the West to get even more money for their oil—which makes them even happier.

But not everyone is happy. The flood of dollars and other Western currencies into Saudi Arabia and other oil nations threatens to become the "No. 1 problem of the world monetary system during the next decade," says an international economist for a major New York bank. The key question: How can the money be used? In the most pessimistic view, this new situation could mean monetary instability or oil shortages—or both.

At the very least, major changes in international relationships are likely in the long run, according to officials interviewed in this Saudi Arabian capital; in Jedda, the nation's diplomatic center; and in Dhahran, its oil center. Western central bankers may have to find a seat for this nation at their councils.

Arab money may become a new source of investment in the U.S. oil industry. America's exporters may have to work harder if the U.S. is to stem a dollar drain because of oil imports. And, like it or not, Washington may have to pay more attention to Arab wishes and sensitivities—because by 1985 it is estimated the U.S. will be importing about half of its oil, and most of this will come from the Middle East. (Right now, the U.S. imports 23% of its oil, mostly from Latin America and Canada.)

In another decade, this desert nation of five million to eight million persons is likely to have reserves of about $30 billion in gold and foreign exchange. That would be more than double the present American total, and it clearly would turn this developing country into a monetary giant. At the same time, Saudi Arabia and other Persian Gulf nations will become industrial giants. They signed an agreement with Western oil companies giving those nations a 25% equity interest in the firm's oil production, effective Jan. 1 of this year. Companies in Saudi Arabia currently produce about six million barrels of oil a day—roughly half the output of the Arab states of the Persian Gulf.

THE NEED FOR COOPERATION

So what will happen? In an interview here in Riyadh, Sheikh Abmed Zaki Yamani, Saudi Arabia's Harvard-trained minister for oil, declares:

"We don't believe in the use of oil as a political weapon in a negative manner—embargoes and things like that. We believe the best way for Arabs to employ their oil is as a basis for true cooperation with the West, notably with the U.S."

In the Saudi view, cooperation should include opportunities for Arab investments in refining and marketing of oil. This month representatives from nine Arab nations took the first steps at a Kuwait meeting to launch a tanker-fleet company. And Abdullah Absi, director of petroleum affairs for the neighboring sheikhdom of Abu Dhabi, is talking with interests in Pakistan and Malaysia about possible joint-venture refineries there. He says he has received "several offers" from the U.S. for joint-venture refineries on the American East Coast that would be served with Abu Dhabi oil.

Non-Arab Iran, another Persian Gulf state, isn't involved in participation takeovers because it nationalized its oil industry two decades ago. Still, it also is going into other operations. It now has part of a refinery in South Africa, has plans for other joint refineries in Belgium and Greece, and is even looking for oil in the North Sea in cooperation with British Petroleum Co.

If the Arabs are sounding conciliatory on matters of oil, so, too, are they on matters of money. Anwar Ali, the governor of Saudi Arabia's monetary agency, which is based in Jedda, says, "International cooperation on a broad scale will be necessary to minimize the disruptive effect of a massive accumulation of foreign reserves by Arab nations in the Middle East. We realize it is to our advantage to handle our surplus funds in a manner that doesn't disrupt the system. Stability is as important to us as it is to the Western world. You must help us by providing opportunities for us to invest our surplus funds."

MONETARY REPERCUSSIONS

But can the U.S. and other nations provide such investment opportunities? The answer isn't clear yet. Saudi Arabia's offer to invest in the U.S. oil industry is conditional: The U.S. must lift all duties and import restrictions on petroleum from Saudi Arabia. This arrangement would help tie down surplus Arab funds and would ease the U.S. balance-of-payments deficit. But would be oppose by other oil producers, such as Iran, which also want privileges in the U.S. market. In addition, Washington doubts that such close financial arrangements with any foreign power are wise.

Walter J. Levy, an oil consultant based in New York, told a recent meeting of the American Petroleum Institute that it is "most unlikely" that the U.S. or any other developed country "would permit continued massive foreign investments on a scale that would progressively result in foreign takeovers of important companies and industries."

If the Arab money stays in short-term financial holdings, as at present, and continues to grow, billions could be transferred quickly from one Western nation to another for whimsical reasons, raising monetary havoc. Unless this vast accumulation of funds can be immobilized, Sen. Hubert Humphrey warns: "The sheikhs of Arabia will control the dollar."

In less alarmist terms, Mr. Levy, the oil consultant, says the short-term money markets couldn't handle "such excessive and most likely very volatile funds without undermining the world's monetary arrangements." He sees the risk of severe international repercussions."

So a lot of people are worried. In Western Europe, some central-bank officials realize that the $30 billion reserve figure projected for Saudi Arabia within a decade is about the size of the flow of "hot money" that helped upset the old monetary system in 1971. Hot money refers to funds that are transferred across borders to take advantage of higher interest rates, safe money havens or other short-term factors.

Bankers also remember how in the 1960s, when Britain's pound sterling was weak, the Arabs made periodic, politically inspired threats to transfer funds out of England to bring down the pound. At that time the principal funds consisted of the more than $1 billion holdings by Kuwait—peanuts by the standards of the 1970s.

As a result of all this, Mr. Levy, the oil consultant, sees the possibility of "potentially extensive restrictions on the free flow of capital." He adds, however, that any international restrictions on capital or short-term movements of funds would harm the monetary system. "In the affected Middle East and capital-surplus countries," he asserted in his speech, "any restrictions on their investments abroad would probably be accompanied by restrictions on the output of oil."

As the economy in the U.S. thrives, the dollar is picking up some strength. But with Saudi Arabia and, to a lesser extent, Abu Dhabi, Kuwait and Libya promising to become nations with big balance-of-payments surpluses, it remains to be seen whether the dollar can remain strong.

By 1980 fuel imports are expected to cost the U.S. a net $10 billion more annually; thus the U.S. would have to take in vast new hard-currency earnings just to maintain the status quo in its international payments. And with this year's deficit estimated to be $15 billion by one leading measurement, Washington already considers the payments imbalance unacceptable.

SKIRTING THE ISSUE

In preliminary discussions about revision of the monetary system, the Committee of 20 has skirted the issue of monetary imbalances. The committee consists of officials from 20 nations whose task is to recommend new rules and procedures for maintaining international monetary stability. The U.S., for instance, would like a system that would compel any nation accumulating huge surpluses to make an immediate upward revaluation of its currency. However, any such system wouldn't work with Saudi Arabia or sister states; oil payments are designated in dollars with provisions for automatic increases if the dollar's value deteriorates. And, anyway, European nations aren't ready to accept the U.S. proposal.

The new participation agreements with the oil companies are adding even more money to the accelerating revenue of the Persian Gulf nations. Abu Dhabi, for instance, estimates that participation will add another $220 million in the next three years. Kuwait puts its net additional gain at $300 million. The nations are buying 25% of the companies' holdings at a price of about $1 billion. The states' percentage is to rise in steps to 51% by 1982. Involved are Saudi Arabia, Kuwait, Abu Dhabi and Qatar, with Iraq likely to follow.

In 1971, oil-producing nations of the Middle East earned $7.1 billion in revenues. In the 1972–75 period, they are expected to take in a total of $79 billion or so. And by 1980, according to the reckoning of the Conference Board in New York, these nations will be collecting about $30 billion a year.

Saudi Arabia's gold and foreign-exchange reserves totaled $2.5 billion last Nov. 6, the latest date for which figures are available. This is a rise of $794 million from Jan. 1, 1972, Mr. Ali says. The buildup is expected to continue under the triple combination of rising oil prices, much higher production and a larger share of revenue going to the country rather than the companies.

The monetary agency estimates that Saudi Arabian oil revenues in the year ending next August will be $2.9 billion, without making any allowance for the "substantial revenue increase" expected to stem from the participation agreement. The year-earlier total was $2.3 billion. Saudi officials are reluctant to do much forecasting, but some sources predict that oil revenues will double from the current level by around the middle of the decade and may double again by the end of the decade.

One Western banker who has been operating as a money adviser here says, "Saudi Arabia's reserves will be going up and up, right into the stratosphere."

Much of the oil that the U.S. is likely to take from the Middle East in the future will probably come from Saudi Arabia. Oil Minister Yamani summarizes the situation this way: "The U.S. is the world's biggest oil market. We are the world's biggest oil supplier. It is natural that we should cooperate with each other."

A U.S. Commerce Department report says: "With U.S. dependence on foreign oil increasing and with Saudi Arabia fast becoming a leading supplier of our requirements, it is only a matter of time before the U.S., for the first time in the history of its trade with Saudi Arabia, slips into a net deficit." The report adds: "The aggressive selling on the part of U.S. exporters that might possibly prevent this from occurring has yet to develop.'

OUTPUT IS RISING

Because of rising taxes and royalties and the recent participation agreement, major international oil companies with operations in this part of the world are experiencing an increase in the per-barrel costs of their oil. So they raised their average price level to consumers by about 10 cents a barrel, and consumers are likely to face a steady rising price trend in the years ahead. Some oil sources say consumer prices in 1980 will be at least double what they are today, and even higher than that if inflation is added to raise crude prices.

Saudi Arabia is pushing its production hard. In 1972, the countrys output was 5.73 million barrels a day, up 28% from 1971. Expectations are that production this year should average about 7.3 million barrels a day. And in 1975 the country is expected to be producing at a level of 10 million barrels—a figure that would exceed U.S. output. By the early 1980s, Saudi Arabias daily production may rise to 20 million barrels. With proven

reserves of more than 150 billion barrels, the country has the capacity for such increases.

Mr. Ali says that such increases are "conditional upon receipt of cooperation from the Western world so that oil may be produced and delivered at reasonable prices in a situation agreeable to both producers and consumers. He adds that a "just settlement of the Arab-Israeli question would be one of the best ways to assure the cooperation of the Arab world, and some sources in this part of the world believe that such talk is spurring the U.S. to seek a solution to the Mideast dispute.

PRESIDENT LYNDON B. JOHNSON—A EULOGY BY W. MARVIN WATSON

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the RECORD the eulogy of President Lyndon B. Johnson, delivered by W. Marvin Watson.

Mr. Watson's magnificient eulogy was given by him at the National City Christian Church, Washington, D.C., on January 25, 1973, at the official memorial service. The gratitude he so eloquently expressed for all of us needs no elaboration. I thank my friend, Marvin Watson, for speaking with heart and mind about a great President. He has given us insights into the life and works of Lyndon Baines Johnson.

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

PRESIDENT LYNDON B. JOHNSON

(A eulogy by W. Marvin Watson)

He was ours, and we loved him beyond any telling of it.

We shared his victories and his defeats.

In victory he taught us to be magnanimous . . . in defeat he taught us to be without hate . . . to learn . . . to rally . . . to accept the challenge and to try again.

He believed that good men together could accomplish anything, even the most impossible of dreams. No matter who his opponent, he constantly sought to find that touchstane within the soul of every man which, if discovered, would release the impulse for honest and fair solution. Hate was never in this man's heart.

Each of you had your own memories of this man who served for 37 years in this city. I had the honor of being with him through the final four years of his Presidency . . . in those great moments of triumph when the American people endorsed him so strongly . . . in those magnificent hours when he stood before the Congress of the United States and led the way to the passage of laws long overdue that would lead to justice long denied . . . and in that darkening twilight when, as a man seeking peace, he was forced to continue a bitter war to honor our country's commitment to a small, far-off ally.

I watched the gray come into his hair.

I saw each deep line etch itself into his face as he gave all at his command to lead our country through the turmoil which surged around us.

I watched him as he used his great gift of persuasion to convince a Southern Senator that the time had come for the Civil Rights Act . . . I watched him formulate, secure passage and sign into law the most comprehensive legislative program in education, housing, conservation and health of any President in history . . . I watched him in the Situation Room at the time of crisis during the Six Day War when only his ability, his knowledge, and his sheer courage helped to keep that conflict from erupting into a wider confrontation.

I sat with him through those long nights as he endured the agony of Vietnam, as he sought the key to peace, and as he waited for word of men whom he had ordered into battle. Each was a human being to him, not a statistic; each was a name linked with wives and parents and children—he cared for people, not for numbers.

So desperately did he want a just and lasting peace . . . so much did he want us to reason together . . . so much did he yearn that man's goodness would trumph over man's evil . . . so often as friend turned to political foe, did he nod with sad understanding and pray that in the years to come, the sacrifices he was making would be worthy of the American people and serve ultimately as a firm platform on which to build a better world.

And through it all, I saw him earnestly seek God's wisdom for his decisions, for this was a man with a strong belief in the Almighty.

President Nixon, as you so eloquently stated in your message informing Congress of President Johnson's death, it was his "noble and difficult destiny to lead America through a long, dark night of necessity at home and abroad." If he could have chosen other circumstances in which to be President, perhaps he would have. But, America has a capacity to call forth the leadership it must have in those hours of its greatest need. We had Abraham Lincoln when he was needed. We had Franklin Roosevelt when he was needed. History will record that in the seventh decade of the 20th century, America had Lyndon Johnson when he was needed.

When you remember him, remember him please for two things—his devotion to his country . . . and his restraint.

So often in his Presidency, dissension escalated into violence. Yet always, no matter how critical the situation, his inner faith in the people came to the fore and his restraint in the uses of power permitted the people to confront each situation and overcome it utilizing the inherent rights of free men.

Those of us who loved him take comfort in the knowledge that before he died, he could see the dawn of domestic tranquility and of foreign peace which he gave so much of his great heart to bring about. The structure of peace which President Nixon, with great distinction and determination, is building in the world today will rest upon a foundation laid in loneliness and stubborn courage by Lyndon Johnson.

This man's restless, searching heart began to give out long before January 22nd. He gave so much of himself to so many that it is wondrous that God, in His grace, granted him four years to enjoy his retirement in the hill country be so deeply treasured.

Not for him the easy way.

Not for him any halfway measures.

He was a tall man of giant character, and when he committed himself, he committed himself totally. And he asked his countrymen to do the same.

He asked those who had much to be concerned for those who had least.

He asked us to live up to our national promise.

He asked us to be worthy of our heritage.

He asked us to be true to ourselves.

But, he never asked more than he was willing to give . . . and what he gave was good enough to confirm and advance the progress of the nation he served.

Lyndon Johnson loved a woman, and she was his greatest joy and his greatest comfort. He loved his children and his grandchildren and to see them together was a heartwarming experience, for it transcended normal family devotion.

And coupled with that he loved each of us, sometimes with wry amusement at our failures, often with sharp words at our imperfections, but always with a sweeping and generous understanding of our frailities. The dimensions of this man were vast.

He is gone from us now . . . and this afternoon we shall take him home and he will be forever a part of the hill country.

Last September, I had the opportunity to be with him when he spoke of America and of the future.

He knew then that he might not see another autumn, but this was not a man who welcomed or needed sympathy.

Years from now, when historians appraise him, his speech that day could serve as the cornerstone of their research—for it reflected the true Lyndon Johnson. He gave much of himself to it, and it might well be his epitaph. He said:

"With the coming of September, each year, we are reminded as the song says, that the days are dwindling down to a precious few . . . the green leaves of summer will begin to brown . . . the chill winds of winter will begin to blow . . . and before we are ready for the end to come, the year will be gone.

"As it is with the calendar, so it sometimes seems to be with our country and our system. For there are those among us who would have us believe that America has come to its own September . . . and that our nation's span as mankind's last best hope will be done."

President Johnson continued:

"But I live by the faith that with each passing day we are always approaching nearer to the beginning of a new springtime and it is by that perspective that I see our country now.

"No nation can be more than the visions of its people. America cannot be more than we believe ourselves capable of becoming.

"I want to open the soul of America to the warm sunlight of faith in itself . . . faith in the principles and precepts of its birth . . . and faith in the promise and potential of its people."

That was Lyndon Baines Johnson, the 36th President of the United States of America.

The years will be lonely without him.

INDIANAPOLIS STAR SUPPORTS THE EQUAL RIGHTS AMENDMENT

Mr. BAYH. Mr. President, as every Senator knows, the several States are now deciding whether to ratify the Equal Rights Amendment which was passed by the Senate by an overwhelming margin last year. To date 23 States, out of the necessary 38, have acted. The last one—Wyoming—ratified the amendment only last week.

The Indiana State Legislature is now trying to decide whether it should also ratify the amendment. I was extremely pleased to see that the Indianapolis Star, one of the most influential and respected papers in Indiana, has added its full support to the drive for ratification of the amendment.

I ask unanimous consent that the Indianapolis Star's editorial in support of the amendment be printed at this point in the RECORD.

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

EQUALITY FOR WOMEN

The proposed amendment to the United States Constitution to provide equal rights for women is to be submitted to the Indiana General Assembly in the current session. The Star believes it should be ratified, and the sooner the better.

The amendment is simple. The operative section says, "Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex." It is to take effect two years after ratification by 38 states.

Indiana's legislators have an uncommonly good record in civil rights legislation. This state's laws covering the rights of women could well serve as models for many other states. But there is a "legal patchwork" situation among the various states and there are problems at the Federal level.

Only adoption of a constitutional amendment can with certainty end sex-based inequalities in Social Security, military, veterans' and other Federal laws, and uniformly right legal wrongs to women in all states.

Despite what the Federal Civil Rights Act says, women are discriminated against in employment under "protective" laws, and have no recourse in certain occupational categories. Employed women are denied equal access to credit, as was reported just the other day by the National Commission on Consumer Finance. Women convicted of crimes often face harsher penalties than men found guilty of the same offenses. To this day, in some states, a married woman must have her husband's permission to enter business or to sell property she inherits or had owned prior to marriage.

The effect on women in military service, including subjecting them to the draft, has often been cited by opponents of the amendment. But supporters say this is all to the good, that the burden of national defense should be split rather than falling mostly on men. They point out that many women voluntarily flew planes, tended the wounded and did paperwork to free men for combat in the past, and have continued to enlist for similar work to this day.

The amendment would not, as some opponents seem sincerely to believe, put an end to separate restrooms or laws against rape.

It would put women on an equal footing with men with respect to alimony and child support in divorces, and they should be.

We grant that ratification of the Equal Rights Amendment will cause some problems of adjustment, and will strike down some laws intended to shield women from hazards men are expected to face. But the women pressing for the amendment are doing so precisely because they do not wish to be protected by special laws.

It is not just that the 52 per cent of the nation's population that is female should be taxed equally and treated unequally by the law.

We hail the differences between the sexes. They should not be turned into handicaps for more than half our nation's citizens. The problems of working toward full equality for all Americans are "growing pains" of a free and healthy society.

TAX REFORM FOR EXPANDED EMPLOYEE STOCK OWNERSHIP—ADDRESS BY SENATOR JAVITS

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD the text of the remarks I made before the Tax Section of the New York State Bar Association annual meeting on Thursday, January 25, 1973.

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

TAX REFORM FOR EXPANDED EMPLOYEE STOCK OWNERSHIP

(Remarks by Senator JACOB K. JAVITS)

Within recent months, there have been increasing expressions of concern over discontent among American workers. The sources of this discontent have been studied and reported in the press. There have been hearings before the Senate Subcommittee on Employment, Manpower and Poverty; and on December 21, 1972, the Secretary of HEW released a special task force report entitled "Work in America".

The major finding of the report is that "significant numbers of American workers are dissatisfied with the quality of their working lives", and that "[d]ull, repetitive, seemingly meaningless tasks, offering little challenge or autonomy, are causing discontent among workers at all occupational levels." It is suggested that the redesign of jobs—resulting in greater humanization of work and greater potential for individual job-related growth—is vital for dealing effectively with this expanding worker alienation; and that job security, economic rewards and more leisure opportunities are also major factors.

The report gives special attention to the health aspect, worker retraining and education as solutions to those problems.

I have no doubt that the report's central conclusion is correct. *There has been a noticeable erosion of worker motivation in this country, and this development must be confronted and dealt with now—especially since it is the kind of problem which can be twisted easily into myth and folklore—leading to overreaction and improvident remedies.*

There are many jobs which can and should be redesigned along more flexible lines; workers' health can be better addressed; and compared with European countries, our Nation is far behind in the matter of continuing education and training. *We must all recognize that improving worker morale is not just a matter of turning up the Muzak and fattening the pay check!*

We run the risk of arousing easily frustrated expectations if we seek to improve workers' satisfaction *only* through pay and "employee relations" window dressing, or by wrapping the subject in large doses of sociological rhetoric. We should, therefore, focus on providing larger measures of security and independence for workers along with greater emphasis on decision-making participation by workers in connection with their job responsibilities.

LINKING EMPLOYEE PROFIT SHARING AND STOCK-OWNERSHIP WITH RESPONSIBILITY SHARING

One of the proven ways of getting workers more involved with their jobs is by dovetailing employee profit-sharing and stock ownership plans with greater responsibility sharing. Since 1929, Internal Revenue Service-approved profit-sharing plans have increased cumulatively from 5 to 85,957 as of January 1, 1970. During the period 1957–69, the net growth of IRS-approved pension plans was 89,241; for profit-sharing plans it was 75,633, while the total number of approved employee stock plans was 254. In terms of new employee coverage, between 1957 and 1969, pension plans added approximately 7 million new employees to their rolls, profit-sharing plans added 3.7 million new workers, while stock plans added only 246,818. Thus, while the growth of profit-sharing plans has, in general, paralleled that of pension plans, the growth of stock plans has been very insignificant, and this *may* be because company failures have discredited the idea and caused it to be dropped in many quarters.

Successful company programs in profit-sharing and stock ownership are well-known and are highly supportive and essential to greater decision-making on the job. The HEW report correctly identifies profit-sharing and stock-ownership programs as valuable motivating devices, and concludes that "[b]oth *human* goals (autonomy and interdependence) and *economic* goals (increased productivity) can be achieved through the sharing by workers of both the responsibilities of production and the profits earned through production."

Because redesigning work responsibilities in the context of a complex industrial system may have its inherent limits, it is crucial in my judgment, that we place treat stress on restoring and expanding worker incentives. This is one of the principal factors which has led me since 1967 to advocate comprehensive legislative reform of the Nation's $150 billion private pension and welfare plans—an effort which is now nearly at the point of culmination. By striving to give all workers a substantial stake in our economic progress, we will also broaden liberty and strengthen our economic system through increased industrial efficiency. In the words of my brother, Benjamin A. Javits, who has long sought to awaken the business community to the social desirability of revitalized ownerism from his book "Ownerism": "We [should] everywhere reduce the walls between the owner of property and the toiler in plant and field by bringing to all a fair share in the creation and enjoyment of its profits."

ALTERNATIVES FOR EXPANDING WORKER INCENTIVES

What then, are some of the alternatives for stimulating the expansion of programs for broader worker incentives?

1. *Compulsory profit-sharing or employee stock arrangements.*

The main advantage of compulsion, of course, is that it brings about in short order a universal system of capital sharing for workers in at least a minimally uniform way. There is a mandatory profit-sharing program in Mexico, and it may be recalled that at one time this idea was promoted actively in France by De Gaulle but met with stiff trade union resistance.

The disadvantages of compulsion are clear. A governmentally-imposed program would destroy the sought-after linkage between worker and employer leading the worker to regard the profit-sharing or stock-ownership arrangement as just another impersonal government program which is prescribed for his benefit without regard to his or his employer's enthusiasm for the idea. In addition, insofar as stock ownership is concerned, it may not be technically feasible for many small companies to participate, especially if they are structured legally so that control or ownership does not pass outside the exist-earned income or $1,500.

2. *Tax Incentives.* Currently, an employer may deduct for his contributions to a qualified profit-sharing or stock-bonus trust an amount equal to 15 percent of the compensation otherwise paid or accrued during the taxable year of the employer to all beneficiaries of the plan. The individual employee gets no deduction for his contribution, if any, to the plan although the Administration has proposed a deduction for annual contributions up to the lesser of 20 percent of earned income of $1,500.

In order to accelerate the further development of employee profit-sharing or stock plans, it would appear desirable to raise the 15-percent compensation limit and provide some form of tax incentive for *employee* contributions. On this latter point, it would seem that a greater advantage would be derived by making the employee contribution tax exempt, rather than a tax deduction, since a large segment of workers use the standard exemption. In order to make employee financing of employee stock ownership more attractive, I would also urge that consideration be given to some type of deduction or offset against the employee's social security tax contribution—an approach which can be justified by the additional personal security which can be derived from property ownership. Additional tax relief may also have to be considered for smaller firms in order to induce their participation.

In providing for these additional tax advantages, a critical question, in my opinion, is whether we should continue to treat profit-sharing and employee stock ownership trusts

as similar. Many profit-sharing trusts are designed to be the equivalent of company pension plans without the necessity of funding the plan according to systematic actuarial criteria. Stock ownership trusts, on the other hand, are almost exclusively perceived as a means of strengthening or expanding the company by employee financing. Of course, they are also a means of creating a greater sense of identification by the worker with the company. While there is ample social justification for stimulating mechanisms to provide more adequate retirement income with security, there are *broader* economic and social aspects to programs which seek to expand capital ownership among workers as well.

Also, an indispensable part of a tax concession strategy for encouraging greater stock ownership by workers would be to require the blocking off for a specified period of time (saw between 5 and 10 years), the capability of the worker to convert his interests into a cash distribution, subject to certain specified conditions, such as serious illness.

Inevitably, this leads to consideration of the government's revenue loss that would result from adoption of these proposals. However, this consideration must be weighed in the balance with the results that would flow from strengthening the economy by reason of greater worker productivity and the providing of more jobs due to expanded capital flows.

3. *Collective bargaining.* In the *Black-Clawson* case, the NLRB held in 1953 that employers had a duty to bargain with unions over profit-sharing plans. This principle was extended in the *Richfield Oil* case (1954), to cover bargaining over stock bonus plans.

Despite these precedents, the labor movement has been, in general, cautious and, in some instances, antagonistic with regard to profit-sharing and stock-ownership plans. Although there are a wide variety of reasons given for this attitude, it appears to me that trade union concern over greater use of profit-sharing and stock plans is based on the suspicion that these programs may be exploitive of the workers because: (a) by stimulating greater productivity they may lead to a loss of jobs. (b) employers may offer these programs in lieu of wage increases, and (c) these programs may forge too close a link between workers and management interests.

As to the first, the evidence is the other way. The HEW report notes that rather than leading to unemployment, "profit-sharing companies do about a 25 percent better job of enlarging their markets and creating jobs than less efficient non-profit sharing companies."

On the second concern, there is no doubt that attempts to install profit-sharing or stock plans at the expense of wages are counter-productive. In order to be successful, these programs must be an addition or supplement to the wage and fringe benefit levels agreed to by management and labor.

Finally, I doubt that expanded stock ownership among workers would lead unnecessarily to subordinate their interests to management. Rather, the areas of mutual concern and interest would be enlarged. In any event, where trade unions secure profit-sharing and stock-ownership plans for their members, the unions can demonstrate that *they* are obtaining these advantages for their members.

The important point to remember is that while tax incentives are necessary to assist the wider development of profit sharing schemes among workers, these incentives will not be as successful as they could be unless they are accompanied by greater emphasis on securing these advantages through collective bargaining. It has been the same combination of tax incentives and collective bargaining that has led to the spectacular growth and development of private pension and welfare funds.

Trade unions in this country should, therefore, consider these arrangements much more carefully than they have up to now. It is interesting to note that trade unions in Europe, particularly in Germany, the Netherlands and Italy, have been quite active in pushing for stock ownership among workers. In part this is due to the fact that European countries do not have as well articulated a system of stock ownership as we have in the U.S.; but in the main it is due to a belief that ownership of capital will improve the worker's position in society and give him greater economic and social independence. In Germany, for example, the government enacted in 1961, and also in 1965, laws "For Promoting Workers' Participation in Capital Formation". These laws have elements similar to some of the proposals I am advancing.

4. *The "Kelso" proposal.* Louis O. Kelso, an attorney and coauthor of the "Two-Factor Theory", has proposed a scheme for the expansion of capital ownership among workers known as "the Second Income Plan." Although the concept proposed by Kelso is complex and has many ramifications, in essence he proposes that corporations transfer stock to an employee's trust, paid for by a loan to the trust from an outside lender. The corporation is thus provided with capital and the trust in turn pays off the debt with contributions from the corporation on behalf of the employee participants.

The most interesting feature of the Kelso plan is its financing procedure. It appears that Kelso does not believe that adequate financing for wider employee stock ownership would come from greater tax incentives for employer and employee contributions. At the same time, I question whether outside lenders would provide adequate financing under the Kelso plan in the absence of some type of governmental insurance similar to FHA insurance on home loans.

Unfortunately, the providing of this type of insurance might require intrusion of government in a manner that might have an adverse effect on the competitive position of many companies, and private underwriting of these risks is, at best, highly uncertain.

The Kelso suggestion is an intriguing one. It requires more study; for it raises a number of serious questions that perhaps can be avoided—at least for now—by proceeding through the route of direct tax concessions.

CONCLUSION

A greater sharing of capital-cost especially by workers—will, in my judgment, provide a greater measure of economic and social independence—thus stimulating increased worker productivity and toleration of industrial routines not readily accessible to dramatic change. In addition, such expanded ownership could lead to a more even distribution of wealth, a reduction in concentrations of economic and political power, and conditions where government provision of social services may be less necessary.

Obviously, the proposal I have presented is a broad and tentative outline of the type of legislative initiative that would stimulate wider utilization of employee profit-sharing and stock ownership devices. There are many questions that need to be answered with greater precision in order for such a proposal to be workable and effective.

We need to know, for example, what tax limitations should be placed on employee and employer contributions. We need to know whether there *is* special need for encouraging industry-wide or multi-employer profit-sharing or stock ownership. If the funds *are* collectively bargained, should the control and administration over these funds be handled differently? What arrangements should be made for the disposition of an employee's interest when he changes jobs? Should these funds have complete freedom to dispose of the former employee's shares?

My staff and I are currently studying these matters and we would welcome your comments and suggestions.

HEARINGS AT HURON, S. DAK.

Mr. McGOVERN. Mr. President, there is continuing dissatisfaction and dismay on the part of the rural people of South Dakota regarding the insensitivity of the Nixon administration to their concerns. Last week I shared with Senators some of the views of my South Dakota constituents concerning cutbacks and terminations. I now have the transcript of the additional statements made at the hearing I conducted in Huron, S. Dak., on January 13, 1973, and I ask unanimous consent that this material be printed in the RECORD.

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

HEARINGS AT HURON, S. DAK.

Senator McGOVERN. I now have the privilege to introduce one who is well-nown by the people of South Dakota and recently honored in the election. I am very proud to introduce an old friend and colleague in the Congress of the United States, Congressman Frank Denholm.

Mr. DENHOLM. Thank you Senator, my good friend, George McGovern, Senator Abourezk, my colleague, Congressman Abdnor, farm leaders, and distinguished guests, ladies and gentlemen, my friends all.

A long time ago as a small boy I'd sit on the streets of my home town and watch a bunch of men tear an old building down. I went to the foreman and asked him why. And he laughed and said, "Hell, give me a group of men. I can destroy in a day or two what it's taken men years to do." Today, in the last 30 days, you have seen a man with a small group of men destroy what it has taken thousands of this country three decades to build. The Senator has covered them one item by item and told you what is wrong. And I want to talk to you about the background of them, what we've done in Washington, and what we're trying to do about them.

First of all, let's admit that when these programs came in they came in under the leadership of the Roosevelt administration. They were led by an administration that saw a tumbling country. The REA act of 1936 is amended. The Soil Conservation Program which today is known as REAP. The Rural Environmental Assistance Program. All that the administration asked of the Congress was the authority to administer those programs and the Congress gave them the authority to administer. And on this they hid over the holidays, when the members of the Congress were at home, by their own firesides, decentralized all over the great nation. Not one, not two, not three, but four and more at the same time that they tore loose the B–52's, when the Congress wasn't assembled.

We had these indications a week before November 7, when they withheld the educational bill, and veteran's health medical benefits. It was there for the American people to read. Yet they went to the polls and exercised their right.

I told some of the people about it, was disturbed about it then. But we have the signs of the time and so now we have to look at what we've got and the facts before us and see if we can fix it. And you go back and look at those statutes. The REA act spells out that the Secretary of Agriculture, is authorized to and empowered to make law. This week I introduced an amendment to change that law to read that he is authorized and directed to make these laws.

The Congress spelled out, in their words, that the Secretary had the power to enter into contract with the producers of this great land. I introduced an amendment this week and it will be before our committee for hearings, as soon as the inauguration is over, and the festivities quiet down. I changed it to read, by striking out the words so it will read "the Secretary shall enter into contract with the farmers."

We talk about the Congress losing power. They always have the power. This is the time for them to act. And I intend to lay my time, use every energy I have to stir up the wrath and interest not only of the people of America, but in the interest of America.

That's what we must do.

I don't say this, I don't say it because it's your land or your neighbor's farm. Yet, you are the stewards of that land. Either I have laws or the property rights of this land, you had title to that land for a little while. Just your life time, but it's a much bigger deal than that. We lose three hundred million acres a year of topsoil. And the guy has got the guts to stand there and say that this is a program of low-priority? I say nonsense. And we've got to fight him all the way on it. I think that we've got the votes to do it on our committee. We've got the votes to do it in the Congress—and there has never been a greater opportunity for action in this Congress than with the leadership of the kind of men you have on this platform. We're going to get the job done. Now my time has expired.

McGOVERN. South Dakota has the unique distinction that both in the House and in the Senate we have representatives who are first on the rollcall. When the roll call is read in the Senate of the name Abourezk comes up first. And in the House of Representatives the first name on the list alphabetically is Abdnor. So I'm pleased to introduce our new congressman from South Dakota, Congressman Jim Abdnor.

Mr. ABDNOR. Thank you, Senator McGovern, Senator Abourezk, Congressman Denholm, distinguished guests, and concerned citizens all.

REMARKS OF REPRESENTATIVE JAMES ABDNOR

Mr. ABDNOR. I certainly welcome this opportunity to be here this afternoon and to have the privilege of testifying and also hearing from the citizens of South Dakota as to their views on the ramifications and feeling toward the budget cuts that have recently come about in the agricultural budget in Washington. I think we should recognize, though, that the President is determined to hold Federal spending down to $250 billion in this present fiscal year, which actually means that $6 billion or more will have to be trimmed out of the budget to do so. When you are cutting at the rate of $6 billion for a six-month period, you are referring to a pro-rated cut of $12 billion over a fiscal year.

Now, I want it understood that I don't go along with all the cuts that the President has made, and I question whether or not the President has the right to withold funds like he is doing. Of course, I want to point out that I also questioned the President's right to withhold funds in the days of President Johnson, who set the precedent for this by withholding highway funds from the various States, and many thought it was wrong for him to do that at that time.

I do feel that this present situation we find ourselves in has been brought about because of the fiscal irresponsibility of past Congresses. The fiscal truth is that you cannot go on forever spending far more money in Federal funds that you are actually taking in in taxes. I think we must recognize this, and, of course, when Congress doesn't, the President has done so by coming in with these present cuts. There is no question in anyone's mind that Federal deficit spending is one of the greatest contributors to inflation, and inflation has probably hurt the farming business more than any other single occupation that I know of. There is just no way to pass rising costs on to the consumer like there is in other businesses. I do want to say that I feel that agriculture has been unduly singled out for cuts.

I feel that in the percentage of overall cuts, agriculture is carrying far too much of the brunt of the cuts. The thing I really object to most of all is the manner in which the cuts were made. I feel that they were made by the Office of Management and Budget. Although Mr. Butz is accepting the responsibility for them, I feel that he really didn't have much say in it. I am convinced that those people with the knife, who are doing the cutting in the Office of Management and Budget, could not tell you the difference between the front end of a tractor and the back. They have no conception of how they are undermining the economy of rural America and the very existence of agriculture, itself.

I am really concerned about the recent ruling that will allow diverted acres to be pastured. I am convinced this is for the sole purpose of increasing cattle production and dropping down the cost. I am concerned about taking off restrictions on planting and doing away with the diverted acres and what that might do to the overall crop situation. It doesn't take very long to amass surpluses. We learned our lessions under Secretary of Agriculture Orville Freeman back in the days when President Johnson encouraged increased plantings of wheat and other agricultural products because they thought food costs were going too high. The result of it was huge surpluses the following year, which caused prices to be driven down. I am afraid that this is exactly the same situation that could happen here.

I am strongly opposed to doing away with the REAP program. At this time of concern for pollution and environmental protection, here we have a program that has been leading the way in this direction for many, many years.

We know, some of us, the purpose of the program for soil conservation, pollution control, and the like, and I feel that the government has been getting a tremendous bargain under this program. Although it started out years ago at 100 per cent reimbursement on the farm practices, many farmers today in many areas are being paid by the government as little as 30% up to maybe 50%, and I say to you I don't know of a pollution control program today that has given the government and the taxpayers of this country as much for their money as they are getting under the REAP program. I certainly hope that we can prevail upon the President and the Administration to reinstate this program.

I also question the wisdom of the action taken on the part of the Budget Office in relation to the Rural Electrification Program. To me, REA is just as important to our rural segment of the United States as urban renewal programs and the like are to the city people. Here, the program, which is helping everyone in the rural areas, is a business transaction, and I think that this is the point that the government misses in doing what they are doing. It is not a subsidy. If there is any subsidy at all, it is simply that the subsidy exists in the area of the interest rates. I am concerned that, under this new program of turning the REA Associations out into the public markets for money and sharing with them interest rates at 5%, it is going to cost the government almost as much money as it is costing today to go along with the 2% loans.

Finally, may I say there are in this audience today both Republicans and Democrats alike. We are all here to express our concern over what is happening to the Department of Agriculture budget. I know that rural Congressmen, Democrats and Republicans alike, and believe me, there are not many of us any more—I think I heard there are something less than 40 Congressional Districts in this country with 20% or more rural area—are equally concerned, and we are working together in Washington in an attempt to reinstate some of these programs. I think we should not forget that. It is terribly important that we, whether it be in South Dakota or in Congress, or anywhere else, must speak as one voice, not as Republicans and Democrats, because we are all concerned about this situation, and we must speak out for rural America in a single voice.

I want you folks here to know that my first concern as a Congressman is for my country and especially the people I serve. I will not hesitate to oppose the President or his Administration whenever I disagree with them, and may I say publicly, I would not hesitate one moment to co-sponsor legislation with Frank Denholm or any other Democratic Congressman whenever I think it is in the best interests of South Dakota. I know that by working together, we will make a better rural America.

Thank you very much.

Senator McGOVERN. Thank you very much, Congressman Abdnor, and I do know very well that lonesome feeling that you referred to. Now we've taken a considerable amount for the four members of the Congressional delegation, but I think that anytime that you can get two senators and two congressmen on and off in the length of time that we have taken today is quite remarkable.

So now we're going to turn to the rest of the people who will be speaking here briefly today and we have a number of very distinguished names on this list. One of the most promising and public officials in this state is the mayor of Rapid City and he is here today. I am proud to present him, Mayor Don Barnett.

Mayor BARNETT. Thank you Senator McGovern. I think this meeting today gives us all a tremendous opportunity to give more than lip service to the ancient old worn-out slogan of city-rural cooperation. I believe that now is the time for the people in the cities of South Dakota, as well as those that live on the land, to bind themselves together in a close effort of cooperation to see what we can do to put an end to the cold-blooded action in Washington, D.C., which is attempting to pile one disaster on top of another disaster in all of South Dakota.

And I can tell you as living evidence of the last seven months of my life, at age thirty, that the Federal government still has the authority to help the cities and it does have the authority to help the rural interest in South Dakota. The officials that I deal with every day in the Denver regional office are good people. They have good programs, they are sound administrators. They know how to meet a need, but now in late 1972, and early 1973 these officials have been robbed of their authority by a brutal act that has put an end to all of that assistance. And I believe there are two or three things that need to happen if we are to have a reversal in that situation. I believe that South Dakota because of our dominancy of agricultural, must be exempted from these arbitrary cutbacks. We are a state that is losing population, that is having to face this practice of our young people moving away and moving away. Any state that has to face that crisis must be made exempt from the cutback in these programs which can mean so much to retain our population and give new opportunities to our young people.

I also believe that whether it is a flood in a city or a flood in the crop land, that if there is any country or any area that has been designated by the President as a disaster area, then that area must most certainly

be exempt from these cold-blooded decisions that mean an end to all the help on the Federal level.

It seems to me in this day of 1973, I can remember some 37 months ago when I got back from Vietnam myself. And today if we have the money to bomb, then by George, we better have the money to build rural America, and we better send that message clearly to Washington.

We better combine our forces between the urban areas of South Dakota and the rural areas and send that message as clear as a ringing bell to Mr. Nixon's doorstep and make it very clear and that we intend to make good with our promise. You know that night in June was a terrible disaster for my family and me personally and I can look to a dozen people that I recognize that came to our city and helped. You sent money and you sent food and you did everything you could to help Rapid City, because we were in a condition or urgent need and now, Mr. Nixon, I say to you that need is still present. It's still a reality and we in South Dakota are willing to go forward with a strongest type of cooperation to get these decisions reversed. Thank you. I am also now submitting a written statement for the record.

Senator McGovern. I think people not only in Rapid City but across this state know what a brilliant job Mayor Barnett did in providing leadership for his city at a time when they were in great peril and great difficulty. So we are especially grateful that he is here to participate in this meeting today.

We have one Secretary of Agriculture with whom we have no quarrel and I'm pleased to present him now, Bill Schroeder, the South Dakota Secretary of Agriculture.

Bill Schroeder. Senator McGovern, distinguished guests, ladies and gentlemen, my remarks will be directed to the problems we face in agriculture in South Dakota. Agriculture is to our economy what roots are to a tree. In an agricultural dependent state, such as South Dakota, the economy rests heavily on this industry. Family farming is the basis of the social and cultural structure of rural communities. When agriculture suffers, our total economy suffers.

The purchasing power of farmers supports the business of rural towns and shopping centers. Prosperous farming operations are the balancing force needed in our social and economic structure, so vital to the stability, preservation and improvement of our government and efficient consumer-producer system. Our economic well being is dependent on the economic belts of agriculture. The problems facing agriculture have no simple solutions and they have a direct effect on rural communities. The needs of rural South Dakota represent a reason of growing concern. Farmers and ranchers are watching closely what is going on in our nation's capitol. Any change brought about in agricultural programs are a matter of grave concern to those who provide the food and fiber for our nation. The reduction or elimination of farm programs at this time is ill-advised, especially when the farm income is still far below parity. At no time in the history of our country has rural America been so hoodwinked as they have been in the past year.

The change of the man in the position of Secretary of Agriculture to one who is an articulate spokesman and master of deception was the first step in seeking out political support for the administration. Then the dangling of revenue-sharing before the people's eyes by hypnotizing them into believing that the 100 or more programs that would be eliminated was a good deal for them This was the second act of deception. With the elimination of many beneficial agricultural programs; REAP, Water Bank, Farm Home Distribution Loans, low interest rates loans for REA, and all other areas that have been affected in Rural America, we have reached a point when we no longer have faith in our government. The new Director of OMB has clearly indicated how he intends to deal with agriculture. So we in agriculture know full well how we will fare. Usurping the power of the legislative branch of government by the executive branch is rapidly turning America into a dictatorship. Unless the Congress of these United States returns government to the people, we will have short-lived benefits from the recent slight increases in the agricultural sector. Thank you.

Remarks by Mayor Donald V. Barnett, Rapid City, S. Dak.

Mayor Barnett. The City of Rapid City is vitally interested and tremendously concerned regarding the drastic cut-backs which our city must experience as a direct result of the President's actions over the last few weeks.

As a side note, it must be stressed that the Federal Regional Council in Denver has done a remarkable job of filtering the complicated federal programs into South Dakota prior to the arbitrary decision in Washington to discontinue that assistance. The concept of decentralizing the federal authority into various regions is a sound concept. It has worked remarkably well during the flood disaster in South Dakota. Mr. Robert Rosenheim and his staff at the Federal Regional Council, in direct cooperation with Mr. Robert Kessler, have done a tremendous job in providing assistance. Now, those federal employees should not lose their authority to continue this type of assistance in a well planned and constructive manner.

For the record, I would like to list the following federal programs which are in jeopardy if these cut-backs are to continue to be a reality. Also, I would like to list the positive programs which have every indication of complete success if the authority to continue these programs is given to the local officials in Western South Dakota.

I. In the area of *housing*, the Pennington County Housing Authority is moving routinely with the construction of 200 elderly units. We envision two separate 100 units which will help to meet the need for our senior citizens in the Rapid City area. Also, we have the approval to proceed with 31 housing units for the City of Wall. 25 of these units are for the elderly citizens and 6 units are family. Also, at this time, Rapid City has been approved for 50—3 bedroom dwellings units. It appears that all of these units are still in the "GO" stage. We do not anticipate losing the authority to continue with these housing projects.

However, it appears that the City of Rapid City and the Pennington County Housing Authority will stand to lose many units if these cut-backs become a firm reality for the indefinite future. for example, we stand to lose 179 family units in the 1, 2 & 3 bedroom category. Also, for the four disaster counties, we will lose an estimated 200 units of housing which are critically needed.

II. The Pennington County government will also stand to lose much in the way of available federal assistance if these cut-backs become a firm reality.

III. It appears that there are several needs which must be met by the federal programs. These needs which are routinely funded from the Department of Housing & Urban Development are critical for so many of the municipalities within the four county disaster area, for instance, the City of Spearfish has an application for $100,000 for a water and sewer project. Rapid City also has an application pending for the amount of $300,000 for water and sewer projects. The City of Sturgis has an application for $300,000 under the Open Space Program which may be in question if these programs are discontinued.

IV. Under the Farmers Home Administration, many smaller areas in Western South Dakota will stand to lose a great deal of assistance if these cut-backs continue. The cities affected are Camp Cook, Hermosa, Rapid Valley, Custer, Box Elder, and the East Custer Sanitary District.

V. The projects which stand to be lost if these cut-backs continue are programs funded by the Economic Development Administration. If the Economic Development Administration is to be discontinued, and if all of their programs of financial assistance are to end, all of the plans and expenditures of preparing these plans will be for nothing. Also, these local communities will have to look for additional financial assistance from some other governmental agency if these programs are to ever become a reality in the area of improving the economics of Western South Dakota.

It has also been stated that there are special appropriations for the amount of approximately two million dollars for disaster areas from the Economic Development Administration. We have received none of this money thus far. If this money is not to be available, it will require all of the governmental units within the disaster area of Western South Dakota to reevaluate their programs and to make a major curtailment in their efforts to recover.

I believe that it is essential that the federal government look to other means of solving the budgetary problems faced by the Nixon administration. These solutions, I believe, must be based upon the following facts:

1. All areas which have been designated by the President to be disaster areas must be exempt from the arbitrary federal cut-backs. This includes much more than the flood disaster areas of Western South Dakota. It also includes those counties which have been directly affected by the agricultural dilemmas over the past twelve months in South Dakota. There is a strong relationship between the rural and urban segments in South Dakota's population. We must work closely together in an effort to get our respective areas exempted from these arbitrary cut-backs.

If these governmental units and the citizens within these areas must face an immediate cut-back in the availability of federal assistance, it will be the equivalent of one terrible disaster stacked on top of another. In other words, the unavailability of continued assistance from the various programs of the federal government complicate recovery efforts and cause the individual citizens of South Dakota to face yet another disaster within one year following the original disaster.

2. I believe that the federal government must look with understanding and compassion upon those states which are losing population. If these federal cut-backs continue, these local and state governments will lose their ability to meet the challenge of the decreasing population. These federal programs are essential if these local units of government are to meet the challenge of economic expansion. In other words, if a city, county or a state government can prove through statistical information that its population is being lost, then that unit of local and state government must be exempted from the arbitrary and cold blooded federal cut-backs.

3. It appears to me that the most expeditious manner of solving this problem would be to have the President reverse his decision to put an end to the programs which have proven to be so advantageous to rural America. To arbitrarily discontinue these programs in the face of a continuing need is both foolish and certainly not in the interest of our people.

It should be stressed that the programs from the federal Department of Housing & Urban Development have been successful in South Dakota. The Sioux Falls program is one example of complete success. We in Rapid City feel that we have started with our urban renewal program in the proper manner and

that we have every indication of success. In other words, since these programs have not failed in South Dakota and since we do have a track record of success, there is no reason for the federal government to arbitrarily discontinue the availability of these programs in our state.

It should be stressed that the Model Rural Development Program in South Dakota is giving assistance to the local units of government to qualify for these complicated federal assistance programs. Now, the authority for these programs to continue is removed, much of the work of the Model Rural Development Program in South Dakota will be for nothing. It will cause a grave and a great waste which is absolutely ridiculous.

It should also be stressed that the late applicants who are applying for assistance from the Farmers Home Administration will face a great problem when their applications are denied because of the arbitrary action in Washington.

Many of these people in smaller communities have not had the time to determine their needs and to request assistance through the Farmers Home Administration. If they are penalized because of this delay, it will prove that the Federal government is cold blooded, that it is arbitrary and that it has made a major mistake.

The citizens of Rapid City are vitally interested in providing what assistance we can to the citizens of South Dakota who are directly involved with agriculture. For this reason, we sincerely hope that it will be possible for the Nixon Administration to again make available the financial assistance through the Rural Electrification Program and continue to issue loans to those rural electric cooperatives within South Dakota who require additional financial assistance at this time. If the federal government is to discontinue the availability of these funds, even if only for a short time, it will mean a grave set-back to the economic expansion of rural South Dakota. This economic expansion is directly related to the economic condition within the towns and cities of South Dakota. As a private citizen of Rapid City, I want to lend my personal support to any efforts by the agricultural organizations within South Dakota to apply pressure upon the national administration to again make this financial assistance available to these farming and ranching families who are facing an urgent need at this time.

The partnership between city and rural areas of South Dakota is strong. In the face of these federal cut-backs, which will drastically affect the economic well being of every family within South Dakota, we must bind ourselves together in a common effort to place this statement of need and this request for reconsideration squarely on the doorstep of the White House in Washington, D.C. We must give more than lip service to the solid tradition of rural urban cooperation.

We in Rapid City stand ready to assist our friends in rural South Dakota any way possible to achieve a reversal in these drastic cutbacks.

For these reasons, we sincerely plead with the Nixon Administration to give every consideration to exempting all of South Dakota from the arbitrary cut backs which have become a reality over the past few weeks.

It is time to reverse this decision and to continue this assistance for all of South Dakota.

Most respectfully,

DONALD V. BARNETT, *Mayor*.

Senator MCGOVERN. Thank you very much, and now we're going to hear from the Executive Director of the South Dakota Farm Bureau, Mr. Gary Enright.

Mr. ENRIGHT. It is indeed a fortunate opportunity for all of us here today to speak plainly to members of our Congressional delegation about a matter which is of importance to all South Dakotans and all Americans.

Generally we are discussing the cuts in federal spending as announced by the Nixon Administration. Farm Bureau has made its position known to the Administration and we feel that you should also be made aware of that position.

Farm people recognize the need to reduce excessive government spending. We also believe that the cost-price squeeze results primarily from inflation-feeding deficit spending. Farmers are acutely aware of this because they are tax payers, not tax money receivers.

Members of Farm Bureau still insist on 'across the board' reductions in government spending. That clearly means *all* areas of spendid must be reduced, including some cuts in agriculture. These cuts *must* involve all areas of spending so that agriculture does not have to carry an inequitable or disproportionate share of the burden of these reductions.

We applaud the Administration for the intentions of these efforts because Congress has certainly not made a concerted effort in the area of fiscal responsibility.

The public is well aware of the current high prices being paid for some farm produce. The price of hogs, fat cattle and some grains is bringing all federal expenditures in agriculture into the public spotlight.

There is considerable discussion at present, regarding price controls on raw agricultural products. Farm Bureau has led in this so-far successful effort to keep these controls off. However, it will be next to impossible to keep these price controls off raw agricultural products unless strong action is taken to curb this rampaging fiscal irresponsibility throughout our governmental system. There is a definite inter-relationship between the cuts we are facing now and the possibility of continued efforts to put controls on food prices.

All of us representing agriculture must continue to tell the facts concerning the spiraling increases in costs and high taxes. We in agriculture must also face the fact that we are not separate from the economy of this nation, but we are an important part of it. We therefore must realize that we also will have to accept cuts in the federal spending program if there is to be any success in this overall effort to end inflation and hopefully stop increases in taxes.

It is the opinion of Farm Bureau that members of Congress must accept their responsibility to cut federal spending in order to curb inflation.

Farm Bureau believes those making the cuts in spending in the area of agriculture must realize that some programs are essential however.

Curtailment of the special emergency loan program of the Farmers Home Administration leaves some farmers and ranchers as well of other citizens, with urgent credit needs resulting from losses due to natural disasters. Such losses, at the same time, seriously jeopardize their ability to qualify for credit from customary commercial sources and the regular operating loans of the Farmers Home Administration.

Every effort should be made to provide credit to *deserving* farmers and ranchers and other citizens who have no other source of credit. We recommend that present programs be restructured to meet legitimate emergency needs in clearly identifiable hardship cases.

Under the R. E. A. P. program, annual payments have been offered land owners covering part of the cost of installing approved conservation and pollution control practices which benefit all people. The program is cost sharing and not an income supplement. People should understand that important point.

Such investments in the future of America are not subsidies solely for the benefit of the land owners and the program has been quite effective in its intended purpose. We believe that a federal program of cost-sharing should be continued for those soil and water conservation practices and structures which contribute to the attainment of pollution prevention, enduring conservation and environmental enhancement.

Farmers and ranchers are substantial taxpayers. In proportion to their incomes, they pay higher taxes—including income tax, sales tax and property taxes—than any other major segment of our economy. Farmers are interested in fiscal responsibility, in balanced budgets, in control of inflation, and reduced federal expenditure since the root cause of inflation is excessive government spending.

Nothing jeopardizes net farm income more than inflation which tightens the cost-price squeeze as farm costs rise faster than farm prices in an inflationary period.

Agriculture is ready and willing to bear its fair share of the *necessary* cuts in federal expenditures, but we have asked the Administration not to impose an inequitable burden upon agriculture.

Farmers are going to be watching Congress closely to determine if it will act in their behalf in making necessary cuts rather than prolong the problem by not supporting proper and necessary cuts.

I hope the result of this meeting today will be a benefit to agriculture by looking beyond the immediate situation, recognizing that we must make every attempt to retain funding for vital areas, but grasping the over-riding problem which is high taxes and excessive federal spending.

Senator MCGOVERN. All right, our final witness is Mr. Keith Tarr of South Dakota Land Improvement Contractors Association.

KEITH TARR. Thank you. I'm representing the South Dakota Land Improvement Contractors here today and also the Land Improvement Contractors of America. Our association is composed of the many smaller contractors who do the big share of the work under the Rural Environmental Assistance Program. Our membership varies from the small owner-operator type of operation, to the contractor who employes several people.

According to a nationwide survey conducted in 1971, our members employ an average of 5.7 people, and do an average of 105 jobs per year. Some of our members depend on the REAP program for 100% of income, while others are partially dependent on it. In my own case, 44% of my income during the past year was derived from REAP-affiliated projects. I was greatly disturbed when I read that the Rural Environment Assistance Program was being terminated because it was a supplement to the farmer's income. This is not the case as you people are subsidizing the people of the United States every time that you construct a dam, dug out, terrace or back waterway on your land. All of these practices help control pollution, preserve water and provide wildlife habitat and recreation for future generations. Where the farmer and rancher not bearing the costs, the government would have to pay you people—100% of the costs, to get these practices on the land.

It will not be known for some time what the loss of REAP will mean to our members. Many will definitely have to go out of business and others will be laying out employees, as we are not adequately equipped or financed to bid the big jobs, and assume the added risk. Many are going to feel this in the loss of fuel sales, repair sales, and equipment sales. A loss will also be felt and realized in the property taxes of each county. The loss of many small contractors and their equipment will be felt in emergencies such as blizzards and disasters such as the 1972 flood of Rapid City. Before the water had subsided many of our members were on their way to Rapid City with personnel and equipment. I personally saw several there working the day after the flood. I could mention many

more side effects, but we're here today to hear from you people and on behalf of myself and the land improvement contractors of our state and nation, I ask your support in the fight to reinstate the Rural Environmental Assistance Program as administered by the ASCS offices and let it be funded, in at least the amount approved by Congress of $225.5 million. We would also ask that Congress direct that these funds be on a continuing basis and thereby eliminate the yearly struggle for the release of the appropriated funds. Thank you.

Senator McGOVERN. Well, I think these statements today have given us an excellent hearing record, an excellent indication of what the impact of these proposed cuts will be on the economy of South Dakota and other rural states. As I listen to the discussion this afternoon a couple of thoughts went through my mind that I'd like to underscore before we take any suggestions or questions that you may have from the floor.

First of all, with regard to the responsibility that the Congress has to watch needless military spending. I would like to emphasize that in the last four years the record of the Congress has been one of reducing . . .

I must say I was puzzled about the spontaneous applause, but I realize now that it was the fine young Governor of our state that you were applauding, Governor Kneip, and we are delighted that he's here and I'm going to call on him to say just a few words to this group. The sentence that I was about to complete is that over the last four years, if you add up all of the spending requests that the President has sent to the Congress, we have reduced that total of $20.2 billion, so that when people talk about the responsibility of the Congress to watch needless expenditures, keep that figure in mind.

We've reduced Administration requests, the total requests, by slightly in excess of $20 billion. Now we've made those cuts primarily in the military field, not in civilian programs. But the total impact has been to reduce Administration requests these past four years for everything they've asked by some $20 billion. Just this year, the Administration has asked us to increase military spending by $4 billion above the previous year. Now that just happens to be approximately the total amount that farmers receive directly from the Department of Agriculture. There are a great many other programs in the Agriculture budget, such as the food stamp program and the school lunch program, and meat inspection and things of that kind. But the actual amount that goes to the farmers is something just less than $4 billion a year. That is the amount by which we are now being asked to increase a Pentagon budget that already approaches some $80 billion a year.

I'm more convinced than ever that the two objectives that I fought for in the recent years are right: that they are on the track and those objectives are to stop the bombing of Asia, and, secondly, begin the building of America.

Now I think we should hear a few words from our Governor, Governor Kneip.

Governor KNEIP. Thank you very much Senator McGovern. Senator Abourezk, Congressman Denholm, Congressman Abdnor and other distinguished guests, ladies and gentlemen. It seems that I'm always beginning these days by apologizing for being late or something or other. But I just came from an industrial development meeting in Mobridge and I'm on a very strict schedule today. I must go from here to Aberdeen. The schedule that a Governor often keeps is made months in advance and yet I think it is tremendously important that all of us address ourselves to this problem that the Congressmen and Senators have brought before you today. So I am very pleased to be here.

Let me share my concern in perhaps a different way. Over the past three to four weeks in State government, I have made it a point to deal directly with a lot of problems, as I see them, and the needs of our people, as I see them. But in the course, for example, of looking at the budget of state government and to the demands that are made on the state government of that budget. I have been looking very directly to the many needs of our people. I have in this particular year taken a very direct part in figuring that budget. I've been with my budget people through the whole process looking at each and every line item, each and every FTE, full-time employment, as we refer to it, in state government, and trying in a very diligent way to hold down expenditures, to look to, speak to the tax problems and everything else. And you can just imagine over the past months the many areas that a governor touches on—tax reform, governmental reorganization, the budget, an inaugural address, a state of the state message, that I must give next Tuesday, and looking beyond that to coming back to a joint session of the legislature for things like taxes, governmental reorganization, or the problems in higher education, the problems of agriculture. So I'm confronted with all of these questions, and I can tell you that in this particular year, as we approach the budget time, and as I sat down with each and every one of those line items, you can imagine how distressing it is to find one time after another arbitrary cuts and new decisions made by the Executive branch of the national government that directly affected our budget. Decisions in many instances that I must make, where the Federal government started something and all of a sudden it ends.

And when I say that it suddenly ends, how many would not agree with me that that's not appropriate planning? That we in the state government, as we look to our counterparts in the Federal government, realize, I'm sure, the people on this stage realize, that our Congressman and Senators, realize how necessary it is that we have a good federal-state relationship, just as we must have a good state-local relationship. But that planning extends into the three levels of government. We can't stand back and all of a sudden, one time after another, find the budgets immediately cut off and finding ourselves in the position something less than tenable. I am concerned. The Congressmen here know that my office has written to them, called about one thing or another, and if you would like some kind of overview of how many of you remember the discussions that took place over the last three to five years, but this whole concept of revenue sharing, and the fears we had at that time of what it would do to rural America, is coming home to rest on our door step. The predictions we made are coming true. We are being told on one hand that here are some new dollars for you, and then immediately, because that revenue sharing has just now come to us, in a very immediate way grants and aids as we know them in so many other areas, are suddenly stopped. If you weigh, that distribution assistance from the national side, if you weigh it carefully and look to the whole process by which we have been getting assistance from the beginning, we're being seriously hurt by accepting revenue sharing as an alternate to the grant-in-aid of one kind or another. Now I'm speaking of this in a very broad sense, but again, when you talk about the President of the United States and to the Congress talk about a good federal-state relationship, the fact is that that relationship is anything but good right now, because of these arbitrary cuts as they are coming to us. They talk about rural-urban blocks in America—and they talk about some things that we need to do to accomplish that end and in the course of talking about it take precisely the opposite action which cuts it off. This is hurting rural America.

You can't talk about stemming the tide of migration from rural America to the urban centers and at the same time cut off funds that are used for development. These are under-populated areas where some people might come and know the good life. But I only want you to know that it's effect on agriculture is of course tremendous. It's serious. And its something we should be meeting and talking about.

I was very pleased to know that the Senator had called for this particular public meeting and he's speaking to that, very directly to that problem. I feel its effect in state government as Chief Executive of state government who in figuring state budgets and looking to all of these needs as they come. It leaves you with your hands in the air, because there is no orderly planning process in the course of that arbitrary action as it came to us. There simply could not have been any decent planning involved before that action took place. I only want you to know that we are aware of it and I don't care whether they are talking about stabilization of construction of the Oahe irrigation project, or the waste water treatment facility funds or even extending beyond that to the trust funds in the highway or to social services, to the welfare programs.

Let me share something with you for just one moment. The Federal government is in the course of taking over, for example, aid to the disabled, aid to the blind, and one other category which doesn't come to my mind right now. But we are being told that while a level of assistance is projected, and that if we as a state want to go above that assistance level, and we have in some of those categories then arbitrarily we must go across the board. I know if we triggered just one $10 increase, for example, as projected across the board would cost this state $1,300,000. But in the course of them coming and saying we want to help you in state government, they're giving us problems and they are not gaining, they're costing us dollars. I could go on and on and on, about these cuts and these decisions that are coming from that level of government. And I think my concern, and I think the concern of the Congressmen and Senators, at least I hope it is a concern to them, is that when the Congress makes some decision which affects our state and they vote on that particular problem, and they pass a bill and it's signed by the President of the United States; to think at that point that new decisions are going to be made, is something bad for this country. That's unlimited power and that is certainly something not intended by the people as they gave that power to the Congress or to any level of the government. We have spent a lot of time trying to improve the federal-state relationship, but I can't for the life of me understand or know how we'll ever be successful unless we have the kind of planning process that will lead to orderly development in this country and unless someone makes a decision as to how unlimited that authority is going to be.

I'm not only sorry that I missed a part of your discussion today, but I must now leave for another meeting. My time, especially these days, is divided. I've got a very serious message to give to the people of this state next Tuesday that deals with the budget, deals with programs, deals with wide array of areas and I enjoy, as one Governor at least, the fact that my influence can be felt in government. But I also look at responsibilities in authority and I like to think that they aren't misused. And I think it's a misuse of authority that we're talking about when we come to this kind of meeting and deal with dollars and programs that affect our people and that affect all of rural America and as I said that is the concern to me. I hope that we are able to move beyond the point of this meeting and back to Washington to get that thing corrected. Thank you very much.

Senator McGOVERN. Many thanks, Governor Kneip. And I know we're all pleased

to have the Governor with us for a brief time this afternoon.

Now we do have at least a few minutes left for any suggestions or questions that you might like to raise from the floor. There are microphones in the aisle. If you would like move one of those microphones. I think that everyone then might hear you.

We'll begin with this gentlemen who is at the microphone now and then move on from there.

NORMAN OLSON. My name is Norman Olson. I'm from Canton, South Dakota. There's one program that affects us very much down there that has been cut, that hasn't been mentioned here this afternoon. In South Dakota we are, every rural community, is trying to get doctors or hold the doctors they have. To hold the doctors or get new ones in their community, you have to have a hospital. We have had a hospital there in Canton, but the State Department of Health says it is not up to standard. They've been giving us a license because we have been planning for a new hospital. We are planning now a $1 million hospital. But we need the Hill-Burton funds that you gentlemen voted last year, and Nixon vetoed. So there is another place that he has cut arbitrarily the funds for the welfare of the people of South Dakota. Thank you.

Senator MCGOVERN. I think that question answered itself. It makes the point of the price we're paying for the veto, and I can only assure Norman Olson and others that many of us in the Congress are going to make an effort to reinstate those programs that have been vetoed including the hospital construction-school program. All right, let's turn to this side of the aisle.

UNIDENTIFIED MAN. Senator McGovern, I want to compliment you for taking the leadership along with Senator Abourezk, Congressman Denholm and Congressman Abdnor for holding this meeting. I think everyone really appreciates it and I know that I do. I know one concern that Governor Kneip talked on, and that is the reason that I feel that President Nixon feels he's in the position to do this and be immune to some of the actions of Congress. That is that he has established now, his is to the best of my knowledge you may want to correct me on this, he has established his super-cabinet which consists of four people: Shultz, Butz, Lynn, and Weinberger—these people are working directly with the President and making, as I understand it, all the major decisions for all the departments of government at this point. By dealing directly under the President, after they are subpoened, or whatever you do to get them to come to the Senate, and get under questioning, they then declare executive privilege and refuse to answer any questions that you put to them, as I understand it. Now this puts them in a position where they can make a decision and not be subject, as I understand it, to questions of their decision. And if this is true, I think we're closer to that dictatorship that was mentioned than we think we are, I would like your comment on this.

Senator MCGOVERN. I don't want to monopolize the commentary. Maybe Congressman Abdnor and Congressman Denholm will want to add to this. Let me just say that the four gentlemen that you have mentioned are members of the cabinet and as such they are subject to confirmation by the Senate and they also can be called to the Hill to testify. Now unfortunately, the President has issued orders to some of the Cabinet in recent days not to testify and they declined invitations from committees of the Congress to testify. Also the President's own personal aides, the White House, do claim executive privilege, even though they already have a great power. Investigations are now going forward before the committee chaired by Senator Ervin, of North Carolina, to see if some arrangements can't be worked out to deal with this problem of executive privilege. I think that is important that those investigations go forward and that the Congress comes to grips with this problem. I quite agree with the thrust of your question. If the legislative branch, the people's branch of government, your elected representatives are not given the opportunity to interrogate for the public record, members of the executive branch, then we have lost a great deal of our liberty. I'm personally very concerned about that problem. Maybe the Congressmen may want to add something to that.

Now, let's go back to this side of the aisle.

HANK JESSE. Senator George McGovern, the other day on one of the major television * * * Butz was on a panel program and of course, he was asked what was the Department of Agriculture responsible for in inflation. Of course, Butz included a letter from the housewife in New York, or Brooklyn, I don't know which one, but one or the other which is part of greater New York anyway. And I'm going to quote him, because I think these 2,500 people can hear what Butz says on this major TV program where they said 90 milion people was listening. He says "You crazy son of a bitch what are you trying to do, bake all the housewives with the price of food."

Well, now I want to quote to you, when Butz asks any of you Congressmen or Senators about agriculture and I don't know why you've never used this quotation to curb him. You took that wrong, this is the quotation, I mean: In 1951, Agriculture has increased about 42% while the rest of the economy in the nation since 1951, or approximately 22 years, a little bit less, has increased 155%. Now does it sound like agriculture is being inflationary to the entire economy of the nation. That's all.

Senator MCGOVERN. I think it's a good point.

HANK JESSE. Excuse me, George, by the way if you want to follow up this quote I'm going to mention my name, you probably know it, but the rest of them don't. I'm Hank Jesse from Claire City, so now you can affiliate me with that statement.

Senator MCGOVERN. In all due respect to Mr. Butz, I wish while he's making this defense of the farmers he would remind the housewives that the farmer is not the only one who contributes to food prices. There are a few other facts there. I think we could use a defense that is a little more explanatory and that housewives ought not to be left with the impression that every time food prices go up, it's the farmers' fault. Still it is a fact that there is only about 3% of wheat in a loaf of bread and consumers ought to be told that, instead of left with the impression that the farmer is responsible for these increases in food prices. They ought to also be told that when farm prices go up a little, that just means that they are approaching where they should have been all along.

UNIDENTIFIED SPEAKER. Senator McGovern, and the rest of the South Dakota Congressional Delegation, I'm sure that we all agree that the President has usurped the authority of Congress and done it in most irrevocable fashion. I'm sure also all realize that some thirty years ago a European leader did exactly the same thing and we did nothing about it. I think it's quite obvious that the South Dakota delegation is willing to do something about it. Now my question is what can this group best do to help you to get your colleagues through the reins of government, to assume their influence in government? To put it in farmers' language, how can we help you get your colleagues off their behind-ends? That's about it.

Senator MCGOVERN. Well, I think we ought to have some help, from Congressman Denholm and Abdnor on this.

We are trying to conserve the time as much as possible. Let me just say that I think that a meeting of this kind is invaluable. I know that this meeting is going to be reported. I know that the news of this is going to get back to the White House, and back to the Secretary of Agriculture. It's certainly going to be presented to members of the Congress and all of us will go back to Washington with the better understanding of the depth of feeling and the passion that people have on these unfair moves that have been made. Now if it is any encouragement to you, I understand that meetings of this kind are being organized in other states. I would hope that in every agricultural state in the union, meetings of this kind are held. But just to give you one specific step that you might take that might be helpful. I wish that people here in this audience today would write to some of the urban congressmen across the country and remind them that we have members of Congress from South Dakota who have supported those programs that have been in the interest of urban America. We've supported transportation, we supported housing, we supported health-care, we supported education, environmental programs. It will be because of these cuts made, we expect our friends in the urban states to respond with their vote and their voice and their support. I think that would be helpful.

I would like at this time to make the statements of John B. Glaus, President, South Dakota Stockgrowers Association part of the RECORD. In addition, we have statements from Mr. Lloyd Zimbrick of the Traverse Electric Cooperative in Wheaton, Minnesota and Mr. Keith L. Carr, President of the South Dakota Land Improvement Contractors Association.

STATEMENT BY KEITH L. CARR

Gentlemen: My name is Keith Carr and my home is in Prairie City, S.D. I am representing the South Dakota Land Improvement Contractors today, as their president, and also the Land Improvement Contractors of America, as a member of their board of directors. I have been in the earthmoving business 17 years, and doing ACP–REAP work for 15 years.

Our Association is composed of the many smaller contractors that do the big share of the earthmoving under the Rural Environmental Assistance Program. Our membership varies from the contractor with an owner-operator type of operation, to the contractor with several employees. According to a nationwide survey conducted in 1971 we employ an average of 5.7 people, and do an average of 105 jobs per year. Some of our members depend on the REAP Program for 100% of their income, while others are partially dependent upon it. In my own case, 44% of our earthmoving income in 1972 was from REAP affiliated projects.

I was greatly disturbed when I read the USDA–ASCS Administrators Memo No. 98, where it was stated that the Rural Environmental Assistance Program was being terminated because it was a *supplement* to the farmers income. This is not the case, as the farmer and rancher is subsidizing the people of the United States, every time they construct a dam, dugout, terrace, or grassed waterway on their land. All of these practices help control pollution, stop siltation, preserve water, provide wildlife habitat, and provide recreation for future generations. Were the farmer and rancher not bearing part of the cost, the government would have to pay him easements, plus have 100% of the cost, to get these practices on the land.

How can only $20 million be cut, from the over $200 million, for salaries and administration of the Soil Conservation Service, to do the paper work; while the whole REAP program, that provides the money for construction, be terminated? It doesn't make sense to me.

It will not be known for some time what the loss of REAP will mean to our members.

Many will definitely have to go out of business, and others will be laying off employees, as we are not adequately equipped, or financed, to bid the big jobs and assume the added risk. Main street will feel the loss of fuel, repair and equipment sales. My own small business spent $8500 for gas, fuel and oil, and $15,000 for repairs last year. A loss will also be realized in the property taxes of each county.

The loss of many small contractors and their equipment will be felt in emergencies, such as blizzards, and disasters such as the 1972 Flood in Rapid City. Before the water had subsided many of our members were on their way to Rapid City with personnel and equipment. I personally saw several there working the day after the flood.

Gentlemen, I could mention many more side effects, but in behalf of myself and the Land Improvement Contractors of our State & Nation, I ask your support in the fight to reinstate the Rural Environmental Assistance Program, as administered by the ASCS offices, and that it be funded in at least the *amount approved* by Congress of $225.5 million. We would also ask that Congress direct that these funds be on a continuing basis, and thereby eliminate the yearly struggle for the release of the appropriated funds.

Thank you.

STATEMENT BY LLOYD ZIMBRICK

I am the manager of the Traverse Electric Cooperative of Wheaton, Minn., a rural electric distribution cooperative serving members in Minnesota and South Dakota. I am a lifetime resident of the area; I helped to organize this cooperative and have been the manager since its inception.

We are shocked, baffled, and confused over the drastic action of the administration in the last days of December 1972. Hundreds of us from rural America are in Washington this week to request your assistance in reversing some of the programs that we have fought for in the last 35 years.

In 1944, Congress passed the Pace Act which provided that the rural electric cooperative system furnish every member with single-phased electric service regardless of the distance to build and the cost to serve that member. In accepting this responsibility, the Act provided that we would be assured money to finance this construction at 2 percent interest. To me this is an agreement or a contract to furnish central station service to all those who are interested regardless of the cost, religion, color, race, or creed—on our part and a guarantee by the government of funds at 2 percent interest. The Act has not been amended or rescinded to my knowledge.

We have and are carrying out this mandate. In the past few years, the Bureau of Indian Affairs has succeeded in getting their constituents to make application for electric service; and in many instances, it has been necessary to build as much as a mile and a half of line to serve one individual. The raise in interest rates, if allowed to become effective, will make it impossible for us to continue this service.

One may say your electric lines are now constructed and you have no further need for new funds—quite the contrary. Environmentalists are now crying and proposing legislation that we put these lines underground. If successful, this will throw us into a whole new "ball game." Underground construction will cost us much more than overhead and the 2 percent loan program is absolutely essential.

We operate in a rural area. Ninety-nine percent of our revenue comes from large rural farmers. The administration's action in deleting farm programs is staggering to our rural economy. To list a few, the administration has:

1. Dropped REA 2 percent loan program, funded at $545 million this fiscal year, in favor of making 5 percent Rural Development loans to REA's.

2. Terminated the REAP (agricultural conservation practices) payments program for which Congress authorized $225 million.

3. Terminated FHA 1 percent Emergency (disaster) Loan program.

4. Terminated the Water Bank, funded at $10 million this year.

5. Opened up wheat acreage; no Set Aside required to qualify for payments; feed grains, soybeans can be planted on Set Aside under winter wheat program.

6. Revised severely Farm Storage loan program.

7. Is dumping CCC feed grain holdings into market to depress prices.

8. Has announced sale of government bin storage capacity during 1973–74.

9. Opened up feed program acreage to reduce government payments $800 million but relax controls.

10. Opened Set-Aside acreage to livestock grazing.

11. Suspended import quotas on beef, mutton and lamb.

12. Raised non-fat dry milk annual import quota by 750 percent to admit 25 million lbs. of non-fat dry milk by February 15.

13. Raised interest on commodity price support loans from 3½ percent to 5½ percent.

14. Reduced cotton allotment 1 million acres to drop total payments $100 million while eliminating control on total cotton acres planted.

15. Increased tobacco acreage allotment 10 percent and eliminated tobacco export subsidy.

16. Transferred final control of farm economic decisions out of the hands of the Department of Agriculture.

17. Is dismantling the Department of Agriculture through the President's new "Super Cabinet" arrangement.

18. Terminated rural low cost housing subsidies.

STATEMENT BY JOHN B. GLAUS

We in agriculture feel we are being persecuted and beaten and stepped on and spat on and in general we are feeling very sorry for ourselves because of recent actions taken by President Nixon and Secretary of Agriculture Butz. We have seen import quotas on beef lifted for 1973. We have seen grazing fees on BLM land and Forest Service Land raised by more than 15%. We are seeing set aside or diverted acres being opened for grazing. We have seen REAP scheduled for discontinuance. We have seen the low interest rates for REA discontinued forcing them to go through regular channels like the rest of us. It is apparent we have entered the age where the consumer and environmentalist is in the drivers seat.

At the same time the farmer and rancher has always been the one stabilizing force urging economy of government and more efficiency in government. We have urged reduction in the National debt. We have urged no more new taxes. Yet here we are, crying like babes in the woods thinking the end of the world is coming. While we urge economy and efficiency, it is a lot easier if it is the other guy, the other industry that gets the axe. But it has to start someplace. All we ask is that this spirit of economy affects other industries—not just agriculture, and that the same ground rules be applied to other industries. Instead of asking for sympathy and tears, let's rejoice that maybe we finally are ending this period of idiotic give away and coming to our senses like men. Let's rejoice because now we can work for other economics in government. Let's end unnecessary subsidies to other industries and all get our feet on the ground and work together in the way we can that has made this country great. The opportunity is now here if we will just seize the initiative and make what appears to be an ill wind, instead, work to our advantage. The opportunity is here again to make our own way without having to be tied to the apron strings of Mama Government. If you want to control and ham string any group, any race of people, any industry, just give them enough money so they become dependent and they will do anything for you. They give up their initiative, their pride, their will—anything to get that hand out. I say, let us as agriculturists tell our congressmen to forget politics and work for the good of our country by reversing the trend toward ease, complacency and the attitude of "let the government take care of it."

We face the danger of making a free industry a servant of government. Our system of free, competitive agriculture has been putting the dinner on the table of America and the World. American agriculture is the envy of the world. No country can rival the efficiency and productivity of the U.S. farmer and rancher. Our American way is responsible. Other countries try—Russia and other iron curtain countries with State controlled farms and methods—and they are a failure. Let that be a lesson to us so that we do not sell our soul for so called security. We are now at the crossroads. The question is "Do we depend more or less on the government to run our business?" *I think it would be* catastrophic for us if we take the easy way.

RESUMPTION OF HEARING

UNIDENTIFIED SPEAKER. Would I be out of order to ask you to name a couple of Congressmen or Senators that we could write to. We can't write to 500. Most of us don't know who to write to except our own Congressmen and they don't help us. You know them.

Senator MCGOVERN. I think the easiest way to answer that is to say the organizations that are represented here on the platform, especially the farm organizations, can supply these names to you. Or if you drop a post card to any one of the offices of the members of the Congressional delegation who are here today we would be more than happy to send you a list of all the members of Congress and mark those that we think might profit from a little encouragement.

Now I must say that not only the Governor, but some of us in the Congressional delegation also have additional assignments that we have to keep today and we're going to have to bring this meeting to a close. I do hope we can stay around for a little while and visit with you informally. But please understand and I know I speak for Congressmen Denholm, Abdnor, and Senator Abourezk, that we want to hear from you. We want your advice and counsel and your mail will be read, and it will be answered. Your telephone calls will be listened to and will be answered, so please understand that this meeting today is not the beginning and the end. It's part of an ongoing association. What we want to prevail in as we face this current crisis in rural America. And I think that if we stand up for our rights and we fight hard enough that we can reverse some of the decisions that have been made.

This is still a democracy. We want to keep it that way. And one of the ways to do that is to let our government officials know that we don't intend to take these defeats lying down. Thank you so much for your attention and courtesy. I think it has been a most worthwhile meeting.

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now

go into executive session to resume the consideration of the nomination of Elliot L. Richardson to be Secretary of Defense, with the time to be equally divided between and controlled by the Senator from Mississippi (Mr. STENNIS) and the majority leader or his designee. The vote on the nomination will occur at 2:30 p.m. The yeas and nays have been ordered.

The Senate proceeded to consider executive business.

Mr. STENNIS. Mr. President, I shall be glad to yield to the Senator from Iowa.

The PRESIDING OFFICER. Will the Senator allow the clerk to report the nomination?

DEPARTMENT OF DEFENSE

The legislative clerk read the nomination of Elliot L. Richardson, of Massachusetts, to be Secretary of Defense.

Mr. STENNIS obtained the floor.

Mr. TOWER. Mr. President, will the Senator yield for an inquiry?

Mr. STENNIS. I yield.

Mr. TOWER. Mr. President, is the parliamentary situation such that we now have some 56 minutes of controlled time, half to be controlled by the Senator from Mississippi, half by the distinguished majority leader or his designee, and the other half to be controlled by the distinguished minority leader or his designee?

Mr. ROBERT C. BYRD. No; half by the distinguished Senator from Mississippi and half by the distinguished majority leader or his designee.

Would the Senator like to have the half that is under the control of the majority leader?

Mr. TOWER. No; the Senator from South Carolina (Mr. THURMOND) would. He was not on the floor at the time.

Mr. ROBERT C. BYRD. Mr. President, on behalf of the majority leader, I yield all my time to the distinguished Senator from South Carolina (Mr. THURMOND).

Mr. THURMOND. Mr. President, I already spoke on this nomination last Friday, and I have nothing more to say unless it is something in reply.

Mr. STENNIS. Mr. President, the Senator from Mississippi had the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. STENNIS. Mr. President, I yield 10 minutes to the Senator from Iowa.

Mr. HUGHES. Mr. President, I thank the distinguished chairman of the Armed Services Committee for yielding.

Mr. President, this nomination of Mr. Richardson—in fact, any nomination—raises important questions not only of the nominee's fitness for his job in terms of background and experience, but also his fitness in terms of policy attitudes.

Just as the President presumably would not choose a Cabinet Officer who fundamentally disagreed with his own attitudes and policy, neither should the Congress approve a person who opposes or refuses to execute the laws passed to govern his department. It would be a dereliction of duty, in my opinion, for the Senate to confirm, say, an Attorney General who would not enforce the civil rights laws or a Secretary of Agriculture who was committed to the dismantling of essential farm and rural development programs on which the economy of rural America depends.

In order to obtain Elliot Richardson's views about the key policy questions facing the Secretary of Defense, the Armed Services Committee held lengthy hearings 2 weeks ago. I am grateful that the distinguished chairman of the committee (Mr. STENNIS) scheduled time so that all important questions could be raised and I want to point out to this body that time was allotted to pursue at great length any detail that any member of the committee wanted to pursue with the nominee named to the office of Secretary of Defense.

In accordance with the resolution of the Democratic conference, Mr. Richardson was also recalled to testify as to his willingness to appear before duly constituted committees of the Senate. His response was forthright and welcome:

> Secretary RICHARDSON. Mr. Chairman, as I stated to this committee last week, I look forward to full cooperation with the Congress, and that includes being available to testify before the committees of the Senate, subject, of course, to the cooperation of the committees in scheduling, which has prevailed in the past, and I will be available to appear and testify when so requested by the committees of the Congress.

It was quite important to get this response, Mr. President, because, under our system of checks nad balances, officials are accountable to the Congress as well as to the President. And unless we have the opportunity to question them about the execution of the laws which we pass or consider, we have no way of making the judgments on programs which the people have a right to expect.

As Alexander Hamilton wrote in one of the Federalist Papers:

> A government continually at a distance and out of sight can hardly be expected to interest the sensations of the people.

For too long, too many of our most important officials have been "at a distance and out of sight." The recent, strong resolution of the Democratic conference was directed to this point.

Although I can appreciate Mr. Richardson's newness to current defense matters, I regret that he was not more forthright and explicit about stating his views on certain very important issues like the conduct of the war in Southeast Asia.

Once he is established in office, and certainly when the peace negotiations have been completed—and they have been, and hopefully successfully in all areas—I am sure that Mr. Richardson will be questioned searchingly about all these issues. And I trust that he will be at least as open about expressing his views as Secretary Laird.

Despite his restraint on some issues, Mr. Richardson was clear and forthright on many others. For the benefit of those who have not had an opportunity to study the committee record of hearings, I would like to highlight some of the major comments and commitments which Mr. Richardson made.

THE WAR

Mr. Richardson said that he would endeavor to study the effectiveness of our interdiction campaigns in Southeast Asia and the impact of air action on civilian casualties. He also supported the right of the people to know detailed figures on military air activities and casualties if there are no overriding security reasons for keeping them secret. I hope, Mr. President, that this will result in Executive action to make my Air War Disclosure Act unnecessary.

I truly hope that, as the Secretary has seemingly committed himself, we can have made a matter of public knowledge, as soon as possible, information as to how we are conducting the air war, especially in Laos and Cambodia. I think it is important that this be a matter of knowledge to the Senate.

Looking to the future, Mr. Richardson also ruled out the use of American military personnel in Thailand's growing insurgency. In fact, he even said that if that country becomes incapable of dealing with an insurrection, our forces would probably have to be withdrawn.

CIVILIAN CONTROL AND DISCIPLINE

Mr. Richardson expressed his firm belief in civilian control of the military and declared that fair and equal discipline should apply throughout the military command structure, from privates to generals.

On the case of Gen. John D. Lavelle, Mr. Richardson explicitly said:

> I would certainly want to review the report and conclusions of this committee, the report and conclusions of the House committee, and then reach a decision about whether or not I believed any useful purpose would be served by my reopening it.

I am confident, Mr. President, that such a review would clearly establish the need for a thorough investigation of this matter—far beyond the token investigation and wrist-slapping which has taken place thus far.

I think also that the Senate should be aware that as far as issuing a report is concerned, the Senate Armed Services Committee did not issue a formal report, as I recall, in relationship to the case of General Lavelle.

Mr. Richardson also promised to look into the military reporting system and the inspector general system in order to try to assure that this breakdown cannot happen again. I was pleased that, in discussing the withholding and falsification of information, Mr. Richardson said:

> I think we should crack down very hard and very firmly in order to get across as clearly as possible that we really mean it.

NUCLEAR POSTURE

In responding to me, Mr. Richardson said that deterrence depends upon "the total balance" of forces. This is a welcome interpretation of the Jackson amendment to the SALT resolution, which some people interpreted as calling for numerical superiority for certain systems. If Mr. Richardson approaches future arms negotiations with his devotion to sufficiency of our deterrent rather than a destabilizing superiority, we can be hopeful of meaningful agreements.

Mr. Richardson was also as explicit as Secretary Laird in opposing the development of weapons which might be construed as having a first strike capability. He said:

I do not believe that the United States should, as a matter of policy, take steps that are subject to a primary interpretation that they are so intended.

F–14

I was also pleased with Mr. Richardson's insistence on the sanctity of contracts and his rejection of "a policy of bail-outs" when I questioned him about the F–14 contract.

CULEBRA

When told of the Defense Department's changed policy with regard to phasing out the bombing ranges on the island of Culebra, Mr. Richardson promised "to look into it and review the considerations that have led to these successive positions." I hope that such a review will result in the restoration of the administration's original commitment to end such bombings by 1975.

DRUGS AND ALCOHOLISM

In view of his able work at the Department of Health, Education, and Welfare on the problems of drug abuse and alcoholism, I was pleased that Mr. Richardson promised to carry his background of concern into the Defense Department "so that we are doing all we can do within the military" to deal with these problems. Mr. Richardson had valuable experience in the treatment of alcoholism as a disease and was largely responsible for the creation of a statewide system of treatment and rehabilitation for alcoholics in Massachusetts. I am hopeful that as Secretary of Defense he will bring all the services into line on this matter.

Mr. President, one particular issue which has troubled me is the use of SPN numbers on discharge papers which enable a knowledgeable employer to identify a man as having been discharged for drug abuse. This practice has the effect of stigmatizing men for their entire lifetimes, regardless of the circumstances or the changed policies regarding drug usage. Happily, Mr. Richardson said that "it would take a pretty convincing argument to overcome the considerations" which I cited to him. I hope that the Secretary's review prompts a rapid change in this practice.

USE OF FORCE

One final point of great concern to me was on the willingness of the Secretary of Defense to use military force to resolve differences between nations. I recognize that the Defense Department is expert in the question of using force and that its recommendations deal with the instruments which it commands. Thus, it is neither surprising nor objectionable that the military develop plans involving the use of force.

What is important to me and to the future of this country is that these plans and recommendations be subjected to broader considerations of foreign policy and international law. I am pleased that Mr. Richardson shares this determination to explore peaceful means of settling disputes and to exhaust these alternatives before using force.

Mr. President, I have touched on only a few of the matters that are of personal concern to me. Many more matters were covered by other members of the committee and by the chairman of the committee.

In view of Mr. Richardson's proven capabilities as an administrator and his specific responses to these issues of concern and my personal knowledge of him as a member of the Committee on Labor and Public Welfare while he was Secretary of HEW, I shall support his confirmation as Secretary of Defense.

I am confident that he will give all he has to the best of his ability to do the job well and, while representing his President who also represents the people of this country, he will be completely responsive to the Congress of the United States.

Mr. President, I ask unanimous consent that the specific questions and responses in Mr. Richardson's colloquy with me in the Armed Services Committee hearings be printed in the RECORD.

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

EXCERPTS FROM HEARING RECORD

Senator HUGHES. Mr. Chairman, and members of the committee and Mr. Secretary, I am again pleased to have the opportunity to briefly ask questions this morning. Before I do I wish to express to the Chair and members of the committee my support for the action taken when a lone voice spoke up in this room crying out for peace and expressing the agony of conscience that has plagued the heart of millions of Americans, but I want also to call to the attention of the chairman and to the new Secretary of Defense that the conscience of this Nation has reached the breaking point, and that a voice crying alone today will be expressed by the millions in the future unless some rational decisions are reached in the future and in the control of irrational power is achieved.

I support Senator Symington's inquiry and Senator Byrd's.

Secretary Laird last year said that there have been no major studies of the effectiveness of air interdiction bombing since 1967. And the Defense Department has repeatedly said it makes no estimate of civilian casualties resulting from our military activities.

Mr. Secretary, will you conduct such studies and inform the Congress of the findings?

Secretary RICHARDSON. I certainly will want to find out what has been the examination of the effectiveness of interdiction, and I will certainly want to learn more about the impact of air action on civilian casualties.

I think the question of exactly what studies and what we should provide to the committee, is a question that could more appropriately be explored specifically at such time as I have been confirmed and have taken office.

Senator HUGHES. Mr. Secretary, as I interpreted the Senator from Missouri's question relative to the security and well-being of our Nation and bombing the North above the 20th parallel has not been answered. My interpretation of your reply would be that you will not answer it this morning in a direct fashion. Am I correct to interpreting that?

Secretary RICHARDSON. I think it is fair to say that you are correct, Senator Hughes. I don't want to be regarded as unresponsive in the sense that I have not given you as good an answer as I feel I can give you in the circumstances. I don't believe that I can give you a better answer without, as I said, involving the whole issue of the interrelationship between military action and the negotiating process.

I expressed to Senator Symington my confidence and my belief in the integrity of the course the President has followed in pursuing the objective of peace.

Senator HUGHES. I think that——

Secretary RICHARDSON. The judgment that was involved here is one that, as I said, I neither know enough about to be able to answer the question adequately nor do I believe that even if I knew more that I could appropriately do so here without potentially jeopardizing the negotiating process.

Senator HUGHES. Mr. Secretary, I proposed legislation requiring the declassification of certain information on U.S. military activities in Indochina. Do you believe the American people have the right to know the monthly figures on U.S. air sorties, the bomb tonnages that are dropped, and the casualties for each separate country of Southeast Asia? Now certainly the people of those countries know what is happening to them. The people of North Vietnam know what happened in Hanoi and Haiphong. The embassies of the other nations of the world have informed their own people what we have been doing there but we, the American people, have no information relative to what we have been doing there.

Do you believe we have the right to know?

Secretary RICHARDSON. In general, Senator Hughes, I certainly do believe in the right to know. I believe that the American people should be kept as fully informed as possible.

As I said earlier to a question by the chairman, I believe that our ability to obtain public support for needed levels of military expenditure is going to depend upon public understanding and knowledge.

This committee has had available to it pretty much as it required information about what we have been doing and I am not in a good enough position at the moment to know what are the considerations that have been behind any restriction on publication of information to be able to say that as Secretary of Defense I would make more available than has been made available.

This committee itself has seen where the line is drawn, and I, if it has not been given out there must be some reasons for it that I don't fully know but would want to know more about it.

Senator HUGHES. There are reasons why I certainly would like to know more about why we, the American people can't know what our enemy knows in relationship to our bombing, and I for the life of me fail to understand why we cannot be informed. It is almost beyond me to conceive why every nation on earth has available information but the American people.

I want the briefing in committee, and I have asked the chairman for it. He has assured me that once we get to the point of getting a Secretary of Defense and other people we are going to get on with the business of finding out. But I certainly endorse Senator Byrd's request of at least informing this committee what there is in national defense and security that requires the American people not to know the truth about what we are doing.

The CHAIRMAN. If the Senator will yield to me right there, let me make it clear that the chairman hasn't had any information, and I assume no member of our committee has had information, about the resumption of the bombing or the extent of the damage.

Senator HUGHES. The use of massive bombing by B–52's in North Vietnam is, in the opinion of this Senator, a radical departure from any other military offense we have used in the past and as a result of that, I think the information is keenly important to this committee. We spent a half billion dollars over a period of 3 weeks apparently, we are back to the negotiating tables, and if we happen to leave those tables without a signed agreement, in some period during the next 2 or 3 weeks, I want to know what the next step is going to be and I want to know whether the ratchet is going to go one-half turn further and, if so, what that could be expected to be. And I think not

only do we have that right, but the American people have the right to know, in the viewpoint of one Senator.

Mr. Secretary, as you know, I have been quite upset by the way the Defense Department refused, in my opinion, a thorough handling of the case of General Lavelle. It involved the issues that I think went deep. I was very interested in your response to the question of discipline and your response was directed primarily to the enlisted men, as I got it in the military services.

The application of discipline from general officers on down through the command structure, in my opinion, is equally important. We had a clear-cut case in which I think the evidence was brought before this committee, and the committee reflected it in its voting, of the violation of direct orders of the President of the United States, of the Secretary of Defense, falsifying and concealing records and giving false information to the command structure itself, and yet to this day there has been little more than a wrist slapping application of discipline applied to one man and none whatsoever to any other personnel involved in the entire structure.

My question, Mr. Secretary, is do you intend to let this matter lie as closed or do you intend to open it up so that again we can apply what would seem fair and equal discipline all down the ranks of the military structure?

Secretary RICHARDSON. First, Senator Hughes, let me say that I certainly believe in the application of fair and equal discipline all down the line in the military structure, and nothing I said earlier with respect to military discipline was intended in any way to be restricted in its application to enlisted personnel. On the contrary.

As to the Lavelle case itself, I would certainly want to review the report and conclusions of this committee, the report and conclusions of the House committee, and then reach a decision about whether or not I believed that any useful purpose would be served by my reopening it. The matter, of course, has had a great deal of consideration, not only on the part of this committee but on the part of Secretary Laird and his associates, and there does come a time in most situations when there may be wisdom in letting it alone. So I cannot promise to reopen it. I can only promise to look at it from the point of view of whether or not, in my judgment, any further action should be taken.

Senator HUGHES. Mr. Secretary, I appreciate your promise of looking at it and reviewing the situation. I have communicated to you privately my own intention, so there is no reason to further pursue this today.

I would like to ask a question relating to the F–14, if I might, if that has not already been asked, Mr. Chairman.

The CHAIRMAN. No; it has not been. We will allow you additional time at this point.

Senator HUGHES. The Grumman Corp. has told the Navy that it will proceed under its contract to develop the F–14 aircraft. I would like to know what your reaction to the Grumman statement is.

Secretary RICHARDSON. The question of where we go from here I know is under very intensive negotiation. The only general statement I can make is that I believe that it is essential to the integrity of the procurement process from this point forward that the Department of Defense take a posture which, in effect, insists upon the sanctity of contracts. Where a contract is voluntarily entered into it seems to me that the Government has the right to insist upon the fulfillment of its terms.

I do not believe that we should pursue a policy of bail-outs even though the acquisition of a given weapons system may be important, and I am sure that these general principles do underly the approach being taken right this minute to the negotiating process, and I would want to make sure that the same approach continues if I do succeed Mr. Laird.

* * * * *

Senator HUGHES. Thank you very much, Mr. Chairman.

Mr. Secretary, philosophically how do you view your position as Secretary of Defense in relationship to the control of the civilian over the military?

Secretary RICHARDSON. I believe, Senator Hughes, that civilian control is a very fundamental part of the kind of responsible self-government this country has always had under its Constitution. I believe that public confidence in and support of our Armed Forces rests in very considerable part on the belief that the most fundamental policy decisions are made by civilians drawing, of course, upon the expertise and the professional advice of military people. The identification of the President of the United States as Commander in Chief is, I think, expressive of an American attitude toward the ultimate responsibility of civilian authority. That, in turn, I believe, is a reflection of a determination that people should have a voice in the selection of those who hold ultimate responsibility, and all of these, I think, are considerations that support the tradition and the current practice, and I would want to maintain it.

Senator HUGHES. Mr. Secretary, pursuant to an act of Congress last year, there are now going to be two Deputy Secretaries of Defense. When we got into the Lavelle matter last fall, it was implied to us that had we okayed this sooner, there would have been better civilian control of the military. How do you propose to divide the responsibility in general of these two Deputy Secretaries of Defense?

Secretary RICHARDSON. I really don't know at this point, Senator Hughes. I have read the testimony by Secretary Packard in support of the legislation to create a second deputy position, and I have also seen memoranda discussing various possible ways of setting up the two positions.

Should Mr. Clements and I both be confirmed we would expect to go through a kind of shakedown period in which we allocated roles of principal emphasis between us and I don't believe we would be in a position to think about the particular background or capabilities that we would seek in a second deputy until after this shakedown cruise.

Senator HUGHES. Well, would you be disposed to put one of the deputies in direct control of military operations?

Secretary RICHARDSON. I believe that the responsibility for operations, the ultimate responsibility, subject, of course, to the President himself, should remain with the Secretary when he is there, and the principal one of the deputies, would have to be in effect designated as No. 1 deputy for purposes of stepping into the Secretary's shoes for this purpose whenever he wasn't there or whenever he was inaccessible.

I think Secretary Laird in important operational matters maintained responsibility virtually all the time, even when he was not in Washington, and he never went anywhere without having established the communications necessary for this, and I would expect, generally speaking, to follow that policy.

Senator HUGHES. Mr. Secretary, as a civilian, and a member of the National Security Council in this capacity, would you believe it to be your obligation to advise the President in confidential discussions or in private discussions to use means in the world than war to resolve the differences between nations such as has happened in Indochina—vehicles such as the World Court, the United Nations, the Geneva Convention?

Do you believe the last alternative should be physical force rather than the first in our interventions?

Secretary RICHARDSON. Yes, certainly, I would. To respond to the first part of your question, I would certainly offer any views that I thought might be helpful or constructive as to the possible use of alternatives short of force, and I would certainly believe, and I do certainly believe, that those alternatives ought to be exhausted before force is used.

Indeed, I am totally confident that this is the President's own view.

Senator HUGHES. Will you assure this committee that that will be your approach?

Secretary RICHARDSON. Yes.

Senator HUGHES. Mr. Secretary, in the past Secretary Laird gave assurances, which Senator Brooke and I added as language to the SALT resolution that the United States would not develop weapons which might be construed as having a first strike potential, especially hard target warheads. Can you assure us this will also be your policy and that you will assess both the spirit and the letter of the SALT agreements in making recommendations in defense spending?

Secretary RICHARDSON. Could you please repeat the first part of that?

Senator HUGHES. Yes.

In the past Secretary Laird gave assurances, which Senator Brooke and I added as language to the SALT resolutions, that the United States would not develop weapons which might be construed as having a first-strike potential?

Secretary RICHARDSON. Yes.

I don't want to be misleading—we get into pretty tough ground here because obviously in connection with a weapon that could be used in a first strike, there is nothing, if you look at the weapon, that necessarily tells you how it would be used, and what you are really touching on is the problem of interpretation by the other side as to a move that might be construed as destabilizing because it looked like a move toward the development of a first-strike capability. And my affirmative answer is, in effect, that I do not believe that the United States should, as a matter of policy, take steps that are subject to a primary interpretation that they are so intended.

Senator HUGHES. Mr. Secretary, do you believe that deterrence is a function of specific numbers of intercontinental missiles and nuclear submarines or of the overall strategic balance of forces, including the forward based forces in Europe.

Secretary RICHARDSON. I believe that we need to take the total balance into account. The question of classification, of forces as between strategic and tactical, of course, is a sensitive one.

Senator HUGHES. Mr. Secretary, if I could leave this subject just for a moment and go back to things that may seem of less importance to the world but are certainly important to some people. The residents of the Island of Culebra have had a commitment for several years from the Secretary of Defense that naval bombardments of their island will be moved to another location by no later than June 1, 1975.

This commitment was reaffirmed by Secretary Laird as recently as November 4, 3 days before the election. And in a telex message to the Governor of Puerto Rico it was reaffirmed. However, on December 27, Mr. Laird submitted a report to Congress on a study of the Culebra target range and recommended that the Navy be permitted to continue the bombardments into the indefinite future. What policy do you intend to follow as Secretary of Defense in regard to this little island of Culebra, which we have been shelling and bombing and what not for I don't know how many years?

Secretary RICHARDSON. I would certainly want to look into it. All I know so far is—I wanted to check my impression whether or not live ammunition is being used. I am told that it is not, and I also gather that the question of the attitude of the people in-

volved is mixed, because a considerable portion of the population of the island is actually employed by the United States in connection with setting up targets and so on. But I would certainly be glad to look into it and review the considerations that have led to these successive positions.

Senator HUGHES. Mr. Secretary, did I understand you correctly that you are willing to review this position which is an apparent change of policy as of December 27?

Secretary RICHARDSON. Yes, you did.

Senator HUGHES. And will you make at least a representation to the committee, if it was a change in policy, why?

Secretary RICHARDSON. Yes, I would be glad to do that.

Senator HUGHES. For our information.

Secretary RICHARDSON. I would be glad to do that.

Senator HUGHES. Mr. Secretary, as you know, specifically I have had the major responsibilities of looking into the problem of drug abuse, narcotics addiction, and alcoholism in the military forces as far as the Senate is concerned. We had a team of investigators in Europe last fall, and the Army commanding general in Europe, General Davidson, seemed to report a dramatic increase in drug use, particularly in opium usage in Western Europe among soldiers under his command and there has been speculation and fear we are on the very beginning of some sort of an epidemic such as we went through in Southeast Asia.

Have you been briefed on the problem? How do you picture it, and if it is deteriorating as badly as the general seems to believe, what would you propose to do about that?

Secretary RICHARDSON. I have no ready answer to that, Senator Hughes. I haven't been formally briefed on it. I have had some discussion of the situation with Assistant Secretary Wilbur, and some with Secretary Froehlke, but I can only say now I am very much interested in this problem and concerned about it.

As you, of course know, we in the Department of HEW, acting under legislation of which you have been the principal sponsor, have, I think, significantly improved our efforts to cope with the problem of drug abuse, and I would take that background of concern with me and would want to be sure that we are doing all that we can do within the military.

I do know that what is now being done represents a very substantial improvement over what was being done not very long ago and I believe we can continue to do better.

Senator HUGHES. Mr. Richardson, you bring with you a great deal of experience to this office from your position as Secretary of HEW and the divisions therein in relation to alcoholism, drug abuse, and narcotics addiction. You know all the personnel involved in the entire governmental structure in relationship to this field in the civilian sector as well as the military. I would hope this committee could expect from you leadership in the military command and coordination from point of discharge and Veterans' hospitals and into the civilian sector of all personnel that come in contact with this problem. I believe you would be more than willing to give us that assurance.

Secretary RICHARDSON. You are correct, Senator. I am more than willing to give it to you. I think it is a matter that we owe our servicemen and a matter of common humanity and concern for individuals. I also recall—I had not thought of it for years—the mission of what was then called the Army Medical Department. I remember the manual I first saw in basic training, which stated the objective of the medical department of the Army as the conservation of mobilized manpower which struck me as pretty cold-blooded at the time, but only because it states so boldly a concern with the effective use of people who have been trained for a particular role. And so, apart from our concern with the individuals who are serving in the Armed Forces as individuals, we must have a concern with their usefulness and their ability at any given time to carry out their roles.

The CHAIRMAN. Gentlemen, thank you very much.

Senator HUGHES. May I ask one final question in relationship with this?

The CHAIRMAN. Yes.

Senator HUGHES. Mr. Secretary, I have listened to you in a number of your speeches in relationship to the subject of alcoholism, as well as to former Attorney General Mitchell. I have watched the policy of the United States in their programs. Some have been engendered in the Congress and some have been supported through the administration.

I would like to ask you a question for purpose of identity.

Do you identify alcoholism as a disease?

Secretary RICHARDSON. Yes. Before I came to Washington, in fact, as attorney general of Massachusetts. I was responsible for the development of legislation to create a statewide system of treatment and rehabilitation for alcoholics, and one of the significant elements of that bill was that it would repeal the laws making drunkenness a crime, which contributed to the revolving door process that has been so characteristic of the handling of alcoholics over the years, and would substitute instead a treatment system.

Senator HUGHES. I asked this question for the specific reason because the services have resisted doing so, Mr. Secretary, and I hope you will make a mental note of that and carry it in your programs.

Thank you, Mr. Chairman, for allowing me to continue that line of questioning.

* * * * *

Senator HUGHES. Thank you very much, Mr. Chairman.

Mr. Secretary, do you believe in equality for women in the services?

Secretary RICHARDSON. Yes, I do.

Senator HUGHES. I take it then, that you will support the legislation that was introduced last year and passed by the Senate, but did not get out of the House committee, to have equality for fringe benefits and so on for the women of the armed services of their country.

Secretary RICHARDSON. I am not familiar with the legislation. But it sounds right to me.

Senator HUGHES. If it looks right you will support it, is that right?

Secretary RICHARDSON. Yes.

Senator HUGHES. It ought to be an early matter and easy matter of consideration, I would think. Everyone seems to favor women nowadays.

I had one final question, I believe, in relationship to the drug and alcoholism problem in which I have been in running combat with the military for as long as we have been dealing with it. As you know, every member of the military who is discharged for drug abuse receives on his DD–214 discharge form a code number known as SPN–384, that identifies him to future employers as having been a drug abuser, no matter what type of discharge he receives nor any upgrading that he receives later. The Defense Department has refused to abandon this technique of stigmatizing forever veterans who misuse drugs while in the service. I would like to know what your feeling is in relationship to it.

Secretary RICHARDSON. I do not have a clear view of that Senator Hughes. As you put the question it sounds clearly wrong to stigmatize individuals in those circumstances. I would have to, before giving you a definite answer though. I would want to find out what justifications are supposed to underlie the practice.

Senator HUGHES. I did not mean to be unfair in the question so I will point out that the numbers are used for a hundred different SPNs but the SPN numbers are available and employers in large companies look at them and they readily identify what the coded SPN number means. We have had testimony time and time again from ex-servicemen who have been haunted by the fact that they might have been arrested for smoking marihuana cigarettes 7 years ago or they might have been picked up with traces of heroin in a vial in South Vietnam 5 years ago, and it may go on to haunt them until they are 70 years old so far as I know. But if you will review it and if there is anyway to destigmatize this sort of thing in the policies of the Government at least, as I understand the overall policies of this administration, that has not been what was wanted.

Secretary RICHARDSON. I can only say in slight addition to my response, that it would take a pretty convincing argument to overcome the considerations that you have cited. It sounds wrong, but I have not looked into it, and I do not think I ought to give a definitive response without hearing whatever arguments may be advanced in justification of this practice.

Senator HUGHES. Well, I agree, Mr. Secretary, that you ought to be completely briefed and completely understand the total problem and then I hope we will have an opportunity to discuss it further.

Secretary RICHARDSON. Thank you, Senator.

Senator HUGHES. Mr. Secretary, also we find an examination of the budgets in relationship to alcoholism and drug abuse that there is a constant and continuing budget shortage. I am willing to fight for a budgetary fund to try to meet the needs on this and I believe the entire committee is, and I fail to see requests for funds coming in in adequate amounts to cover it. I hope you will make note of that in the budget requests and if you find there are shortages in your opinion, will you try to increase these areas of requests?

Secretary RICHARDSON. Yes.

Senator HUGHES. Seldom does a committee member ask you to increase a request, but I am in this instance.

Secretary RICHARDSON. I am used to it, Senator Hughes, I am used to the requests for increases in my present job.

Senator HUGHES. In HEW, yes.

Secretary RICHARDSON. I think I am going to have to get used pretty soon to the opposite. I certainly will look at it.

Senator HUGHES. Mr. Secretary, if I can get back to some questions that I believe Senator Thurmond asked about the Reserve and the National Guard, I am concerned about the equipment in the National Guard. Senator Goldwater mentioned the junk that some of the men were flying presently in combat but if you look at some of the junk that is being used in the National Guard as a secondary ready force and we expect them to be ready in the reduced numbers of men and manpower, is it your intention to see that the equipment is modernized, upgraded? With the reduction of forces in Asia and the reduction of forces in Asia and the reduction of forces in this country, there is bound to be modern equipment that should be utilized for the National Guard and Reserve forces to the best degree. Can you commit yourself to seeing that is reviewed and be done if possible?

Secretary RICHARDSON. Yes.

Senator HUGHES. Mr. Secretary, there is also a policy in relationship now to what appears to be the President's special action office, a relationship with the Pentagon, to use enforced urinalysis screening of military dependent children in foreign nations. This raises a number of questions, constitutional questions, questions of local law in the country as you know, of the diplomatic service, questions of turning over the information to those countries, in relationship to American military dependents and so on. I

would like to ask you to completely review that, and if it is such policy being developed that you would give it your great concern.

Secretary RICHARDSON. I will do that, Senater Hughes.

Senator HUGHES. Mr. Secretary, to return to my question of yesterday which I do not want to pursue too far because I think you obviously have done the best you can with a restrained reply. I am concerned about the military and the civilian control. There is obviously an area that we found out in the Lavelle case where the civilian control of the military in my opinion, failed and where the falsification procedures deceived everyone on up the line.

We received statements from the Chief of Staff of the Air Force and from the Chairman of the Joint Chiefs of staff that they could not assure this committee that this would not happen again. We have been involved in North Vietnam in the most massive use of destructive force since the dropping of the atomic bombs in World War II. It is my personal opinion that this illegal bombing a year ago in November, during the same time of delicate peace negotiations between Dr. Kissinger and Le Duc Tho, could well have precipitated the halt of the peace talks at that time and that has caused this war to go on for another year and more at this point. We have discussed the question of the lack of severity which was used in disciplining those officers, who disobeyed orders, violated the military code, several sections calling for courtmartial. It was also related to us by the Chairman of the Joint Chiefs that there was no communication from the President of the United States or Dr. Kissinger, in fact, that these delicate negotiations were even going on at that time, no coordination within the civilian sector and the military and no control in the civilian sector of a military general commanding the 7th Air Force at that time.

In the Office of the Inspector General, in the civilian sector, somehow we have got to assure the people of America that this cannot and will not happen again. The only force that we cannot use yet in this country that has not already been used is nuclear weapons. We have gone to the brink of the ultimate warfare that all of us have dreaded for a quarter of a century. How, Mr. Secretary, do you propose to see in the structure of the military that this does not happen again?

Secretary RICHARDSON. I can only assure you, Senator Hughes, that I would do my utmost to assure this. I am not in position to describe the means whereby I would seek to accomplish it.

The problem involves in the first instant, of course, a continuing and current information about the exercise of the command process. This was a question that we touched on yesterday. I would need to begin by finding out more about the processes whereby not only orders are transmitted but the execution of these orders is monitored, and I would expect, whether in this area or in the situation involving acquisition or any other case, where it could be determined that information had been withheld about what was being done—where it could be established that this was so—I think we should crack down very hard and very firmly in order to get across as clearly as possible that we really mean it, and I can assure you that I will be on the alert for and seek to create mechanisms that are as efficient as possible in picking up any evidence of this kind of lapse, because I think it would be salutary to the system to see that one or more such instances did receive very rapid reaction.

Senator HUGHES. Mr. Secretary, you and your deputies who come before us for confirmation are the only hold that we in the Senate have as to whether, if another General Lavelle surfaces in the military structure, that this will not happen again and that a slap on the wrist will not occur again. As you review the most recent history of the Pentagon, the Air Force, and those involved in the Lavelle matter, do you believe that those acts taken are severe enough to call to the attention of every commander in our military services and every officer in our services, that maybe you can get by with this incident, maybe you can bomb something that you want to bomb, whether it is in reliance on orders, maybe you can take this chance again? I see the Attorney General's Office demanding capital punishment for every conceivable crime in the book and then the military turn around and brushing someone's hand with a feather for breaking every rule in the book. Please help reconcile my conscience, Mr. Secretary. How can I reconcile those differences between the civilian sector and the military or how will you do this? You are our only possibility of help.

Secretary RICHARDSON. I can only answer in general terms and essentially by restating what I just said, I do not believe I should go beyond my earlier testimony with respect to the individual case of General Lavelle. As to that I can only repeat that I will review it. But I cannot, not having made the kind of inquiries that you have made, give you a response which, in effect, rests upon the same conclusions about what he did and the degree of his guilt that you do.

* * * * *

The CHAIRMAN. Senator Hughes, do you have any questions?

Senator HUGHES. Yes, Mr. Chairman. I have a couple more. Apparently from articles in the paper the last couple of days, Mr. Secretary, I have noticed items there that I think are important. We apparently are shifting or will shift the Air Force headquarters from Saigon to Thailand. What are the circumstances or what limits would you place on the use of these forces in Thailand and under what circumstances would you recommend aircraft or other military forces in Thailand be used within the country in case of internal insurrection?

Secretary RICHARDSON. In the case of internal insurrection in Thailand? This, I think, is a matter that would have to be approached with a great deal of deliberation. The Nixon doctrine, of course, contemplates that the duly constituted government of a country, which is an ally of the United States, would deal with problems of internal insurrection as a part of its own internal security capability, and I do not believe that we, the United States, should utilize the U.S. forces, even though stationed in that country, in that situation. If the country is incapable of dealing with genuinely internal insurrection as distinguished from an invasion or aggression from outside, it is probably not sufficiently stable to justify our maintaining substantial forces there at all.

Senator HUGHES. I also noticed in the paper, Mr. Secretary—I don't know what the informational sources were—an item mentioning that Russia was increasing the number of planes it was shipping to Syria and technical advisers and technicians, which brings to mind the problems in the Middle East.

Could you in general terms just give the committee what you think our obligations are in the Middle East.

Secretary RICHARDSON. I can say only in general terms that in my view the obligations of the United States in the Middle East are obligations to our own security. They concern, therefore, measures to reduce tension, to prevent escalation. We have certain obligations, of course, to our NATO allies, and these would involve Turkey and Greece, but the question of what we would or should do in specific terms beyond the material support we have been giving to Israel in the event of any new outbreak of conflict is, I think, the kind of decision that could only be reached in the light of all the circumstances. I am sure there are contingency plans but I have not recently seen these.

Senator HUGHES. This is an area where the President has been pretty successful, at least in my opinion, in program and philosophy, in keeping some sort of a balance of power that has enabled as much peace as is possible in the area.

Secretary RICHARDSON. Yes; I certainly feel so, and I think we should obviously continue to pursue the objective of a negotiated settlement between Israel and the Arab countries.

Senator HUGHES. I would like to ask you a theoretical question, the probabilities of which I recognize, and I think you will also, but at least they are theoretical.

If the Congress should pass a law to end the war in Southeast Asia, and should somehow override a Presidential veto, if such were the case, I would assume your responsibilities then would be to follow the Presidential directive. Would it be your inclination to bring the war to a rapid end?

Secretary RICHARDSON. I am not sure if I follow you.

Senator HUGHES. How much money is in the pipeline to continue the war even if we said to end it? Could you go on for 6 months, could you go on for 3 months, or 30 days?

Secretary RICHARDSON. Well, I think this is very hard to answer, Senator Hughes. I don't know what the situation would be with respect to funds. Of course, there would be involved conditions on the availability of the funds. These, in turn, would depend upon the terms of any action that Congress took, and the question, of course, of what the President himself would believe he could or should do in the light of congressional action itself, and so get to a hypothetical question which rests on the resolution of a series of other hypothetical questions.

Senator HUGHES. I am inclined to agree with you. I want you to know personally that I share the hopes that you have and the President and the world that we get a negotiated settlement rapidly and that we will be discussing this as a moot question in the very near future.

I also would like to state to you personally that I do not hold the responsibility of our actions in Vietnam—the bombing—against the military. I never have. I believe they are following orders that have been given by a civilian command many times, making recommendations which is their job to do. It is their job to plan, design, to make recommendations. It is a job of the civilian sector then to make the final decisions of commitment. So in anything I may have said in these hearings I hope there is no implication that I may hold any antagonism against the military in the way of responsibility for the decisions that have been made. I just make that as a statement of clarification to you, Mr. Secretary.

Secretary RICHARDSON. I appreciate that. And I, in fact, don't believe that the contrary would have been inferred from anything you said in any case.

Senator HUGHES. Thank you Mr. Chairman.

Mr. STENNIS. Mr. President, I will be glad to yield time to anyone who might wish to speak for the nomination.

Mr. DOMINICK. Mr. President, will the Senator from Mississippi yield me 2 minutes?

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Colorado.

Mr. DOMINICK. Mr. President, the nominee for Secretary of Defense has, as we all know, been Secretary of HEW for the past several years. I have had the opportunity of working with him on a great many of the social programs which have been voted upon by Congress. Many

of the issues involved in those have been ones which have been before the American people or have been sources of great concern to them for a long period of time.

As Secretary, Mr. Richardson has done an outstanding job both in terms of cooperation with the committee and in terms of dealing with the specific problems which have arisen in the course of the discussion of these particular types of problems.

I see no change in his intended philosophy; namely, that of working with the members of the committee and appearing when they need him and trying to shed as much light as possible on particular subjects we may be dealing with.

Mr. President, it should be pointed out in addition that as we move toward a volunteer Army—and hopefully as soon as we can—we will have in the forefront many of the same types of problems with which he has been dealing in HEW. Consequently, with the experience he has had before this time both with the Defense Department and as Secretary of HEW, I can think of no man who would be more suitable to take on this particular type of job.

Mr. President, I have listened to the Senator from Iowa at some length both in the committee hearings and today on the floor. It is my understanding—and I wish he would correct me if I am wrong—that he himself has no objection to Secretary Richardson as a person and has no objection in terms of moral spirit or honesty or anything of that type.

Mr. HUGHES. Mr. President, if the Senator would yield, I wish to state the Senator is absolutely correct. My statement was made entirely in support of Mr. Richardson's confirmation. The Senator from Iowa intends to vote for the confirmation of his nomination, and the Senator from Iowa agrees with the statement of the Senator from Colorado.

Mr. DOMINICK. Mr. President, I thank the Senator from Iowa.

I know what a great deal of time and thought he has put into this matter. And I really appreciate his, as usual, very sound logic and very sound sense of fair play.

All want to say is that I thoroughly support the nomination and look forward to serving on the Armed Service Committee and working with Secretary Richardson for the next 2 years.

Mr. STENNIS. Mr. President, I am glad to yield 3 minutes to the Senator from New Hampshire.

Mr. COTTON. I thank the Senator from Mississippi.

Mr. President, I came to the floor for the purpose of making one statement with reference to the nomination. It has been pretty well covered by the remarks of the distinguished Senator from Colorado, but I wanted to say that, as the ranking Republican member of the Appropriations Subcommittee on Health, Education, and Welfare, having occupied that position now for a decade, I have spent more time in dealing with the problems of HEW than with any other subject on which I have worked. I merely wanted to testify—and I can do it in 2 minutes just as well as 3—to the fact that Secretary Richardson has demonstrated, to my own personal knowledge, a remarkable talent for administration and for oragnization.

Through no one's fault in particular, HEW has grown so fast, covered such a multitude of subjects, and spread in so many directions that it has come to be almost a monstrosity. I watched Secretary Richardson bring something that certainly approaches order out of something that was really chaos. Therefore, without having or claiming any particular knowledge about the problems of national defense, I have confidence that Secretary Richardson will bring to the Defense Department, which has had remarkably able leadership under Secretary Laird, the same kind of careful administrative abilities that he has shown so well in one of the most difficult positions in the Government.

Therefore, I shall most certainly take pleasure in voting to confirm his nomination.

Mr. STENNIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Mississippi has 9 minutes remaining.

Mr. STENNIS. Mr. President, the Senator from South Carolina has control of the time on the other side. He may wish to yield himself some time.

The PRESIDING OFFICER. The Senator from South Carolina has 28 minutes.

Mr. THURMOND. Mr. President, as the ranking member of the Republican Senators of the Senate Armed Services Committee, it gives me pleasure again to confirm the position I have previously taken in favor of the nomination of Elliot Richardson to be Secretary of Defense. Our committee had not a single vote against Secretary Richardson.

Secretary Richardson, as I stated here last Friday, is an able man. He is a man of unquestioned integrity and character. He is a man of capacity. He has proved his administrative ability as Under Secretary of State and also as Secretary of Health, Education, and Welfare.

In view of his fine qualifications, in view of his great experience in Government, and in view of our feeling that he will fulfill well the duties reposed in him as Secretary of Defense, we were pleased to report his nomination, as I have stated, unanimously.

I hope Secretary Richardson's nomination will be confirmed promptly, so that he can go about his duties. I want to say that being Secretary of Defense is a peculiar task. It is a tremendous responsibility. He, probably more than any other one man in the United States, is responsible for the security of the people of this Nation, in fact for the very survival of the people of this Nation, because we know that if we are going to remain a free people, we must remain strong militarily as well as economically and spiritually.

I believe that Secretary Richardson, working under the direction of our great President, Richard M. Nixon, will prove to be an able and a worthy Secretary of Defense, and one who will follow in the steps of that great Secretary, Melvin Laird. I hope the Senate will see fit to act on his nomination promptly.

Mr. STENNIS. Mr. President, I shall want a few minutes later. If others wish to speak for the nomination now, I shall be happy to yield.

I yield 2 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, I have no illusions about any great contest over the confirmation of the nomination of Elliot Richardson to be Secretary of Defense, but I feel compelled to vote for his confirmation and to announce my support of it, because of my longstanding relationship, both public and private, with the new Secretary of Defense.

I have known him ever since he was employed here as an assistant to Leverett Saltonstall, our former colleague and a very distinguished Senator, at the time Senator Saltonstall was chairman of the Committee on Armed Services.

I have also worked with Elliot Richardson closely through all of his Government tasks, and also know him as a very outstanding lawyer. As a member of the Foreign Relations Committee, I worked with him as Under Secretary of State, additionally I have worked intimately and closely with him as Secretary of HEW, since I am the ranking Republican member of the Committee on Labor and Public Welfare.

Mr. President, several things stand out about Elliot Richardson: He is a skillful man, and he has a real perspective on what is important and what is not as important.

He brings us not only these talents of reconciliation and perspective, and tremendous organizational experience, but also a unique skill in getting along with officials of other countries. This is very important if I see correctly what is impending on the horizon for United States defense and security. This especially includes our relationships with NATO and many other organizations where cost and responsibility must be shared, if we are to bring within any kind of intelligent bounds our relationship to the world as apportioned to our resources and our priorities between domestic and human concerns and, of course, the essential security and defense of the country.

For all of those reasons, Mr. President, I think the President of the United States has chosen extraordinarily well, and I hope the Senate will confirm this nomination.

I thank my colleague very much.

Mr. STENNIS. Mr. President, I yield myself 5 minutes. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 7 minutes remaining.

Mr. STENNIS. Mr. President, there is no great debate here now and no present manifestation of great interest on the Senate floor regarding this nomination, but it is a nomination of far-reaching importance and has provoked a great deal of interest, among many of the Members of the Senate.

At the beginning, Mr. President, there was a great deal of interest in this nomination—not opposition but interest and some concern. This has been a fine illustration of what Senate hearings can do in and getting into the facts and giving every Member an opportunity to develop

any matters in which they have an interest. Staff work, of course, brings out the relevant facts. The more that work was done, the more this matter settled down to be considered on its merits. So much so that by the time the committee of 15 members voted, 13 voted for the nomination, one reserved his rights by voting "present"—and has since stated that he will support the nomination—leaving only one member unaccounted for and there was one who had to miss much of the hearings.

Mr. President, as I stated here now, I do not know of anyone who will oppose this nomination. Mr. Richardson's outstanding service—as Secretary of HEW has been mentioned here. That is correct. I pointed out to him, though, in private and at the hearings, that administering the Department of Defense would be a far different obligation and responsibility and a far different task. I say this with all respect to HEW, but Defense is just a different organization. In the Department of Defense, I am convinced that Mr. Richardson—capable as he is—will use his ability with a firm hand at the top. I am confident he will demand the right kind of discipline—and I do not mean by that just punishment—but the right kind of disciplinary leadership and then the right kind of punishment, if necessary, so as to harden things up and move toward the idea of a real, well-trained, muscled-up, hard-nosed, military that responds to military orders as a matter of habit and, can therefore, constitute an effective military machine.

I am not saying that we are altogether without those things now. But I think there has been a softening up, due to a number of circumstances. Certainly now, with the fighting over, there will be no excuse for any accommodating processes which, I think, could gradually erode and finally destroy effective military units. I am talking now about fighting units on the ground, in the air, and on the sea.

I believe that Mr. Richardson realizes that. He says he has no outstanding obligations, to any group in any way, because of the secretaryship of HEW, and that he is not bringing over any unfinished or continuing promises made there to try to apply them to the military organization. Those matters are clear and this man, who is extraordinary in his ability, has been twice confirmed by the Senate for high office, once as Under Secretary of State and once as Secretary of HEW.

Mr. President, in each instance, the judgment of the nominator and the Senate has been confirmed by Mr. Richardson's very fine and outstanding services. He is not only learned in the law but has practiced law. He worked with the late Justice Frankfurter, then a member of the Supreme Court. He served here on the staff of the former and highly respected Senator from Massachusetts, Leverett Saltonstall, at the time he was chairman of the Armed Services Committee.

Mr. President, as Under Secretary of State, Mr. Richardson gained valuable experience for his new post by attending meetings of the National Security Council.

I am very much pleased that this nomination is in the shape it is before the Senate at this time. I warmly support the nomination and look forward with great expectation to a fine performance by Mr. Richardson as Secretary of Defense.

Mr. President, I yield the floor.

Mr. McINTYRE. Mr. President, on January 11, I said I would vote in committee to report out Mr. Elliot Richardson's nomination as Secretary of Defense for the full Senate to consider, but reserve the right to vote against final confirmation.

In that statement, I made it clear that whatever reservations I had about his confirmation had nothing to do with his professional competence. Indeed, I said that in this respect the nominee is eminently qualified.

Instead, my reservations were over Mr. Richardson's defense of the President's terror bombing orders in December and over the administration's refusal to take the Congress into its confidence on such crucial issues as war and peace.

At that time, I said that there might be only one recourse left for the Congress to express its outrage over our bombing of civilians and to reaffirm the Congress' constitutional right to coequal status with the executive branch. That recourse was to vote down Mr. Richardson's nomination.

My feelings about the December bombing and the scornful patronizing of the Congress are no less strong today than they were when I made that statement, Mr. President, but I hope the negotiated peace makes at least the first of these issues moot for the moment in our consideration of Mr. Richardson's nomination.

If—as we all hope and pray—our military involvement in Vietnam is over, then we must assume that a resumption of terror bombing on our part is most unlikely.

On the second issue, there has been some procedural progress. In the interim since I made my committee statement, Dr. Kissinger has made a detailed accounting of how the peace agreement was reached, finally answering many—if not all—of the questions raised by the Congress and the American people.

Accordingly, Mr. President, I will vote to confirm Mr. Richardson's nomination, but I want to make as clear as I can that my reservations, particularly those relating to the breakdown in executive-legislative relations, are far from satisfied.

In my judgment, the burden of proof remains with the White House. In the days and weeks ahead, the President and his administration spokesmen must demonstrate convincingly that the Congress will be taken into full confidence and treated with the respect that a coequal branch deserves.

No one wants a constitutional crisis, Mr. President, but I am sure many of my colleagues share my suspicion that we were very near such a crisis earlier this month.

When 100 duly elected U.S. Senators and duly elected U.S. Representatives are kept in ignorance of decisions affecting the lives of the people they represent until those decisions are carried out—when they are not told of the mining of Haiphong Harbor until after it is mined, when they are not told of the decision to carry out terror bombing until after the bombing is underway, when they are not told of the details of the negotiated peace until after the agreement is made—then I say the administration has been playing the most dangerous kind of constitutional crisis brinkmanship, Mr. President. And I say we must never let this happen again.

It is demeaning enough when war policy supporters in the Democratic caucus cannot make a convincing case for those policies because they have not been taken into administrative confidence, but when the Republican dean of the Senate must admit as he did this month that he has not been consulted by the White House since August 3, then it becomes more than a matter of injured institutional pride. It becomes an issue of crucial concern for every American who believes in constitutional government.

Now I am realistic enough to know that I cannot expect the President or Dr. Kissinger to brief me, personally, and 99 other individual Senators.

But it would seem to me that institutional respect, to say nothing of common courtesy and the courtship of unity, would demand such briefing for the leadership of both Houses and the appropriate committee and caucus chairmen.

And so, Mr. President, as I declare my intent to honor the President's wishes in the matter of Mr. Richardson's appointment, I also declare my intent to do everything I can as one U.S. Senator to stop any further usurpation of congressional prerogatives by the White House and by the National Security Council.

I make this pledge in respect of the people who elected me to this office.

Everyone of us who make up the Senate and the House of Representatives were put there by the voters of 50 States and 435 congressional districts.

In all of the White House, in all of the National Security Council only two were put there by the vote of the people. The rest are there at the pleasure of one man.

I respect the office of the President. I appreciate the tremendous burdens of the Executive responsibility. And I am profoundly grateful that the labors of Mr. Nixon and Dr. Kissinger have brought us the peace we have sought for so long.

But neither respect, nor appreciation, nor gratitude must be allowed to gloss over or diminish the dimensions of the steady erosion of Congress rights and responsibilities nor the absolute need for their reassertion.

Mr. HELMS. Mr. President, I intend to vote to confirm the nomination of Elliot Richardson as Secretary of Defense. He is the President's choice.

But I would be less than candid if I did not acknowledge that I have certain anxieties about Mr. Richardson's fundamental orientation toward the job he is about to assume.

Let me be very clear about what I am saying and what I am not saying. I am not saying that Mr. Richardson is lacking in integrity or energy. Far from it. I see no reason to question the widely

held estimate of Mr. Richardson as a skillful, imaginative administrator. But the job he is about to undertake, like all truly significant Government jobs, but much more than most, demands more than administrative skills. The job of Secretary of Defense, now more than ever, demands a man with a particular view of the world and of the role of the United States in the world. In addition, the man in that office must have a positive zest for battle on behalf of this view of the world.

I believe the world is far from being, and is even far from becoming, the safe and tranquil place that many people would have us believe it already is. I do not believe that our principal enemies—the major Communist powers, the Soviet Union and Red China—have ceased to be enemies. I do not believe that they have mellowed to the point at which the threat they pose to our national security will permit us to diminish our defense effort. It would be tragic for us to assume, in the euphoria understandably but wrongly generated by the Vietnam truce, that the United States has extricated itself from its last disagreeable crisis.

The negotiations in Paris have been important. But the negotiations currently getting underway in Geneva are much more important. The second round of the stratigic arms limitation talks—SALT II—concern the very survival of this Nation.

I share the deep and detailed anxieties about the results of SALT I that so many Senators expressed so forcefully in the last session of Congress. I believe the United States found itself in SALT I negotiating from a position of near weakness; and I believe that unless we are prepared to make the necessary sacrifices, we soon will find ourselves negotiating from a position of actual weakness. If that happens, SALT II will mean the permanent eclipse of the United States as a world power.

Had I been in the Senate last year I would have fought with all the energy at my command for passage of the amendment proposed to the measure ratifying the SALT interim agreement by the distinguished junior Senator from Washington (Mr. JACKSON).

As long as I am in the Senate I shall do everything in my power to see that the clear language of that amendment, the clear intent of this body, is reflected in the results of SALT II. Needless to say, I am especially anxious for all future U.S. SALT policy to respect the amendment language that says any future treaty limiting strategic arms must be one "that, inter alia, would not limit the United States to levels of intercontinental strategic forces inferior to the limits provided for the Soviet Union."

There can be no higher priority than fulfilling the dictate of the Jackson amendment. And I have no patience for idle talk about the need to "reorder" our priorities, by making less effort in the field of national security and more effort in the host of discredited programs of social engineering on the domestic scene. Indeed it may be that if the intent of the Senate is to be fulfilled in SALT II, we must make an even greater emphasis on our defense effort.

This, then, is my view of the world, and of my responsibility as a Senator charged with helping formulate a prudent, realistic national security policy. And it is with regard to this view that I have some concern about Mr. Richardson's thinking.

It is not the style of the junior Senator from North Carolina to mince words. Least of all do I do so on matters of such importance. There are grounds for doubting that Mr. Richardson shares the view of the world I have outlined here. There has been some controversy in the press about reports that Mr. Richardson would appoint questionable men to positions of great responsibility in the Department of Defense. It has been reported in the press that Mr. Richardson considers it important to accommodate some of the most forceful advocates of a lessened defense effort.

Now, I know better than to place too much trust in press reports; where there is press smoke, often there is not a trace of fire. But because the issues involved are so grave, I have found such reports unsettling. It is of paramount importance that the key Pentagon positions be filled with men who have clear, consistent records of support for firm, strong U.S. defense policies. And it is crucial that the Secretary of Defense—any Secretary of Defense—understand the limits of accommodation with those who, holding honestly differing views about the world, inevitably will be in loyal opposition to the strong defense policies.

Mr. President, I want to give Mr. Richardson the benefit of every doubt. I readily ackowledge that his comments during the confirmation hearings were encouraging, indicating that he is beginning to develop a world view more appropriate, it seems to me, to the new position to which the President has appointed him.

Therefore, Mr. President, it is my intention to vote for Mr. Richardson. I will be watchful and, when possible, supportive of his efforts. In any case, I will be watching with keen interest as the new Secretary begins the service in which we all wish him success.

Mr. THURMOND. 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. 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.

The hour of 2:30 p.m. having arrived, the Senate will now proceed to vote on the nomination of Elliot L. Richardson to be Secretary of Defense. The yeas and nays having 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 Nevada (Mr. CANNON), the Senator from California (Mr. CRANSTON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Maine (Mr. HATHAWAY), the Senator from Washington (Mr. MAGNUSON), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL), the Senator from Maine (Mr. HATHAWAY), the Senator from Washington (Mr. MAGNUSON), the Senator from Missouri (Mr. SYMINGTON), the Senator from Nevada (Mr. CANNON), and the Senator from California (Mr. CRANSTON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from New York (Mr. BUCKLEY), the Senator from Maryland (Mr. MATHIAS), the Senator from Ohio (Mr. SAXBE), and the Senator from Vermont (Mr. STAFFORD) are absent on official business.

The Senator from Kentucky (Mr. COOK), the Senators from Kansas (Mr. DOLE and Mr. PEARSON), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The result was announced—yeas 81, nays 1, as follows:

[No. 4 Ex.]

YEAS—81

Aiken	Fong	Montoya
Allen	Fulbright	Moss
Baker	Griffin	Muskie
Bartlett	Gurney	Nelson
Bayh	Hansen	Nunn
Beall	Hart	Packwood
Bellmon	Haskell	Pastore
Bennett	Hatfield	Pell
Bentsen	Helms	Percy
Bible	Hollings	Proxmire
Biden	Hruska	Randolph
Brock	Huddleston	Ribicoff
Brooke	Hughes	Roth
Burdick	Humphrey	Schweiker
Byrd, Harry F., Jr.	Inouye	Scott, Pa.
Byrd, Robert C.	Jackson	Scott, Va.
Case	Javits	Sparkman
Chiles	Johnston	Stennis
Church	Kennedy	Stevens
Clark	Long	Stevenson
Cotton	Mansfield	Taft
Curtis	McClellan	Thurmond
Domenici	McClure	Tower
Dominick	McGee	Tunney
Eagleton	McGovern	Williams
Ervin	McIntyre	Young
Fannin	Metcalf	
	Mondale	

NAYS—1

Abourezk

NOT VOTING—18

Buckley	Goldwater	Pearson
Cannon	Gravel	Saxbe
Cook	Hartke	Stafford
Cranston	Hathaway	Symington
Dole	Magnuson	Talmadge
Eastland	Mathias	Weicker

So the nomination of Elliot L. Richardson to be Secretary of Defense was confirmed.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. TOWER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. TOWER. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

TRIBUTE TO MELVIN R. LAIRD

Mr. STENNIS. Mr. President, the Nation is deeply indebted to Mr. Melvin Laird for 4 years of splendid service as Secretary of Defense.

Without reflecting at all on Mr. Richardson, his very able successor, I want to say that I was sorry to learn that Secretary Laird was planning to leave the Pentagon.

Running the Department of Defense has always been one of the most difficult jobs in Government—our Government or any other. In the last 4 years the job has been much more difficult than before.

During those years, continuing U.S. involvement in an increasingly unpopular war has turned a segment of American opinion against the Pentagon and against the military.

For his part, Secretary Laird's determined drive for Vietnamization of that war has helped bring us to a point where we can now withdraw from this unhappy conflict leaving the South Vietnamese supplied, equipped, and trained so that they have a reasonable chance for survival after our departure.

Of course, Vietnamization may be severely tested in the weeks to come, but Secretary Laird can take satisfaction in the fact that our troops—and our prisoners of war—can now come home under honorable circumstances.

That is the way I have wanted them to come home.

During the 4 years of Secretary Laird's tenure in the Pentagon, we have also come—more and more—to understand that we cannot keep buying an unlimited supply of countless sophisticated weapons systems to safeguard our national security. We have learned that the military must be as carefully selective as any other shopper.

No one would say that our military procurement problems have all been solved. But Mr. Laird—in making some headway on "test before you fly" and "fly before you buy"—can certainly take satisfaction in having to come to grips with these problems and give them priority attention in the Pentagon.

We, in Congress, can take a special pride in Secretary Laird's very fine performance in this very difficult job. Congress was his training ground, and I need not remind Senators that he represented the Seventh Wisconsin Congressional District for 16 years in the House.

Mr. Laird, as Secretary, has always had good relations with our Senate Armed Services Committee and, I believe, with Congress generally. I have enjoyed working with him—both as Congressman and as Secretary.

I congratulate him on his fine service, and I wish him well for the future.

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

Mr. STENNIS. I yield.

Mr. TOWER. Mr. President, I wish to thank my distinguished colleague from Mississippi for his splendid statements about my good friend, Mel Laird, and to say that I concur with and associate myself with those remarks.

It was my privilege to work with Secretary Laird when he was a Member of Congress; I also worked with him outside of Congress on the Republican platform and policy matters.

He brought a dimension to the Department of Defense that was needed. He was a tough, hard-nosed Secretary of Defense, a man who is very patriotic, and who brought many changes to the Department. I think he leaves that job with the good will of all of us who have a strong interest in maintaining the defense posture of the United States.

Mr. STENNIS. I thank the Senator for his remarks.

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

Mr. STENNIS. I yield.

Mr. THURMOND. Mr. President, I associate myself with the remarks of the distinguished Senator from Mississippi.

In my opinion, Mel Laird is the greatest Secretary of Defense who has served this Government since I have been in the Senate. He is a man of tremendous capability, unquestioned integrity, and character, and he dedicated himself to this position of great responsibility. I am very proud of his accomplishments not only in respect to the Vietnam war but in all aspects of the Department of Defense.

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

Mr. STENNIS. I yield 1 minute to the Senator from Wyoming.

Mr. McGEE. Mr. President, as a "resident Member" of the other side of the aisle I want to endorse these remarks that have been submitted here in behalf of Mel Laird. I have known Melvin Laird since his days in the House, many years ago. He has been a superb administrator in the Pentagon. One of his great assets was that he knew where all the mechanisms were already by his long service in the House. He distinguished himself and the country, not as a Republican, but as a very effective Cabinet member for his Cabinet.

Mr. STENNIS. I thank the Senator for his remarks. I think Secretary Laird, because of his experience in the Congress, made it easier for all of us in Congress to perform our duties.

He could make his position understood with great clarity. He was a firm hand at the top, as I said not long ago, and he knew how to exercise that firm hand when necessary, and in a very skillful way.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

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

ADDITIONAL PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a resumption of the period for the transaction of routine morning business for not to exceed 30 minutes with statements therein limited to 3 minutes.

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

ORDER FOR RECOGNITION OF SENATORS HUMPHREY, CRANSTON, TUNNEY, ROBERT C. BYRD, AND FONG ON WEDNESDAY, JANUARY 31, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Wednesday immediately after the two leaders or their designees have been recognized under the standing order, the following Senators be recognized, each for not to exceed 15 minutes, and in the order stated: Mr. HUMPHREY, Mr. CRANSTON, Mr. TUNNEY, Mr. ROBERT C. BYRD, and Mr. FONG.

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON WEDNESDAY, JANUARY 31, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Wednesday, following the special orders for the recognition of Senators, there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

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

U.S. TERRITORIAL EXPANSION MEMORIAL COMMISSION—APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. DOMENICI). The Chair, on behalf of the Vice President, pursuant to Public Resolution 32 of the 73d Congress, appoints the Senator from Kentucky (Mr. HUDDLESTON) to the U.S. Territorial Expansion Memorial Commission, in lieu of the Senator from New Mexico, Mr. Anderson, no longer a Member of the Senate.

AMERICAN REVOLUTION BICENTENNIAL COMMISSION—APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. DOMENICI). The Chair, on behalf of the Vice President, in accordance with Public Law 89-491, as amended by Public Law 92-236, appoints the Senator from Georgia (Mr. NUNN) to the American Revolution Bicentennial Commission, in lieu of the Senator from Virginia (Mr. HARRY F. BYRD, JR.), resigned.

ORDER FOR RECOGNITION OF SENATOR RIBICOFF ON WEDNESDAY, JANUARY 31.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Wednesday, immediately after the two leaders or their designees have been recognized under the standing order, the distinguished Senator from Connecticut (Mr. RIBICOFF) be recognized for not to exceed 15 minutes.

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

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

THE PRESIDENT'S PROPOSED BUDGET

Mr. PELL. Mr. President, the budget which President Nixon has proposed for fiscal year 1974 is, to my mind, a gross misreading of the real priorities of our Nation.

We have all heard the abundant rhetoric about economy in government and about controlling Federal spending. Yet here we have a budget that calls for a bigger than ever outlay of Federal funds.

What is even more disappointing to me is the disregard of the vital human being programs of our Nation and the continued move toward funding the military at an even higher level.

While the President proposed to cut back programs that directly serve people, he asks that we increase the military budget by $5.6 billion. While he asks that we cut back expenditures for education, for health, and for the well-being of our citizens, he asks increased funds for new weapons.

To capture the picture quickly, we need only observe that the President is asking for an increase in the defense budget that is more than the entire budget for the Office of Education. Mr. President, this fact alone demonstrates brutally the misplaced priorities of this administration.

As chairman of the Education Subcommittee, I am particularly concerned about the budget figures proposed for the continuation of education programs. In effect, the administration has abolished the main programs of educational categorical aid.

For example, title I, which received about $1.5 billion in this fiscal year, is allocated not a cent. The same holds true for many of the other programs. The most necessary impacted aid program would be abolished as we now know it.

All we see now in this budget request is a promise for $2.5 billion for something called education revenue sharing, a program which does not exist and which may not exist in the future.

Who suffers from this budget? Our handicapped children, our crippled children, our disadvantaged children; in fact, all our children who lose the benefits of concrete services and library books this Nation's schools ought to provide.

Mr. President, I believe the main issue of this Congress is how the taxpayer's Federal dollar will be spent. We hear all sorts of remarks on new and old programs, but the heart of the matter is where our money will go.

The American people, when quizzed by the various public-interest polling services, maintain that they want the funds spent on the best education of their children. Yet we have an administration which simply sinks more and more money into the defense and hardware areas and cuts back on programs geared to the needs and expressed wishes of the people.

A government, to retain the faith of the people it governs, must have the trust and respect of those people. It must have compassion for those who are not as fortunate.

This administration lacks compassion and seems to believe that helping young people obtain an education may endanger their character. It has spent billions for the supposed welfare of a nation divided by civil war, but says that more than $5 billion is too much to spend on education at home.

I ask the Appropriations Committee to disregard this budget and to write a document which would show a better understanding of the needs of our Nation and would make a true investment in America.

This should be a budget whose total amount should be no more, and, if possible, less than the President's. But it must be a budget that reflects our true national needs and the needs of our own people.

Mr. HUMPHREY. Mr. President, I want to make just one or two observations with reference to the President's budget along the lines of the remarks of the Senator from Rhode Island.

This is, to put it simply, a whopper of a budget, $268 billion: That is no small sum. But I think the budget is characterized by certain descriptive words that will bear careful scrutiny and examination.

First, it is deceptive. Why do I say that? Because it is predicated on the assumption that the Congress has been fiscally irresponsible, has been the spender, and the President has been the economizer.

The simply fact is that every budget presented by President Nixon and other Presidents over some 26 years has been reduced by the Congress of the United States. Last year, in the instance of the social security increase, an additional tax was levied. And is it not interesting that while the social security increase put the budget above the $250 billion ceiling that the President imposed by executive will—not by congressional concurrence—the President himself claimed credit, in the election year, for that social security increase?

A second word that I would use to describe this budget is "deficit." We have had $71 billion worth of deficits in the 4 years of this administration, and this one adds another $13 billion. The President has not asked for additional taxes to overcome that deficit, nor has he been willing to make sufficient cuts in the budget items to put it in balance. It has all been justified on the basis of a "full employment budget," which carries a huge deficit, but which still leaves us with huge unemployment and all its attendant problems.

A third phrase I would use to characterize this budget is "domestic disengagement." As the Senator from Rhode Island so appropriately stated, it withdraws from the people programs that have meant so much to so many of the people of this country in the fields of education, housing, health, and manpower training. The abolition of manpower training programs, for example, cannot be justified either on the basis of humanitarian considerations or of the state of the economy.

And there is one other word that I would use to describe this budget: "Neglect"—neglect of the basic needs of the American people. There is not one word in this budget, or one outline or suggestion, of a program of tax reform. The President says he wants to hold the budget down so we will not need new taxes. We may not need new taxes, but we surely need tax reform. Even the administration, a year ago, under pressure, admitted that that was necessary. But there is no proposal for tax reform here, to aid middle-income Americans and all the little people of this country.

May I add, finally, that only last year this Congress was told that the primary No. 1 responsibility of this Government was welfare reform. We did not succeed here in Congress in providing a total welfare reform package. To the contrary, we did not do well. I voted for welfare reform. I was prepared to vote for the President's welfare reform package. I voted for the Ribicoff amendments in this body that were within the framework of the President's welfare reform proposals.

But the President does not present a welfare reform program this year. Last year, before the election, we were told we had to get rid of these "loafers on welfare," that we had to go to "workfare." This year, in 1973, the problems of welfare are still with us, and yet the budget contains no direction whatsoever for welfare reform.

So, Mr. President, I submit that the words I have used about this budget bear truth, and I intend on Thursday of this week to give a detailed analysis of this budget. Those words I have used are deception, deficits, domestic disengagement, and neglect; and I call upon the appropriate committees of this Congress to examine this budget item by item. I have met this morning with the members of the staff of the Joint Economic Committee, and I am asking the Joint Economic Committee staff and the committee itself to take this budget item by item, line by line, paragraph by paragraph, subject by subject, and examine it in the light of truth and in the light of the conditions that face this country; and I hope that Congress will have the courage to come forth with an alternative budget.

Mr. President, what is so magical about the figure that the President hits when he says, "This is all we can spend?" Why is it that he neglects tax reform? What justification does he have for cutting out the programs? I think we ought to know.

Mr. PELL. Mr. President, I thank my colleague very much indeed. I think his words are well taken. I notice he does not use the words "benign neglect"; just neglect. I would agree with him in that.

Mr. KENNEDY. Does the Senator from Rhode Island remember the nationwide

appeal of the President of the United States, admonishing Congress to increase title 1 funds, only last year, at the time of the presidential primaries?

Mr. HUMPHREY. How well I remember.

Mr. KENNEDY. And indicating his great parental concern about the problems of education in the inner cities? And does the Senator not remember, as the chairman of the Education Subcommittee, over the period of the last 4 years, that there was not one time that the President requested $1 of additional appropriation for title 1 which would actually affect the inner cities; and then we heard his nationwide appeal admonishing Congress to upgrade and increase the resources for title 1 educational assistance? And is not the Senator perplexed about the reasoning of the administration, after going to the American people and after urging Congress to act, in cutting back on this program to help and assist in the very area where he himself indicated that Congress had failed to act, and where he said he wanted to help all those mothers and fathers who were sending their children to schools in the inner cities all over this country? How does the Senator from Rhode Island explain that rationale?

Mr. PELL. As a candidate for reelection this past year, I recall the admonitions of the administration well. But election day is now past. I am puzzled because the President is now apparently concerned only with his image in the pages of history, and yet this kind of misplaced priorities and changes of emphasis will, I think, do more to tarnish than to illuminate that image. I really can give no sensible answer to the question of the Senator from Massachusetts.

Mr. KENNEDY. That is fine as far as his position in history is concerned, but what sort of logical pattern of thought does the Senator see, if any, where the President went to the American people and urged additional authorization and additional appropriations, even though there was sufficient authorization under legislation which came before the Senator from Rhode Island's committee, and then, as soon as the election is behind us, he comes up and really effectively guts the title I program of education, that is so meaningful in providing help and assistance to cities over the length and breadth of this country that are trying to provide educational resources to the disadvantaged and underserved young children of this country?

Mr. PELL. I can give no logical explanation for his actions. I would be very much interested in what explanation is given by his supporters on the other side of the aisle.

Mr. KENNEDY. I thank the Senator from Rhode Island. It is a statement which deserves the attention of all Members of this body.

Mr. JAVITS. Mr. President, one further word on the budget situation which has just been described. I find serious deficiencies in the President's budget respecting the disbandment of the OEO without any substitute for it. The poor cannot wait until governmental machinery gestates and decides what should be done about them. There are also grave deficiencies with respect to education, housing, manpower training, and other matters.

However, there seems to be a singular tenderness about defense, which seems to be the most sacred of all sacred cows. I do not believe the American people will it that way.

I respect and admire the President's desire to hold down expenditures. We must do the same. But we, too, have to make the choices among the priorities with a sense of responsibility without allowing a line item veto such as that inherent in the impoundment procedure used by the President.

I do not look for any hostile confrontation with the President, but I do look for a decent and honorable judgment from Congress to match that of the President's. If this happens, the resulting product will do credit to what the American people expect of their Government, something for all classes—the rich, the poor, the middle, and the modest levels.

That shall be my objective. I hope that Congress will equip itself so that it may, with responsibility and judgment, carry out that very grave function which it has not had the adequate staff, equipment and will to carry out, but which it must now put itself in the position to do if we are to carry out our constitutional duties.

I ask unanimous consent that a statement I released today on the budget be included in the RECORD.

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

PRESIDENT'S PROPOSED BUDGET

(Statement of Senator JAVITS)

The President's budgetary message has put forward his expenditure priorities within his stated and certainly appealing budgetary intention which seeks to keep the Government's fiscal house in order. It is now the duty of Congress under the Constitution, to put forward its priorities. These may differ substantially from those of the President as they are set within a Congressionally established expenditure ceiling. Our tasks are rendered more difficult by the high percentage (70 percent) of mandated and therefore uncontrollable expenditures in the new budget.

The following are the principal issues which confront us in the 93d Congress:

BUDGETARY PRIORITIES

Drastic cutbacks in housing, manpower training, poverty, urban and agricultural programs—i.e. expenditures for human beings and human needs—must be repaired by adopting appropriate alternatives or rearranging priorities. The Federal Government clearly has a continuing obligation to help those who cannot help themselves—be they disabled Vietnam war veterans, or mothers with dependent children on welfare or in the other affected categories of disadvantaged Americans.

PRESIDENTIAL IMPOUNDMENT

The Congress cannot allow the President to terminate unilaterally Congressionally mandated programs by use of what is in effect "line item veto" impoundment. The impoundment practice was never intended for this purpose but only to correct errors and to deal with emergencies or materially changed circumstances. There can be honest differences of opinion regarding spending priorities, but once the Congress has spoken, it is the President's duty under the Constitution to carry out the Congressional mandate. This is not to say that revised and updated Congressional authorization and appropriations procedures are not urgently required.

MILITARY SPENDING

The budget message indicates that Defense Department expenditures may have not received as thorough a pruning as the expenditures of the Department of Agriculture and the Department of Health, Education and Welfare. Here the basic priorities need to be reconsidered and better balanced. The outlay savings projected in the military programs of the United States—despite the Vietnam ceasefire—are relatively and disproportionately small.

The Congress must also carefully review budgetary proposals for new weapons systems. Certainly, a continuing modernization of the Nation's military security is vital, but we must be alert to the danger of small promissory notes signed now, which can burgeon into unbearable commitments in the future.

(The remarks that Mr. JAVITS made at this point on the introduction of S. 611, the school bus safety act of 1973, and Senate Joint Resolution 43 relating to school bus safety week, are printed earlier in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

QUORUM CALL

The PRESIDING OFFICER. Is there any further morning business?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ORDER FOR RECOGNITION OF SENATOR HOLLINGS ON WEDNESDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Wednesday next, immediately following the remarks of the distinguished Senator from California (Mr. TUNNEY), the distinguished Senator from South Carolina (Mr. HOLLINGS) be recognized for not to exceed 15 minutes.

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON WEDNESDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of special orders for the recognition of Senators on Wednesday next, there be a period for the transaction of routine morning business, not to extend beyond 2 p.m., with statements therein limited to 3 minutes.

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

ORDER FOR EXECUTIVE SESSION ON WEDNESDAY TO CONSIDER NOMINATION OF PETER J. BRENNAN

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at 2 p.m.

on Wednesday next, the Senate go into executive session to consider the nomination of Mr. Peter J. Brennan to be Secretary of Labor.

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that time for debate on the nomination be limited to 1 hour, to be equally divided between the distinguished Senator from New Jersey (Mr. WILLIAMS) and the distinguished Senator from New York (Mr. JAVITS), and that a vote occur on the nomination of Mr. Brennan at 3 p.m. on Wednesday.

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

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ORDER FOR CONSIDERATION OF NOMINATION OF JAMES T. LYNN ON WEDNESDAY, JANUARY 31, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Wednesday upon the disposition of the nomination of Mr. Peter Brennan to be Secretary of Labor, the Senate proceed to the consideration of the nomination of Mr. James T. Lynn for the Office of Secretary of Housing and Urban Development.

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

ORDER FOR ADJOURNMENT FROM WEDNESDAY, JANUARY 31, 1973, TO THURSDAY, FEBRUARY 1, 1973

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

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

ORDER FOR RECOGNITION OF SENATORS HUMPHREY AND ROBERT C. BYRD ON THURSDAY, FEBRUARY 1, 1973, AND FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the recognition of the two leaders or their designees under the standing order on Thursday next the distinguished Senator from Minnesota (Mr. HUMPHREY) be recognized for not to exceed 15 minutes, that he be followed by the junior Senator from West Virginia (Mr. ROBERT C. BYRD) for not to exceed 15 minutes, and that there then be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

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

ORDER FOR CONSIDERATION OF S. 606, THE RIVERS AND HARBORS BILL ON WEDNESDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the disposition of the nomination of Mr. James T. Lynn to be Secretary of Housing and Urban Development, the Senate proceed to the consideration of S. 606, the rivers and harbors bill.

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

ORDER FOR CONSIDERATION OF NOMINATION OF JAMES T. LYNN ON THURSDAY, JANUARY 31, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Thursday at the conclusion of routine morning business the Senate go into executive session for the further consideration of the nomination of Mr. James T. Lynn, if the nomination has not been disposed of on Wednesday.

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

Mr. GRIFFIN. Mr. President, particularly in view of my remarks earlier today, I wish now to commend the Senator from West Virginia and the majority leadership for scheduling consideration of the Brennan, Lynn nominations. There is every indication now that at least those two nominations will be voted on this week. I think that is to the good.

I am very glad that the Senate is moving along with these nominations and I hope it will soon be possible to say something about the nomination of Mr. Weinberger.

Mr. ROBERT C. BYRD. Mr. President, on behalf of the distinguished majority leader and myself, may I say that it is likewise the hope of the leadership on this side of the aisle that the Senate may be able to proceed with the consideration of the nomination of Mr. Weinberger within the next few days. As I have indicated earlier, certain Senators have placed holds on this nomination, and in accordance with the policy followed in the past of honoring such holds for 1 or 2 weeks—or a reasonable length of time depending on the circumstances in each case—the leadership has acted in conformity with that policy in this instance.

I have discussed the matter with interested Senators. They are working, hopefully, in the direction of clearing the holds they have placed on that nomination prior to the date of February 8 when the Senate will adjourn at the close of business for the Lincoln Day recess. I think it probably depends to a considerable extent on just how soon the Office of Management and Budget can submit to the Senate the information concerning the impoundment of funds which is required under the amendment which I offered some time ago. That amendment required that such impoundment of funds data be submitted not later than February 10. If the Office of Management and Budget can submit that information by February 6 or certainly not later than February 7, I think the chances would be very good that the Senate will be ready to vote on the nomination by February 7 or 8, prior to the Lincoln day recess.

Mr. GRIFFIN. Without passing judgment on the merits of that reasoning for delaying consideration, let me thank the majority whip for conveying the information, and I hope that we can soon proceed with the consideration and vote on that nomination.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

PROGRAM FOR WEDNESDAY, JANUARY 31

Mr. ROBERT C. BYRD. Mr. President, the program for Wednesday next is as follows:

The Senate will convene at 12 o'clock meridian. After the two leaders or their designees have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes, and in the order stated: Mr. RIBICOFF, Mr. HUMPHREY, Mr. CRANSTON, Mr. TUNNEY, Mr. HOLLINGS, Mr. ROBERT C. BYRD, Mr. FONG.

At the conclusion of orders for the recognition of Senators on Wednesday, there will be a period for the transaction of routine morning business, not to extend beyond 2 o'clock p.m., with statements limited therein to 3 minutes.

At 2 o'clock p.m. on Wednesday, the Senate will go into executive session to consider the nomination of Mr. Peter J. Brennan to be Secretary of Labor. Time will be limited for debate on that nomination to 1 hour, to be equally divided between Mr. WILLIAMS and Mr. JAVITS. A rollcall vote will occur on the nomination at 3 o'clock p.m.

Following the vote on the nomination of Mr. Brennan, the Senate will continue in executive session for the purpose of considering the nomination of Mr. James T. Lynn to be Secretary of Housing and Urban Development. There is no time limitation on that debate. It is hoped that the debate can be consummated on Wednesday, in which event there would be a vote on the nomination on Mr. Lynn, which again would be a rollcall vote.

In the event the debate should go into Thursday, following the close of morning business on Thursday, the Senate would resume the consideration of the nomination of Mr. James T. Lynn, and I have every reason to expect that vote would occur that afternoon. In any event, it will be a rollcall vote.

Following the disposition of the nomination of Mr. Lynn to be Secretary of Housing and Urban Development, the

Senate will proceed to the consideration of S. 606, the rivers and harbors bill. It is hoped that a time agreement can be entered into on that bill. It is not anticipated that a great deal of time will be needed for the disposition of S. 606, but, in any event, I would anticipate a yea-and-nay vote on the final passage of that bill, likewise.

ADJOURNMENT UNTIL WEDNESDAY, JANUARY 31, 1973

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 12 o'clock meridian on Wednesday next.

The motion was agreed to; and at 3:36 p.m. the Senate adjourned until Wednesday, January 31, 1973, at 12 o'clock meridian.

NOMINATIONS

Executive nominatians received by the Senate January 29, 1973:

In the Air Force

The following officers for temporary appointment in the U.S. Air Force under the provisions of chapter 839, title 10 of the United States Code:

To be major general

Brig. Gen. Ralph T. Holland, xxx-xx-xxxx xxx-...FR, Regular Air Force.
Brig. Gen. Harold L. Price, xxx-xx-xxxx FR, Regular Air Force.
Brig. Gen. Thomas W. Morgan, xxx-xx-xx... xxx-...FR, Regular Air Force.
Brig. Gen. Robert P. Lukeman, xxx-xx-xxxx xxx-...FR, Regular Air Force.
Brig. Gen. Richard G. Cross, Jr., xxx-xx-xx... xxx-...FR, Regular Air Force.
Brig. Gen. Billie J. McGarvey, xxx-xx-xxxx xxx-...FR, Regular Air Force.
Brig. Gen. Eugene Q. Steffes, Jr., xxx-xx-x... xxx-...FR, Regular Air Force.
Brig. Gen. Herbert A. Lyon, xxx-xx-xxxx FR, Regular Air Force.
Brig. Gen. William R. Hayes, xxx-xx-xxxx xxx-...FR, Regular Air Force.
Brig. Gen. William M. Schoning, xxx-xx-x... xxx-...FR, Regular Air Force.
Brig. Gen. James E. Paschall, xxx-xx-xxxx xxx...FR, Regular Air Force.
Brig. Gen. William A. Dietrich, xxx-xx-x... xxx-...FR, Regular Air Force.
Brig. Gen. Jack B. Robbins, xxx-xx-xxxx FR, Regular Air Force.
Brig. Gen. George Rhodes, xxxx FR, Regular Air Force.
Brig. Gen. Ray A. Robinson, Jr., xxx-xx-xx... xxx-...FR, Regular Air Force.
Brig. Gen. William Y. Smith, xxx-xx-xxxx-7707FR, Regular Air Force.
Brig. Gen. Arnold W. Braswell, xxx-xx-xx... xxx-...FR, Regular Air Force.
Brig. Gen. John H. Wilkins, xxx-xx-xxxx FR, Regular Air Force, Medical.
Brig. Gen. Edmund A. Rafalko, xxx-xx-xx... xxx-...FR, Regular Air Force.
Brig. Gen. John R. Kern, Jr., xxx-xx-xxxx xxx-...FR, Regular Air Force.
Brig. Gen. Ray B. Sitton xxx-xx-xxxx FR, Regular Air Force.
Brig. Gen. Colin C. Hamilton, Jr., xxx-xx-x... xxx-...FR, Regular Air Force.
Brig. Gen. Edward P. McNeff, xxx-xx-xxxx xxx-...FR, Regular Air Force.
Brig. Gen. Howard P. Smith, Jr., xxx-xx-x... xxx-...FR, Regular Air Force.
Brig. Gen. Frank J. Simokaitis, xxx-xx-xxxx xxx-...FR, Regular Air Force.
Brig. Gen. James A. Knight, Jr., xxx-xx-xx... xxx-...FR, Regular Air Force.
Brig. Gen. James M. Breedlove, xxx-xx-x... xxx-...FR, Regular Air Force.
Brig. Gen. Donald G. Nunn, xxx-xx-xxxx FR, Regular Air Force.
Brig. Gen. Lawrence J. Fleming, xxx-xx-x... xxx-...FR, Regular Air Force.
Brig. Gen. Howard M. Fish, xxx-xx-xxxx FR, Regular Air Force.
Brig. Gen. Jeanne M. Holm, xxx-xx-xxxx FR, Regular Air Force.
Brig. Gen. Lester T. Kearney, Jr., xxx-xx-x... xxx-...FR, Regular Air Force.
Brig. Gen. Kendall Russell, xxx-xx-xxxx FR, Regular Air Force.
Brig. Gen. Alden G. Glauch, xxx-xx-xxxx FR, Regular Air Force.
Brig. Gen. Charles F. Minter, Sr., xxx-xx-x... xxx-...FR, Regular Air Force.
Brig. Gen. Herbert J. Gavin, xxx-xx-xxxx FR, Regular Air Force.
Brig. Gen. Andrew B. Anderson, Jr., xxx-... xxx-xx-x...FR, Regular Air Force.
Brig. Gen. Eugene F. Tighe, Jr., xxx-xx-xx... xxx-...FR, Regular Air Force.
Brig. Gen. Henry Simon, xxx-xx-xxxx FR, Regular Air Force.
Brig. Gen. Slade Nash xxx-xx-xxxx FR, Regular Air Force.
Brig. Gen. Travis R. McNeil, xxx-xx-xxxx FR, Regular Air Force.
Big. Gen. Robert F. Trimble, xxx-xx-xxxx xxx-...FR, Regular Air Force.
Brig. Gen. Jack Bellamy, xxx-xx-xxxx FR, Regular Air Force.
Brig. Gen. Harry M. Darmstandler, xxx-xx-x... xxx-...FR, Regular Air Force.
Brig. Gen. Wilbur L. Creech, xxx-xx-xxxx xxx-...FR, Regular Air Force.
Brig. Gen. Evan W. Rosencrans, xxx-xx-xx... xxx-...FR, Regular Air Force.
Brig. Gen. Brent Scowcroft, xxx-xx-xxxx FR, Regular Air Force.
Brig. Gen. Raymond B. Furlong, xxx-xx-x... xxx-...FR, Regular Air Force
Brig. Gen. Billy J. Ellis xxx-xx-xxxx FR, Regular Air Force.

The following officers for appointment in the Regular Air Force to the grades indicated under the provisions of Chapter 835, Title 10 of the United States Code.

To be major general

Maj. Gen. George J. Keegan, Jr., xxx-xx-x... xxx-xR, (brigadier general, Regular Air Force), U.S. Air Force.
Maj. Gen. Jack K. Gamble, xxx-xx-xxxx FR xxx-xR (brigadier general, Regular Air Force), U.S. Air Force.
Maj. Gen. Warren D. Johnson, xxx-xx-xx... xxx-xR, (brigadier general, Regular Air Force), United States Air Force.
Maj. Gen. Ray M. Cole xxx-xx-xxxx FR (brigadier general, Regular Air Force), U.S. Air Force.
Maj. Gen. Foster L. Smith, xxx-xx-xxxx FR (brigadier general, Regular Air Force), U.S. Air Force.
Maj. Gen. James A. Hill xxx-xx-xxxx FR (brigadier general, Regular Air Force), U.S. Air Force.
Maj. Gen. Devol Brett xxx-xx-xxxx FR (brigadier general, Regular Air Force), U.S. Air Force.
Brig. Gen. Thomas W. Morgan, xxx-xx-x... xxx-xR (brigadier general, Regular Air Force), U.S. Air Force.
Maj. Gen. Daniel James, Jr., xxx-xx-xxxx xxx-xR (brigadier general, Regular Air Force), U.S. Air Force.
Maj. Gen. Leroy J. Manor, xxx-xx-xxxx FR, (brigadier general, Regular Air Force) U.S. Air Force.
Brig. Gen. Richard G. Cross, Jr., xxx-xx-xx... xxx-xR, (brigadier general, Regular Air Force) U.S. Air Force.
Maj. Gen. Bryan M. Shotts, xxx-xx-xxxx FR, (brigadier general, Regular Air Force, U.S. Air Force.
Maj. Gen. Lawrence W. Steinkraus, xxx-... xxx-xx-xxxxR, (brigadier general, Regular Air Force) U.S. Air Force.
Maj. Gen. John W. Pauly, xxx-xx-xxxx FR, (brigadier general, Regular Air Force) U.S. Air Force.
Maj. Gen. John J. Burns xxx-xx-xxxx FR, (brigadier general, Regular Air Force) U.S. Air Force.
Maj. Gen. Lew Allen, Jr., xxx-xx-xxxx FR, (brigadier general, Regular Air Force) U.S. Air Force.
Maj. Gen. William J. Evans, xxx-xx-xxxx FR, (brigadier general, Regular Air Force) U.S. Air Force.
Maj. Gen. Salvador E. Felicies, xxx-xx-xxxx xxx-xR, (brigadier general, Regular Air Force) U.S. Air Force.
Maj. Gen. Bryce Poe II xxx-xx-xxxx FR, (brigadier general, Regular Air Force) U.S. Air Force.
Maj. Gen. James D. Hughes, xxx-xx-xxxx FR, (brigadier general, Regular Air Force) U.S. Air Force.
Lt. Gen. Richard H. Ellis, xxx-xx-xxxx FR, (brigadier general, Regular Air Force) U.S. Air Force.

To be brigadier general

Brig. Gen. Harold R. Vague, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.
Brig. Gen. Frank J. Simokaitis, xxx-xx-x... xxx-...FR (colonel, Regular Air Force), U.S. Air Force.
Brig. Gen. Lester T. Kearney, Jr. xxx-xx-xxxx xxx-...FR (colonel, Regular Air Force), U.S. Air Force.
Brig. Gen. John B. Kern, Jr., xxx-xx-xxxx xxx-...FR (colonel, Regular Air Force), U.S. Air Force.
Brig. Gen. Henry Simon, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.
Brig. Gen. Travis R. McNeil, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.
Brig. Gen. George Rhodes, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.
Brig. Gen. Kendall Russell, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.
Brig. Gen. Slade Nash xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.
Brig. Gen. Jack Bellamy, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.
Brig. Gen. Herbert A. Lyon, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.
Brig. Gen. Harold E. Confer, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.
Brig. Gen. Timothy I. Ahern, xxx-xx-xxxx xxx-...FR (colonel, Regular Air Force), U.S. Air Force.
Brig. Gen. Edmund A. Rafalko, xxx-xx-xx... xxx-...FR (colonel, Regular Air Force), U.S. Air Force.
Brig. Gen. John R. Hinton, Jr., xxx-xx-xxxx xxx-...FR (colonel, Regular Air Force), U.S. Air Force.
Brig. Gen. Lucius Theus xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.
Brig. Gen. William W. Gilbert, xxx-xx-xxxx xxx-...FR (colonel, Regular Air Force), U.S. Air Force.
Brig. Gen. Harrison Lobdell, Jr., xxx-xx-x... xxx-...FR (colonel, Regular Air Force), U.S. Air Force.
Brig. Gen. Clyde R. Denniston, Jr., xxx-xx-x... xxx-...FR (colonel, Regular Air Force), U.S. Air Force.
Brig. Gen. Charles E. Buckingham, xxx-xx-x... xxx-...FR (colonel, Regular Air Force), U.S. Air Force.
Brig. Gen. Louis W. LaSalle, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.
Brig. Gen. Hilding L. Jacobson, Jr., xxx-xx-x... xxx-...FR (colonel, Regular Air Force), U.S. Air Force.
Brig. Gen. Ray A. Robinson, Jr., xxx-xx-xx... xxx-...FR (colonel, Regular Air Force), U.S. Air Force.
Brig. Gen. Guy E. Hairston, Jr., xxx-xx-xx... xxx-...FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Ralph T. Holland, [redacted] FR (colonel, Regular Air Force), U.S. Air Force.
Brig. Gen. Eugene B. Sterling, [redacted] FR (colonel, Regular Air Force), U.S. Air Force.
Brig. Gen. Alden G. Glauch, [redacted] FR (colonel, Regular Air Force), U.S. Air Force.
Brig. Gen. Edwin W. Robertson II, [redacted] FR (colonel, Regular Air Force), U.S. Air Force.
Brig. Gen. Brent Scowcroft, [redacted] FR (colonel, Regular Air Force), U.S. Air Force.
Brig. Gen. John W. Burkhart, [redacted] FR (colonel, Regular Air Force), U.S. Air Force.
Brig. Gen. William F. Georgi, [redacted] FR (colonel, Regular Air Force), U.S. Air Force.
Brig. Gen. Herbert J. Gavin, [redacted] FR (colonel, Regular Air Force), U.S. Air Force.
Brig. Gen. Charles F. Minter, Sr., [redacted] FR (colonel, Regular Air Force), U.S. Air Force.
Brig. Gen. Arnold W. Braswell, [redacted] XXXX (colonel, Regular Air Force), U.S. Air Force.
Maj. Gen. Otis C. Moore, [redacted] FR (colonel, Regular Air Force), U.S. Air Force.
Brig. Gen. William Y. Smith, [redacted] FR (colonel, Regular Air Force), U.S. Air Force.
Brig. Gen. Robert C. Mathis, [redacted] FR (colonel, Regular Air Force), U.S. Air Force.
Maj. Gen. James R. Allen, [redacted] FR (colonel, Regular Air Force), U.S. Air Force.
Brig. Gen. Andrew B. Anderson, Jr., [redacted] FR (colonel, Regular Air Force), U.S. Air Force.
Brig. Gen. William R. Hayes, [redacted] FR (colonel, Regular Air Force), U.S. Air Force.
Brig. Gen. Eugene F. Tighe, Jr., [redacted] FR (colonel, Regular Air Force), U.S. Air Force.
Brig. Gen. George E. Schafer, [redacted] FR (colonel, Regular Air Force, Medical), U.S. Air Force.

The following-named officers for promotion in the Air Force Reserve, under the appropriate provisions of chapter 837, title 10, United States Code, as amended, and Public Law 92–129.

Lieutenant colonel to colonel

LINE

Aasen, John C., [redacted]
Abbuhl, Forest E., [redacted]
Altman, Gerald G., Jr., [redacted]
Anderson, Harry A., [redacted]
Baker, Harvey B., [redacted]
Bennett, James T., Jr., [redacted]
Benyunes, Charles B., [redacted]
Bianco, Sam, [redacted]
Blalack, Ronald R., [redacted]
Bolt, Jack L., [redacted]
Botti, John L., [redacted]
Bourassa, Joseph W., [redacted]
Brown, John P., [redacted]
Bukamier, Walter J., [redacted]
Burford, Thomas E., [redacted]
Burney, Ernest L., Jr., [redacted]
Cabitt, Gerald, [redacted]
Christensen, Stanley M., [redacted]
Clements, Evan E., [redacted]
Costello, David S., [redacted]
Dancy, Edward D., Jr., [redacted]
Davidson, James A., [redacted]
Dejarnette, Thomas L., [redacted]
Denuccio, William J., [redacted]
Dobbins, Jackson W., [redacted]
Doneghy, Herbert H., Jr., [redacted]
Eberle, Milton J., [redacted]
Enmon, William G., [redacted]
Feeney, James J., [redacted]
French, Stuart P., [redacted]
Fried, Abraham S., [redacted]
George, Robert R., [redacted]
Glaze, Lester K., [redacted]
Graf, Vernon F., [redacted]
Grant, August B., [redacted]
Gyerman, Elmer M., [redacted]
Hamilton, Frank R., [redacted]
Hauer, Leslie J., [redacted]
Hepner, Edmund G., [redacted]
Hilton, Wayne A., [redacted]
Hollingshead, Roy G., Jr., [redacted]
Hood, Stobart K., Jr., [redacted]
Howard, William T., [redacted]
Humpert, Frank E., [redacted]
Jacobsen, Ford K., [redacted]
Johnson, Arden J., [redacted]
Jordan, William O., [redacted]
Joyce, Rodger W., [redacted]
Kaczmarek, Edward A., [redacted]
Kahler, Harold, [redacted]
Kathrens, Leroy A., [redacted]
Knickerbocker, Harry C. J., [redacted]
Kovarick, Joseph W., [redacted]
Kozik, Eugene, [redacted]
Krey, Paul G., [redacted]
Landau, Howard B., [redacted]
Laney, John D., [redacted]
Lapanna, Joseph J., [redacted]
Lawrence, Clifford J., [redacted]
Leadlay, Dan L., [redacted]
Lessey, Samuel K., Jr., [redacted]
Letchworth, Troy, Jr., [redacted]
Linehan, Richard W., [redacted]
MacDuff, Robert W., [redacted]
Manson, James P., [redacted]
McAdoo, James E., [redacted]
Merka, Walter J., Jr., [redacted]
Morrissey, William J., Jr., [redacted]
Myers, Richard E., [redacted]
Nolte, Reginald G., [redacted]
Ostrow, Martin M., [redacted]
Page, William E., Jr., [redacted]
Pohle, Jack D., [redacted]
Pohmajevich, Francis, [redacted]
Polstra, Ryan M., [redacted]
Popik, Selig R., [redacted]
Rice, Charles N., [redacted]
Rose, Conrad F., [redacted]
Roth, Everett L., [redacted]
Ruffner, Harold E., [redacted]
Rutledge, Donald R., [redacted]
Ryan, John C., [redacted]
Schell, William C., [redacted]
Schissel, John A., [redacted]
Schweers, Albin H., [redacted]
Seanor, Joseph C., Jr., [redacted]
Sherck, David E., [redacted]
Shook, Elden G., [redacted]
Smith, Dean E., [redacted]
Smith, Rodney H., [redacted]
Soboslay, Walter J., [redacted]
Stanford, David L., [redacted]
Thompson, Victor H., Jr., [redacted]
Thurmond, James D., [redacted]
Tinkoff, Paysoff, Jr., [redacted]
Wade, James L., [redacted]
Watkins, Harry C., [redacted]
West, George R., [redacted]
Wilburn, Woodrow H., [redacted]
Williams, Bob M., [redacted]
Williamson, Wilburn L., [redacted]
Wilson, John M., [redacted]
Wilt, Marlyn H., [redacted]

CHAPLAIN CORPS

Betzen, Justin H., [redacted]
Brown, Hiram L., [redacted]
Burns, Bradley B., [redacted]
Cornellier, Edmond, [redacted]
Keohane, John J., [redacted]
Reuter, Arnold F., [redacted]

DENTAL CORPS

Krumnow, William E., [redacted]
Nelson, Curtis L., [redacted]
Spiegel, Eugene H., [redacted]
Yanosy, William M., [redacted]

MEDICAL CORPS

Baker, Everett B., [redacted]
Erickson, Clark A., [redacted]
Harter, Alan C., [redacted]
Kostas, Constantine I., [redacted]
Lynch, Richard V., Jr., [redacted]
Mullan, Paul A., [redacted]
Tennant, Edward E., [redacted]
Thicksten, Jack N., [redacted]

NURSE CORPS

Greene, Erna, [redacted]
Leary, Marion G., [redacted]
Metschl, Lyla L., [redacted]

MEDICAL SERVICE CORPS

Jenkins, James H., [redacted]
Martinez, Ralph T., Jr., [redacted]
Nelson, Philip B., [redacted]
Pleasonton, Alfred, [redacted]

VETERINARY CORPS

Andres, Martin Y., [redacted]
Husted, Paul W., [redacted]

The following officers for promotion in the Air Force Reserve, under the provisions of section 8376, title 10, United States Code and Public Law 92–129.

Major to lieutenant colonel

LINE

Applingg, Charleih D., Jr., [redacted]
Armbrust, Robert E., [redacted]
Barker, Edward R., Jr., [redacted]
Berlekamp, Leland H., [redacted]
Brennan, Bruce J., [redacted]
Chisholm, Kenneth L., [redacted]
Comine, Frank A., Jr., [redacted]
Crawford, Marcus E., [redacted]
Firman, Donald J., [redacted]
Hamilton, Raymond F., [redacted]
Hauck, Samuel M., III, [redacted]
Hill, Delton W., [redacted]
Hurtienne, Robert W., [redacted]
Jones, Edwin C., Jr., [redacted]
Kueber, Nickolaus A., [redacted]
Pigg, James C., [redacted]
Powell, Leslie A., Jr., [redacted]
Richards, Eldon E., [redacted]
Thieme, Roger E., [redacted]

CHAPLAIN CORPS

Fox, James L., [redacted]

MEDICAL CORPS

Bornfieth, Leslie R., [redacted]
George, Harold C., [redacted]
James, Louis F., [redacted]
Lohr, David C., [redacted]

The following officers for appointment in the Reserve of the Air Force (Medical Corps), in the grade of lieutenant colonel, under the provisions of section 593, title 10, United States Code and Public Law 92–129, with a view to designation as medical officers under the provisions of section 8067, title 10, United States Code.

Bauer, Charles R., [redacted]
Cook, James H., [redacted]
Gawecki, Frederick M., [redacted]

The following officer for appointment as a Reserve of the Air Force in grade of lieutenant colonel, Line of the Air Force, under the provisions of section 593, title 10, United States Code and Public Law 92–129.

Grasso, Frank A., [redacted]

IN THE ARMY

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3305:

To be colonel

Acuff, Earl C., [redacted]
Adcock, Robert L., [redacted]
Adkins, Alvin E., [redacted]
Albertson, James J., [redacted]
Aldridge, George W., [redacted]
Allen, Andrew S., [redacted]
Allen, Donald E., [redacted]
Allen, Herbert B., [redacted]
Amburn, Warren G., [redacted]
Anderson, Richard L., [redacted]
Andrews, William J., [redacted]
Applin, Paul L., Jr., [redacted]
Arnold E. Emmett R., [redacted]
Arnold, William J., Jr., [redacted]
Ashley, Lewis J., [redacted]
Athanason, Frank A., [redacted]
Balitis, John J., [redacted]
Bangert, Robert L., [redacted]
Barnett, James W., Jr., [redacted]
Barnett, Robert B., [redacted]
Barrett, Frederick, [redacted]
Barth, Sam L., [redacted]
Bartholdt, William, [redacted]

Batiste, John O., xxx-xx-xxxx
Beard, Rutland D., Jr., xxx-xx-xxxx
Becton, Julius W., Jr., xxx-xx-xxxx
Beinke, Walter, xxx-xx-xxxx
Bellinger, John B., Jr., xxx-xx-xxxx
Belser, Adolph L., xxx-xx-xxxx
Benedict, William G., xxx-xx-xxxx
Berger, Alvin C., xxx-xx-xxxx
Berger, Newell J., Jr., xxx-xx-xxxx
Bergner, John, xxx-xx-xxxx
Berry, Milton M., xxx-xx-xxxx
Berry, Sidney B., xxx-xx-xxxx
Betz, John James, Jr., xxx-xx-xxxx
Biel, Theodore C., xxx-xx-xxxx
Bishop, Bertram J., xxx-xx-xxxx
Blumenthal, Peter J., xxx-xx-xxxx
Boehm, William C., xxx-xx-xxxx
Bolton, Virgil W., xxx-xx-xxxx
Boman, Truman R., xxx-xx-xxxx
Booth, Merritt B., Jr., xxx-xx-xxxx
Borcheller, Karl H., xxx-xx-xxxx
Borges, Richard A., xxx-xx-xxxx
Bowen, Thomas W., xxx-xx-xxxx
Boy, Edmund G., xxx-xx-xxxx
Bradley, Charles R., xxx-xx-xxxx
Brennan, John W., xxx-xx-xxxx
Browne, Mark L., Jr., xxx-xx-xxxx
Buchanan, Crawford, xxx-xx-xxxx
Buckley, Harry A., Jr., xxx-xx-xxxx
Burch, Gerald C., xxx-xx-xxxx
Burns, William C., xxx-xx-xxxx
Bushong, Charles R., xxx-xx-xxxx
Caid, Larry A., xxx-xx-xxxx
Caldwell, William B., xxx-xx-xxxx
Caraccia, Marco J., xxx-xx-xxxx
Carr, Bernard E., xxx-xx-xxxx
Carter, Leslie D., Jr., xxx-xx-xxxx
Cartwright, Roscoe, xxx-xx-xxxx
Casey, Herbert T., Jr., xxx-xx-xxxx
Chandler, William W., xxx-xx-xxxx
Chism, John W., xxx-xx-xxxx
Chitty, John H., Jr., xxx-xx-xxxx
Churchill, Lake G., Jr., xxx-xx-xxxx
Ciley, Colin D., Jr., xxx-xx-xxxx
Clark, Alphus R., xxx-xx-xxxx
Clark, Egbert B., III, xxx-xx-xxxx
Clarke, Carter W., Jr., xxx-xx-xxxx
Clarkson, Richard L., xxx-xx-xxxx
Clausen, Hugh J., xxx-xx-xxxx
Clayton, Frank W., xxx-xx-xxxx
Cockerham, Samuel G., xxx-xx-xxxx
Coggins, Bruce T., xxx-xx-xxxx
Conrad, Charles E., xxx-xx-xxxx
Cook, Dewitt, xxx-xx-xxxx
Coon, John E., xxx-xx-xxxx
Corkan, Lloyd A., Jr., xxx-xx-xxxx
Crenshaw, Leon, xxx-xx-xxxx
Crochet, Harold J., xxx-xx-xxxx
Cronin, Morgan J., xxx-xx-xxxx
Dahlquist, Frederick, xxx-xx-xxxx
Dambrosio, Eugene J., xxx-xx-xxxx
Davis, Glenn A., xxx-xx-xxxx
Day, Philip S., Jr., xxx-xx-xxxx
Dehaven, Oren E., xxx-xx-xxxx
Dennington, John F., xxx-xx-xxxx
Dietrich, Frank L., xxx-xx-xxxx
Dilfanis, Leonard P., xxx-xx-xxxx
Dillard, Oliver W., xxx-xx-xxxx
Dillard, Robert J., xxx-xx-xxxx
Dingeman, James W., xxx-xx-xxxx
Doerflein, Donald P., xxx-xx-xxxx
Dohleman, Kenneth E., xxx-xx-xxxx
Doody, John J., xxx-xx-xxxx
Dorr, Colgate, xxx-xx-xxxx
Dorsey, Clifford R., xxx-xx-xxxx
Doyle, Lee T., xxx-xx-xxxx
Eaton, Richard J., xxx-xx-xxxx
Egbert, John S., xxx-xx-xxxx
Eggers, George D., Jr., xxx-xx-xxxx
Elliott, Harold N., xxx-xx-xxxx
Epps, Jones N., xxx-xx-xxxx
Escola, Albert R., xxx-xx-xxxx
Etkin, Max, xxx-xx-xxxx
Fairfield, Ronald J., xxx-xx-xxxx
Farmer, William K., xxx-xx-xxxx
Fazakerley, Richard, xxx-xx-xxxx
Fender, Louis H., xxx-xx-xxxx
Fix, Joseph E., III, xxx-xx-xxxx
Fleury, Thomas C., xxx-xx-xxxx
Fogel, William H., xxx-xx-xxxx
Foote, Ashby M., Jr., xxx-xx-xxxx
Forrester, Eugene P., xxx-xx-xxxx
Foster, James E., xxx-xx-xxxx
Freed, Cleo S., xxx-xx-xxxx
Freeland, Robert L., xxx-xx-xxxx
Fulsang, Ejner J., Jr., xxx-xx-xxxx
Fulton, Taylor R., xxx-xx-xxxx
Fulton, William S., Jr., xxx-xx-xxxx
Galloway, James V., xxx-xx-xxxx
Gard, John D., xxx-xx-xxxx
Garties, Richard G., xxx-xx-xxxx
Garwood, Charles E., xxx-xx-xxxx
Gay, Joseph M., Jr., xxx-xx-xxxx
Gerrity, John F., xxx-xx-xxxx
Glikes, Richard J., xxx-xx-xxxx
Goad, Lewis H., xxx-xx-xxxx
Goodell, Roscoe H., xxx-xx-xxxx
Graham, Elmer H., xxx-xx-xxxx
Greer, Edward, xxx-xx-xxxx
Grigsby, Alfred J., Jr., xxx-xx-xxxx
Grimsley, James A., Jr., xxx-xx-xxxx
Grogan, Owen R., Jr., xxx-xx-xxxx
Groover, Ralph H., Jr., xxx-xx-xxxx
Hale, John D., Jr., xxx-xx-xxxx
Hall, Charles E., xxx-xx-xxxx
Hall, Robert L., xxx-xx-xxxx
Hallahan, Robert F., xxx-xx-xxxx
Hamlet, James F., xxx-xx-xxxx
Harbort, Walter J., xxx-xx-xxxx
Hassell, John N., xxx-xx-xxxx
Haszard, Sidney S., xxx-xx-xxxx
Hatch, Jay A., xxx-xx-xxxx
Hathaway, William S., xxx-xx-xxxx
Hawthorne, Victor J., xxx-xx-xxxx
Heekin, David P., xxx-xx-xxxx
Hendricks, Jess B., xxx-xx-xxxx
Hiestand, Harry H., xxx-xx-xxxx
Hill, Glen A., xxx-xx-xxxx
Hill, Lucius G., Jr., xxx-xx-xxxx
Hinojosa, Ernest A., xxx-xx-xxxx
Hirsch, Edward, xxx-xx-xxxx
Hodson, Fremont Byr, xxx-xx-xxxx
Hoffman, Hugh F. T., Jr., xxx-xx-xxxx
Hoffman, John H., xxx-xx-xxxx
Hooker, William P., xxx-xx-xxxx
Hougen, John H., xxx-xx-xxxx
Howard, G. B., xxx-xx-xxxx
Howard, Kenneth A., xxx-xx-xxxx
Hughes, John A., Jr., xxx-xx-xxxx
Hughes, John C., xxx-xx-xxxx
Hume, Albert G., xxx-xx-xxxx
Hunt, Alexander H., xxx-xx-xxxx
Hutson, Albert L., Jr., xxx-xx-xxxx
Ingram, Earl, xxx-xx-xxxx
Insani, John L., xxx-xx-xxxx
Irvin, I. J., Jr., xxx-xx-xxxx
Jenkins, Donald L., xxx-xx-xxxx
Jennings, Richard M., xxx-xx-xxxx
Jersey, Donald H., xxx-xx-xxxx
Jessup, Maurice E., xxx-xx-xxxx
Johnson, Jasper R., xxx-xx-xxxx
Jones, James L., xxx-xx-xxxx
Jones, Walter F., xxx-xx-xxxx
Jorgensen, Julius J., xxx-xx-xxxx
Junk, William P., Jr., xxx-xx-xxxx
Kalagian, Samuel P., xxx-xx-xxxx
Kampe, Raymond L., xxx-xx-xxxx
Kean, John P., xxx-xx-xxxx
Keebaugh, Harold G., xxx-xx-xxxx
Kelley, Eugene, Jr., xxx-xx-xxxx
Kiefe, Joseph C., Jr., xxx-xx-xxxx
Killpack, Paul E., xxx-xx-xxxx
King, Ward D., xxx-xx-xxxx
Kirchenstein, John, xxx-xx-xxxx
Kirwan, Robert L., xxx-xx-xxxx
Koch, Kenneth W., xxx-xx-xxxx
Koenig, James R., xxx-xx-xxxx
Kogan, Rudolf W., xxx-xx-xxxx
Kortum, Zane V., xxx-xx-xxxx
Krause, Frederick C., xxx-xx-xxxx
Kravitz, Seymour, xxx-xx-xxxx
Kriwanek, Robert J., xxx-xx-xxxx
Kuhlman, Arthur H., Jr., xxx-xx-xxxx
Lamb, Joe B., xxx-xx-xxxx
Lamison, Kenneth R., xxx-xx-xxxx
Landau, Calvin J., xxx-xx-xxxx
Landry, Edward L., Jr., xxx-xx-xxxx
Leahey, William E., xxx-xx-xxxx
Leary, John R., xxx-xx-xxxx
Lee, Harold H., xxx-xx-xxxx
Lee, Myron E., Jr., xxx-xx-xxxx
Lennon, Daniel A., Jr., xxx-xx-xxxx
Lewis, John D., xxx-xx-xxxx
Lewis, John L., xxx-xx-xxxx
Lineker, George B., xxx-xx-xxxx
Lober, William J., Jr., xxx-xx-xxxx
Lowman, Harry F., Jr., xxx-xx-xxxx
Lowry, Phillip E., xxx-xx-xxxx
Ludy, Garland A., xxx-xx-xxxx
Lynes, Marvis F., xxx-xx-xxxx
Lynn, Otis C., xxx-xx-xxxx
Macklin, James E., Jr., xxx-xx-xxxx
Madigan, William P., xxx-xx-xxxx
Mahone, Worthington, xxx-xx-xxxx
Maier, John E., xxx-xx-xxxx
Malone, Michael J., xxx-xx-xxxx
Maness, Harold M., xxx-xx-xxxx
Manning, John R., xxx-xx-xxxx
Maple, John C., xxx-xx-xxxx
Marshall, Robert W., xxx-xx-xxxx
Mason, Phillip L., xxx-xx-xxxx
May, Roy R., Jr., xxx-xx-xxxx
McCartney, Nevin L., xxx-xx-xxxx
McClellan, Stan L., xxx-xx-xxxx
McDade, Robert A., xxx-xx-xxxx
McEnery, John W., xxx-xx-xxxx
McFadden, George L., xxx-xx-xxxx
McFall, Kenneth T., xxx-xx-xxxx
McGiffert, John R. I., xxx-xx-xxxx
McSpadden, Garland, xxx-xx-xxxx
Meinzen, Walter E., xxx-xx-xxxx
Mejia-Flores Francisco, xxx-xx-xxxx
Merck, Carl J., xxx-xx-xxxx
Metcalf, Donald J., xxx-xx-xxxx
Metosh, Cyril P., xxx-xx-xxxx
Miller, Kurtz J., Jr., xxx-xx-xxxx
Minkel, Edward J., xxx-xx-xxxx
Mittelstadt, Jack, xxx-xx-xxxx
Monroe, Keith L., xxx-xx-xxxx
Morell, John P., xxx-xx-xxxx
Morrison, John H., Jr., xxx-xx-xxxx
Morrow, Charles, Jr., xxx-xx-xxxx
Mundie, William L., xxx-xx-xxxx
Munroe, Irving W., xxx-xx-xxxx
Myron, Harold L., xxx-xx-xxxx
Neitz, Ravellan H., xxx-xx-xxxx
Newman, Gilbert H., xxx-xx-xxxx
Nisbet, Andrew, Jr., xxx-xx-xxxx
North, Louis J., xxx-xx-xxxx
Ogden, Dorward W., Jr., xxx-xx-xxxx
Olson, Kenneth W., xxx-xx-xxxx
Osteen, John L., Jr., xxx-xx-xxxx
Overstreet, Gerald, xxx-xx-xxxx
Pabst, Alfred A., xxx-xx-xxxx
Packard, Donald F., xxx-xx-xxxx
Paradis, Joseph F., xxx-xx-xxxx
Patch, William A., xxx-xx-xxxx
Patterson, Clyde H., xxx-xx-xxxx
Patterson, Edwin D., xxx-xx-xxxx
Patterson, William, xxx-xx-xxxx
Peabody, Richard R., xxx-xx-xxxx
Petersen, Robert J., xxx-xx-xxxx
Pezzelle, Roger M., xxx-xx-xxxx
Phillip, Donald M., xxx-xx-xxxx
Picou, Lloyd J., xxx-xx-xxxx
Pitchford, Harold I., xxx-xx-xxxx
Pizzi, Joseph E., xxx-xx-xxxx
Plummer, Frank S., Jr., xxx-xx-xxxx
Plummer, Walter W., Jr., xxx-xx-xxxx
Ponder, Lewington S., xxx-xx-xxxx
Post, Alton G., xxx-xx-xxxx
Presson, David R., xxx-xx-xxxx
Procter, Gilbert, Jr., xxx-xx-xxxx
Proctor, Frank D., xxx-xx-xxxx
Psaki, Nicholas G., Jr., xxx-xx-xxxx
Raney, Thompson L., xxx-xx-xxxx
Rawls, Lucian R., Jr., xxx-xx-xxxx
Redman, Albert, Jr., xxx-xx-xxxx
Rice, Foy, XXXX
Rice, Marvin E., -xxxx
Richardson, Walton, xxx-xx-xxxx
Rider, Vance D., xxx-xx-xxxx
Rodenbeck, Eric O., xxx-xx-xxxx
Ross, John P., xxx-xx-xxxx
Rudd, Edwin A., xxx-xx-xxxx
Russell, George H., xxx-xx-xxxx
Russell, James W., xxx-xx-xxxx
Ruthe, Hans G., xxx-xx-xxxx
Ryan, James W., xxx-xx-xxxx
Sachs, William H., Jr., xxx-xx-xxxx
Sapp, Bernard B., xxx-xx-xxxx
Schless, William F., xxx-xx-xxxx
Scott, Willard W., Jr., xxx-xx-xxxx

Seibert, Donald A., xxx-xx-xxxx.
Shell, Claude O., Jr., xxx-xx-xxxx.
Shriver, Rowland B., xxx-xx-xxxx.
Shuffer, George M., Jr., xxx-xx-xxxx.
Smith, Homer D., Jr., xxx-xx-xxxx.
Smith, John A., xxx-xx-xxxx.
Smith, Joseph H., xxx-xx-xxxx.
Smith, Malcolm R., xxx-xx-xxxx.
Smith, Paul T., xxx-xx-xxxx.
Smith, Samuel C., xxx-xx-xxxx.
Smith, Samuel L., xxx-xx-xxxx.
Smith, Wilfred K., xxx-xx-xxxx.
Smithey, Paul C., xxx-xx-xxxx.
Snell, Dillon, xxx-xx-xxxx.
Starry, Donn A., xxx-xx-xxxx.
Stenger, John E., xxx-xx-xxxx.
Sterling, William R., xxx-xx-xxxx.
Stivers, Fred, Jr., xxx-xx-xxxx.
Stone, Virgil M., xxx-xx-xxxx.
Swanson, Paul A., xxx-xx-xxxx.
Swenson, Richard W., xxx-xx-xxxx.
Tackaberry, Thomas, xxx-xx-xxxx.
Taylor, Charles H., xxx-xx-xxxx.
Thompson, Lawrence, xxx-xx-xxxx.
Tiller, Norman L., Sr., xxx-xx-xxxx.
Todd, John A., xxx-xx-xxxx.
Townes, James E., Jr., xxx-xx-xxxx.
Trask, Norman E., xxx-xx-xxxx.
Trost, Robert W., xxx-xx-xxxx.
Tucker, William H., Jr., xxx-xx-xxxx.
Tumlinson, Jack M., xxx-xx-xxxx.
Tutwiler, Guy I., xxx-xx-xxxx.
Tyson, Charles M., xxx-xx-xxxx.
Ulatoski, Joseph R., xxx-xx-xxxx.
Ungerleider, Alvin, xxx-xx-xxxx.
Van Laethen, Fernand, xxx-xx-xxxx.
Vaught, James B., xxx-xx-xxxx.
Vessey, John W., Jr., xxx-xx-xxxx.
Voseipka, John R., xxx-xx-xxxx.
Waggener, John G., xxx-xx-xxxx.
Wagoner, Fred E., Jr., xxx-xx-xxxx.
Wagonhurst, Arland, xxx-xx-xxxx.
Waldrop, Andrew J., xxx-xx-xxxx.
Ward, Robert M., xxx-xx-xxxx.
Ware, Thomas A., Jr., xxx-xx-xxxx.
Waters, Ace L., Jr., xxx-xx-xxxx.
Weaver, Wilburn C., xxx-xx-xxxx.
Webber, Kenneth E., Jr., xxx-xx-xxxx.
Weeks, Robert J., xxx-xx-xxxx.
Weisinger, Sherman, xxx-xx-xxxx.
Wellde, Raymond L., xxx-xx-xxxx.
Westling, Frank S., xxx-xx-xxxx.
Wetherill, Jerry G., xxx-xx-xxxx.
Whitehead, Ennis C., xxx-xx-xxxx.
Whitesel, William M., xxx-xx-xxxx.
Williams, Robert W., xxx-xx-xxxx.
Williams, Theodore, xxx-xx-xxxx.
Williams, Virgil H., xxx-xx-xxxx.
Williams, Walworth, xxx-xx-xxxx.
Williamson, Wade H., xxx-xx-xxxx.
Witko, Andrew B., xxx-xx-xxxx.
Woods, John O., xxx-xx-xxxx.
Woolard, Reginald W., xxx-xx-xxxx.
Worthen, Robert D., xxx-xx-xxxx.
Yarbrough, John D., xxx-xx-xxxx.

CHAPLAIN CORPS

To be colonel

Burgreen, Charles L., xxx-xx-xxxx.
Carroll, James C., xxx-xx-xxxx.
Gilbert, Bertram C., xxx-xx-xxxx.
Johnson, Mitchell C., xxx-xx-xxxx.
Ledebuhr, Albert F., xxx-xx-xxxx.
Plocki, Robert J., xxx-xx-xxxx.
Price, Ben S., xxx-xx-xxxx.
Stewart, Duncan C., xxx-xx-xxxx.
Wood, Robert J., xxx-xx-xxxx.

WOMEN'S ARMY CORPS

To be colonel

Long, Alice A., XXXX

MEDICAL CORPS

To be colonel

Bishop, Raymond H. J., xxx-xx-xxxx.
Burt, Glenn B., Jr., xxx-xx-xxxx.
Cawgill, Herbert F., xxx-xx-xxxx.
Dalton, James B., xxx-xx-xxxx.
Gomez, Alphonse C., xxx-xx-xxxx.
Hanson, Thomas A., xxx-xx-xxxx.
Jensen, Robert T., xxx-xx-xxxx.
McCabe, Lloyd B., xxx-xx-xxxx.
McClure, Claude Jr., xxx-xx-xxxx.
Morss, Dwight F., Jr., xxx-xx-xxxx.
Nitz, Robert E., xxx-xx-xxxx.
Odom, Emwood, xxx-xx-xxxx.
Parvin, Robert W., xxx-xx-xxxx.
Plunket, Daniel C., xxx-xx-xxxx.
Ransone, James W., xxx-xx-xxxx.
Richardson, William, xxx-xx-xxxx.
Stenberg, Edwin S. Jr., xxx-xx-xxxx.
Thompson, James W., xxx-xx-xxxx.
Uhrig, Henry T., xxx-xx-xxxx.

DENTAL CORPS

To be colonel

Crowe, Patrick D., xxx-xx-xxxx.
Hare, Charles M., xxx-xx-xxxx.
Horkowitz, Gabriel, xxx-xx-xxxx.
Millard, Robert J., xxx-xx-xxxx.
Mooney, Samuel C., xxx-xx-xxxx.
Norlind, Gunnar, xxx-xx-xxxx.
Osterholtz, Raymond, xxx-xx-xxxx.
Schmitz, John F., xxx-xx-xxxx.
Ward, Brente L., xxx-xx-xxxx.

VETERINARY CORPS

To be colonel

Guy, Donald E., xxx-xx-xxxx.
Kirk, Samuel K., xxx-xx-xxxx.
McChesney, Thomas C., xxx-xx-xxxx.

MEDICAL SERVICE CORPS

To be colonel

Bost, William L., xxx-xx-xxxx.
Cohen, Milton, xxx-xx-xxxx.
Downing, Jack W., xxx-xx-xxxx.
Goldstein, Bernard, xxx-xx-xxxx.
Greene, Billy C., xxx-xx-xxxx.
Hind, Chester T., xxx-xx-xxxx.
Hume, Joseph W., xxx-xx-xxxx.
Kerrigan, Robert J., xxx-xx-xxxx.
Nation, Marvin E., xxx-xx-xxxx.
Nystrom, Rudolph Jr., xxx-xx-xxxx.
Patrick, Darvin D., xxx-xx-xxxx.
Porter, William R., xxx-xx-xxxx.
Shafer, Keith O., xxx-xx-xxxx.
Smith, Grayson, xxx-xx-xxxx.
Thomas, Charles A. Jr., xxx-xx-xxxx.

ARMY MEDICAL SPECIALIST CORPS

To be colonel

Williams, June E., xxx-xx-xxxx.

ARMY NURSE CORPS

To be colonel

Douglas, Maxine, xxx-xx-xxxx.
Renegar, Velma F., xxx-xx-xxxx.

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3299:

ARMY PROMOTION LIST

To be lieutenant colonel

Wallis, Charles R., xxx-xx-xxxx.

ARMY PROMOTION LIST

To be major

Easley, Michael F., xxx-xx-xxxx.
Grigg, Vernon C., Jr., xxx-xx-xxxx.
Petesch, Gary L., xxx-xx-xxxx.
Stamper, Walton B., xxx-xx-xxxx.

DENTAL CORPS

To be major

Merritt, Ezra A., xxx-xx-xxxx.

ARMY PROMOTION LIST

To be captain

Allen, Gerald W., xxx-xx-xxxx.
Amiot, Robert J., xxx-xx-xxxx.
Baker, Richard L., xxx-xx-xxxx.
Cook, John A., Jr., xxx-xx-xxxx.
Farrar, John L., xxx-xx-xxxx.
Francis, John R., xxx-xx-xxxx.
Hess, Robert E., xxx-xx-xxxx.
Newsham, Thomas D., xxx-xx-xxxx.
Reichert, David E., xxx-xx-xxxx.
Salyer, Howard C., Jr., xxx-xx-xxxx.
Wicks, Bruce J., xxx-xx-xxxx.
Zimmerman, Charles A., xxx-xx-xxxx.

MEDICAL CORPS

To be captain

Cheney, David H., xxx-xx-xxxx.

DENTAL CORPS

To be captain

Comella, Martin C., xxx-xx-xxxx.
Cressler, John W., xxx-xx-xxxx.

VETERINARY CORPS

To be captain

De Bok, Phillip C., xxx-xx-xxxx.
Zitek, Lyle E., xxx-xx-xxxx.

MEDICAL SERVICE CORPS

To be captain

Fitz, Robert J., Jr., xxx-xx-xxxx.

ARMY NURSE CORPS

To be captain

Cox, Janice M., xxx-xx-xxxx.
Darnold, Jana L., xxx-xx-xxxx.
Hertel, Arthur J., xxx-xx-xxxx.
Laur, Margaret H., xxx-xx-xxxx.
Wondra, George E., xxx-xx-xxxx.

ARMY MEDICAL SPECIALIST CORPS

To be captain

Jenkie, Ronald A., xxx-xx-xxxx.

CONFIRMATION

Executive nomination confirmed by the Senate January 29, 1973:

DEPARTMENT OF DEFENSE

Elliot L. Richardson, of Massachusetts, to be Secretary of Defense.

HOUSE OF REPRESENTATIVES—*Monday, January 29, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

The eternal God is thy refuge and underneath are the everlasting arms.—Deuteronomy 33: 27.

Eternal God, strengthen us with Thy sustaining spirit as we enter the portal of another week. Thou art with us always. Help us to be aware of Thy presence that we may be instruments of Thine in ushering in a new era of peace, freedom, and justice.

We pray for our President, our Speaker, and these Representatives of our people upon whose shoulders rest heavy burdens and who face the responsibility of vital decisions which affect the future of our Nation and the life of our world. May Thy wisdom make them wise, Thy strength keep them strong, and Thy love fill them with an abounding good will.

Together may we march forward to meet the issues of these critical times with dynamic faith and dauntless courage, assured that underneath are Thine everlasting arms. In Thy name and for the sake of our land and the good of our world we set up our banners. Through Jesus Christ our Lord. Amen.